City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

City Council Final Agenda

Wednesday, December 4, 2024

5:30 PM

City Hall Room 219

City Council Members

Council Member Robert B. Stafford Ward 1
Council Member D'Andre Jones Ward 1
Council Member Sarah Moore Ward 2
Council Member Mike Wiederkehr Ward 2
Council Member Scott Berna Ward 3
Council Member Sarah Bunch Ward 3
Council Member Teresa Turk Ward 4
Council Member Holly Hertzberg Ward 4

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Treasurer Kara Paxton

IMPORTANT MESSAGE

1. **AT THE NOVEMBER 12, 2024 SPECIAL CITY COUNCIL MEETING THE CITY COUNCIL VOTED TO CHANGE THE DATE OF THE DECEMBER 5, 2024 CITY COUNCIL MEETING TO WEDNESDAY, DECEMBER 4, 2024.**

   THE COUNCIL MEETING WILL BEGIN AT ITS REGULARLY SCHEDULED TIME OF 5:30 P.M.

MEETING INFORMATION:

1. **WEBINAR ID: 827 3656 1391**
   PUBLIC REGISTRATION LINK: HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_CTO7VMAPTDM0Y0M5BYIRGA

   AGENDAITEMCOMMENT@FAYETTEVILLE-AR.GOV

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS

1. **SERVICE RECOGNITION FOR COUNCIL MEMBER HOLLY HERTZBERG - MAYOR LIONELD JORDAN**

CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS

1. **MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER**

PROPOSED AGENDA ADDITIONS

A. CONSENT

A.1. APPROVAL OF THE NOVEMBER 7, 2024 CITY COUNCIL MEETING MINUTES

A.2. ADDITIONAL PARKING REVENUE (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF $68,200.00 RECOGNIZING ADDITIONAL REVENUE AND ASSOCIATED EXPENSES FOR CERTAIN PARKING FACILITIES AND SERVICES (2024-749)

A.3. RUPPLE ROAD TRAIL LIGHTING (ARDOT AGREEMENT OF

UNDERSTANDING):

A RESOLUTION TO AUTHORIZE AN AGREEMENT OF UNDERSTANDING WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE RUPPLE ROAD TRAIL LIGHTING PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING $315,193.00 IN FEDERAL-AID FUNDING (2024-750)

A.4. COMMUNITY ACCESS TELEVISION, INC. (SERVICE CONTRACT):

A RESOLUTION TO APPROVE A CONTRACT WITH COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA IN THE AMOUNT OF $220,725.00 FOR THE PROVISION OF PUBLIC ACCESS TELEVISION SERVICES AND THE OPERATION OF THE PUBLIC ACCESS TELEVISION CHANNEL THROUGH 2025, CONTINGENT ON APPROVAL OF THE 2025 ANNUAL BUDGET AND WORK PROGRAM (2024-751)

A.5. CERTIFIED LOCAL GOVERNMENT GRANT (GRANT APPLICATION):

A RESOLUTION TO AUTHORIZE THE APPLICATION FOR A CERTIFIED LOCAL GOVERNMENT GRANT FROM THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR 2025 IN THE TOTAL AMOUNT OF $70,356.00 FOR A CITY-WIDE WINDSHIELD SURVEY OF HISTORIC PROPERTIES AND HISTORIC DISTRICT COMMISSION TRAINING (2024-768)

A.6. I-49/STEPHEN CARR MEMORIAL BLVD (FEDERAL AID FUNDS):

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID SURFACE TRANSPORTATION BLOCK GRANT FUNDS IN THE AMOUNT OF $650,000.00 FOR THE DESIGN AND ENVIRONMENTAL PHASES OF THE I-49/STEPHEN CARR MEMORIAL BOULEVARD INTERCHANGE IMPROVEMENTS PROJECT, TO APPROVE A CITY MATCH IN THE AMOUNT OF $162,500.00, AND TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT OF UNDERSTANDING WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION AND THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE PROJECT (2024-748)

A.7. PEACE AT HOME FAMILY SHELTER (AMENDMENT #3):

A RESOLUTION TO APPROVE AMENDMENT #3 TO THE ARPA SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER TO REVISE THE SCOPE OF WORK AND PROJECT ALLOCATION (2024-723)

A.8. CITY AND WATERSHED CONSERVATION RESOURCE CENTER (CONSERVATION EASEMENT):

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A GRANT OF CONSERVATION EASEMENT AND DECLARATION OF COVENANTS FOR 98

ACRES LOCATED ON DEAD HORSE MOUNTAIN ROAD (2024-769)

A.9. ARKANSAS DEPARTMENT OF TRANSPORTATION (CHANGE ORDER NO. 4):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 4 TO THE AGREEMENT WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF $4,804,799.30 FOR INTERSTATE-49 MLK INTERCHANGE IMPROVEMENTS, AND TO APPROVE A BUDGET ADJUSTMENT (2024-640)

A.10. WASH AWAY (SERVICE CONTRACT):

A RESOLUTION TO APPROVE A CONTRACT WITH WASH AWAY, LLC IN THE AMOUNT OF $40,000.00 FOR THE UTILITIES FINANCIAL SERVICES OFFICE RENOVATIONS AND EXPANSION, AND TO APPROVE A BUDGET ADJUSTMENT (2024-770)

A.11. MILESTONE CONSTRUCTION COMPANY, LLC. (SERVICE CONTRACT):

A RESOLUTION TO AWARD BID #24-44 AND AUTHORIZE A CONTRACT IN THE AMOUNT OF $1,583,718.71 WITH MILESTONE CONSTRUCTION COMPANY, LLC FOR THE CITY HALL HVAC IMPROVEMENTS, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $300,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2024-746)

A.12. FAYETTEVILLE FIRE DEPARTMENT (ADMINISTRATIVE POLICIES APPROVAL):

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE FIRE DEPARTMENT PREVENTION, INVESTIGATION & PUBLIC EDUCATION POLICY (2024-726)

B. UNFINISHED BUSINESS

B.1. URBAN FORESTRY MANAGEMENT PLAN (APPROVAL):

A RESOLUTION TO APPROVE AND ADOPT THE URBAN FORESTRY MANAGEMENT PLAN (2024-1677)

CONTACT THE OFFICE OF THE CITY CLERK TREASURER FOR AGENDA ITEM HISTORY FROM FEBRUARY 2, 2024 TO NOVEMBER 7, 2024.

AT THE NOVEMBER 7, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE DECEMBER 3, 2024 CITY COUNCIL MEETING.

AT THE NOVEMBER 12, 2024 SPECIAL CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE DECEMBER 4, 2024 CITY COUNCIL MEETING.

B.2. APPEAL: LARGE SCALE DEVELOPMENT-2024-0011: (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST./URBAN LOFTS AT NELSON HACKETT, 523):

A RESOLUTION TO GRANT THE APPEAL OF CITY COUNCIL MEMBER D'ANDRE JONES AND DENY LARGE SCALE DEVELOPMENT APPLICATION LSD-2024-0011 (2024-616)

AT THE NOVEMBER 7, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE DECEMBER 4, 2024 CITY COUNCIL MEETING.

B.3. 2025 ANNUAL BUDGET & WORK PROGRAM (ADOPTION):

A RESOLUTION TO ADOPT THE 2025 ANNUAL BUDGET AND WORK PROGRAM (2024-662)

AT THE NOVEMBER 19, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE DECEMBER 4, 2024 CITY COUNCIL MEETING.

B.4. REZONING-2024-0051: (W. MARTIN LUTHER KING JR. BLVD AND S. SMOKEHOUSE TRL./D&B OF NORTHWEST ARKANSAS LLC, 595):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-51 FOR APPROXIMATELY 4.49 ACRES LOCATED SOUTHEAST OF THE INTERSECTION OF WEST MARTIN LUTHER KING JR. BOULEVARD AND SOUTH SMOKEHOUSE TRAIL IN WARD 1 FROM RPZD, RESIDENTIAL PLANNED ZONING DISTRICT TO CS, COMMUNITY SERVICES (2024-705)

AT THE NOVEMBER 19, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING.

C. NEW BUSINESS

C.1. SAFE STREETS AND ROADS FOR ALL PROGRAM (GRANT ACCEPTANCE):

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION GRANT IN THE AMOUNT OF $25,000,000.00, THROUGH THE SAFE STREETS AND ROADS FOR ALL PROGRAM, TO APPROVE A GRANT AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION, TO APPROVE TWO NEW FULL TIME STAFF POSITIONS TO MANAGE THE FEDERAL-AID FUNDING REQUIREMENTS, AND TO APPROVE A BUDGET ADJUSTMENT ESTABLISHING A NEW FUND TO ACCOUNT FOR THE PROCEEDS OF THE GRANT (2024-747)

C.2. STORMWATER MANAGEMENT AND WATER QUALITY FUNDING (ADOPTION):

AN ORDINANCE TO ENACT CHAPTER 52: STORMWATER MANAGEMENT UTILITY FEE INTO THE FAYETTEVILLE CODE OF ORDINANCES (2024-687)

C.3. CHAPTER 111.30 - RETAIL (AMENDMENT):

AN ORDINANCE TO AMEND § 111.30 RETAIL TO AUTHORIZE SUNDAY SALES OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM 10:00 AM UNTIL MIDNIGHT AND TO ENACT AN EMERGENCY CLAUSE (2024-759)

C.4. ORDINANCE 6710 - SHORT TERM RENTAL SUNSET CLAUSE (AMENDMENT):

AN ORDINANCE TO AMEND ORDINANCE 6710 PASSED ON NOVEMBER 21, 2023 TO EXTEND THE SUNSET CLAUSE EFFECTIVE DATE TO JULY 1, 2025 AT 7:00 P.M. AND TO DECLARE AN EMERGENCY (2024-758)

C.5. CHAPTER 118.01 (E) - SHORT TERM RENTALS 1 & 2 (AMENDMENT):

AN ORDINANCE TO AMEND § 118.01 (E)(1) AND (2) OF THE FAYETTEVILLE CODE TO SIMPLIFY AND CLARIFY THE DEFINITIONS OF SHORT-TERM RENTAL, TYPE 1 AND SHORT-TERM RENTAL, TYPE 2 (2024-752)

C.6. VACATION-2024-0025: (639 W. MARTIN LUTHER KING JR BLVD./UNIVERSITY OF ARKANSAS, 522):

AN ORDINANCE TO APPROVE VAC-24-25 FOR PROPERTY LOCATED AT 639 WEST MARTIN LUTHER KING JR BOULEVARD IN WARD 1 TO VACATE 0.08 ACRES OF UTILITY EASEMENT (2024-760)

C.7. PLANNED ZONING DISTRICT-2024-0007: (8049 W. WEDINGTON DR./ BUFFALO LEASING LLC, 432):

AN ORDINANCE TO APPROVE A PLANNED ZONING DISTRICT ENTITLED PZD-2024-007 FOR APPROXIMATELY 3.85 ACRES LOCATED AT 8049 WEST WEDINGTON DRIVE IN WARD 4 (2024-762)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. SALES TAX REPORT - CHIEF FINANCIAL OFFICER AND ENERGY REPORT - ENVIRONMENTAL DIRECTOR

D.2. HOUSING CRISIS TASK FORCE UPDATE - SUSAN NORTON (CHIEF OF STAFF)

E. CITY COUNCIL TOUR

F. ANNOUNCEMENTS

G. ADJOURNMENT

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may appear and address the City Council on Unfinished Business, New Business, and Public Hearings at City Council meetings. If you wish to address the City Council on an agenda item, please wait for the Mayor or Chair to request public comment. When the Mayor or Chair recognizes you, please start your public comment by giving your name and address. Comments are to be addressed to the Mayor or Chair. The Mayor or Chair will direct your comments to the appropriate elected officials, staff, or others for response. Keep your comments respectful, brief, to the point, and relevant to the agenda item being considered. Each speaker from the public will be allowed one turn to speak for discussion of an agenda item.

Below is a portion of the Rules of Order and Procedure of the Fayetteville City Council pertaining to City Council meetings:

Agenda Additions: A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda: Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If a Council Member wishes to comment upon or discuss a Consent Agenda item that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Unfinished Business and New Business:

Overview Period: Agenda items at a City Council meeting shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, appellant from a final decision of the Planning Commission or City Staff, etc.) may present its proposal only during this presentation period but may be recalled by a Council Member later to answer questions. City staff, Council Members and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item. City staff’s presentation and an Applicant’s presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the City Council by unanimous consent or majority vote allows additional time.

Public Comments: Public comment at a City Council meeting shall be allowed on all items of unfinished and new business and subjects of public hearings. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. Speakers present in the City Council Chambers shall be recognized before speakers participating by electronic means. Speakers shall be limited to a maximum of three (3) minutes to discuss the agenda item or amendment being considered by the City Council. The City Council may allow a speaker additional time by unanimous consent or majority vote. As part of a person’s public comments allowed above, the speaker may use electronic visual aids during their three (3) minutes presentation period concerning the agenda item being considered by the City Council.

Courtesy and Respect: All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from comments that are harassing or amount to a personal attack against any identifiable individual including abusive comments and derogatory remarks about integrity or offer any other comments that are also not limited to the discussion of the specific agenda item being considered by the City Council. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Cell Phones and Pagers: Cell phones must be turned off or put in silent mode and not used within the City Council Chambers during City Council meetings. Pagers must be turned off or put in silent mode within the City Council Chambers during City Council meetings. These restrictions also apply during Agenda Sessions.

Smoking Prohibited: There will be no smoking allowed in the City Council Chambers during City Council meetings.

Virtual City Council Meetings Authorized: After proper notice has been provided to the public, City Council Members are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and passing ordinances and resolutions) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include City Council meetings and agenda sessions as well as City Council Member Committee meetings.

Interpreters or Telecommunications Devices for the Deaf (TDD), for hearing impaired are available for all City Council meetings, a 72-hour advance notice is required. For further information or to request an interpreter, please call 479-575-8330.

A copy of the complete City Council agenda is available on our website at www.fayetteville-ar.gov or in the Office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas (479) 575-8323.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-749

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Chris Brown, Public Works Director

FROM: Justin Clay, Parking Manager

SUBJECT: **A resolution to recognize additional revenue and associated expenses for certain parking facilities and services and approve a budget adjustment**

RECOMMENDATION:
Staff is requesting approval of a budget adjustment in the amount of $68,200 to recognize additional revenue and associated expenses for certain parking facilities and services.

BACKGROUND:
The City manages certain parking facilities that are owned or leased to third parties, collects revenues for those facilities, and transfers the net revenues to the owners/lessees of those parking facilities.

DISCUSSION:
Through October 2024, the following parking facilities are on pace to exceed projected revenues, necessitating a budget adjustment to recognize the expected additional revenue and the off-setting expenses for the transfer of revenue for the remainder of the year. In addition, the utilization of the ParkMobile app has increased considerably in 2024 with more users adopting this convenient method of payment.

- Town Center Parking Deck: $12,000
- Gregg Avenue Lot: $31,000
- Meadow St. Municipal Deck: $3,000
- ParkMobile: $22,200

BUDGET/STAFF IMPACT:
Staff is requesting to recognize revenue in the amount of $68,200 for these parking facilities and services. The increase in revenue will offset the associated expenses related to the transfer of these net revenues back to each entity.

ATTACHMENTS: SRF (#3), BA (#4)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-749

A resolution to recognize additional revenue and associated expenses for certain parking facilities and services and approve a budget adjustment

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF $68,200.00 RECOGNIZING ADDITIONAL REVENUE AND ASSOCIATED EXPENSES FOR CERTAIN PARKING FACILITIES AND SERVICES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, in the amount of $68,200.00 recognizing additional revenue and associated expenses related to the Town Center Parking Deck, Gregg Avenue Lot, Meadow Street Municipal Deck and ParkMobile.

City of Fayetteville Staff Review Form

2024-749

Item ID

12/3/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Justin Clay	11/13/2024	PARKING MANAGEMENT (430)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff is requesting approval of a budget adjustment in the amount of $68,200 to recognize additional revenue and associated expenses for certain parking facilities and services.

Budget Impact:

2130.930.913x-xxxx.xx	Parking
Account Number	Fund
N/A	N/A
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	2,665,320.00
		Expenses (Actual+Encum)	$	1,821,991.70
		Available Budget	$	**843,328.30**
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	68,200.00
		Remaining Budget	$	**911,528.30**

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year	Division /Org2	Adjustment Number
2024	PARKING MANAGEMENT (430)	
	Requestor: Justin Clay	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

A BA is needed to recognize additional revenue and associated expenses for certain parking facilities and ParkMobile transaction fees.

COUNCIL DATE: 12/3/2024

ITEM ID#: **2024-749**

Holly Black
11/13/2024 8:03 AM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

RESOLUTION/ORDINANCE

CHKD/POSTED: /

v.20241029

TOTAL	68,200	68,200				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
2130.430.9130-4426.08	-	3,000			RE	Parking Lot Rent - Hotel Parking Revenue
2130.430.9130-4426.10	-	12,000			RE	Parking Lot Rent - Lot 10 Town Center
2130.430.9130-4426.70	-	31,000			RE	Parking Lot Rent - Gregg Ave Lot
2130.430.9130-5315.00	6,000	-			EX	Contract Services
2130.430.9130-5711.01	25,000	-			EX	Parking Transfer - Dickson Imp Dist
2130.430.9130-5711.02	12,000	-			EX	Parking Transfer - Town Center Deck
2130.430.9130-5711.03	3,000	-			EX	Parking Transfer - Transfer to Hotel
2130.430.9131-4410.01	-	19,000			RE	Parking Meter Revenue - Entertainment Di
2130.430.9131-4426.60	-	1,000			RE	Parking Lot Rent - School Ave Lot
2130.430.9131-5315.00	20,000	-			EX	Contract Services
2130.430.9132-4426.14	-	1,000			RE	Parking Lot Rent - Spring St Municipal Parki
2130.430.9132-5315.00	1,000	-			EX	Contract Services
2134.430.9134-4410.00	-	1,200			RE	Parking Meter Revenue - Base
2134.430.9134-5315.00	1,200	-			EX	Contract Services
	-	-				

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-750

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Chris Brown, Public Works Director

FROM: Matt Mihalevich, Active Transportation Manager

SUBJECT: **Carbon Reduction Program Federal-Aid Funding for Rupple Road Trail Lighting**

RECOMMENDATION:
Staff recommends approval of an Agreement of Understanding with the Arkansas Department of Transportation for the Rupple Road Trail lighting project made possible through the Northwest Arkansas Regional Planning Commission – Carbon Reduction Program (CRP), approval of a budget adjustment to recognize $315,193.00 in federal-aid funding and authorizing the Mayor to sign additional grant related documents as necessary to implement the project.

BACKGROUND:
In June of 2024, the City of Fayetteville was awarded $315,193.00 in federal-aid funds through the Northwest Arkansas Regional Planning Commission Carbon Reduction Program for installation of lighting along the Rupple Road Trail from MLK Jr. Blvd to Persimmon Street.

DISCUSSION:
The Rupple Road Trail Lighting project will include lighting along 1.8 miles of Rupple Road from MLK Jr. Blvd to Persimmon Street. The project will focus on the lighting of the trail but will also include lighting of the three roundabouts.

This project has been highly requested by area residents. It will further expand Fayetteville's active transportation and carbon reduction goals by increasing safety and extending hours of use. By providing the lighting infrastructure, more people can choose to reach their destinations using active transportation instead of a vehicle.

BUDGET/STAFF IMPACT:
The City of Fayetteville has been awarded $315,193 in federal-aid funding by the Northwest Arkansas Regional Planning Commission through the Carbon Reduction Program. The required 20 percent match or $78,798 has been budgeted through the Trails Capital Improvements Program.

ATTACHMENTS: SRF (#3), BA (#4), Rupple Trail Lighting Location Map (#5), Rupple Road Trail Lighting - AOU for City Signature (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-750

Carbon Reduction Program Federal-Aid Funding for Rupple Road Trail Lighting

A RESOLUTION TO AUTHORIZE AN AGREEMENT OF UNDERSTANDING WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE RUPPLE ROAD TRAIL LIGHTING PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING $315,193.00 IN FEDERAL-AID FUNDING

WHEREAS, in June 2024, the City of Fayetteville was awarded $315,193.00 in federal-aid funds through the Northwest Arkansas Regional Planning Commission Carbon Reduction Program for installations of lighting along the Rupple Road Trail from MLK Jr. Boulevard to Persimmon Street; and

WHEREAS, the Rupple Road Trail Lighting project will include lighting along 1.8 miles of Rupple Road from MLK Jr. Boulevard to Persimmon Street; and

WHEREAS, the project has been highly requested by area residents and will further expand Fayetteville's active transportation and carbon reduction goals by increasing safety and extending hours of use; and

WHEREAS, by providing the lighting infrastructure, more people can choose to reach their destinations using active transportation instead of a vehicle.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign an agreement of understanding with the Department of Transportation for the Rupple Road Trail Lighting Project and further authorizes the Mayor to sign additional grant documents as necessary to implement the project.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing $315,193.00 in federal-aid funding, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-750

Item ID

12/3/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Matt Mihalevich	11/7/2024	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approval of an Agreement of Understanding with the Arkansas Department of Transportation for the Rupple Road Trail lighting project made possible through the Northwest Arkansas Regional Planning Commission – Carbon Reduction Program (CRP), approval of a budget adjustment to recognize $315,193.00 in federal-aid funding and authorizing the Mayor to sign additional grant related documents as necessary to implement the project.

Budget Impact:

4470.800.8830-5814.05	Sales Tax Capital Improvement Trail Improvements
Account Number	Fund
02016.2304	Rupple Road Lighting
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	125,000.00
		Expenses (Actual+Encum)	$	-
		Available Budget	**$**	**125,000.00**
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	315,193.00
		Remaining Budget	**$**	**440,193.00**

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # 67-24

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year	Division /Org2	Adjustment Number
2024	ENGINEERING (621)	
	Requestor: Matt Mihalevich	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Staff recommends approval of an Agreement of Understanding with the Arkansas Department of Transportation for the Rupple Road Trail lighting project made possible through the Northwest Arkansas Regional Planning Commission – Carbon Reduction Program (CRP) and approving a budget adjustment to recognize $315,193.00 in federal-aid funding and authorizing the Mayor to sign additional grant related documents as necessary to implement the project.

RESOLUTION/ORDINANCE

COUNCIL DATE: 12/3/2024

ITEM ID#: **2024-750**

Holly Black
11/8/2024 12:27 PM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

CHKD/POSTED: /

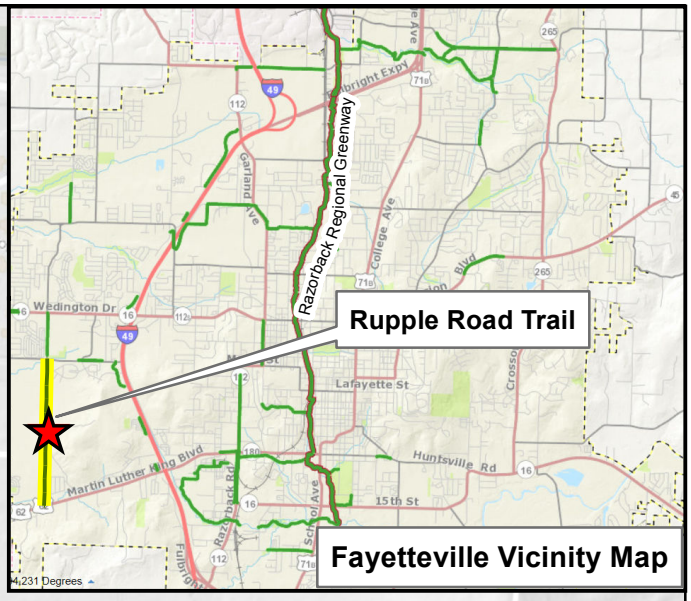
v.20241029

TOTAL	315,193	315,193				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
4470.800.8830-5814.05	315,193	-	02016	2304	EX	Improvements - Trails
4470.800.8830-4309.00	-	315,193	02016	2304	RE	Federal Grants - Capital
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				



Proposed LED Trail lights

Sloan Brook Village
Neighborhood
(Under Construction)





Rupple Road Trail

Existing Rupple Road Trail (1.8 Miles)

Proposed Trail lighting
Along 1.8 Miles of Existing Trail
111 Lights Proposed

Walnut Crossing
Neighborhood

Legend

- Proposed Trail Lighting (1.8 Miles)
- Existing 12' Wide Concrete Trail

CITY OF FAYETTEVILLE ARKANSAS

0 250 500 1,000 1,500 2,000 Feet

Rupple Road Trail
Proposed Trail Lighting

ARKANSAS DEPARTMENT OF TRANSPORTATION
ArDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director
10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261
Phone: 501.569.2000 | Voice/TTY 711 | Fax: 501.569.2400

November 1, 2024

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Rupple Road Trail Lighting

Dear Mayor Jordan:

Reference is made to the Rupple Road Trail Lighting project in Fayetteville which was awarded 2025 Carbon Reduction Program – Attributable funding by the Northwest Arkansas Regional Planning Commission.

In order to proceed, you and your Attorney must sign the enclosed Agreement of Understanding. Upon receipt of the Agreement, State and Federal-aid job numbers will be assigned and a copy of the executed Agreement of Understanding will be returned to you. When submitting the Agreement to the Department for execution, you will also need to complete Form LPA-005, Form LPA-018, and Form LPA-019. All referenced Forms are available in digital format at www.ardot.gov/LPA.

If you have any questions, please contact our Grant Procurement Section at (479) 360-7161 or LPA@ardot.gov.

Sincerely,

Keli Wylie, P.E.
Assistant Chief Engineer
Program Delivery

Enclosure

c: Chief Engineer – Operations
Chief Engineer – Preconstruction
Assistant Chief Engineer – Design
Assistant Chief Engineer – Planning
Consultant Contracts
Local Programs
Program Management
Roadway Design
District 4
Tim Conklin, Executive Director, NWARPC

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

AND

THE ARKANSAS DEPARTMENT OF TRANSPORTATION

In Cooperation with the
U.S. Department of Transportation, Federal Highway Administration

RELATIVE TO

Implementation of **Job 040967, Rupple Rd. Trail Lighting (Fayetteville) (S) (**hereinafter called the "Project") as a Federal-aid Carbon Reduction Program – Attributable (CRP>200K) project.

WHEREAS, funding in Infrastructure Investment and Jobs Act (IIJA) includes the following Federal-aid funds for certain local projects:

	Maximum Federal %	Minimum Sponsor %
Preliminary Engineering by Consultant	80	20
Right of Way/Utilities	80	20
Construction	80	20
Construction Engineering by Consultant	80	20
Department Administrative Costs	80	20

WHEREAS, the City of Fayetteville (hereinafter called the "Sponsor") has expressed its desire to use Federal-aid funds for the eligible Project and to provide necessary matching cash share for such funds; and

WHEREAS, the Sponsor has transmitted to the Arkansas Department of Transportation (hereinafter called the "Department") Resolution No. 67-24 from the Sponsor's governing body authorizing the Sponsor's Chief Executive Officer (CEO) to execute agreements and contracts with the Department for the Project; and

WHEREAS, the Northwest Arkansas Regional Planning Commission (hereinafter called the "Commission") awarded the Sponsor Federal-aid CRP>200K funds; and

WHEREAS, funding participation will be subject to a limit of **$315,193** maximum Federal-aid CRP>200K funds for the **construction phase** of the Project and obligation limitation approved; and

WHEREAS, the Sponsor knows of no legal impediments to the completion of the Project; and

WHEREAS, it is understood that the Sponsor and the Department will adhere to the General Requirements for Recipients and Sub-Recipients Concerning Disadvantaged Business Enterprises (DBEs) (Form LPA-001) and that, as part of these requirements, the Department may set goals for DBE participation in the Project, ranging from 0% to 100%, that are practical and related to the potential availability of DBEs in desired areas of expertise; and

WHEREAS, the Department has published the Arkansas Local Public Agency Project Manual (available at ARDOT.gov) which outlines procedures and requirements which must be followed during development and construction of the Project; and

WHEREAS, the parties agree, unless specifically stated otherwise, that the provisions of this agreement are not intended to create or confer a third party benefit or right in any person or entity, not a party to this agreement.

IT IS HEREBY AGREED that the Sponsor, Commission, and the Department, in cooperation with the Federal Highway Administration (FHWA), will participate in a cooperative program for implementation and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Notify the Department in writing who the Sponsor designates as its full-time employee to be in responsible charge of the day to day oversight of the Project (Form LPA-005). If the designated full-time employee changes, the Sponsor must notify the Department by resubmitting Form LPA-005. The duties and functions of this person are:
    - Oversee project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
    - Maintain familiarity of day to day project operations, including project safety issues;
    - Make or participate in decisions about changed conditions or scope changes that require change orders and/or supplemental agreements;
    - During construction, visit and review the project on a daily basis;
    - Review financial processes, transactions, and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;
    - Direct project staff, Sponsor or consultant, to carry out project administration and contract oversight, including proper documentation;
    - Be aware of the qualifications, assignments and on-the-job performance of the Sponsor and consultant staff at all stages of the project.
2. Initially submit to the Department $1,000 (20%) to be matched by $4,000 (80%) Federal-aid funds for Department administrative costs associated with state preliminary engineering, which include but are not limited to, on site meetings, environmental review, and plan and specification review. The Sponsor's final cost for this phase will be determined by actual Department charges to preliminary engineering.

3. Be responsible for hiring a consultant engineering firm(s) in accordance with the Local Agency Consultant Selection Procedures (Form LPA-002) to provide engineering services which include environmental documentation, preliminary engineering, and construction engineering for the Project. **NOTE: FHWA authorization and Department approval must be given prior to issuing a work order to the consultant for federal funds to be allowed in this phase.**

4. Prepare plans, specifications, and a cost estimate for construction. A registered professional engineer must sign the plans and specifications for the Project. (See Form LPA-003 for items to be included in the bid proposal.)

5. Make periodic payments to the consultant for preliminary engineering for the Project and request reimbursement from the Department. Reimbursement requests should be submitted, at minimum, every three (3) months and not more than once per month.

6. Request reimbursement from the Department for eligible expenditures related to preconstruction phases of the Project.

7. Understand that **expenditures for preliminary or construction engineering performed by the Sponsor's forces are not eligible for reimbursement with federal funds**.

8. Prepare the necessary environmental documentation as required by FHWA and conduct any required public involvement meetings and public hearings.

9. Ensure that the plans and specifications are developed using the Department's standard drawings and Standard Specifications for Highway Construction (latest edition).

10. Ensure that the plans and specifications comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable state and federal regulations, including airport clearance, when necessary, for the type of work involved.

11. Before acquiring property or relocating utilities, contact the Department's Right of Way Division to obtain the procedures for acquiring right of way and adjusting utilities in compliance with federal regulations. **NOTE: Failure to notify the Department prior to initiating these phases of work may result in all project expenditures being declared non-participating in federal funds.**

12. Acquire property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (commonly referred to as the "Uniform Act").

13. Ensure the preparation of utility adjustment and right of way plans are in accordance with Arkansas State Highway Commission Policy.

14. Be responsible for all non-reimbursable costs associated with the Sponsor owned utilities as defined in the Department's Utility Accommodation Policy.

15. Be responsible for the matching share for all reimbursable costs associated with the Sponsor owned utilities as defined in the Department's Utility Accommodation Policy.

16. Provide a copy of the registered deed or other approved documentation and an appropriate certification stating the Sponsor's clear and unencumbered title to any right of way to be used for the Project (Form LPA-007). If property has been acquired for the Project, use Form LPA-006 for certification of the right of way. **NOTE: Any property that is to become Department right of way must be acquired in the Department's name.**

17. Submit plans at 30%, 60%, and 90% completion stages for Department review.

18. Submit a certification letter (Form LPA-008), including all items noted, to the Department when requesting authority to advertise the Project for construction bids.

19. Advertise for bids in accordance with federal procedures as shown in Form LPA-010. **NOTE: FHWA authorization and Department approval must be given prior to advertising for construction bids.**

20. Forward a copy of all addenda issued for the Project during the advertisement to the Department.

21. After bids are opened and reviewed, submit a Certification Letter Requesting Concurrence in Award (Form LPA-013), including all items noted, to the Department.

22. Prior to awarding the construction contract, submit a check for $1,000 (20%) to be matched by $4,000 (80%) Federal-aid funds for Department administrative costs on the Project during construction. The Sponsor's final share of cost for this phase will be determined by actual Department charges to construction engineering.

23. Prior to issuing the notice to proceed to the Contractor, the Sponsor must hold a pre-construction meeting with the Contractor and **must invite the Department's Resident Engineer assigned to the Project.**

24. Ensure that all work, material testing and acceptance, and inspection are conducted in accordance with the Department's Standard Specifications for Highway Construction (latest edition), Manual of Field Sampling and Testing Procedures, and Resident Engineer's Manual and with the plans, specifications, and all other applicable FHWA and Department procedures for the Project.

25. Make periodic payments to the consultant for construction engineering for the Project and request reimbursement from the Department. Reimbursement requests should be submitted, at minimum, every three (3) months and not more than once per month.

26. Make payments to the contractor for work accomplished in accordance with the plans and specifications and then request reimbursement from the Department on the Construction Certification and Reimbursement Request (CCRR) form (Form LPA-014). Reimbursement requests should be submitted, at minimum, every three (3) months and not more than once per month.

27. Attach LPA Report of Daily Work Performed (Form LPA-015) for all days that correspond with each CCRR submittal.

28. Prior to executing the work, submit change orders (Form LPA-022) to the contract to the Department's Resident Engineer assigned to the Project for review and approval for program eligibility.

29. Upon completion of the Project, hold a final acceptance meeting for the Project and submit the LPA Final Acceptance Report form certifying that the Project was accomplished in accordance with the plans and specifications (Form LPA-016). This form must be signed by the engineer performing construction inspection on the Project, the Department's Resident Engineer assigned to the Project, the Sponsor's full-time employee in responsible charge, and the Sponsor's CEO.

30. Maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the Project and for monitoring the Contractor and subcontractor(s) for compliance with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements.

31. Pay all unpaid claims for all materials, labor, and supplies entered into contingent or incidental to the construction of said work or used in the course of said work including but not limited to materials, labor, and supplies described in and provided for in Act Nos. 65 and 368 of 1929, Act No. 82 of 1935, and Acts amendatory thereof.

32. Agree that any and all claims for damages to property or injury to persons caused by any act or omission, negligence, or misconduct from the performance of work by the Sponsor's contractor on the Project shall be the sole responsibility of the Sponsor's contractor and in this regard the Sponsor shall require the contractor on the Project to procure and maintain a General Public Liability Insurance Policy during the duration of the Project which shall be endorsed to include broad form general liability and complete operations coverage on the Project. The contractor shall furnish the Sponsor with documentation of proof of liability insurance coverage with submission of the signed contract.

33. Agree that any claims, liability, costs, expenses, demands, settlements, or judgments arising from misconduct or the negligent acts or omissions of the Sponsor, its employees, agents or contractors in the performance of the Project and this Agreement must be presented to the Sponsor. Further, the Sponsor by acceptance of this grant, agrees that the Department and the Arkansas State Highway Commission, as the pass-through entity, have no duty or responsibility for the design, construction, maintenance or operation of the Project that is the subject of this grant, and, therefore shall have no liability related to the design, construction, maintenance or operation of the Project. The Sponsor also agrees to assume all risks associated with the work to be performed by its agents, employees, and contractors under this grant and Agreement and the Department and the Arkansas State Highway Commission, as the pass-through entity, shall not be responsible or liable for any damages whatsoever from the actions of the Sponsor, its employees, agents and contractors.

34. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

35. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR Part 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation, (Form LPA-029).

36. Retain all records relating to inspection and certification, the Contractor's billing statements, and any other files necessary to document the performance and completion of the work in accordance with requirements of 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Form LPA-017).

37. Grant the right of access to the Sponsor's records pertinent to the Project and the right to audit by the Department and FHWA officials.

38. Be responsible for 100% of all project costs incurred:

    - should the Project not be completed as specified;
    - should the Project be declared non-participating in federal funds, including any such award by the State Claims Commission; or
    - not provided by the FHWA.

39. Sign and transmit to the Department the Certification for Grants, Loans, and Cooperative Agreements (Form LPA-018), which is necessary for Project participation.

40. Repay to the Department the federal share of the cost of any portion of the Project if, for any reason, federal participation is removed due to actions or inactions of the Sponsor, its agents, its employees, or its assigns or the Sponsor's consultants or contractors or their agents. Such actions or inactions shall include, but are not limited to, federal non-participation arising from problems with design plans, specifications, construction, change orders, construction inspection, or contractor payment procedures.

41. Retain total, direct control over the Project throughout the life of all project improvements outside of the Department's right of way and **not**, **without prior approval from the Department**:

    - sell, transfer, or otherwise abandon any portion of the Project;
    - change the intended use of the Project;
    - make significant alterations to any improvements constructed with Federal-aid funds; or
    - cease maintenance or operation of a project due to the Project's obsolescence.

42. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the Project in accordance with Federal-aid requirements may result in the Sponsor's repayment of federal funds and may result in withholding all future Federal-aid.

43. Submit to the Department a Single Audit in accordance with the Office of Management and Budget (OMB) Circular A-133 each fiscal year that the Sponsor expends more than $750,000 of Federal-aid from any federal source including, but not limited to, the U.S. Department of Transportation. The fiscal year used for the reporting is based on the Sponsor's fiscal year. The $750,000 threshold is subject to change after OMB periodic reviews.

44. Promptly notify the Department if the Project improvements outside of the Department's right of way are rendered unfit for continued use by natural disaster or other cause.

45. Complete and transmit to the Department both pages of the Federal Funding Accountability and Transparency Act (FFATA) Reporting Requirements (Form LPA-019).

46. After each quarter of the calendar year, complete and transmit to the Department the LPA Project Quarterly Report Form (Form LPA-020) until the Project is complete.

THE COMMISSION WILL:

1. Provide up to $315,193 in Federal-aid CRP>200K funds for the design and environmental phases of the Project as funds become available.

THE DEPARTMENT WILL:

1. Maintain an administrative file for the Project and be responsible for administering Federal-aid funds.

2. Review plans and specifications submitted by the Sponsor.

3. Reimburse the Sponsor 80% (Federal-aid share) for all eligible costs related to preconstruction phases of the Project.

4. Notify the Sponsor when right of way and/or utility plans are approved, and the Sponsor may proceed with right of way acquisition and/or utility adjustments.

5. Upon receipt of the Sponsor's certification of right of way (property) ownership, provide the appropriate documentation to the file.

6. Ensure substantial compliance with federal contracting requirements through review of the bidding proposal for inclusion of required federal forms, review of the administration of the DBE program provisions, and general compliance with 23 CFR 635.

7. Advise the Sponsor when to proceed with advertisement of the Project for construction bids.

8. Review bid tabulations and concur in award of the construction contract for the Project.

9. Ensure that the Sponsor and the Sponsor's consultant provide adequate supervision and inspection of the Project by performing periodic inspections with the Sponsor's representatives and their consultant to verify that the work being performed by the Sponsor's contractor, and documented and certified by the Sponsor, meets the requirements of the Project plans, specifications, and all applicable FHWA and Department procedures. The Department intends to perform these inspections, at a minimum, when the construction work is approximately 10% and 50% completed. The Department will also participate in the final inspection of the Project.

10. Review and approve any necessary change orders for project/program eligibility.

11. Reimburse the Sponsor 80% (Federal-aid share) for eligible construction costs approved in the CCRR form (Form LPA-014). This reimbursement will be limited to the maximum Federal-aid amount and to the federal amount available at the time payment is requested. If the payment requested exceeds the Federal-aid available at the time, the difference will be reimbursed as additional Federal-aid for the Project becomes available.

12. Subject to the availability of Federal-aid allocated for the Project, pay the Sponsor the remaining amount due upon completion of the Project and submittal of the certified LPA Final Acceptance Report form (Form LPA-016).

13. Provide all form updates via email to the contact as shown on Form LPA-005.

14. Be reimbursed for costs involved in performing all the services listed above.

IT IS FURTHER AGREED that the Department reserves the right to cancel the Project without liability against the Department for any reason including, but not limited to, unreasonable delay or lack of progress, the Sponsor is unable to provide an audit-worthy reason for the substantial delay in the project development or completion process, or the Sponsor is unresponsive to the Department's requests.

IT IS FURTHER AGREED that should the Sponsor fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the Sponsor from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for project implementation or fail to complete the Project as specified in this Agreement, or fail to adequately maintain or operate the Project, the Department may cause such funds as may be required to be withheld from the Sponsor's Motor Fuel Tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this _____ day of _____, 20____.

Agreement of Understanding between:

The City of Fayetteville, the Northwest Arkansas Regional Planning Commission, and the Arkansas Department of Transportation relative to:

Implementation of the Rupple Road Trail Lighting Project.

Signatories

CITY OF FAYETTEVILLE

_____ _____

Lioneld Jordan Date
Mayor

_____ _____

Kit Williams Date
Attorney

Agreement of Understanding between:

The City of Fayetteville, the Northwest Arkansas Regional Planning Commission, and the Arkansas Department of Transportation relative to:

Implementation of the Rupple Road Trail Lighting Project.

Signatory

NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

T. Conklin — 11-7-2024

Tim Conklin
Executive Director

Date

Agreement of Understanding between:

The City of Fayetteville, the Northwest Arkansas Regional Planning Commission, and the Arkansas Department of Transportation relative to:

Implementation of the Rupple Road Trail Lighting Project.

Signatory

ARKANSAS DEPARTMENT OF TRANSPORTATION

_____ _____

Lorie H. Tudor, P.E. Date
Director

All Forms referenced in this Agreement are available in digital format on the Department's webpage www.ardot.gov/LPA.

ARKANSAS DEPARTMENT OF TRANSPORTATION
NOTICE OF NONDISCRIMINATION

The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, ARDOT does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program), disability, Limited English Proficiency (LEP), or low-income status in the admission, access to and treatment in ARDOT's programs and activities, as well as ARDOT's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding ARDOT's nondiscrimination policies may be directed to Civil Rights Officer Joanna P. McFadden (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ardot.gov.

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

Form LPA-001

GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING DISADVANTAGED BUSINESS ENTERPRISES

It is the policy of the U. S. Department of Transportation that disadvantaged business enterprises (DBEs) as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this Agreement.

The recipient or its contractor agrees to ensure that DBEs as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a disadvantaged business enterprise affirmative action program, which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 26, Subpart F, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in 49 CFR Part 26, Subsections 26.101 and 26.107 shall substitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

LOCAL AGENCY

CONSULTANT SELECTION PROCEDURES

Section I – Application *(These procedures do not apply to Design-Build Contracts.)*

These procedures apply to federally and state funded contracts for engineering and design related services for projects and are issued to ensure that a qualified consultant is obtained through an equitable qualifications-based selection procurement process and that the prescribed work is properly accomplished in a timely manner at a fair and reasonable cost.

Engineering and design related services are defined in 23 Code of Federal Regulations (CFR) Part 172 to include program management, construction management, preliminary engineering, design engineering, surveying mapping, or architectural related services with respect to a highway construction project. These services also include professional services of an architectural or engineering nature, as defined by State law, which are required to or may logically or justifiably be performed or approved by a person licensed, registered, or certified to provide the services with respect to a highway construction project. Contracts for these services that are paid with Federal-aid highway program (FAHP) funding will be awarded following these selection procedures.

The federal laws and regulations that govern the procurement of engineering and design related services with FAHP funds are:

- 23 United States Code (U.S.C.) 106 “Project approval and oversight”
- 23 U.S.C. 112 “Letting of contracts”
- 23 U.S.C. 114(a) “Construction Work In General”
- 23 U.S.C. 302 “State transportation department”
- 23 U.S.C. 315 “Rules, regulations, and recommendations”
- 23 U.S.C. 402 “Highway safety programs”
- 40 U.S.C. Chapter 11 – Selection of Architects and Engineers, §§1101 *et seq.,* commonly called the “Brooks Act”
- 2 CFR Part 200 “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”
- 23 CFR Part 172 “Procurement, Management, and Administration of Engineering and Design Related Services”
- 48 CFR Part 31 “Contract Cost Principles and Procedures”
- 49 CFR Part 1.48(b) “The Federal Highway Administrator is delegated authority to administer the following provisions of title 23, Highways, U.S.C.”

In accordance with the above federal laws and regulations, the Arkansas Department of Transportation (Department) has approved these procedures for use by

the Local Agency for the "competitive negotiation" (qualifications-based selection) method of procurement as defined in 23 CFR §172.7, Procurement Methods and Procedures that complies with the Brooks Act (40 U.S.C. §§1101, *et seq.*).

The Local Agency will use these procedures for Federal-aid contracts and may elect to use them for non-Federal-aid contracts.

Section II – Advertisement for Letters of Interest

The Local Agency may employ a consultant engineering firm when a need exists for engineering services, and it is in the Local Agency's best interest to employ an engineer or engineering firm.

As a minimum, the Local Agency will advertise in a statewide newspaper, the Department's website and the Local Agency's website (if available), advising that consultant engineering services are being sought. In addition, the Local Agency may advertise in appropriate national trade magazines or websites for specialized services.

Interested firms must furnish:

1. A cover letter with the firm's response including primary contact information.
2. The firm's completed Architect-Engineer Qualifications Standard Form (SF) 330 Parts I and II (48 CFR §53.236-2(b)). (SF 330 is available on the Department's website.) http://arkansashighways.com/consultant_services/advertisements/advertisements.aspx
3. A current copy of the firm's equal employment opportunity policy required per Arkansas Code Annotated (Ark. Code Ann.) §19-11-104.
4. The firm's current copy (within 12 months) of the Department and Finance and Administration (DFA) Illegal Immigrant Contractor Disclosure Form (Ark. Code Ann. §19-11-105). https://www.ark.org/dfa/immigrant/index.php/user/welcome

Advertisements may be for either a specific single project; a group of projects; or for an on-call or indefinite delivery/indefinite quantity (IDIQ) for an established contract period (not to exceed 5 years), to be determined at a later date with specific task orders issued for each project. (23 CFR §172.9(a))

When advertising a specific project, the advertisement will describe the work in general terms allowing firms to evaluate their interest in performing the desired services.

When advertising a group of projects, a general description of work will be furnished. Firms will be asked to specify the projects they are interested in performing. When the Local Agency decides to proceed with a certain project, those firms having expressed interest in that project will be considered for selection.

When advertising for an on-call / IDIQ projects with later specified task orders, the advertisement will include a general description of work for the project task and the number of consultants anticipated to be selected.

If a solicitation fails to yield three qualified respondents, then the Local Agency may proceed with evaluation and selection if the Local Agency and the Department determines that the solicitation did not contain conditions or requirements that arbitrarily limited competition. Alternatively, the Local Agency may pursue procurement following the noncompetitive method when competition is determined to be inadequate and it is determined to not be feasible or practical to re-compete under a new solicitation. (23 CFR §172.7(a)(1)(iv)(D))

Solicitations will include language to comply with state procurement laws, rules, and regulations including but not limited to Ethical Standards (Ark. Code Ann. §19-11-708), Employee and Relative Disclosure, and Equal Opportunity Policy.

Interested firms are advised that in order to comply with state and federal requirements that the Local Agency will verify suspension and debarment actions and eligibility status of consultants in accordance with 2 CFR Part 1200 and 2 CFR Part 180.

Ark. Code Ann. §§19-11-701 through 19-11-714 addresses ethics and conflicts of interest. Federal regulations about conflicts of interest are described in 2 CFR §200.112, 23 CFR §1.33, and provisions of 23 CFR §172.7(4). No Local Agency employee may participate in selection, award or administration of a contract in which the Local Agency employee or any member of his or her immediate family has a financial, prospective financial, or other interest. Additionally, in accordance with Ark. Code Ann. §19-11-704(b) it is a breach of ethical standards for any person, including potential consultants, or parties to subagreements to engage in any conduct or behavior with other consultants, contractors, cities, counties, state agencies, or metropolitan/local planning organizations that may influence any public employee to breach the standards of ethical conduct provided by state and federal laws.

Section III – Selection Committee

The Local Agency will designate a Selection Committee (Committee) to evaluate and analyze the letters of interest (LOI) and proposals.

Section IV – Evaluation of Letters of Interest

The Committee will evaluate each consultant firm based on the criteria provided in the detailed LOIs in general as follows:

No.	Evaluation Factors for LOIs	Maximum Points Possible
1	Professional staff including the education, experience, number of personnel available, and any partnerships with sub-consultants	10
2	General and professional reputation, including responsiveness to civil rights and equal employment opportunity requirements and opportunities	10
3	*Past work performance	10
4	Experience with projects of a similar nature as those advertised	10
	Total Points for LOI	40

*Past performance or evaluations from other clients will be considered when the firm has not worked for the Local Agency previously.

Following their review, the Committee will prepare a short list (minimum of three) of the top ranked engineering firms and recommend that these firms submit detailed proposals for further evaluation.

Section V – Request for Proposal

The Local Agency will prepare a scope of work statement and request proposals from the engineering firms on the short list. For projects with FHWA oversight, which are identified by FHWA as Projects of Division Interest (PoDI) projects, the Local Agency will forward the scope of work statement to the Department and FHWA for review and approval before soliciting request for proposals (RFPs). A Local Agency's scope of work will typically include the following:

1. A detailed purpose and description of the work,
2. Services that will be furnished by the Local Agency,
3. Services that will be furnished by the consultant,
4. Deliverables to be provided,
5. Project conditions of the work,
6. Schedule for performance of the work,
7. Special conditions of the work including applicable standards, specifications, and policies, and
8. Assurance of participation of certified Disadvantaged Business Enterprises (DBE) in Federal-aid projects as Department goals for the Project are established.

The short-listed firms should submit proposals that contain the following:

1. A cover letter with primary contact information,
2. A detailed work plan that identifies the major tasks of work,
3. A list of major concerns associated with completing the work,
4. A detailed work schedule for specific projects as requested,
5. A manpower estimate for specific projects as requested, and
6. Updated Standard Form 330 Parts I and II, if necessary.

The Committee will review the proposals with particular attention to the five (5) listed evaluation factors for the proposals and will also consider the results determined in Section IV. The evaluation factors and their relative importance will be listed in the RFP if any of the factors are different from the list below.

No.	Evaluation Factors for Proposals	Maximum Points Possible
1	Obvious indication that the scope of work is clearly understood	20
2	Comprehensive, coherent, and detailed work plan	20
3	Realistic work schedule when applicable	10
4	Proposed working office location, need for a local office, and any local representative*	5
5	Identification of sub-consultants and responsiveness to DBE goals and opportunities	5
6	Total Points for LOI	40
	Total Points for Proposals	100

*Locality preference shall not be based on political or jurisdictional boundaries and may be applied on a project-by-project basis for contracts where a need has been established for a consultant to provide a local presence, a local presence will add value to the quality and efficiency of the project, and application of this criteria leaves an appropriate number of qualified consultants, given the nature and size of the project. (Consultants indicating that it will satisfy this factor in some manner, such as establishing a local project office, shall be considered to have satisfied this factor.)

Based on these evaluation factors, the Committee will rank the consultants based on the total score and submit the list to the Local Agency who will either:

1. Select one (1) firm to enter negotiations with; or
2. Select
   a. Multiple firms for an IDIQ contract; or
   b. Three or more firms to interview (a firm may present additional information concerning their proposal at the interview). After the interviews, the Committee will re-evaluate the firms based on the interview and the same evaluation factors as noted previously. The ranking list will be submitted to the Local Agency for review and final selection.

The Local Agency's contract file will contain records of the rankings and supporting data; however, the rankings will not be public information. Copies of the LOI advertisement, the rankings, and supporting data shall be submitted to the Department.

Notification must be provided to all responding consultants of the final selection of the most qualified consultant including the ranking of the top three consultants on projects where only one consultant is selected.

Section VI – Negotiation and Contract Preparation

Once a firm is selected for negotiation for a specific job or a group of projects, it will prepare a draft contract including a cost estimate for the project(s). The other firms on the short list will be advised of the firm selected, subject to successful negotiations. Prior to receipt or review of the draft contract and cost estimate, the Local Agency shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct cost and consultant's fixed fee for the defined scope of work. The independent estimate shall serve as the basis for negotiation to ensure a fair and reasonable cost is obtained.

More than one firm may be selected for an on-call or IDIQ contract. The contract will establish a maximum ceiling price for work issued under the contract as well as an expiration date not to exceed 5 years, per 23 CFR Part 172. Individual task order cost estimates will be negotiated when issued.

The selected firm will prepare a draft contract based on a sample contract furnished by the Department. In accordance with the principles of 23 CFR 172, the draft contract must include an overhead rate that is approved by the Department. If the contract exceeds $250,000, in accordance with the Department's Indirect Cost Rate Audit Requirements, the indirect cost rate shall be verified through an audit performed by a certified public accountant on behalf of the consultant. If the contract is less than $250,000, and at least one of these conditions applies:

1. When there is insufficient knowledge of the consultant's accounting system
2. When there is previous unfavorable experience regarding the reliability of the consultant's accounting system
3. When the contract involves procurement of new equipment or supplies for which cost experience is lacking

then the Consultant shall provide the indirect cost rate verified through an audit performed by a certified public accountant on behalf of the consultant. The certified audit shall be provided by the selected firm prior to the submission of the final draft contract.

Pursuant to this requirement, the Department will notify the Local Agency if an audit by a certified public accountant for the selected firm is necessary. The certified audit needs to be provided by the selected firm prior to the submission of the final draft contract.

The Local Agency will review the draft contract proposal and either approve it as submitted or enter into negotiations with the selected firm to establish a contract and contract ceiling price that the Local Agency deems is fair and reasonable. If a satisfactory contract cannot be negotiated with the selected firm, negotiations will be

formally terminated. The Local Agency will then enter into negotiations with the second ranked firm. If negotiations with that firm fail, the Local Agency will formally terminate those negotiations and begin to negotiate with the third ranked firm, and so on. If the Local Agency cannot negotiate a satisfactory contract with any of the firms on the short list, the Local Agency shall either:

1. Request proposals from additional firms who have submitted LOIs and are considered competent and qualified; evaluate and rank the firms based on the criteria described in Section V; and continue the negotiation process, or
2. Terminate all negotiations and begin the selection process again, or
3. Pursue procurement following the noncompetitive method when competition is determined to be inadequate and it is determined to not be feasible or practical to re-compete under a new solicitation. (23 CFR §172.7(a)(1)(iv)(D))

When the Local Agency and the consultant agree the negotiated contract is fair and reasonable, the consultant will prepare a final draft and submit it to the Local Agency and the Department for review. After review and a determination that it is acceptable, the consultant will sign the contract. The Local Agency will then execute the contract. The contract will subsequently be submitted to the Department for final review and approval including funding. When approved, copies of the signed contract will be distributed within the Local Agency and to the consultant.

For projects with FHWA oversight and for on-call or IDIQ contracts where the consultant performs a management role utilizing federal funds, the Department will forward the initial and final drafts of the contract to FHWA for review and comment. The FHWA approves the final executed contract by stamp and signature and retains a copy.

After the Local Agency executes an on-call or IDIQ contract, it will assign specific projects by task order for the duration of the contract period. The consultant will prepare each task order based on the scope of work furnished by the Local Agency. The task order will include a manpower estimate and cost. The Local Agency will review the task order and approve it as submitted or negotiate with the consultant to establish a task order and task order amount that the Local Agency deems is fair and reasonable. After review and a determination that the task order is acceptable, the consultant will sign the task order. The Local Agency will then execute the task order. The task order will subsequently be submitted to the Department for final review and approval including funding. When approved, copies of the signed task order will be distributed within the Local Agency and to the consultant.

For PoDI projects, the Department will forward the initial and final drafts of the task order to FHWA for review, comment, and approval. Upon FHWA approval, the final task order is executed.

Section VII – Monitoring the Contract

The Local Agency may designate staff members as key liaisons for specific projects or for technical matters during the administration of the contract period.

The Local Agency will:

1. Maintain the contract files,
2. Arrange and attend periodic progress meetings,
3. Coordinate reviews and approval actions with other agencies when necessary,
4. Review progress payments,
5. Coordinate questions from the consultant,
6. Negotiate any change or amendment to the contract and submit to the Department for review and approval, and
7. Prepare an evaluation of the consultant's performance after completion of the contract. A copy of the evaluation shall be submitted to the Department.

Section VIII – Consultant Liability

The Local Agency will include a contract requirement that the consultant will warrant that all services and work products provided as part of the contract are performed in accordance to the prevailing industry standards, including standards of conduct and care, format and content, meet the satisfaction of the Local Agency, and conform to the requirements of the Agreement. This warrant is effective regardless of the degree of inspection and acceptance by the Local Agency or others.

If the consultant is required to correct or re-perform any work or services, the work will be performed at no cost to the Local Agency, and any work or services corrected or re-performed by the consultant shall also be warranted that it is free from defects in workmanship in accordance with industry standards. If the consultant fails or refuses to correct or re-perform, the Local Agency may, by contract or otherwise, correct or replace the deficient items or services with similar work or services, and charge the cost to the consultant or make an equitable adjustment in the consultant's reimbursement.

Acceptance is an act of an authorized representative of the Local Agency by which the Local Agency approves specific services, as partial or complete performance of the contract. Correction is the elimination of a defect.

REQUIRED CONTENTS OF BIDDING PROPOSALS
FEDERAL-AID PROJECTS

1) **FHWA-1273**

Each set of contract documents shall include FHWA-1273, "Required Contract Provisions, Federal-aid Construction Contracts," and such supplements that may modify the FHWA-1273. Copies of FHWA-1273 and supplements will be provided by the Department.

2) **Anti-Collusion and Debarment Certification**

The certification shall either be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the State to administer oaths or in the form of an unsworn declaration executed under penalty of perjury of the law of the United States. The required form for the Anti-Collusion and Debarment Certification will be provided by the Department. The certification includes:

- Anti-collusion - A statement executed by, or on behalf of the person, firm, association, or corporation submitting the bid certifying that such person, firm, association, or corporation has not, either directly or in-directly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted bid.

- Debarment - A statement regarding debarment, suspension, ineligibility and voluntary exclusion as required by Title 2 of the United States Code of Federal Regulations, Part 180 (2 CFR Part 180).

Failure to submit the executed Certification as part of the bidding documents will make the bid nonresponsive and not eligible for award consideration.

3) **Lobbying Certification**

This certification is required by 49 CFR 20. The form for this certification will be provided by the Department.

4) **Davis-Bacon Pre-determined Minimum Wage Rates**

Davis-Bacon requirements apply to all projects greater than $2,000 that are physically located within the existing right-of-way of a functionally classified city street or highway. The Davis-Bacon wage rates will be provided by the Department.

5) "Build America, Buy America" Provisions

Because federal highway funds are included in this project, "Build America, Buy America" requirements, as specified in Title 23 of the United States Code Section 313 and Title 23 of the Code of Federal Regulations Section 635.410, apply to this project. A section of the bidding documents should specify these requirements as part of the project and it should at least be noted in the advertisement for bids.

CITY OF
FAYETTEVILLE
ARKANSAS

DESIGNATING FULL-TIME EMPLOYEE IN RESPONSIBLE CHARGE

December 3rd, 2024

Mr. David Siskowski
Division Head – Local Programs
Arkansas Department of Transportation
P. O. Box 2261
Little Rock, AR 72203

Re: ***Job #040967***
Rupple Rd. Trail Lighting
Washington County

Dear Mr. Siskowski:

The full-time employee in responsible charge of the day to day oversight for the referenced project will be ***MATT MIHALEVICH, ACTIVE TRANSPORTATION MANAGER***. This letter certifies that the employee is aware of the duties and functions they are in charge of as outlined in the Agreement of Understanding. This employee may be reached by phone at ***(479) 444-3416*** or by email at ***mmihalevich@fayetteville-ar.gov***

Sincerely,

_____
Mayor Lioneld Jordan

CITY OF
FAYETTEVILLE
ARKANSAS

JOB # 040967
RUPPLE RD. TRAIL LIGHTING (FAYETTEVILLE)(S)
WASHINGTON COUNTY

Title to the right of way necessary for the construction of this project was in public ownership prior to project development. No additional right of way was acquired.

There are no displacees on this project.

There are no structures located within the right of way area.

There are no railroads involved on this project.

No known conflicting utilities exist within the right of way area.

Certified by:_____ Date:_____
Lioneld Jordan
Mayor of Fayetteville

Form LPA-008

PLEASE PRINT ON SPONSOR LETTERHEAD

CERTIFICATION LETTER
REQUESTING AUTHORITY TO ADVERTISE

DATE

Mr. Jared D. Wiley
Chief Engineer – Preconstruction
Arkansas Department of Transportation
P. O. Box 2261
Little Rock, AR 72203

Re: ***Job #***
Job Name
County

Dear Mr. Wiley:

The following documents are submitted concerning the referenced project:

1. One set of plans and specifications.
2. A copy of the preliminary estimate of cost.
3. An unexecuted copy of the bid proposal form.

I certify that the plans, specifications and estimate were prepared by or under the direct supervision of a Professional Engineer licensed to practice in the State of Arkansas and that the plans and specifications comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable state and federal regulations, including airport clearance when necessary, for the type of work involved.

I understand that if any project items are declared non-participating in federal funds due to failure to comply with any State or federal requirements, the ***(Sponsor Name)*** will promptly repay such funds to the Arkansas Department of Transportation (ARDOT). Further, I hereby authorize the Director of the Arkansas State Department of Finance and Administration to transfer such funds from the ***(Sponsor Name)'s*** Motor Fuel Tax allotment to the ARDOT's RRA Fund upon notification by the ARDOT Director of that such funds are due ARDOT and have not been paid by the ***(Sponsor Name)***.

Approval to proceed with advertisement of the project for bids is requested.

FOR REFERENCE ONLY
NO SIGNATURE
NEEDED AT THIS TIME

Sincerely,

NAME & OFFICE
(Sponsor's CEO)

Enclosures

GUIDELINES FOR ADVERTISING AND OPENING BIDS
FEDERAL-AID PROJECTS

Upon receipt of written authorization from the Arkansas Department of Transportation (Department), the project may be advertised for bids. The following minimum guidelines for advertising must be met:

- The minimum advertising period is three weeks (21 days).

- In addition to meeting the State requirements for advertising for construction projects, the project must be advertised a minimum of two times in a statewide newspaper (online or print versions are acceptable).

- The notice must contain: (1) the time, date, and place that sealed bids are to be accepted, opened, and publicly read; (2) a brief description of the kind or type of work contemplated; and (3) the place at which prospective bidders may obtain plans and specifications.

- The Sponsor will forward a copy of the approved advertisement to the Department once advertisement starts. Any addenda will also be sent to the Department during the advertisement period.

- The Sponsor will include the following language in the solicitation for bids:

  "The **(INSERT SPONSOR NAME)** hereby notifies all bidders that this contract is subject to applicable labor laws, non-discrimination provisions, wage rate laws and other federal laws including the Fair Labor Standards Acts of 1938. The Work Hours Act of 1962 and Title VI of the Civil Rights Act of 1964 also apply."

  "'Buy America' provisions apply to this project."

  "Registration and good standing in the System for Award Management (SAM) will be required prior to contract execution."

- All bids received in accordance with the terms of the advertisement shall be publicly opened and at a minimum, the total amount bid must be read aloud (the sponsor may choose to read the bids item by item).

- If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud shall be publicly announced at the letting.

- In accordance with 23 CFR 635.110, any procedures and requirements for qualifying and licensing contractors must be approved by the Federal Highway Administration.

- **Negotiation with contractors during the period following the opening of bids and before the award of the contract is strictly prohibited.**

Form LPA-013

PLEASE PRINT ON SPONSOR LETTERHEAD

CERTIFICATION LETTER

REQUESTING CONCURRENCE IN AWARD OF THE CONTRACT

DATE

Mr. Jared D. Wiley
Chief Engineer – Preconstruction
Arkansas Department of Transportation
P. O. Box 2261
Little Rock, AR 72203

Re: ***Job #***
Job Name
County

Dear Mr. Wiley:

The following documents are submitted concerning the referenced project:

1. One set of bid tabulations.
2. Justification of award (if low bid amount is greater than 10% over the estimate).
3. A check for $1,000 for ARDOT construction involvement.

I certify that the referenced project was advertised and bids were received in accordance with the regulations governing Federal-aid projects and all other applicable state and federal regulations, and that this process has been reviewed and approved by the ***(Sponsor Name)'s*** Attorney. Additionally, I certify that the bid is being awarded to the lowest responsive and qualified bidder and that there has not been, nor will there be, any negotiations with the contractor or other bidders regarding the amount bid.

Your concurrence in the award of this contract to ***(INSERT CONTRACTOR NAME)*** for ***(INSERT LOW BID AMOUNT)*** is requested.

Sincerely,

_____
Sponsor's CEO

_____
Sponsor's Attorney

Enclosures

FOR REFERENCE ONLY
NO SIGNATURE
NEEDED AT THIS TIME

Revised: 12/11/20

CONSTRUCTION CERTIFICATION AND REIMBURSEMENT REQUEST

Job No.: _____
FAP: _____
County: _____
Job Name.: _____

Payee/Sponsor: _____
address _____

Federal Tax ID No.: _____

DATE: _____

PAY REQUEST # _____

FROM: _____ TO: _____

SPONSOR'S REQUEST FOR PAYMENT

1	Maximum Approved Federal-aid Amount	
2	Original Contract Amount	
3	Net Changes by Change Orders	
4	Present Contract Total	
5	Present Federal-aid Amount (80% of Line 4 or Amount on Line 1, whichever is less)	
6	Work Completed to Date	
7	Federal Match (80% of Line 6 or amount on Line 5, whichever is less)	
8	Previous Reimbursements (Federal)	
9	***Amount Due this Estimate*** (subtract Line 8 from Line 7)	$0.00

CHANGE ORDER SUMMARY

	ADDITIONS	DEDUCTIONS
Total changes previously approved		
Total approved this Request Period		
TOTALS		
NET CHANGES by Change Order (Line 3 above)		

Designated Full Time Employee In Responsible Charge

The information provided in this document is true and correct and I recommend that payment be made to the Contractor for this work.

By: _____ Date: _____

Title: _____

Sponsor's CEO

Payment is requested from the Arkansas Department of Transportation for the Amount Due. I certify that the Contractor and/or subcontractor(s) are complying with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements; that the work has been completed by the Contractor in accordance with the plans and specifications; and that the Contractor has been paid for this work.

By: _____ Date: _____

Title: _____

FOR REFERENCE ONLY
NO SIGNATURE
NEEDED AT THIS TIME

DEPARTMENT USE ONLY

Recommended for Payment in Accordance with Project Agreement

_____
Resident Engineer

Approved for Payment

_____
State Construction Engineer

PAID

Voucher No. _____

Date:

CONSTRUCTION CERTIFICATION AND REIMBURSEMENT REQUEST

Revised: 12/11/20

DETAIL ESTIMATE

JOB NUMBER: _____

FAP: _____

JOB NAME: _____

REQUEST NO: _____ DATE: _____

FROM: _____ TO: _____

SPONSOR: _____

CONTRACTOR: _____

A	B	C	D	E	F	G	H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED PREVIOUS REQUESTS	WORK COMPLETED THIS PERIOD	MATERIALS PRESENTLY STOCKPILED (NOT IN D or E)	TOTAL COMPLETED & STOCKPILED TO DATE (D+E+F)	% COMPLETED (G ÷ C)	BALANCE TO FINISH (C - G)
	GRAND TOTALS							

FOR REFERENCE ONLY
NO SIGNATURE
NEEDED AT THIS TIME

Form LPA-014

COPY OF SPONSOR'S PAYMENT CHECK FOR THIS ESTIMATE MUST BE ATTACHED TO THIS FORM

Form LPA-015

Sponsor

LPA Report of Daily Work Performed

Job Name: _____ Job No.: _____

FAP No.: _____ Contractor: _____

Date: _____ Hours Worked: _____ – _____ Report No.: _____

Project Conditions

Site Conditions	Weather	Number of Contractor's Personnel
____ Useable	____ Sunny	____ Laborers
____ Partly Useable	____ Partly Cloudy	____ Carpenters
____ Not Useable	____ Rain	____ Concrete Laborers
Min Temp. (F) ____ Max Temp. (F) ____	Rainfall Amt. (in.) ____	____ Equip. Operators
Comments		____ Electricians
		____ Plumbers
		____ Foreman
		____ Other _____
		____ Other _____

FOR REFERENCE ONLY
NO SIGNATURE
NEEDED AT THIS TIME

Location and Description of Work Performed

Special Instructions and/or Conversations

Signed: _____
Designated Full-time Employee

SPONSOR
LPA Final Acceptance Report

Job Name:		**Date:**
Job No:	**FAP No:**	
County:	**Route:**	
Contractor:		
Date Work Began:	**Date Work Completed:**	
Attendees:		
Remarks:		
Project Completed in Substantial Compliance with Plans and Specifications and Recommended for Final Acceptance by Sponsor _____ **Engineer**	**Recommended for Acceptance in Accordance with Project Agreement** _____ **ARDOT Resident Engineer**	

Project Recommended for Acceptance

Designated Full-time Employee: _____

I certify that the Contractor and/or subcontractor(s) have complied with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements; that the project has been completed by the Contractor in accordance with the plans and specifications; that the Contractor has been paid for this work, and the project is hereby accepted.

FOR REFERENCE ONLY
NO SIGNATURE
NEEDED AT THIS TIME

_____

SPONSOR's **CEO**

2 CFR Part 200

UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Subpart D - Post Federal Award Requirements
Record Retention and Access

§200.334 Retention requirements for records.

Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following:

(a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

(b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.

(c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.

(d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity.

(e) Records for program income transactions after the period of performance. In some cases recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.

(f) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: Indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(1) *If submitted for negotiation.* If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

(2) *If not submitted for negotiation.* If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

§200.335 Requests for transfer of records.

The Federal awarding agency must request transfer of certain records to its custody from the non-Federal entity when it determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping, the Federal awarding agency may make arrangements for the non-Federal entity to retain any records that are continuously needed for joint use.

§200.336 Methods for collection, transmission, and storage of information.

The Federal awarding agency and the non-Federal entity should, whenever practicable, collect, transmit, and store Federal award-related information in open and machine-readable formats rather than in closed formats or on paper in accordance with applicable legislative requirements. A machine-readable format is a format in a standard computer language (not English text) that can be read automatically by a web browser or computer system. The Federal awarding agency or pass-through entity must always provide or accept paper versions of Federal award-related information to and from the non-Federal entity upon request. If paper copies are submitted, the Federal awarding agency or pass-through entity must not require more than an original and two copies. When original records are

2 CFR Part 200

UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Subpart D - Post Federal Award Requirements
Record Retention and Access

electronic and cannot be altered, there is no need to create and retain paper copies. When original records are paper, electronic versions may be substituted through the use of duplication or other forms of electronic media provided that they are subject to periodic quality control reviews, provide reasonable safeguards against alteration, and remain readable.

§200.337 Access to records.

Records of non-Federal entities. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

(a) *Extraordinary and rare circumstances.* Only under extraordinary and rare circumstances would such access include review of the true name of victims of a crime. Routine monitoring cannot be considered extraordinary and rare circumstances that would necessitate access to this information. When access to the true name of victims of a crime is necessary, appropriate steps to protect this sensitive information must be taken by both the non-Federal entity and the Federal awarding agency. Any such access, other than under a court order or subpoena pursuant to a bona fide confidential investigation, must be approved by the head of the Federal awarding agency or delegate.

(b) *Expiration of right of access.* The rights of access in this section are not limited to the required retention period but last as long as the records are retained. Federal awarding agencies and pass-through entities must not impose any other access requirements upon non-Federal entities.

§200.338 Restrictions on public access to records.

No Federal awarding agency may place restrictions on the non-Federal entity that limit public access to the records of the non-Federal entity pertinent to a Federal award, except for protected personally identifiable information (PII) or when the Federal awarding agency can demonstrate that such records will be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) or controlled unclassified information pursuant to Executive Order 13556 if the records had belonged to the Federal awarding agency. The Freedom of Information Act (5 U.S.C. 552) (FOIA) does not apply to those records that remain under a non-Federal entity's control except as required under §200.315. Unless required by Federal, state, local, and tribal statute, non-Federal entities are not required to permit public access to their records. The non-Federal entity's records provided to a Federal agency generally will be subject to FOIA and applicable exemptions.

CERTIFICATION FOR GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies to the best of his knowledge and belief that:

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

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

3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, and contracts and subcontracts under grants, sub grants, loans and cooperative agreements) which exceed $100,000, and that all such sub recipients shall certify and disclose accordingly.

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

_____

Sponsor

_____

Signature

_____

Name (Sponsor's CEO)

Federal Funding Accountability and Transparency Act (FFATA)
Reporting Requirements

(For more information go to https://www.fsrs.gov/)

FFATA was signed on September 26, 2006. The intent is to empower every American with the ability to hold the government accountable for each spending decision. The end result is to reduce wasteful spending in the government. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov.

A Prime Grant Recipient (Arkansas Department of Transportation (hereinafter called ARDOT)) awarded a new Federal grant greater than or equal to $25,000 as of October 1, 2010 is subject to FFATA sub-award reporting requirements as outlined in the Office of Management and Budget guidance issued August 27, 2010. **ARDOT is required to file a FFATA sub-award report for any sub-grant awarded to a sub-awardee greater than or equal to $25,000.** As a sub-awardee, _____ shall provide the following information to ARDOT in order to fulfill FFATA reporting requirements:

- ✔ A Unique Entity Identifier (UEI) of the sub-awardee receiving the award and the parent entity of the recipient, should the sub-awardee be owned by another entity;
- ✔ The names and total compensation of the five most highly compensated officers of the sub-awardee **if** the sub-awardee in the preceding Federal fiscal year received 80 percent or more of its annual gross revenues in Federal awards; and $25,000,000 or more in annual gross revenues from Federal awards; and the public does not have access to information about the compensation of the senior executives of the sub-awardee through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. See FFATA § 2(b)(1).

Required Sub-Awardee Information

(A) Sub-Awardee UEI: FKCQRMDULFH9 UEI Expiration Date: _____

Parent (if applicable) UEI: N/A UEI Expiration Date: _____

(B) In the preceding completed Federal fiscal year, did your business or organization (the legal entity to which the UEI number entered above belongs) receive (1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; and (2) $25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

Yes (No)

If "Yes" is selected, answer (C).

(C) Does the public have access to information about the compensation of the executives in your business or organization (the legal entity to which the UEI entered above belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

(Yes) No

If "Yes" is selected, visit http://www.sec.gov/edgar.shtml for reference.

If "No" is selected, answer (D).

(D) **If "No" was selected in Question "C"**, complete the following information for the five (5) most highly compensated executives in your business or organization (the legal entity to which the UEI entered above belongs). Amount should reflect the Total Compensation Amount in the preceding completed Federal fiscal year in U.S. whole dollars.

Sub-Awardee Names and Compensation of Most Highly Compensated Officers

1. Name: _____ Amount: $_____
2. Name: _____ Amount: $_____
3. Name: _____ Amount: $_____
4. Name: _____ Amount: $_____
5. Name: _____ Amount: $_____

LPA Project Quarterly Report Form

Date:

Job No.:	**Job Name:**		
F.A.P.:	**Funding Program:**	**Year:**	**Quarter:**
Sponsor:	**Submitted By:**		
Sponsor Phone:	**Sponsor Email:**		

Progress Report:

FOR REFERENCE ONLY
NO SIGNATURE
NEEDED AT THIS TIME

CURRENT PROJECT STATUS

Construction Plans:	☐ 30%	☐ 60%	☐ 90%	☐ Final	
Environmental Clearance:	☐ ARDOT to Handle	☐ Preliminary	☐ Partially Complete	☐ All Permits Received Date:	☐ Final Clearance Date:
Right of Way Acquisition:	☐ No Acquisition Needed	☐ ROW Plans in Progress	☐ ROW Plans Approved Date:	☐ Acquisition Documents Approved Date:	
	☐ Acquisition Underway	☐ Acquisition Complete Date:	☐ Right of Way Certification Submitted ☐ Conditional ☐ Final Date:		
Utility Relocation:	☐ Utility Relocation Not Necessary	☐ Relocation Plans Prepared Date:	☐ Relocation Underway	☐ Relocation Complete Date:	
Authority to Advertise:	☐ Request Submitted Date:	☐ ARDOT Approval Received Date:	Bid Opening Date:		
Concurrence in Award:	☐ Request Submitted Date:	☐ ARDOT Approval Received Date:	☐ Contract Executed Date:		
Construction:	Progress (%) 0%	Estimated Completion Date:	☐ Project Completed Date:		

ARDOT Contact:

CHANGE ORDER FORM

Form LPA-022

ARDOT JOB NO.: _____ F.A.P. No.: _____ **CHANGE ORDER NO.:** _____

JOB NAME: _____ DATE PREPARED: _____

OWNER: _____ PREPARED BY: _____

CONTRACTOR: _____

DESCRIPTION OF CHANGE(S):

JUSTIFICATION / REASON FOR CHANGE(S):

SUMMARY

ITEM NO.	ITEM	UNIT	UNIT PRICE	PRESENT		REVISED	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
				TOTALS:	$ -		$ -

CHANGE ORDER FORM

Form LPA-022

CHANGES TO CONTRACT PRICE:

ORIGINAL CONTRACT PRICE	
CURRENT CONTRACT PRICE ADJUSTED BY PREVIOUS CHANGE ORDERS	
THE CONTRACT PRICE DUE TO THIS CHANGE ORDER WILL BE (INCREASED) / (DECREASED) BY	$ -
THE NEW CONTRACT PRICE, INCLUDING THIS CHANGE ORDER, WILL BE	**$ -**

CHANGES TO CONTRACT TIME:

THE CURRENT CONTRACT TIME	_____	DAYS
THE CONTRACT TIME WILL BE (INCREASED) / (DECREASED) BY	_____	DAYS
THE CONTRACT PERIOD, INCLUDING THIS CHANGE ORDER, SHALL BE	_____	DAYS

APPROVALS:

ENGINEER: [INSERT ENGINEER NAME HERE]

Signature Date

CONTRACTOR: [INSERT CONTRACTOR NAME HERE]

Signature Date

OWNER: [INSERT OWNER NAME HERE]

Signature Date

ARDOT RESIDENT ENGINEER CONCURS

Signature Date

ARDOT LOCAL PROGRAMS APPROVES

Signature Date

FOR REFERENCE ONLY
NO SIGNATURE
NEEDED AT THIS TIME

Title VI Requirements and Responsibilities

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states that *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.*"

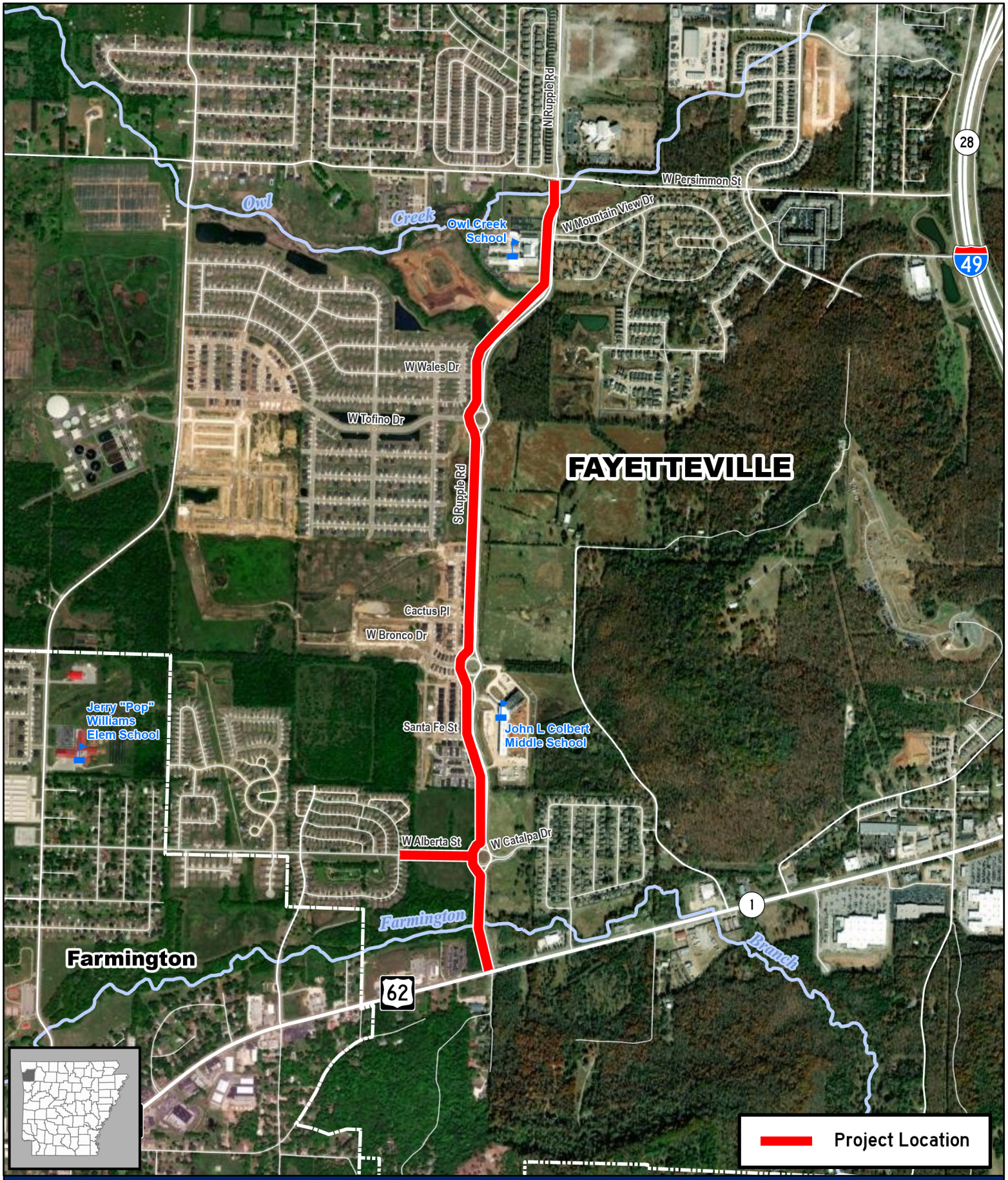
ARDOT is a recipient of federal funds from the U.S. Department of Transportation modal agencies, including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). All recipients/subrecipients of federal funding must comply with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statues, regulation, and authorities.

Therefore, the sponsor (subrecipient) must also comply with the requirements of Title VI and its responsibilities.

Upon receipt of ARDOT reimbursement, the subrecipient will be required to establish Title VI compliance. ARDOT's Title VI Coordinator or designee will contact the subrecipient to request the following information:

- **Name of designated Title VI/ADA/Section 504 Coordinator**
- **Notice of Nondiscrimination**
- **Complaint Procedure and Process**
- **Complaint Form**
- **Standard USDOT Title VI/Non-Discrimination Assurances**
    - Must be signed annually by highest ranking official

The Title VI Coordinator or designee will assist the subrecipient in establishing the information as needed. For further information or inquiries, please contact the Civil Rights Division at 501-569-2299.



Job 040967

Rupple Rd. Trail Lighting (Fayetteville) (S)

Washington County

ARDOT ARKANSAS DEPARTMENT OF TRANSPORTATION

0 375 750 1,500 Feet

PM: PS: cp44759: 8/13/2024

Document Path: \\san1\gis\ProgramsContracts\Sketches\040967\040967.aprx

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-751

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Lisa Thurber, Comm and Marketing Director
Susan Norton, Chief of Staff

FROM: Doug Bankston, Director Of Media Services

SUBJECT: **Approve a Community Access Television, Inc. (d/b/a Your Media) Contract Renewal for Public Access Television Services for 2025.**

RECOMMENDATION:
Staff recommends approval of the attached contract for Public Access Television Provider between the City of Fayetteville and Community Access Television, Inc. (d/b/a Your Media) in the amount of $220,725.00 to provide Public Access Television services from January 1, 2025, through December 31, 2025. . This is contingent upon the approval of the 2025 annual City budget and work program.

BACKGROUND:
Community Access Television, Inc. (d/b/a Your Media), has been the City's Public Access provider for the previous five-year term from January 2016 through December 2020, which was approved through City Council Resolution 207-15 in November 2015, and was selected as the service provider for the current five-year term through City Council Resolution 306-20.

DISCUSSION:
The nonprofit Community Access Television, Inc.—d/b/a Your Media—has been the contract service provider for Fayetteville Public Access Television for the previous two five-year term periods. Community Access Television, Inc. (d/b/a Your Media) was the only organization to submit a proposal for the public access service provider RFP (RFP 20-12) for the 2021-2025 term. The contract was developed by the City of Fayetteville in partnership with Your Media and was approved by the Your Media Board of Directors. This contract renewal cost has considerations for a 3% cost-of-living increase of staff salaries. This is a request for a contract renewal for fiscal year 2025, the final renewal for the current five-year term (January 2021 through December 2025).

BUDGET/STAFF IMPACT:
The total cost of this contract is $220,725.00. This amount is included in the proposed 2025 Budget that is up for City Council approval.

ATTACHMENTS: SRF (#3), Public Access Contract (#4)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-751

Approve a Community Access Television, Inc. (d/b/a Your Media) Contract Renewal for Public Access Television Services for 2025.

A RESOLUTION TO APPROVE A CONTRACT WITH COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA IN THE AMOUNT OF $220,725.00 FOR THE PROVISION OF PUBLIC ACCESS TELEVISION SERVICES AND THE OPERATION OF THE PUBLIC ACCESS TELEVISION CHANNEL THROUGH 2025, CONTINGENT ON APPROVAL OF THE 2025 ANNUAL BUDGET AND WORK PROGRAM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with Community Access Television, Inc. d/b/a Your Media, a copy of which is attached to this Resolution, in the amount of $220,725.00 for the provision of public access television services and the operation of the public access television channel through 2025, contingent on approval of the 2025 Annual Budget and Work Program.

City of Fayetteville Staff Review Form

2024-751

Item ID

12/4/2025

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Doug Bankston	11/7/2024	MEDIA SERVICES (060)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approve a contract in the amount of $220,725.00 for the period of one (1) year between the City and Community Access Television, Inc. d/b/a Your Media to provide Public Access Television services for the year 2025. This is contingent on the approval of the 2025 annual City budget and work program.

Budget Impact:

1010.090.660-5713.00	General
Account Number	Fund
40901.4003	
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	220,725.00
		Expenses (Actual+Encum)	$	-
		Available Budget	$	220,725.00
Does item have a direct cost?	Yes	Item Cost	$	220,725.00
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 306-20

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

CITY OF
FAYETTEVILLE
ARKANSAS

CITY COUNCIL MEMO

MEETING OF 12/4/2024

TO: Mayor and City Council

THRU: Susan Norton, Chief of Staff
Lisa Thurber, Director of Communications

FROM: Doug Bankston, Director of Media Services

DATE: November 7, 2024

SUBJECT: Approve a Community Access Television, Inc. (d/b/a Your Media) Contract Renewal for Public Access Television Services for 2025.

RECOMMENDATION:
Staff recommends approval of the attached contract for Public Access Television Provider between the City of Fayetteville and Community Access Television, Inc. (d/b/a Your Media) in the amount of $220,725.00 to provide Public Access Television services from January 1, 2025, through December 31, 2025. This is contingent upon the approval of the 2025 annual City budget and work program.

BACKGROUND:
Community Access Television, Inc. (d/b/a Your Media), has been the City's Public Access provider for the previous five-year term from January 2016 through December 2020, which was approved through City Council Resolution 207-15 in November 2015, and was selected as the service provider for the current five-year term through City Council Resolution 306-20.

DISCUSSION:
The nonprofit Community Access Television, Inc.—d/b/a Your Media—has been the contract service provider for Fayetteville Public Access Television for the previous two five-year term periods. Community Access Television, Inc. (d/b/a Your Media) was the only organization to submit a proposal for the public access service provider RFP for the 2021-2025 term. The contract was developed by the City of Fayetteville in partnership with Your Media and was approved by the Your Media Board of Directors. This contract renewal cost has considerations for a 3% cost-of-living increase of staff salaries. This is a request for a contract renewal for fiscal year 2025, the final renewal for the current five-year term (January 2021 through December 2025).

BUDGET/STAFF IMPACT:
The total cost of this contract is $220,725.00. This amount is included in the proposed 2025 Budget that is up for City Council approval.

Attachments:
Staff Review Form, Contract

CONTRACT BETWEEN CITY OF FAYETTEVILLE, ARKANSAS
AND
COMMUNITY ACCESS TELEVISION
d/b/a Your Media
A 501-C-3 NONPROFIT ORGANIZATION

AGREEMENT

This Agreement is made this 1st day of January, 2025, by and between the City of Fayetteville, a municipal corporation ("City"), and Community Access Television, Inc., a nonprofit corporation, dba Your Media ("Your Media") who agree as follows:

PURPOSE AND INTENT

1. The purpose of Public Access Television in Fayetteville is to provide an opportunity for users and others to produce and telecast television programming in a first-come, first-served, content-neutral, non-discriminatory manner, in accordance with the First Amendment, and to provide training in the techniques of video production for Public Access Television.
2. The City of Fayetteville is accorded a Public Access Television channel by television services providers with which it holds agreements, or pursuant to Arkansas law.
3. The City of Fayetteville desires to provide support for the operation of Public Access Television in Fayetteville.
4. This contract for Public Access Television services is contingent upon the City retaining a Public Access Television channel, either through agreements with television services providers or pursuant to Arkansas law.
5. The City has determined it will provide support for the operation and programming of its Public Access Television channel and it will provide physical space and equipment at the City of Fayetteville Television Center, located at 101 W. Rock Street, Fayetteville.
6. The City of Fayetteville provides financial support through General Fund Revenue allocations for operational contract services, building and facilities, approximately 3,000 square feet of space, utilities, repairs, maintenance, custodial services and capital expenditures for facilities, studios and equipment.

NOW, THEREFORE, in consideration of the mutual promises and covenants set forth herein, the parties agree as follows:

SECTION 1. DEFINITIONS

For the purposes of this contract, the following definitions will be established:

Class: An organized, regularly scheduled, interactive teaching session that is focused on a particular subject and lead by an employee qualified to teach the subject.
Curriculum: A documented plan of teaching in which subject matter and class sessions are described in a detailed syllabus, including specific topics, teaching methods, schedules and methods of student evaluation.
Inside Program: A program produced utilizing Television Center equipment.
Outside Program: A program produced not utilizing Television Center equipment.
Producer: An individual who creates, owns, controls or is responsible for the content of a television program.
Programming: Video and/or audio material that is organized in a particular fashion as determined by a producer and distributed through one or more means to an audience.
Program Requestor: A user who requests a program to be telecast on the Public Access Television channel.
Resident User: An individual who resides within the city limits of Fayetteville, a student at the University of Arkansas or a public school within the city limits of Fayetteville, or an employee of a public institution (or branch thereof) or non-profit organization that is based in Fayetteville. This status may be documented by producing a current City of Fayetteville utility bill, a rental contract, a driver's license, other government-issued photo ID that contains name and address (including a student identification card), or a check stub or other proof of employment by a public institution or non-profit organization located in Fayetteville.
Non-Resident User*:* An individual (henceforth referred to as non-resident) who resides within the Washington or Benton County limits, is a student of a public school within the county limits, or is an employee of a public institution (or branch thereof) or non-profit organization that is based within the county limits and who does not otherwise qualify as a Resident User. County Residency may be documented by producing a current utility bill, a rental contract, a driver's license, student identification card, or other government-issued photo ID that contains name and address, or a check stub or other proof of employment by a public institution or non-profit organization located in Washington or Benton County.
Trainee: A resident or non-resident of Fayetteville who is currently enrolled in a class offered by Fayetteville Public Access Television.
Television: Video programming that is distributed through any one or more wide-area distribution methods, such as Video On Demand, Web site embedding, cable, IPTV, Web streaming, over-the-air broadcast, etc.
Workshop: An organized, non-regular interactive teaching session which covers a particular topic of interest to the participants, usually lead by an expert in the subject matter.

SECTION 2: GENERAL PROVISIONS

All services described in this contract and provided to the public by Your Media will be provided free of charge to Resident-of-Fayetteville Public Access Users who were qualified users as of December 31, 2024. Non-resident-of-Fayetteville Public Access Users shall pay a $50 per year fee for services described in this contract. Your Media will not require, solicit, or accept any compensation of any kind, beyond that agreed upon in this contract and provided by the City, in return for providing the services described herein, unless otherwise stipulated in this contract.

At no time shall the number of non-resident users exceed 49% of the total user base of FPTV services and resources.

Your Media shall not provide any services or engage in any activity not described in this contract, with or without compensation, that utilizes equipment, facilities, or resources owned or controlled by the City of Fayetteville, without the expressed written consent of the City, or as stipulated in this contract.

Your Media may charge a fee for the following items or activities utilizing equipment, facilities or resources owned or controlled by the City of Fayetteville:

1. Non-resident of Fayetteville annual service dues.
2. Training workshops and seminars that are conducted utilizing City of Fayetteville resources.
3. The sale of blank recording media.
4. Transfer and/or duplication services.
5. Other small items, such as t-shirts or other promotional items, as approved by the City of Fayetteville Communications Director or Director of Media Services.
6. Video production services. If production services are provided, the following conditions apply:
    a. These services and activities will be referred to as “contract production”.
    b. Contract production may include studio production activity at the Television Center and related activity, including pre- and post-production.
    c. Your Media shall charge rates adequate to cover the basic costs of production. Service rates will be reviewed and approved by the Director of Media Services on an annual basis.
    d. Your Media will utilize a standard contract document for each agreement to provide contract production services. This contract document will be approved by the Director of Media Services.
    e. All fees charged for providing contract production services will be collected at the point Your Media delivers the final product for which it was contracted.
    f. All monies collected for providing production services will be utilized to support Fayetteville Public Access services or capital improvements as approved by the City Council and following applicable City of Fayetteville policies and procedures.

7. In addition to charging a fee for services described above, Your Media may generate revenue utilizing equipment, facilities, or resources owned or controlled by the City of Fayetteville through:
    a. Fundraising activities designed to raise funds to support the operations or capital improvements of the Public Access channel.
    b. Acquisition of grants or awards dedicated to support the operations or capital improvements of the Public Access channel.

<u>If Your Media generates or collects any revenue through activities as allowed in this contract, or otherwise approved by the City, utilizing equipment, facilities, or resources owned or controlled by the City of Fayetteville, Your Media will ensure:</u>

1. All monies collected for such services will be deposited into and all checks shall be made payable to the "Trust Account of Community Access Television, Inc." which shall contain only those funds.
2. Your Media's manager shall ensure proper accounting of all such revenues collected and shall report such accounting monthly to the Director of Media Services.
3. All funds within the "Trust Account of Community Access Television, Inc." may only be expended through City Council Resolution authorizing the receipt of funds into the Television Center budget and approving any necessary Budget Adjustments. Normal bank fees related directly to the use of this trust account may be paid with trust account funds without prior authorization.
4. Proper accounting and records of services provided, fees charged and monies collected for services will be kept by Your Media, in a manner approved by the Director of Media Services.

The City of Fayetteville provides the services described herein as a public service to the users for non-commercial use. Your Media will not allow any equipment, facilities, or resources owned or controlled by the City to be used to generate revenue for any private company, group, organization, or individual with the following exceptions:

1. Your Media may produce, or allow to be produced, televised fund-raising programs or activities for 501(c)3, non-profit organizations that directly provide services to the users. These programs are limited to one (1) per organization per contract year.
2. Your Media may produce or conduct one (1) fund-raising program or activity for itself that is televised, or produces programming that is televised, on the Public Access Channel.
3. Your Media may be contracted to produce, or assist in the production of, productions that utilize facilities and equipment controlled by the City at the discretion of the Operations Manager and the Director of Media Services for a market-appropriate fee structure to be determined by the Operations Manager and the Director of Media Services.
4. Televised fund-raising programs or activities may not exceed twenty-four (24) hours of continuous programming or activity, or, if not continuous programming, exceed seven (7) contiguous days of duration.
5. Fund-raising activities may not disrupt the normal operations of the Television Center. Questions regarding disruption will be determined by the Director of Media Services.

6. Fund-raising messages may not be displayed over other programming without the expressed written consent of the program owner.
7. The on-air bulletin/message board and the "Open Mic" program may be used by 501(c)3 non-profit organizations to announce or publicize activities of their organizations that generate revenue for their organizations or programs.

Ownership title to all capital acquisition, supplies, material, or any other property purchased with funds received under this Contract is vested with the City, and possession of such property shall, upon termination of the Contract, revert to the City unless otherwise provided for by the City in writing. Any equipment secured through fund-raising efforts to benefit the Public Access Television channel shall remain the property of the City's Television Center. Any funds or revenue secured through fund-raising efforts to benefit the Public Access Television channel shall be remitted to the City.

All policies, procedures, information, and execution of the services and responsibilities described in this contract shall be subject to approval by the Director of Media Services. Your Media will not make changes or revisions to any policy, procedure, or method of work directly related to the services described herein without the prior approval of the Director of Media Services.

In exchange for the funding provided by the City to Your Media, pursuant to this Agreement, Your Media shall provide the following services and report progress in each area to the City as defined in this contract:

SECTION 3: SCOPE OF SERVICES

PROVIDE EQUITABLE CHANNEL AVAILABILITY AND PROGRAMMING SERVICES TO USERS ON A FIRST-COME, FIRST-SERVED, CONTENT-NEUTRAL, AND NON-DISCRIMINATORY BASIS.

The City of Fayetteville provides airtime on the Public Access Television channel as a public service to users. Your Media will not require, solicit, or accept any compensation of any kind, beyond that agreed upon in this contract and provided by the City, in return for telecasting any programming on the Public Access Television channel. Each program that is produced utilizing City of Fayetteville Television Center equipment or facilities will be telecast on the Public Access channel at least one time. A program may be excused from the telecast requirement with approval from the Director of Media Services prior to the production of the program, or at any time at the discretion of the Director of Media Services.

Your Media will:

1. Maintain a process whereby users may request programming to be telecast on the Public Access Television channel. This process is subject to approval by the Director of Media Services.
2. Ensure individuals requesting programs to be telecast by Your Media on the Public Access Television channel are users, as defined in Section 1.
3. Require requestors to sign an affidavit warranting that the program they are requesting to be telecast does not contain:
    a. any violation of any Federal, State or local statute or ordinance relating to obscenity; or
    b. any material that is an unlawful invasion of privacy; or
    c. any use of material which violates copyright law;

   Such a statement does not relieve Your Media of its duty to prevent further telecast of programming that does not meet the stipulations contained herein, as such programming comes to its knowledge.

4. Ensure programming on the public access channel (FPTV) is not commercial in nature. Commercial programming is defined as: “Programming that contains direct appeals to purchase commercial goods or services; promotes the activities of for-profit groups, organizations, or individuals; contains any call to action or solicitation to purchase a product or patronize a business; any use of superlatives in describing a product, service, or business; any direct comparison to other products, or direct comparisons to unnamed products; any price or value information; or any inducements to buy.”
5. Require program requestors to provide Your Media with expressed, written consent of the program’s owner for the program to be telecast on Fayetteville’s Public Access Television channel. Your Media will maintain a copy of all such permissions on file.
6. Maintain a decision-making process and criteria for the scheduling of programming that will ensure the protection of 1st Amendment rights of program requestors while ensuring programming does not violate Federal, State, or local laws or ordinances. The process and criteria are subject to approval by the Director of Media Services. At a minimum, the process and criteria will:

a. Utilize program type definitions as included in Section 1 and define other program types as necessary (i.e. one-time, series, date-sensitive, etc.).
b. Define scheduling priority of program types.
c. Define a priority conflict-resolution process.
d. Establish criteria for defining "mature-audience"-type programming.
e. Ensure program requestors are informed of "mature-audience"-type programming criteria and sign an affidavit categorizing a requested program as "mature-audience"-type programming if appropriate.
f. Define day-parts of the programming schedule that are appropriate for "mature-audience"-type programming.
g. Define the program scheduling process.

7. Program the automated telecast system to ensure the telecast of programming on the Public Access Television channel 24 hours per day/7 days per week.
8. Manage the program scheduling process in such a manner that ensures no more than seven (7) days elapse between the submission of a new program and its first scheduled telecast.
9. Manage the programming schedule in such a manner that the on-air bulletin/message board constitutes no more than 15% of the total weekly air time.
10. Publish and distribute to the public a current program schedule weekly. The schedule will, at a minimum, be published in the following media:
    a. The Public Access Television channel's on-air bulletin/message board.
    b. The Public Access Television channel's web site.
    c. A publicly accessible bulletin board at the Television Center.
    d. Your Media's email address list that is maintained as an opt-in list in the central records database.

    The schedule will also be made available for publication by other media outlets that wish to do so.

<u>Your Media will not:</u>

1. Exercise any control of the content of programming, with the following exceptions:
    a. Programs that are produced solely by Your Media staff for the purposes of communicating information about the Public Access Television channel or itself.
    b. Portions of "open-studio" program content created by Your Media (i.e. opens, closes, bumpers, etc.).
    c. The on-air bulletin/message board.
    d. Programming that is produced as a result of classroom/training/studio laboratory production activity that is conducted by Your Media.
2. Schedule for further telecast any programming that has been found to violate any Federal, State, or local statute or ordinance. Your Media staff will bring any possible violations immediately to the attention of the Executive Director and the Director of Media Services as they become known to them, either through complaint or observation. The Director of Media Services will make an initial determination regarding the status of the programming. An email message is sufficient for notification. Questions regarding the legality of any programming should initially be directed to the Director of Media Services.

3. Schedule for further telecast any programming that has been found in violation of any policy of Your Media or the City, including, but not limited to, a violation of the affidavit of copyright; the affidavit of ownership; the affidavit of redistribution rights; or the affidavit of "mature audience" content; each of which is included in the telecast request process. Your Media staff will bring any possible violations immediately to the attention of the Executive Director and the Director of Media Services as these violations become known to them, either through complaint or observation. The Director of Media Services will make an initial determination regarding the status of the programming. An email message is sufficient for notification.

The City reserves the right to approve the content of any program telecast on the Public Access Television channel that in any way indicates or implies it has originated directly from the Public Access Television channel or its management. The Director of Media Services will determine if programming meets such criteria.

PROGRAM SPONSORSHIP

Program producers and owners may accept sponsors for programming they produce for telecast on the Public Access Television channel. Program sponsorship must adhere to the following:

1. The following may be identified as a program sponsor:
    a. Corporations or Divisions or Subsidiaries of Corporations
    b. Endowments and Foundations
    c. Individuals
2. General Rules for Acceptability
    a. The sponsor may not exercise editorial control over the content of any portion of programming telecast on the Public Access Television channel.
    b. The public must not perceive that the sponsor has editorial control over the content of any portion of programming telecast on the Public Access Television channel.
    c. The public must not conclude that any programming on the Public Access Television channel promotes sponsors' products, services or other business interests.
    d. Product placement in programming in exchange for sponsor support is prohibited.
3. Rules for Display of Sponsor Credits
    a. All sponsor credits must identify the sponsor by name and/or logo.
    b. Sponsor credits may not include:
        i. Any call to action or solicitation to purchase a product, i.e. any use of "you" or "your"; or slogans such as "Get Met. It Pays."
        ii. Superlatives, i.e. "…the most intelligent car ever built."
        iii. Direct comparisons, i.e. "…when a Cadillac just isn't good enough."
        iv. Price or value information
        v. Inducements to buy, i.e. "six months free service when you buy"
    c. Toll-free numbers or Web site addresses are acceptable if their purpose is only for the viewer to receive more information, and not to solicit sales.
    d. Sponsor credits may not exploit or take unfair advantage of the child audience for children's programming.

e. Sponsor credits may not create the perception that there is a connection between the program content and the sponsor's products or services.
f. Sponsor credits may only be displayed at the beginning and/or end of a program.
g. Program content may not be interrupted to provide sponsor credit.
h. No one sponsor credit may exceed fifteen 15 seconds in length. No single program may have a sequence of sponsor credits that exceeds sixty (60) seconds in length.
i. Credits for in-kind goods and/or services are acceptable but they must appear in context with normal production credits and may incorporate brands or logos.

PROVIDE TELEVISION STUDIO PRODUCTION SERVICES FOR USERS ON A FIRST-COME, FIRST-SERVED, NON-DISCRIMINATORY BASIS

Your Media will:

1. Produce a weekly program ("Open Mic") of no less than 30 minutes and no more than one hour in length that provides an open-studio opportunity for users to express their views, present information, or perform; not to exceed 10 minutes per person.
    a. The "Open Mic" program is owned and controlled by the City of Fayetteville.
    b. Your Media will conduct two (2) separate studio sessions of one (1) hour each during which users may record their "Open Mic" segments. The schedule of studio sessions is subject to approval of the Director of Media Services.
    c. All participants, residents and non-residents of Fayetteville appearing on the "Open Mic" program will be provided a document that informs them that what is presented on the "Open Mic" program must conform to all guidelines for other programming telecast on the Public Access Television channel.
    d. Non-residents of Fayetteville wishing to participate in the "Open Mic" service alone shall not be required to pay the $50 annual non-resident fee.
2. Produce programming for the users utilizing studio production laboratory sessions.
    a. Content of programming produced in studio laboratory sessions will be the responsibility of the producer requesting the production services.
    b. All technical aspects of production will be under the control and responsibility of Your Media.
    c. Producers requesting production services utilizing the studio laboratory sessions will be notified that they will be working in a classroom/training environment. The experience of the participants in the class will be priority.
    d. Your Media will not charge any production fees for programming produced in studio laboratory sessions.
    e. Studio laboratory sessions may not be used to produce series programming.
    f. Production slots in the studio laboratory sessions will be scheduled on a first-come, first-served basis. A producer may not schedule more than one session at a time.
3. Produce and telecast an electronic community bulletin/message board for residents to announce events or other information.

4. Produce and telecast a disclaimer at random times during the program schedule, no fewer than six (6) times per day, which contains the following message in both video and audio format: "Fayetteville Public Access Television is a public service provided by the City of Fayetteville to help residents exercise their First Amendment Rights. The views and opinions expressed on this channel are not necessarily those of the staff or management of Fayetteville Public Access Television or the City of Fayetteville."

EDUCATE FAYETTEVILLE RESIDENTS AND NON-RESIDENTS IN THE PRODUCTION AND DISTRIBUTION OF NON-COMMERCIAL TELEVISION PROGRAMMING

Your Media will provide training and technical support for users so they may learn the techniques and details of video production and television programming distribution.

Your Media will:

1. Create and implement a training curriculum that emphasizes technical proficiency and production quality. The curriculum will contain at least 3 core classes in the subjects of:
    a. Basic Field Production
    b. Basic Video Editing
    c. Basic Studio Production/Crew Positions

    And at least 3 advanced classes in the subjects of:
    a. Advanced Field Production
    b. Advanced Video Editing
    c. Advanced Studio Production

    The syllabus for each class will be available on the Fayetteville Public Access Television web site.
2. Offer a minimum of six (6) free classes a week taught by Your Media staff in various disciplines of video production and programming distribution.
    a. At least three (3) classes each week must be in the core subjects.
    b. At least two (2) classes each week must be in the advanced subjects.
    c. The studio production laboratory does not count toward the total of required classes.
3. Conduct a studio production laboratory session at least once per week that provides a "hands-on" training environment for students in Studio Production classes.
4. Create student evaluation criteria and methods that allow students to demonstrate proficiency in training both in writing and through practical application.
5. Require a minimum level of proficiency, as approved by the Director of Media Services, to achieve a passing grade in classes.
6. Maintain records of student performance and evaluations.
7. Provide training and development resources, and technical support, in addition to regular classes, to users while they are engaged in training or production activities.
8. Provide technical and production consultation to users who are producing outside programs.
9. Offer training in the use of all available methods of television programming distribution.
10. Ensure that instructors maintain a minimum level of competence in the operation of equipment, as approved by the Director of Media Services. This can be demonstrated through industry certification or actual demonstration of skills to the Director of Media Services or their designee. If an instructor fails to meet a minimum level of competence,

they will be prohibited from teaching any classes or workshops until such time as they have demonstrated to the Director of Media Services, or his/her designee, they have achieved that level.

11. Create and publish a monthly schedule of classes and workshops, a minimum of 30 calendar days prior to conducting the classes. The schedule will, at a minimum, be published in the following media:
    a. The Public Access Television channel's on-air bulletin board.
    b. The Public Access Television channel's web site.
    c. A publicly accessible bulletin board at the Television Center.
    d. Your Media's email address list that is maintained as an opt-in list in the central records database.
    e. Made available for publication in other media that wish to do so.
12. Ensure Your Media staff stays current with emerging technologies through professional development that includes technical training.
13. Provide reports on training and education activity as required by the City.

PROVIDE EQUAL ACCESS TO TELEVISION PRODUCTION EQUIPMENT AND FACILITIES TO ALL USERS ON A FIRST-COME, FIRST-SERVED, CONTENT-NEUTRAL, NON-DISCRIMINATORY BASIS.

The City of Fayetteville provides video production equipment and facilities as a public service to the users so they may learn and apply the skills and techniques of television production. Your Media will not require, solicit or accept any compensation of any kind, beyond that agreed upon in this contract and provided by the City, in return for the opportunity for residents to use any video production equipment or facilities provided by the City of Fayetteville.

The City of Fayetteville Director of Media Services is responsible for the use designation of equipment and facilities within the Television Center. Your Media is responsible for the management of equipment and facilities designated for use by the public and designated for use by Your Media staff in the execution of the services described herein.

<u>Your Media will:</u>

1. Maintain accurate and detailed inventory records of all equipment designated for use by the public and use by Your Media staff.
2. Assist City staff in maintaining accurate and detailed inventory records of all equipment in the Television Center.
3. Maintain accurate and detailed records of the identification and use of all equipment that is designated for use by the public.
4. Maintain accurate and detailed records and identification of users to check-out or utilize equipment designated for use by the public. Each record will contain, at a minimum, the user's name, address, telephone number, the area(s) in which they are qualified, and the expiration date of their qualification(s). A photocopy of the documentation of residency must be included.

5. Implement a plan to determine, either by elapsed time or demonstrated proficiency, the need for a qualified user to re-take any classes to maintain their qualification to use equipment or facilities of the Television Center.
6. Maintain a reservation system and procedure for qualified users to be able to reserve the use of equipment and facilities designated for public use.
7. Maintain check-in and check-out procedures for equipment and facilities designated for public use.
8. Design and utilize procedures and checklists that will ensure equipment is checked for full functionality upon return by a user. Records will be kept of the condition of equipment on check-out and return.
9. Perform minor repairs, maintenance and upkeep of equipment and facilities as directed by City staff.
10. Actively monitor the use of editing and studio facilities.
11. Ensure that a staff member who is fully qualified in the operation of all equipment or facilities available for public use is present and available at all times to any resident who is using, or wishes to use, any equipment or facilities designated for public use.

Your Media will not:

1. Allow, or continue to allow, the use of any equipment or facilities owned or controlled by the City of Fayetteville and provided for the use of the public or Your Media under this contract to be utilized in any way that may violate any Federal, State, or local law.

MAINTAIN A PROGRAM LIBRARY AND MANAGE ARCHIVE/PROGRAM RIGHTS

The City is committed to the preservation of Fayetteville's culture, history and legacy. This is demonstrated, in part, by support of the preservation of the programs and material telecast on the Public Access Television channel.

Producers will retain all rights to any program material or programming they create. All producers requesting their program to be telecast on the Public Access Television channel must sign a statement granting the City of Fayetteville non-exclusive rights for distribution and re-distribution of the program, either in whole or in part, as the City determines necessary. In the case of a resident who requests the telecast of a program, either in whole or in part, to which they do not hold the copyright, the resident will provide expressed, written consent from the program's owner granting the City of Fayetteville non-exclusive rights for distribution and re-distribution of the program, either in whole or in part, as the City determines necessary.

Your Media will create and maintain the necessary documentation, affidavits and statements, subject to the approval of the Director of Media Services, to be included in any forms used to document the request for the telecast of programming.

1. Your Media will maintain a program library containing copies of all inside and outside programs telecast on the Public Access Television channel.
2. Your Media will maintain a program library database of all programs telecast on the Public Access Television channel.

3. Your Media will ensure the library and program library database are maintained in an easily accessible manner.
4. Physical recording media containing programming for telecast on the Public Access Television channel shall become property of the City.
5. Your Media will ensure programs are archived as digital video files in the TV Center archive server system, unless otherwise determined by the Director of Media Services.
6. Under no circumstances will Your Media remove, or allow to be removed, any program materials or media from the Public Access Television channel program library or program library database, without the prior approval of the Director of Media Services.

CONDUCT OUTREACH AND COMMUNICATION ACTIVITIES WITH THE PUBLIC

1. Your Media will manage a procedure whereby residents can communicate their views or complaints regarding the programming or operations of the Public Access Television channel to Your Media and the City. All complaints or comments, from whatever source or however communicated, must be immediately communicated to the Director of Media Services. After a resident makes a complaint, either verbally or in writing, the public access outsourced provider manager, or designee, will follow this procedure:
    a. Document the complaint, recording:
        i. Date.
        ii. Time.
        iii. Nature of the complaint.
        iv. As many details as possible to facilitate the investigation of the complaint.
        v. Contact information of the complainant, if available.
    b. Immediately communicate the complaint to the Director of Media Services.
    c. Immediately communicate to the complainant their complaint is being investigated, and they will receive a determination, in writing, regarding their complaint within 3 business days.
    d. Provide a written response to the complainant detailing the investigation of their complaint, any findings thereof, and any action taken by the management of Your Media in response to the complaint. The response will also contain a statement that the complainant may appeal, in writing, any determination or action to the City of Fayetteville Director of Communications, c/o City of Fayetteville Television Center, 101 W. Rock Street, Fayetteville.
    e. Provide a copy of all correspondence and other pertinent materials to the Director of Media Services.
2. The management, staff, or members of the Board of Directors of Your Media will not identify the Public Access Television channel in any way, either expressed or implied, as belonging to, owned by, or controlled by Your Media.
3. The management, staff, or members of the Board of Directors of Your Media will not identify the City of Fayetteville Television Center, or the equipment contained therein, or any portion thereof, in any way, either expressed or implied, as belonging to, owned by, or controlled by Your Media.
4. The management, staff or members of the Board of Directors of Your Media will not identify themselves or their organization in any way, either expressed or implied, as “The City of Fayetteville” or as representing the City of Fayetteville.

5. In all communication from Your Media, the Public Access Television channel will be referred to and identified as "Fayetteville Public Access Television".
6. In all communication from Your Media, the entire production facility will be referred to as "The City of Fayetteville Television Center" or "The Television Center", as appropriate.
7. Your Media will maintain a process for effective communication with, and coordination among, all affected City programs and City staff.
8. Your Media will conduct a consistent community outreach effort designed to recruit new producers and trainees.
9. Your Media will provide information to the entire community about the nature and role of public access television; educate the community about the opportunities available for training, production and programming; and encourage groups and individuals to participate in training classes and production experiences.
10. Your Media will maintain a Fayetteville Public Access Television-branded web site for the promotion of Public Access Television services and the education of the public that includes, at a minimum, current information regarding program, production and class schedules; policies and procedures; class syllabi; and an internet forum for exchange of information between the City, Your Media, producers and trainees. Your Media may include a link to their organization's web site.
11. The City will provide one (1) bulletin board in a publicly accessible area of the Television Center for the use of Your Media. Information posted on the bulletin board must meet at least <u>one</u> of the following criteria:
    a. It is information from the City or public access operator regarding policies, procedures or regulations
    b. It is a request by a producer to recruit help for video productions
    c. It is a request to recruit producers for specific video production projects
    d. It is information directly related to the programming of the public access channel
    e. It is information directly related to opportunities for training and development in television production
    f. It is information that promotes:
        i. The City of Fayetteville
        ii. A non-profit, 501(c)3 organization that serves the citizens of Fayetteville
        iii. A government organization that serves the citizens of Fayetteville
    g. It is information that informs the public of an event or program sponsored by:
        i. The City of Fayetteville
        ii. A non-profit, 501(c)3 organization that serves the citizens of Fayetteville
        iii. A government organization that serves the citizens of Fayetteville

    Information shall not be posted on bulletin boards unless it meets <u>all</u> the following criteria:
    a. It shall not contain any type of direct appeal to purchase commercial goods or services, or promote the for-profit activities of individuals, groups or organizations
    b. It shall not contain any depiction of libelous, obscene, indecent or violent material
    c. It shall not be information campaigning for or in support of any political candidate or ballot issue
    d. It shall be no larger than standard "letter" sized paper, 8 ½" x 11"

e. It shall be legible
f. It shall not be a personal message or communication

All other bulletin boards in the Television Center are reserved for use by employees of the City or Your Media.

GENERAL ADMINISTRATION AND COMMUNICATION

Your Media will administer the activities and responsibilities described herein in compliance with all applicable Federal, State, or local laws, ordinances, rules, and regulations and within any and all agreements, rules, or regulations of any television programming distribution service or provider utilized to perform the activities or responsibilities described herein.

All communication between the City and Your Media with regard to contractual matters or operations of the Television Center will be directed through the Director of Media Services, or any other such representative as may be appointed by the City, and Your Media's duly appointed representative.

1. Your Media will develop, maintain, and enforce operational policies that assure for staff and users decorum and a professional working environment at the City of Fayetteville Television Center consistent with other City offices.
2. Your Media will abide by and enforce all policies, rules, and regulations regarding the use of the Television Center. The Director of Media Services is responsible for developing and publishing policies, procedures, rules, and regulations regarding the use of the Television Center facility and equipment. The Director of Media Services will make available to all users of the facility a reference manual that will contain all policies, procedures, rules, and regulations regarding the operation of the Public Access Television channel and the City of Fayetteville Television Center. The City reserves the right to exclude users or staff of Your Media from the Television Center for violations of policies, procedures, rules, and regulations.
3. The City shall make three telephone lines available for Your Media's business use.
4. Your Media shall be responsible for reimbursing the City for its own long distance telephone calls.
5. The City is not required to provide hardware and/or software for the establishment or maintenance of systems for the purpose of public internet access.
6. Your Media shall be responsible for the maintenance and repair of the hardware or software of computers installed for the office use of Your Media.
7. The City shall provide access to the Internet for Your Media at the same level provided to the Television Center. Your Media will be responsible for any access requirements above the level provided to the Television Center.
8. The City shall be responsible for the payment of the Television Center utilities, routine building and grounds maintenance and maintenance of the structure.
9. Your Media may use the City's current copier/printer at the Television Center for a charge of $.039 per page. If the City upgrades the copier/printer located in the Television Center, Your Media shall pay an adjusted charge per page, up to, but not to exceed the standard rate charged to City Departments and Divisions as determined annually.

10. Copier/printer maintenance costs will be paid by the City.
11. All business conducted and information maintained by Your Media or the Your Media Board of Directors in the execution of this contract is subject to the terms of the Arkansas Freedom of Information Act (FOIA).
12. Your Media will create an operations, training, and production schedule that maintains convenient business hours as well as a class schedule that allows producers to become certified through a combination of day, evening, and weekend classes. At a minimum Your Media will:
    a. Provide service to the users, a minimum of forty-five (45) hours per week through a minimum of five (5) days of operation.
    b. Create a schedule that provides service for a minimum of four (4) hours per scheduled operation day.
    c. Provide a staff member in the lobby to greet the public whenever the Television Center is open to the public.
    d. Observe all City Holiday closings and follow City of Fayetteville policies regarding closing for inclement weather.

    Your Media and the Director of Media Services will agree upon the operations schedule and Your Media will not vary from the agreed upon schedule without prior approval of the Director of Media Services.
13. Your Media shall submit monthly, quarterly, and annual reports, as defined by the Director of Media Services, on the execution of the activities and responsibilities described herein. Monthly reports shall be due by the 10th of the following month, or, if the 10th is not a regular business day, the next business day following the 10th. No contract payments will be made to Your Media while any required report is incomplete or overdue.
14. Your Media agrees to provide the City with a monthly financial report, due by the 10th of the following month, detailing:
    a. Expenditures of funds provided Your Media from the City
    b. Sources and amounts of other revenue generated from Public Access service activity
    c. Any other expenditures related to Public Access service activity

    The report shall be prepared by an independent certified public accountant, based on a modified accrual or cash basis method, summarizing activity during the preceding month and year to date. Said report shall include income and balance sheet statements.
15. Quarterly reports shall contain, but not be limited to:
    i) Financial reports, detailing:
        (a) Expenditures of funds provided Your Media from the City
        (b) Sources and amounts of other revenue generated from Public Access service activity
        (c) Any other expenditures related to Public Access service activity
    ii) Training reports, detailing:
        (a) Training activity provided users
        (b) Training activity for staff
        (c) Class and workshop activity
    iii) Certification activity
        (a) Certification of residents
            1. Number of new users qualified to use equipment

2. Number of new outside producers

(b) Certification of staff

iv) Production activity

(a) Production activity of users

(b) Production activity of staff

v) Equipment Utilization

vi) Feedback and Complaints

vii) Programming reports

(a) Itemization of programs telecast by:

1. Inside programs
2. Outside programs

(b) Itemization of program requestors by:

1. Inside programs
2. Outside programs

(c) Quantity of new and repeat inside programs

(d) Quantity of new and repeat outside programs

(e) Quantity of new program requestors

viii) Details of activity engaged in by Your Media to promote Fayetteville Public Access Television

16. In addition to the monthly, quarterly and annual reports, the following special reports and information shall be provided to the Director of Media Services:

a. Reports of stolen, missing or damaged equipment within one (1) working day of learning of each occurrence; and
b. Requests for changes in any policies or procedures that affect any services described herein; and
c. All corporate documents, including but not limited to Your Media's by-laws, policies, articles of incorporation, certification of compliance with affirmative action plan and EEO standards, and a list of Board members; and
d. At any reasonable time and as often as the City may deem necessary, Your Media shall make available to them, or any of their authorized representatives, within three (3) business days, all of Your Media's records related to all matters covered by this Agreement and shall permit the City to audit, examine, make excerpts and copies of such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to or deemed pertinent to matters covered by this Contract; and
e. During the term of this Contract, Your Media shall make available to the City all notices of meetings of its Board of Directors, setting forth the time and place thereof. Such notice shall be delivered in a timely manner to give adequate notice and shall also include an agenda; and
f. Minutes of all meetings, if taken, and materials distributed in meetings of Your Media's Board of Directors, or committees thereof, shall be submitted to the City; and

Your Media will, upon request of the City, make available all supporting documentation and data relating to any reports required by this Contract or requested by the City.

PERFORMANCE EVALUATION

1. A performance evaluation will be conducted quarterly by the Director of Media Services to assess Your Media's effectiveness in providing the services described herein.
2. The City and Your Media may agree upon periodic performance measures. These measures will be documented as Addendum A of this contract.
3. Your Media will provide a method for receiving feedback, comments, input and suggestions from the public. This communication will be made available to the Director of Media Services as part of the quarterly evaluation process.
4. The Director of Media Services will immediately communicate to Your Media any violations of this contract as may come to his/her attention so that Your Media may have an opportunity to correct such violations in a timely manner.
5. Quarterly evaluations will be communicated to the City and made publicly available, consistent with the process for oversight.

CONTRACT PERIOD

The contract period will be from January 1, 2025, until December 31, 2025. Either party may cancel this contract at any time with a thirty (30) day written notice. This contract may be renewed by the parties per year for up to four additional one-year terms.

FUNDING

The City hereby agrees to pay Your Media the monthly sum of $18,393.75 for services performed under the terms of this contract for 12 months. Each monthly payment will be remitted on or before the 15th day of each month, beginning January 15, 2025, unless Your Media fails to comply with the expressed terms of this contract. The City reserves the right to withhold contract payments to Your Media unless Your Media is deemed in full compliance with the contract or until all contract violations are corrected.

FUTURE ADDITIONAL SERVICE OPTIONS

Upon any renewal, the City of Fayetteville reserves the right to add services, along with any additional costs, to this agreement, including, but not limited to, Education Channel operation, management or services and/or expansion of Public Access operations or services.

LEGAL AUTHORITY

Your Media assures and guarantees that it possesses the legal authority to enter into this Agreement. Further, that the person or persons signing and executing this Agreement on behalf of Your Media have been fully authorized by Your Media to execute this Agreement. That such authority is evidenced pursuant to a proper, appropriate and official motion and resolution, which was passed and approved specifically to enter into this Agreement and shall legally bind Your Media to all the terms, performances, and provisions here set forth. A copy of such resolution shall be provided upon execution of this Agreement. The City may exercise its right to either temporarily suspend or permanently terminate this Agreement if there is a dispute as to the legal authority of Your Media or the person signing the Agreement. The City shall not be obligated to pay Your

Media for any performance of the provisions of this Agreement after the City has suspended or terminated this Agreement as provided in this Section.

PERSONNEL
Your Media shall adequately staff the Public Access operation to meet the services and duties outlined in this agreement. Both City staff and Your Media staff will be expected to work together in a cooperative manner within the Television Center. Personnel policies shall be established by Your Media and shall be available for examination by the City.

Upon termination of any employee from either the City or Your Media, it is understood that any violation of policy or procedure serious enough to require termination is also grounds for exclusion from the Television Center.

EQUAL OPPORTUNITY
Your Media shall comply with all applicable equal opportunity, affirmative action, and ADA laws or regulations, including those of the City of Fayetteville.

INSURANCE
Your Media shall obtain and keep in force during the term of this agreement a policy of public liability and property damage insurance. Your Media shall provide continued proof of coverage in its quarterly reports. The coverage, at a minimum, shall be in the following amounts:

General Liability

1.	General Aggregate	$1,000,000
2.	Products/Completed Oper. Aggr.	$1,000,000
3.	Each Occurrence	$100,000
4.	Fire Damage (any one fire)	$50,000
5.	Medical Expense (any one person)	$5,000

Worker's Compensation for all employees as required by Arkansas Statute.

Bonding: Your Media shall obtain a fidelity bond covering all persons handling funds received or disbursed and/or signing or co-signing checks to disburse funds under this agreement, within 10 days of the contract execution. The fidelity bond shall be in an amount equal to 10% of the city grant award or $5,000, whichever is less. Your Media shall furnish the city proof of an adequate fidelity bond prior to the first payment of funds under this agreement.

POLITICAL/SECTARIAN ACTIVITY
Your Media shall not initiate or sponsor political or religious programming. Your Media shall not engage in any political activity. Your Media shall not directly produce any programs nor participate in any activities that establish or promote any religion or prohibit the free exercise thereof.

HOLD HARMLESS

It is expressed, understood and agreed by both parties that the City is contracting with Your Media as an independent contractor and that as such, Your Media shall save and hold the City, its officers, agents, and employees harmless from all liability of any nature of any kind, including costs and expenses for, or on account of, any claims, audit exceptions, demands, suits or damages of any character whatsoever resulting from injuries or damages sustained by persons or property, resulting in whole or in part from the performance or omission of any employee, agent or representative of Your Media. This Agreement shall not be construed in any manner or form as a waiver of that Tort Immunity as set out under Arkansas Law.

CONFLICT OF INTEREST

Your Media covenants that neither it nor any member of its Board of Directors currently has any interest or shall acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. Your Media further covenants that in the performance of this Agreement no person having such interest shall be employed or appointed as a member of its Board of Directors.

Your Media further covenants that no member of its Board of Directors or its staff or employees shall possess any interest in or use their position for a purpose that is or gives the appearance of being motivated by desire for private gain for themselves or others, particularly those with which they have family, business, or other ties.

No officer, member, or employee of the City and no member of its governing body who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this Agreement shall participate in any decision relating to the Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he has a personal financial direct or indirect interest; or have any personal financial interest, direct or indirect, in this Agreement or the proceeds thereof.

CONTRACT ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the parties hereto, and any prior agreement, whether written or oral, shall have no force or effect. Any subsequent agreements will have no effect unless properly executed in writing and recorded as an addendum to this Agreement.

SEVERABILITY

If any section, subsection, sentence, clause, phrase, or word of this agreement is held to be invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or word will be deemed as a separate, distinct and independent provision, and such holding will not affect the validity of the remaining provisions of this agreement.

COMMUNITY ACCESS TELEVISION
d/b/a YOUR MEDIA

By: _____

Print: Daniel A. Robinson

Title: Executive Director

ATTEST:

By: _____

Print: Randall Dixon

Title: Board Member

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Lioneld Jordan, Mayor

ATTEST:

By: _____
Kara Paxton, City Clerk

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-768

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director
Britin Bostick, Long Range Planning/Special Projects Manager

FROM: Kylee Cole, Long Range & Preservation Planner

SUBJECT: **Application for a Certified Local Government Grant from the Arkansas Historic Preservation Program for the 2025 grant year in the amount of $70,356 Submitted by CITY OF FAYETTEVILLE STAFF. The request is for a grant application requesting $70,000 for a city-wide windshield survey of historic properties and $356 for Historic District Commission training.**

RECOMMENDATION:
City staff recommends approval of a grant application for a Certified Local Government (CLG) Grant from the Arkansas Historic Preservation Program (AHPP) for the 2025 grant year in the amount of $70,000 for a city-wide historic property windshield survey and $356 for Historic District Commission training. The Historic District Commission (HDC) and the Black Heritage Preservation Commission (BHPC) joins staff in recommending the project.

BACKGROUND:
In July 2023 the Fayetteville City Council adopted the Heritage and Historic Preservation Master Plan. This Plan provided objectives and actions for historic preservation work for the next ten years (2023-2033). One of the five overall goals resulting from this plan calls for the City to “identify and protect historic properties for future generations” (Goal 3).

Protection of historic properties begins with the systematic and comprehensive survey of historical resources. A key Action Item to accomplish Goal 3, is to prepare and conduct a comprehensive city-wide windshield survey (3.4). A windshield-level survey consists of methodologically driving a large area to understand the composition and makeup and to note those properties or areas with the most potential to have historic significance. This project would focus on properties constructed before 1970. The information gathered by the survey includes architectural style or features, approximate construction date, and evaluation of threats and preservation prioritization. This proposed project is aligned with Action Items 3.4 – Windshield Survey, 3.6 – Historic District Outreach, 3.7 – Local Historic District Designation, 4.4 – Program Promotion, 4.7 – Learning Opportunities: Workshops, and 5.5 – Historic Contexts: Diverse Histories in the city’s Heritage & Historic Preservation Plan that was adopted by the City Council in July 2023.

Additionally, this year an in-person training will be available to the Historic District Commissioners and Long Range Planning staff in El Dorado, Arkansas, with training details including training date forthcoming. Training funds are encouraged by AHPP to be submitted with this grant application as the training funds are eligible for grant funding. This training is required to meet the criteria for a CLG and is aligned with Action Items 1.2 –

Commission Qualifications and 1.3 – Training of the city's Heritage & Historic Preservation Plan.

The Historic District Commissioners considered this grant proposal in their regular meeting on October 10, 2024 and concurred with staff's recommendation, voting 6-0-0 in favor of forwarding the grant application request to the City Council. Similarly, the Black Historic Preservation Commissioners considered the proposed city-wide windshield survey as a grant proposal on October 17, 2024 and voted 5-0-0 in favor of forwarding the grant application request to the City Council.

DISCUSSION:
The proposed projects for this grant application are a city-wide windshield survey of historic properties and HDC commissioner training. The documents attached are required for the grant application submittal.

1. City-Wide Windshield Survey of Historic Properties
The proposed project is a city-wide windshield survey of historic properties. The survey would include areas within incorporated Fayetteville and its Planning Area. According to the 2023 American Community Survey data, Fayetteville has approximately 7,089 housing units built in 1969 or earlier.

This survey would require a project consultant to provide the needed capacity to perform the work. Staff has solicited cost estimates from qualified and experienced professionals and has received a cost range of $100,000-$125,000 for the multi-phase project. The range in prices is due to the location of prospective consultants relative to Fayetteville and associated travel costs, time, and resources needed for research and the anticipated deliverables. Project budget estimates were gathered by communicating AHPP requirements for project deadlines and expectations to consultants who are active in the historic preservation field, experienced in this type of work, and meet Secretary of the Interior (SOI) qualifications. The partial funding requested from AHPP is to initiate the first phase of the project work for a portion of the city, and to request additional funds for subsequent phases as available.

Should this project receive a grant award, the outcomes and work products will provide the HDC and staff with a more clear understanding of the current state of historical resources in Fayetteville, provide vital background information for future in-depth surveying and preservation efforts, an advocacy tool for additional steps in the preservation process, and an important next step in maintaining momentum with action items identified in the Heritage & Historic Preservation Master Plan. The Fayetteville Historic District Commission and Black Heritage Preservation Commission continue to express a desire to serve the community by demonstrating that not only is valuable historic preservation work available through the CLG grant programs, but that local historic preservation work includes a thoughtful process to research, document, and evaluate the historic resources that need protection and stewardship.

2. Historic District Commission Training
The City of Fayetteville has seven appointed Historic District Commission Commissioners, most of whom have not yet attended a "CAMP" training, which is the Commission Assistance and Mentoring Program through the National Alliance of Preservation Commissions. Although the City of Fayetteville currently has only one structure protected by local historic ordinance, the community is considering whether to adopt additional protections for neighborhoods as we work through our Heritage & Historic Preservation Master Plan, which was primarily funded by a CLG grant. Should additional local historic district ordinances be an option, the Fayetteville HDC will need to be trained on best practices for reviewing Certificates of Appropriateness, which is one of the aspects of the CAMP training. Most of the Commissioners have expressed enthusiastic interest in an opportunity for additional training, particularly with their peers across the state. We are requesting funding at the current federal per diem and hotel rate for two commissioners to attend the training, which would be 2 x $178, or $356 total.

BUDGET/STAFF IMPACT:
Staff support for the project is offered as an in-kind match. A potential budget adjustment of up to $70,356 may be required if the grant funding is approved.

ATTACHMENTS: SRF (#3), OMB Circular A-133 Audit Certification Form (#4), Certifications Regarding Debarment, Suspension (#5)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-768

Application for a Certified Local Government Grant from the Arkansas Historic Preservation Program for the 2025 grant year in the amount of $70,356 Submitted by CITY OF FAYETTEVILLE STAFF. The request is for a grant application requesting $70,000 for a city-wide windshield survey of historic properties and $356 for Historic District Commission training.

A RESOLUTION TO AUTHORIZE THE APPLICATION FOR A CERTIFIED LOCAL GOVERNMENT GRANT FROM THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR 2025 IN THE TOTAL AMOUNT OF $70,356.00 FOR A CITY-WIDE WINDSHIELD SURVEY OF HISTORIC PROPERTIES AND HISTORIC DISTRICT COMMISSION TRAINING

WHEREAS, in July 2023 the Fayetteville City Council adopted the Heritage and Historic Preservation Master Plan that provided objectives and actions for historic preservation work for the next ten years (2023-2033); and

WHEREAS, one of the five overall goals resulting from the Heritage and Historic Preservation Master Plan calls for the City to "identify and protect historic properties for future generations"; and

WHEREAS, protection of historic properties begins with the systematic and comprehensive survey of historical resources with a key Action Item being to prepare and conduct a comprehensive city-wide windshield survey; and

WHEREAS, most members of the City's Historic District Commission have not yet attended a Commission Assistance and Mentoring Program training offered through the National Alliance of Preservation Commissions and, because the community is considering whether to adopt additional protections for neighborhoods as we work through our Heritage & Historic Preservation Master Plan, commissioners will need to be trained on best practices for reviewing Certificates of Appropriateness, which is one of the aspects of the CAMP training.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to submit an application for a Certified Local Government Grant from the Arkansas Historic Preservation Program for 2025 in the total amount of $70,356.00 for a city-wide windshield survey of historic properties and Historic District Commission training.

City of Fayetteville Staff Review Form

2024-768

Item ID

12/3/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Kylee Cole	11/15/2024	LONG RANGE PLANNING (634)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

City staff recommends approval of a grant application for a Certified Local Government (CLG) Grant from the Arkansas Historic Preservation Program (AHPP) for the 2025 grant year in the amount of $70,000 for a city-wide historic property windshield survey and $356 for Historic District Commission training.

Budget Impact:

1010.090.6600-5314.00	General
Account Number	Fund
TBD	TBD
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

OMB Circular A-133 Audit Certification Form

Audits of States, Tribal and Local Governments, and Non-Profit Organizations

For Most Recent Fiscal Year Ending ___(month) 20___

Grantee:	
EIN:	**DUNS:**
Name of Authorized Chief Financial Officer:	
Address:	
Email:	Phone:

Purpose: The National Park Service (NPS) is required under the Office of Management and Budget (OMB) to monitor the Single Audit requirements of its grant recipients. This requirement ensures that federal funds are used for their authorized purposes. It also confirms that non-federal entities **expending** $500,000 or more in FY 2014 (or $750,000 or more in FY 2015) **in federal funds from all federal sources** during *their* most recently completed fiscal year, have submitted a Single Audit. OMB Circular A-133 can be found at http://www.whitehouse.gov/omb/circulars, and should be consulted when completing this form.

Directions: Your agency's Chief Financial Officer (CFO) must certify whether or not your agency/organization is subject to the Single Audit requirement by checking the appropriate box in Sections A and B and signing and dating the form. Failure to return a completed form will result in delay in processing your next grant award, withholding of federal awards or disallowance of costs, and suspension or termination of federal awards.

SECTION A
Check Appropriate Box:

☐ We **did not exceed** the $500,000/$750,000 federal expenditure threshold for the FY referenced above. A Single Audit or a Program Specific Audit is not required for this fiscal year. **If checked, skip Section B.**

☐ We **have exceeded** the $500,000/$750,000 federal expenditure threshold for the fiscal year referenced above. **If checked, complete Section B.**

SECTION B
Entities that ARE subject to the requirements of OMB Circular A-133

Complete the information below and check the appropriate box:

☐ We completed our last A-133 Audit on _____ for Fiscal Year ending _____.
There were **no** findings related to federal awards. No follow-up action is required.
Was a complete copy submitted to the Federal Audit Clearinghouse? ☐ Yes ☐ No

☐ We completed our last A-133 Audit on _____ for Fiscal Year ending _____.
There **were** findings related to federal awards. (If findings provide/email a copy of the audit with this form.)
Were any findings related to CFDA 15.904? ☐ Yes ☐ No
Was a complete copy submitted to the Federal Audit Clearinghouse? ☐ Yes ☐ No

☐ Our completed A-133 Audit will be available on _____ for Fiscal Year ending _____.
We will forward a copy of the audit report to the Federal Audit Clearinghouse at that time. If there are findings related to federal awards, we will also provide NPS a copy at that time.

I hereby certify that I am an individual authorized to complete this form. Further, I certify that the above information is true and correct and all relevant material findings contained in audit report/statement have been disclosed.

Signature of Authorized CFO: _____ Date: _____

Print Name & Title: _____

Form Revised 08/2015

Frequently Asked Questions

Single Audit Certification Forms

Question:	**Why am I being asked to certify Fiscal Year 2014 when it is 2015?**
Answer:	Grantees that *EXPEND* $500,000/$750,000 or more of federal funds in *THEIR* 2014/2015 most recently completed fiscal year must conduct a single audit. This form is a way for NPS to monitor its grantees audit status, as required by the Office of Management and Budget (OMB).

Question:	**Who needs to fill out this form?**
Answer:	Your agency's Chief Financial Officer (or designee).

Question:	**Who must sign the Audit Certification Form?**
Answer:	The Chief Financial Officer of the agency, or his or his designee.

Question:	**Does NPS need a copy of the audit?**
Answer:	*ONLY* submit a copy of the audit to NPS if there are "findings" listed in it specific to CFDA 15.904 (Historic Preservation Grants-in-Aid). However, a complete copy of the audit MUST be submitted electronically to the Federal Audit Clearinghouse.

Question:	**What is an audit finding?**
Answer:	Audit findings are significant issues identified in the audit report, which are commonly items related to non-compliance with terms and conditions in an award. Findings typically include lack of timely reporting, internal controls not being in place to fulfill grant requirements, etc.

Question:	**What if there is a finding related to CFDA 15.904?**
Answer:	The NPS will review the finding and request a Corrective Action Plan from the grantee, outlining how this issue will be resolved.

Question:	**Does the audit requirement apply to our subgrantees who received federal pass-through funds?**
Answer:	Yes. Subgrantees are subject to A-133, Single Audit requirements as well. Grant funds can be used to pay for the audit process.

Question:	**Who do I contact if I have questions about this form?**
Answer:	Contact your NPS grant manager.

U.S. Department of the Interior

Certifications Regarding Debarment, Suspension and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - **The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.** See below for language to be used or use this form certification and sign. (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters- Primary Covered Transactions

---

CHECK____IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

---

CHECK_xx___IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

This form was electronically produced by Elite Federal Forms, Inc.

DI-2010
June 1995
(This form replaces DI-1953, DI-1954, DI-1955, DI-1956 and DI-1963)

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK_x__IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an ongoing drug-free awareness program to inform employees about--
(1) The dangers of drug abuse in the workplace;
(2) The grantee's policy of maintaining a drug-free workplace;
(3) Any available drug counseling, rehabilitation, and employee assistance programs; and
(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
(1) Abide by the terms of the statement; and
(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a) (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check___if there are workplaces on files that are not identified here.

PART D: Certification Regarding Drug-Free Workplace Requirements

CHECK___IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. (Grantees Who Are Individuals)

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

PART E: Certification Regarding Lobbying
Certification for Contracts, Grants, Loans, and Cooperative Agreements

CHECK____IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND THE AMOUNT EXCEEDS $100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT; SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK___IF CERTIFICATION FOR THE AWARD OF A FEDERAL LOAN EXCEEDING THE AMOUNT OF $150,000, OR A SUBGRANT OR SUBCONTRACT EXCEEDING $100,000, UNDER THE LOAN.

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

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

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

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

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

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TYPED NAME AND TITLE

DATE

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-748

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Chris Brown, Public Works Director
Susan Norton, Chief of Staff

FROM: Matt Casey, Engineering Design Manager

SUBJECT: **A Resolution expressing the willingness of the City of Fayetteville to utilize Federal-aid funds for the design and environmental phases of the I-49/Stephen Carr Memorial Blvd. Interchange Improvements Project**

RECOMMENDATION:
Staff recommends approval of the attached resolution for I-49/Stephen Carr Memorial Blvd. Interchange Improvements Project. The resolution provides for:

- The City understands that Federal-aid Surface Transportation Block Grant Program-Attributable funds are available for this project using the participating ratio of 80% Federal/20% City.
- The City will participate in accordance with its designated responsibilities for this project.
- The Mayor, or his designee, is authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this City project.
- The City pledges its full support and hereby authorizes the Arkansas Department of Transportation (ARDOT) to initiate action to implement this project.

BACKGROUND:
In 2012, the Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA) designated the Fayetteville-Springdale-Rogers, AR-MO urbanized area as a Transportation Management Area (TMA). This TMA designation provides Surface Transportation Block Grant Program – Attributable (STBGP-A) funds to the Northwest Arkansas Regional Planning Commission (NWARPC) based on the 2010 Census Urbanized Area population of 295,083. The Urban Area continues to grow significantly to a recorded 373,687 population in the 2020 Census. In becoming a TMA, the Northwest Arkansas Regional Planning Commission, of which Fayetteville is a member, will have STBGP-A discretionary funding available at approximately $12,000,000 per year. Under current legislation, these STBGP-A funds can be utilized for all permitted transportation projects at the discretion of the TMA Policy Committee.

An application for federal funding of the I-49/Stephen Carr Memorial Blvd. Interchange Improvements Project was submitted to and selected by the Northwest Arkansas Regional Planning Commission (NWARPC). On May 22, 2024, the NWARPC approved funding of the design and environmental phases for $650,000 (80%) from STBGP-A funds, but the City must provide a 20% local match of $162,500 for a total of $812,500. Other project phases such as right of way, utilities and construction will be submitted for future year's available STBGP-A funding.

DISCUSSION:
The next step in this process is approval of the Agreement of Understanding with ARDOT. Therefore, a City Council resolution expressing the willingness of the City to utilize Federal-aid funds, and to provide matching funds for the Federal-aid dollars, and to authorize the Mayor to sign the project agreement is needed.

BUDGET/STAFF IMPACT:
This project will be based on an Agreement of Understanding with ARDOT in which Federal-aid money will pay 80% of the project amount and the City will pay 20%. Based on the total estimate of $812,500 for design and environmental phases, the federal aid portion will be $650,000 and the City's portion $162,500. (These numbers are subject to change as the project is developed and more detailed estimates are provided.) The Federal portion will be paid from the Surface Transportation Block Grant Program - Attributable (STBGP-A) funds. City funds will be from the Transportation Bond Program.

ATTACHMENTS: SRF (#3), ARDOT Agreement of Understanding (#4), Fayetteville Award Letter (#5), Vicinity Map (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-748

A Resolution expressing the willingness of the City of Fayetteville to utilize Federal-aid funds for the design and environmental phases of the I-49/Stephen Carr Memorial Blvd. Interchange Improvements Project

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID SURFACE TRANSPORTATION BLOCK GRANT FUNDS IN THE AMOUNT OF $650,000.00 FOR THE DESIGN AND ENVIRONMENTAL PHASES OF THE I-49/STEPHEN CARR MEMORIAL BOULEVARD INTERCHANGE IMPROVEMENTS PROJECT, TO APPROVE A CITY MATCH IN THE AMOUNT OF $162,500.00, AND TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT OF UNDERSTANDING WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION AND THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE PROJECT

WHEREAS, the City of Fayetteville understands Federal-aid Surface Transportation Block Grant Program-Attributable funds are available at 80% federal participation and 20% local match to be used for the I-49/Stephen Carr Memorial Blvd. Interchange Improvements Project; and

WHEREAS, the City of Fayetteville understands that Federal-Aid funds are available for this project on a reimbursable basis, requiring work to be accomplished and proof of payment prior to actual monetary reimbursement; and

WHEREAS, this project, using federal funding, will be open and available for use by the general public and maintained by the City of Fayetteville.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas expresses its willingness to participate in accordance with its designated responsibilities in this project, including maintenance of this project and providing local matching funds in the amount of $162,500.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Mayor to execute all appropriate applications, agreements, and contracts necessary to expedite the construction of the above stated project.

Section 3: That the City Council of the City of Fayetteville, Arkansas pledges its full support and hereby authorizes the City of Fayetteville to cooperate with the Arkansas Department of Transportation to initiate action to implement this project.

City of Fayetteville Staff Review Form

2024-748

Item ID

12/4/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Matt Casey	11/6/2024	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

A Resolution expressing the willingness of the City of Fayetteville to utilize Federal-aid funds for the design and environmental phases of the I-49/Stephen Carr Memorial Blvd. Interchange Improvements Project.

Budget Impact:

4702.860.7218-xxxx.xx	Street Projects 2022 Bonds
Account Number	Fund
46020.7218.1040	MidtownCorridor - I49 Interchange
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	12,349,710.00
		Expenses (Actual+Encum)	$	-
		Available Budget	$	12,349,710.00
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	12,349,710.00

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

ARKANSAS DEPARTMENT OF TRANSPORTATION
ArDOT.gov | IDriveArkansas.com | Lorie H. Tudor, P.E., Director
10324 Interstate 30 | P.O. Box 2261 | Little Rock, AR 72203-2261
Phone: 501.569.2000 | Voice/TTY 711 | Fax: 501.569.2400

November 1, 2024

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: I-49/Stephen Carr Memorial Blvd.
Intchng. Impvts.

Dear Mayor Jordan:

Reference is made to the Interstate 49 and Stephen Carr Memorial Boulevard Interchange Improvements project in Fayetteville which was awarded 2025 Surface Transportation Block Grant – Attributable funding by the Northwest Arkansas Regional Planning Commission.

In order to proceed, you and your Attorney must sign the enclosed Agreement of Understanding. Upon receipt of the Agreement, State and Federal-aid job numbers will be assigned and a copy of the executed Agreement of Understanding will be returned to you. When submitting the Agreement to the Department for execution, you will also need to complete Form LPA-005, Form LPA-018, and Form LPA-019. All referenced Forms are available in digital format at www.ardot.gov/LPA.

If you have any questions, please contact our Grant Procurement Section at (479) 360-7161 or LPA@ardot.gov.

Sincerely,

Keli Wylie

Keli Wylie, P.E.
Assistant Chief Engineer
Program Delivery

Enclosure

c: Chief Engineer – Operations
Chief Engineer – Preconstruction
Assistant Chief Engineer – Design
Assistant Chief Engineer – Planning
Consultant Contracts
Local Programs
Program Management
Roadway Design
District 4
Tim Conklin, Executive Director, NWARPC

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

AND

THE ARKANSAS DEPARTMENT OF TRANSPORTATION

In Cooperation with the
U.S. Department of Transportation, Federal Highway Administration

RELATIVE TO

Implementation of **Job 040966, I-49/Stephen Carr Memorial Blvd. Intchng. Impvts. (Fayetteville) (S) (**hereinafter called the "Project") as a Federal-aid Surface Transportation Block Grant Program – Attributable (STBGP>200K) project.

WHEREAS, funding in Infrastructure Investment and Jobs Act (IIJA) includes the following Federal-aid funds for certain local projects:

	Maximum Federal %	Minimum Sponsor %
Preliminary Engineering by Consultant	80	20
Right of Way/Utilities	80	20
Construction	80	20
Construction Engineering by Consultant	80	20
Department Administrative Costs	80	20

WHEREAS, the City of Fayetteville (hereinafter called the "Sponsor") has expressed its desire to use Federal-aid funds for the eligible Project and to provide necessary matching cash share for such funds; and

WHEREAS, the Sponsor has transmitted to the Arkansas Department of Transportation (hereinafter called the "Department") Resolution No. 67-24 from the Sponsor's governing body authorizing the Sponsor's Chief Executive Officer (CEO) to execute agreements and contracts with the Department for the Project; and

WHEREAS, the Northwest Arkansas Regional Planning Commission (hereinafter called the "Commission") awarded the Sponsor Federal-aid STBGP>200K funds; and

WHEREAS, funding participation will be subject to a limit of **$650,000** maximum Federal-aid STBGP>200K funds for the **design and environmental phases** of the Project and obligation limitation approved; and

WHEREAS, the Sponsor knows of no legal impediments to the completion of the Project; and

WHEREAS, it is understood that the Sponsor and the Department will adhere to the General Requirements for Recipients and Sub-Recipients Concerning Disadvantaged Business Enterprises (DBEs) (Form LPA-001) and that, as part of these requirements, the Department may set goals for DBE participation in the Project, ranging from 0% to 100%, that are practical and related to the potential availability of DBEs in desired areas of expertise; and

WHEREAS, the Department has published the Arkansas Local Public Agency Project Manual (available at ARDOT.gov) which outlines procedures and requirements which must be followed during development and construction of the Project; and

WHEREAS, the parties agree, unless specifically stated otherwise, that the provisions of this agreement are not intended to create or confer a third party benefit or right in any person or entity, not a party to this agreement.

IT IS HEREBY AGREED that the Sponsor, Commission, and the Department, in cooperation with the Federal Highway Administration (FHWA), will participate in a cooperative program for implementation and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Notify the Department in writing who the Sponsor designates as its full-time employee to be in responsible charge of the day to day oversight of the Project (Form LPA-005). If the designated full-time employee changes, the Sponsor must notify the Department by resubmitting Form LPA-005. The duties and functions of this person are:
    - Oversee project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
    - Maintain familiarity of day to day project operations, including project safety issues;
    - Make or participate in decisions about changed conditions or scope changes that require change orders and/or supplemental agreements;
    - During construction, visit and review the project on a daily basis;
    - Review financial processes, transactions, and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse;
    - Direct project staff, Sponsor or consultant, to carry out project administration and contract oversight, including proper documentation;
    - Be aware of the qualifications, assignments and on-the-job performance of the Sponsor and consultant staff at all stages of the project.
2. Initially submit to the Department $1,000 (20%) to be matched by $4,000 (80%) Federal-aid funds for Department administrative costs associated with state preliminary engineering, which include but are not limited to, on site meetings, environmental review, and plan and specification review. The Sponsor's final cost for this phase will be determined by actual Department charges to preliminary engineering.

3. Be responsible for hiring a consultant engineering firm(s) in accordance with the Local Agency Consultant Selection Procedures (Form LPA-002) to provide engineering services which include environmental documentation, preliminary engineering, and construction engineering for the Project. **NOTE: FHWA authorization and Department approval must be given prior to issuing a work order to the consultant for federal funds to be allowed in this phase.**

4. Prepare plans, specifications, and a cost estimate for construction. A registered professional engineer must sign the plans and specifications for the Project. (See Form LPA-003 for items to be included in the bid proposal.)

5. Make periodic payments to the consultant for preliminary engineering for the Project and request reimbursement from the Department. Reimbursement requests should be submitted, at minimum, every three (3) months and not more than once per month.

6. Request reimbursement from the Department for eligible expenditures related to the preconstruction phases of the Project.

7. Understand that **expenditures for preliminary or construction engineering performed by the Sponsor's forces are not eligible for reimbursement with federal funds**.

8. Prepare the necessary environmental documentation as required by FHWA and conduct any required public involvement meetings and public hearings.

9. Ensure that the plans and specifications are developed using the Department's standard drawings and Standard Specifications for Highway Construction (latest edition).

10. Ensure that the plans and specifications comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable state and federal regulations, including airport clearance, when necessary, for the type of work involved.

11. Before acquiring property or relocating utilities, contact the Department's Right of Way Division to obtain the procedures for acquiring right of way and adjusting utilities in compliance with federal regulations. **NOTE: Failure to notify the Department prior to initiating these phases of work may result in all project expenditures being declared non-participating in federal funds.**

12. Acquire property in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (commonly referred to as the "Uniform Act").

13. Ensure the preparation of utility adjustment and right of way plans are in accordance with Arkansas State Highway Commission Policy.

14. Be responsible for all non-reimbursable costs associated with the Sponsor owned utilities as defined in the Department's Utility Accommodation Policy.

15. Be responsible for the matching share for all reimbursable costs associated with the Sponsor owned utilities as defined in the Department's Utility Accommodation Policy.

16. Provide a copy of the registered deed or other approved documentation and an appropriate certification stating the Sponsor's clear and unencumbered title to any right of way to be used for the Project (Form LPA-007). If property has been acquired for the Project, use Form LPA-006 for certification of the right of way. **NOTE: Any property that is to become Department right of way must be acquired in the Department's name.**

17. Submit plans at 30%, 60%, and 90% completion stages for Department review.

18. Submit a certification letter (Form LPA-008), including all items noted, to the Department when requesting authority to advertise the Project for construction bids.

19. Advertise for bids in accordance with federal procedures as shown in Form LPA-010. **NOTE: FHWA authorization and Department approval must be given prior to advertising for construction bids.**

20. Forward a copy of all addenda issued for the Project during the advertisement to the Department.

21. After bids are opened and reviewed, submit a Certification Letter Requesting Concurrence in Award (Form LPA-013), including all items noted, to the Department.

22. Prior to awarding the construction contract, submit a check for $1,000 (20%) to be matched by $4,000 (80%) Federal-aid funds for Department administrative costs on the Project during construction. The Sponsor's final share of cost for this phase will be determined by actual Department charges to construction engineering.

23. Prior to issuing the notice to proceed to the Contractor, the Sponsor must hold a pre-construction meeting with the Contractor and **must invite the Department's Resident Engineer assigned to the Project.**

24. Ensure that all work, material testing and acceptance, and inspection are conducted in accordance with the Department's Standard Specifications for Highway Construction (latest edition), Manual of Field Sampling and Testing Procedures, and Resident Engineer's Manual and with the plans, specifications, and all other applicable FHWA and Department procedures for the Project.

25. Make periodic payments to the consultant for construction engineering for the Project and request reimbursement from the Department. Reimbursement requests should be submitted, at minimum, every three (3) months and not more than once per month.

26. Make payments to the contractor for work accomplished in accordance with the plans and specifications and then request reimbursement from the Department on the Construction Certification and Reimbursement Request (CCRR) form (Form LPA-014). Reimbursement requests should be submitted, at minimum, every three (3) months and not more than once per month.

27. Attach LPA Report of Daily Work Performed (Form LPA-015) for all days that correspond with each CCRR submittal.

28. Prior to executing the work, submit change orders (Form LPA-022) to the contract to the Department's Resident Engineer assigned to the Project for review and approval for program eligibility.

29. Upon completion of the Project, hold a final acceptance meeting for the Project and submit the LPA Final Acceptance Report form certifying that the Project was accomplished in accordance with the plans and specifications (Form LPA-016). This form must be signed by the engineer performing construction inspection on the Project, the Department's Resident Engineer assigned to the Project, the Sponsor's full-time employee in responsible charge, and the Sponsor's CEO.

30. Maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the Project and for monitoring the Contractor and subcontractor(s) for compliance with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements.

31. Pay all unpaid claims for all materials, labor, and supplies entered into contingent or incidental to the construction of said work or used in the course of said work including but not limited to materials, labor, and supplies described in and provided for in Act Nos. 65 and 368 of 1929, Act No. 82 of 1935, and Acts amendatory thereof.

32. Agree that any and all claims for damages to property or injury to persons caused by any act or omission, negligence, or misconduct from the performance of work by the Sponsor's contractor on the Project shall be the sole responsibility of the Sponsor's contractor and in this regard the Sponsor shall require the contractor on the Project to procure and maintain a General Public Liability Insurance Policy during the duration of the Project which shall be endorsed to include broad form general liability and complete operations coverage on the Project. The contractor shall furnish the Sponsor with documentation of proof of liability insurance coverage with submission of the signed contract.

33. Agree that any claims, liability, costs, expenses, demands, settlements, or judgments arising from misconduct or the negligent acts or omissions of the Sponsor, its employees, agents or contractors in the performance of the Project and this Agreement must be presented to the Sponsor. Further, the Sponsor by acceptance of this grant, agrees that the Department and the Arkansas State Highway Commission, as the pass-through entity, have no duty or responsibility for the design, construction, maintenance or operation of the Project that is the subject of this grant, and, therefore shall have no liability related to the design, construction, maintenance or operation of the Project. The Sponsor also agrees to assume all risks associated with the work to be performed by its agents, employees, and contractors under this grant and Agreement and the Department and the Arkansas State Highway Commission, as the pass-through entity, shall not be responsible or liable for any damages whatsoever from the actions of the Sponsor, its employees, agents and contractors.

34. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

35. Retain all records relating to inspection and certification, the Contractor's billing statements, and any other files necessary to document the performance and completion of the work in accordance with requirements of 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Form LPA-017).

36. Grant the right of access to the Sponsor's records pertinent to the Project and the right to audit by the Department and FHWA officials.

37. Be responsible for 100% of all project costs incurred:

    - should the Project not be completed as specified;
    - should the Project be declared non-participating in federal funds, including any such award by the State Claims Commission; or
    - not provided by the FHWA.

38. Sign and transmit to the Department the Certification for Grants, Loans, and Cooperative Agreements (Form LPA-018), which is necessary for Project participation.

39. Repay to the Department the federal share of the cost of any portion of the Project if, for any reason, federal participation is removed due to actions or inactions of the Sponsor, its agents, its employees, or its assigns or the Sponsor's consultants or contractors or their agents. Such actions or inactions shall include, but are not limited to, federal non-participation arising from problems with design plans, specifications, construction, change orders, construction inspection, or contractor payment procedures.

40. Retain total, direct control over the Project throughout the life of all project improvements outside of the Department's right of way and **not**, **without prior approval from the Department**:

    - sell, transfer, or otherwise abandon any portion of the Project;
    - change the intended use of the Project;
    - make significant alterations to any improvements constructed with Federal-aid funds; or
    - cease maintenance or operation of a project due to the Project's obsolescence.

41. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the Project in accordance with Federal-aid requirements may result in the Sponsor's repayment of federal funds and may result in withholding all future Federal-aid.

42. Submit to the Department a Single Audit in accordance with the Office of Management and Budget (OMB) Circular A-133 each fiscal year that the Sponsor expends more than $750,000 of Federal-aid from any federal source including, but not limited to, the U.S. Department of Transportation. The fiscal year used for the reporting is based on the Sponsor's fiscal year. The $750,000 threshold is subject to change after OMB periodic reviews.

43. Promptly notify the Department if the Project improvements outside of the Department's right of way are rendered unfit for continued use by natural disaster or other cause.

44. Complete and transmit to the Department both pages of the Federal Funding Accountability and Transparency Act (FFATA) Reporting Requirements (Form LPA-019).

45. After each quarter of the calendar year, complete and transmit to the Department the LPA Project Quarterly Report Form (Form LPA-020) until the Project is complete.

THE COMMISSION WILL:

1. Provide up to $650,000 in Federal-aid STBGP>200K funds for the design and environmental phases of the Project as funds become available.

THE DEPARTMENT WILL:

1. Maintain an administrative file for the Project and be responsible for administering Federal-aid funds.
2. Review plans and specifications submitted by the Sponsor.
3. Reimburse the Sponsor 80% (Federal-aid share) for all eligible costs related to preconstruction phases of the Project.
4. Notify the Sponsor when right of way and/or utility plans are approved, and the Sponsor may proceed with right of way acquisition and/or utility adjustments.
5. Upon receipt of the Sponsor's certification of right of way (property) ownership, provide the appropriate documentation to the file.
6. Ensure substantial compliance with federal contracting requirements through review of the bidding proposal for inclusion of required federal forms, review of the administration of the DBE program provisions, and general compliance with 23 CFR 635.
7. Advise the Sponsor when to proceed with advertisement of the Project for construction bids.
8. Review bid tabulations and concur in award of the construction contract for the Project.
9. Ensure that the Sponsor and the Sponsor's consultant provide adequate supervision and inspection of the Project by performing periodic inspections with the Sponsor's representatives and their consultant to verify that the work being performed by the Sponsor's contractor, and documented and certified by the Sponsor, meets the requirements of the Project plans, specifications, and all applicable FHWA and Department procedures. The Department intends to perform these inspections, at a minimum, when the construction work is approximately 10% and 50% completed. The Department will also participate in the final inspection of the Project.
10. Review and approve any necessary change orders for project/program eligibility.
11. Reimburse the Sponsor 80% (Federal-aid share) for eligible construction costs approved in the CCRR form (Form LPA-014). This reimbursement will be limited to the maximum Federal-aid amount and to the federal amount available at the time payment is requested. If the payment requested exceeds the Federal-aid available at the time, the difference will be reimbursed as additional Federal-aid for the Project becomes available.
12. Subject to the availability of Federal-aid allocated for the Project, pay the Sponsor the remaining amount due upon completion of the Project and submittal of the certified LPA Final Acceptance Report form (Form LPA-016).
13. Provide all form updates via email to the contact as shown on Form LPA-005.
14. Be reimbursed for costs involved in performing all the services listed above.

IT IS FURTHER AGREED that the Department reserves the right to cancel the Project without liability against the Department for any reason including, but not limited to, unreasonable delay or lack of progress, the Sponsor is unable to provide an audit-worthy reason for the substantial delay in the project development or completion process, or the Sponsor is unresponsive to the Department's requests.

IT IS FURTHER AGREED that should the Sponsor fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the Sponsor from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for project implementation or fail to complete the Project as specified in this Agreement, or fail to adequately maintain or operate the Project, the Department may cause such funds as may be required to be withheld from the Sponsor's Motor Fuel Tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this _____ day of _____, 20____.

Agreement of Understanding between:

The City of Fayetteville, Northwest Arkansas Regional Planning Commission, and the Arkansas Department of Transportation relative to:

Implementation of the I-49 & Stephen Carr Memorial Boulevard Interchange Improvements Project.

Signatories

CITY OF FAYETTEVILLE

_____ _____

Lioneld Jordan Date
Mayor

_____ _____

Kit Williams Date
Attorney

Agreement of Understanding between:

The City of Fayetteville, Northwest Arkansas Regional Planning Commission, and the Arkansas Department of Transportation relative to:

Implementation of the I-49 & Stephen Carr Memorial Boulevard Interchange Improvements Project.

Signatory

NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION

_____ _____

Tim Conklin Date
Executive Director

Agreement of Understanding between:

The City of Fayetteville, Northwest Arkansas Regional Planning Commission, and the Arkansas Department of Transportation relative to:

Implementation of the I-49 & Stephen Carr Memorial Boulevard Interchange Improvements Project.

Signatory

ARKANSAS DEPARTMENT OF TRANSPORTATION

_____ _____

Lorie H. Tudor, P.E. Date
Director

All Forms referenced in this Agreement are available in digital format on the Department's webpage www.ardot.gov/LPA.

ARKANSAS DEPARTMENT OF TRANSPORTATION
NOTICE OF NONDISCRIMINATION

The Arkansas Department of Transportation (ARDOT) complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, ARDOT does not discriminate on the basis of race, sex, color, age, national origin, religion (not applicable as a protected group under the Federal Motor Carrier Safety Administration Title VI Program), disability, Limited English Proficiency (LEP), or low-income status in the admission, access to and treatment in ARDOT's programs and activities, as well as ARDOT's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding ARDOT's nondiscrimination policies may be directed to Civil Rights Officer Joanna P. McFadden (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ardot.gov.

Free language assistance for Limited English Proficient individuals is available upon request.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

Form LPA-001

GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING DISADVANTAGED BUSINESS ENTERPRISES

It is the policy of the U. S. Department of Transportation that disadvantaged business enterprises (DBEs) as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this Agreement.

The recipient or its contractor agrees to ensure that DBEs as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a disadvantaged business enterprise affirmative action program, which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 26, Subpart F, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in 49 CFR Part 26, Subsections 26.101 and 26.107 shall substitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

LOCAL AGENCY

CONSULTANT SELECTION PROCEDURES

Section I – Application *(These procedures do not apply to Design-Build Contracts.)*

These procedures apply to federally and state funded contracts for engineering and design related services for projects and are issued to ensure that a qualified consultant is obtained through an equitable qualifications-based selection procurement process and that the prescribed work is properly accomplished in a timely manner at a fair and reasonable cost.

Engineering and design related services are defined in 23 Code of Federal Regulations (CFR) Part 172 to include program management, construction management, preliminary engineering, design engineering, surveying mapping, or architectural related services with respect to a highway construction project. These services also include professional services of an architectural or engineering nature, as defined by State law, which are required to or may logically or justifiably be performed or approved by a person licensed, registered, or certified to provide the services with respect to a highway construction project. Contracts for these services that are paid with Federal-aid highway program (FAHP) funding will be awarded following these selection procedures.

The federal laws and regulations that govern the procurement of engineering and design related services with FAHP funds are:

- 23 United States Code (U.S.C.) 106 “Project approval and oversight”
- 23 U.S.C. 112 “Letting of contracts”
- 23 U.S.C. 114(a) “Construction Work In General”
- 23 U.S.C. 302 “State transportation department”
- 23 U.S.C. 315 “Rules, regulations, and recommendations”
- 23 U.S.C. 402 “Highway safety programs”
- 40 U.S.C. Chapter 11 – Selection of Architects and Engineers, §§1101 *et seq.,* commonly called the “Brooks Act”
- 2 CFR Part 200 “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards”
- 23 CFR Part 172 “Procurement, Management, and Administration of Engineering and Design Related Services”
- 48 CFR Part 31 “Contract Cost Principles and Procedures”
- 49 CFR Part 1.48(b) “The Federal Highway Administrator is delegated authority to administer the following provisions of title 23, Highways, U.S.C.”

In accordance with the above federal laws and regulations, the Arkansas Department of Transportation (Department) has approved these procedures for use by

the Local Agency for the "competitive negotiation" (qualifications-based selection) method of procurement as defined in 23 CFR §172.7, Procurement Methods and Procedures that complies with the Brooks Act (40 U.S.C. §§1101, *et seq.*).

The Local Agency will use these procedures for Federal-aid contracts and may elect to use them for non-Federal-aid contracts.

Section II – Advertisement for Letters of Interest

The Local Agency may employ a consultant engineering firm when a need exists for engineering services, and it is in the Local Agency's best interest to employ an engineer or engineering firm.

As a minimum, the Local Agency will advertise in a statewide newspaper, the Department's website and the Local Agency's website (if available), advising that consultant engineering services are being sought. In addition, the Local Agency may advertise in appropriate national trade magazines or websites for specialized services.

Interested firms must furnish:

1. A cover letter with the firm's response including primary contact information.
2. The firm's completed Architect-Engineer Qualifications Standard Form (SF) 330 Parts I and II (48 CFR §53.236-2(b)). (SF 330 is available on the Department's website.) http://arkansashighways.com/consultant_services/advertisements/advertisements.aspx
3. A current copy of the firm's equal employment opportunity policy required per Arkansas Code Annotated (Ark. Code Ann.) §19-11-104.
4. The firm's current copy (within 12 months) of the Department and Finance and Administration (DFA) Illegal Immigrant Contractor Disclosure Form (Ark. Code Ann. §19-11-105). https://www.ark.org/dfa/immigrant/index.php/user/welcome

Advertisements may be for either a specific single project; a group of projects; or for an on-call or indefinite delivery/indefinite quantity (IDIQ) for an established contract period (not to exceed 5 years), to be determined at a later date with specific task orders issued for each project. (23 CFR §172.9(a))

When advertising a specific project, the advertisement will describe the work in general terms allowing firms to evaluate their interest in performing the desired services.

When advertising a group of projects, a general description of work will be furnished. Firms will be asked to specify the projects they are interested in performing. When the Local Agency decides to proceed with a certain project, those firms having expressed interest in that project will be considered for selection.

When advertising for an on-call / IDIQ projects with later specified task orders, the advertisement will include a general description of work for the project task and the number of consultants anticipated to be selected.

If a solicitation fails to yield three qualified respondents, then the Local Agency may proceed with evaluation and selection if the Local Agency and the Department determines that the solicitation did not contain conditions or requirements that arbitrarily limited competition. Alternatively, the Local Agency may pursue procurement following the noncompetitive method when competition is determined to be inadequate and it is determined to not be feasible or practical to re-compete under a new solicitation. (23 CFR §172.7(a)(1)(iv)(D))

Solicitations will include language to comply with state procurement laws, rules, and regulations including but not limited to Ethical Standards (Ark. Code Ann. §19-11-708), Employee and Relative Disclosure, and Equal Opportunity Policy.

Interested firms are advised that in order to comply with state and federal requirements that the Local Agency will verify suspension and debarment actions and eligibility status of consultants in accordance with 2 CFR Part 1200 and 2 CFR Part 180.

Ark. Code Ann. §§19-11-701 through 19-11-714 addresses ethics and conflicts of interest. Federal regulations about conflicts of interest are described in 2 CFR §200.112, 23 CFR §1.33, and provisions of 23 CFR §172.7(4). No Local Agency employee may participate in selection, award or administration of a contract in which the Local Agency employee or any member of his or her immediate family has a financial, prospective financial, or other interest. Additionally, in accordance with Ark. Code Ann. §19-11-704(b) it is a breach of ethical standards for any person, including potential consultants, or parties to subagreements to engage in any conduct or behavior with other consultants, contractors, cities, counties, state agencies, or metropolitan/local planning organizations that may influence any public employee to breach the standards of ethical conduct provided by state and federal laws.

Section III – Selection Committee

The Local Agency will designate a Selection Committee (Committee) to evaluate and analyze the letters of interest (LOI) and proposals.

Section IV – Evaluation of Letters of Interest

The Committee will evaluate each consultant firm based on the criteria provided in the detailed LOIs in general as follows:

No.	Evaluation Factors for LOIs	Maximum Points Possible
1	Professional staff including the education, experience, number of personnel available, and any partnerships with sub-consultants	10
2	General and professional reputation, including responsiveness to civil rights and equal employment opportunity requirements and opportunities	10
3	*Past work performance	10
4	Experience with projects of a similar nature as those advertised	10
	Total Points for LOI	40

*Past performance or evaluations from other clients will be considered when the firm has not worked for the Local Agency previously.

Following their review, the Committee will prepare a short list (minimum of three) of the top ranked engineering firms and recommend that these firms submit detailed proposals for further evaluation.

Section V – Request for Proposal

The Local Agency will prepare a scope of work statement and request proposals from the engineering firms on the short list. For projects with FHWA oversight, which are identified by FHWA as Projects of Division Interest (PoDI) projects, the Local Agency will forward the scope of work statement to the Department and FHWA for review and approval before soliciting request for proposals (RFPs). A Local Agency's scope of work will typically include the following:

1. A detailed purpose and description of the work,
2. Services that will be furnished by the Local Agency,
3. Services that will be furnished by the consultant,
4. Deliverables to be provided,
5. Project conditions of the work,
6. Schedule for performance of the work,
7. Special conditions of the work including applicable standards, specifications, and policies, and
8. Assurance of participation of certified Disadvantaged Business Enterprises (DBE) in Federal-aid projects as Department goals for the Project are established.

The short-listed firms should submit proposals that contain the following:

1. A cover letter with primary contact information,
2. A detailed work plan that identifies the major tasks of work,
3. A list of major concerns associated with completing the work,
4. A detailed work schedule for specific projects as requested,
5. A manpower estimate for specific projects as requested, and
6. Updated Standard Form 330 Parts I and II, if necessary.

The Committee will review the proposals with particular attention to the five (5) listed evaluation factors for the proposals and will also consider the results determined in Section IV. The evaluation factors and their relative importance will be listed in the RFP if any of the factors are different from the list below.

No.	Evaluation Factors for Proposals	Maximum Points Possible
1	Obvious indication that the scope of work is clearly understood	20
2	Comprehensive, coherent, and detailed work plan	20
3	Realistic work schedule when applicable	10
4	Proposed working office location, need for a local office, and any local representative*	5
5	Identification of sub-consultants and responsiveness to DBE goals and opportunities	5
6	Total Points for LOI	40
	Total Points for Proposals	100

*Locality preference shall not be based on political or jurisdictional boundaries and may be applied on a project-by-project basis for contracts where a need has been established for a consultant to provide a local presence, a local presence will add value to the quality and efficiency of the project, and application of this criteria leaves an appropriate number of qualified consultants, given the nature and size of the project. (Consultants indicating that it will satisfy this factor in some manner, such as establishing a local project office, shall be considered to have satisfied this factor.)

Based on these evaluation factors, the Committee will rank the consultants based on the total score and submit the list to the Local Agency who will either:

1. Select one (1) firm to enter negotiations with; or
2. Select
   a. Multiple firms for an IDIQ contract; or
   b. Three or more firms to interview (a firm may present additional information concerning their proposal at the interview). After the interviews, the Committee will re-evaluate the firms based on the interview and the same evaluation factors as noted previously. The ranking list will be submitted to the Local Agency for review and final selection.

The Local Agency's contract file will contain records of the rankings and supporting data; however, the rankings will not be public information. Copies of the LOI advertisement, the rankings, and supporting data shall be submitted to the Department.

Notification must be provided to all responding consultants of the final selection of the most qualified consultant including the ranking of the top three consultants on projects where only one consultant is selected.

Section VI – Negotiation and Contract Preparation

Once a firm is selected for negotiation for a specific job or a group of projects, it will prepare a draft contract including a cost estimate for the project(s). The other firms on the short list will be advised of the firm selected, subject to successful negotiations. Prior to receipt or review of the draft contract and cost estimate, the Local Agency shall prepare a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct cost and consultant's fixed fee for the defined scope of work. The independent estimate shall serve as the basis for negotiation to ensure a fair and reasonable cost is obtained.

More than one firm may be selected for an on-call or IDIQ contract. The contract will establish a maximum ceiling price for work issued under the contract as well as an expiration date not to exceed 5 years, per 23 CFR Part 172. Individual task order cost estimates will be negotiated when issued.

The selected firm will prepare a draft contract based on a sample contract furnished by the Department. In accordance with the principles of 23 CFR 172, the draft contract must include an overhead rate that is approved by the Department. If the contract exceeds $250,000, in accordance with the Department's Indirect Cost Rate Audit Requirements, the indirect cost rate shall be verified through an audit performed by a certified public accountant on behalf of the consultant. If the contract is less than $250,000, and at least one of these conditions applies:

1. When there is insufficient knowledge of the consultant's accounting system
2. When there is previous unfavorable experience regarding the reliability of the consultant's accounting system
3. When the contract involves procurement of new equipment or supplies for which cost experience is lacking

then the Consultant shall provide the indirect cost rate verified through an audit performed by a certified public accountant on behalf of the consultant. The certified audit shall be provided by the selected firm prior to the submission of the final draft contract.

Pursuant to this requirement, the Department will notify the Local Agency if an audit by a certified public accountant for the selected firm is necessary. The certified audit needs to be provided by the selected firm prior to the submission of the final draft contract.

The Local Agency will review the draft contract proposal and either approve it as submitted or enter into negotiations with the selected firm to establish a contract and contract ceiling price that the Local Agency deems is fair and reasonable. If a satisfactory contract cannot be negotiated with the selected firm, negotiations will be

formally terminated. The Local Agency will then enter into negotiations with the second ranked firm. If negotiations with that firm fail, the Local Agency will formally terminate those negotiations and begin to negotiate with the third ranked firm, and so on. If the Local Agency cannot negotiate a satisfactory contract with any of the firms on the short list, the Local Agency shall either:

1. Request proposals from additional firms who have submitted LOIs and are considered competent and qualified; evaluate and rank the firms based on the criteria described in Section V; and continue the negotiation process, or
2. Terminate all negotiations and begin the selection process again, or
3. Pursue procurement following the noncompetitive method when competition is determined to be inadequate and it is determined to not be feasible or practical to re-compete under a new solicitation. (23 CFR §172.7(a)(1)(iv)(D))

When the Local Agency and the consultant agree the negotiated contract is fair and reasonable, the consultant will prepare a final draft and submit it to the Local Agency and the Department for review. After review and a determination that it is acceptable, the consultant will sign the contract. The Local Agency will then execute the contract. The contract will subsequently be submitted to the Department for final review and approval including funding. When approved, copies of the signed contract will be distributed within the Local Agency and to the consultant.

For projects with FHWA oversight and for on-call or IDIQ contracts where the consultant performs a management role utilizing federal funds, the Department will forward the initial and final drafts of the contract to FHWA for review and comment. The FHWA approves the final executed contract by stamp and signature and retains a copy.

After the Local Agency executes an on-call or IDIQ contract, it will assign specific projects by task order for the duration of the contract period. The consultant will prepare each task order based on the scope of work furnished by the Local Agency. The task order will include a manpower estimate and cost. The Local Agency will review the task order and approve it as submitted or negotiate with the consultant to establish a task order and task order amount that the Local Agency deems is fair and reasonable. After review and a determination that the task order is acceptable, the consultant will sign the task order. The Local Agency will then execute the task order. The task order will subsequently be submitted to the Department for final review and approval including funding. When approved, copies of the signed task order will be distributed within the Local Agency and to the consultant.

For PoDI projects, the Department will forward the initial and final drafts of the task order to FHWA for review, comment, and approval. Upon FHWA approval, the final task order is executed.

Section VII – Monitoring the Contract

The Local Agency may designate staff members as key liaisons for specific projects or for technical matters during the administration of the contract period.

The Local Agency will:

1. Maintain the contract files,
2. Arrange and attend periodic progress meetings,
3. Coordinate reviews and approval actions with other agencies when necessary,
4. Review progress payments,
5. Coordinate questions from the consultant,
6. Negotiate any change or amendment to the contract and submit to the Department for review and approval, and
7. Prepare an evaluation of the consultant's performance after completion of the contract. A copy of the evaluation shall be submitted to the Department.

Section VIII – Consultant Liability

The Local Agency will include a contract requirement that the consultant will warrant that all services and work products provided as part of the contract are performed in accordance to the prevailing industry standards, including standards of conduct and care, format and content, meet the satisfaction of the Local Agency, and conform to the requirements of the Agreement. This warrant is effective regardless of the degree of inspection and acceptance by the Local Agency or others.

If the consultant is required to correct or re-perform any work or services, the work will be performed at no cost to the Local Agency, and any work or services corrected or re-performed by the consultant shall also be warranted that it is free from defects in workmanship in accordance with industry standards. If the consultant fails or refuses to correct or re-perform, the Local Agency may, by contract or otherwise, correct or replace the deficient items or services with similar work or services, and charge the cost to the consultant or make an equitable adjustment in the consultant's reimbursement.

Acceptance is an act of an authorized representative of the Local Agency by which the Local Agency approves specific services, as partial or complete performance of the contract. Correction is the elimination of a defect.

REQUIRED CONTENTS OF BIDDING PROPOSALS
FEDERAL-AID PROJECTS

1) **FHWA-1273**

Each set of contract documents shall include FHWA-1273, "Required Contract Provisions, Federal-aid Construction Contracts," and such supplements that may modify the FHWA-1273. Copies of FHWA-1273 and supplements will be provided by the Department.

2) **Anti-Collusion and Debarment Certification**

The certification shall either be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the State to administer oaths or in the form of an unsworn declaration executed under penalty of perjury of the law of the United States. The required form for the Anti-Collusion and Debarment Certification will be provided by the Department. The certification includes:

- Anti-collusion - A statement executed by, or on behalf of the person, firm, association, or corporation submitting the bid certifying that such person, firm, association, or corporation has not, either directly or in-directly, entered into any agreement, participated in any collusion, or otherwise taken any action, in restraint of free competitive bidding in connection with the submitted bid.

- Debarment - A statement regarding debarment, suspension, ineligibility and voluntary exclusion as required by Title 2 of the United States Code of Federal Regulations, Part 180 (2 CFR Part 180).

Failure to submit the executed Certification as part of the bidding documents will make the bid nonresponsive and not eligible for award consideration.

3) **Lobbying Certification**

This certification is required by 49 CFR 20. The form for this certification will be provided by the Department.

4) **Davis-Bacon Pre-determined Minimum Wage Rates**

Davis-Bacon requirements apply to all projects greater than $2,000 that are physically located within the existing right-of-way of a functionally classified city street or highway. The Davis-Bacon wage rates will be provided by the Department.

5) "Build America, Buy America" Provisions

Because federal highway funds are included in this project, "Build America, Buy America" requirements, as specified in Title 23 of the United States Code Section 313 and Title 23 of the Code of Federal Regulations Section 635.410, apply to this project. A section of the bidding documents should specify these requirements as part of the project and it should at least be noted in the advertisement for bids.

Form LPA-005

OFFICE OF THE MAYOR

November 12, 2024

Mr. David Siskowski
Division Head – Local Programs
Arkansas Department of Transportation
P. O. Box 2261
Little Rock, AR 72203

RE: Job #040966
I-49/Stephen Carr Memorial Blvd. Intchng. Impvts.
(Fayetteville) (S)
Washington County

Dear Mr. Siskowski:

The full-time employee in responsible charge of the day to day oversight for the referenced project will be Matt Casey, Engineering Design Manager. This letter certifies that the employee is aware of the duties and functions they are in charge of as outlined in the Agreementof Understanding. This employee may be reached by phone at 479-444-3429 or by email at mcasey@fayetteville-ar.gov.

Sincerely,

Lioneld Jordan
Mayor

Form LPA-006

SPONSOR LETTERHEAD

JOB NUMBER
JOB NAME
COUNTY

Title to the right of way necessary for the construction of this project has been acquired, *or will be acquired*, in accordance with applicable Federal Highway Administration procedures.

↓ indicate total number in each category here. Delete any categories not used in this job.

___ Tract(s)
___ Options(s)
___ Paid
___ Donation(s)
___ Negotiation Pending* - include tract number(s) and statement: *"It is anticipated that this/these tract(s) will be acquired by (date)."*
___ Condemnation(s) – (include Order of Possession date or date the Court Order was filed)
___ Condemnation(s) Pending* - include tract number(s) and anticipated filing date

* If applicable

↓delete the statement in each pair that does not apply

There are no displacees on this project.

-Or-

Relocation Assistance has been provided in accordance with applicable Federal Highway Administration procedures and all displacees have moved from this project. There was/were # displaced (residence(s)/business(es)/personal property/etc) on the project.

There are no structures located within the right of way area.

-Or-

All structures have been removed from this project, except for those to be included as demolition items in the highway contract.

No conflicting utilities are known to exist in the right of way area.

-Or-

Necessary utility relocation has been, or will be, completed as shown in the attached Utility Status Report.

There are no railroads involved on this project

-OR-

Tract(s) #___ shown above include(s) #____ (Permanent/Temporary Construction Easements) for _____ Railroad.

No right of way in excess of that needed for construction or future maintenance of this project was acquired.

Certified by:_____ Date:_____
(Type name)
(Type title)

SPONSOR LETTERHEAD

JOB NUMBER
JOB NAME
COUNTY

Title to the right of way necessary for the construction of this project was in public ownership prior to project development. No additional right of way was acquired.

There are no displacees on this project.

There are no structures located within the right of way area.

There are no railroads involved on this project.

No known conflicting utilities exist within the right of way area.

Certified by:_____ Date:_____
(Type name)
(Type title)

Form LPA-008

PLEASE PRINT ON SPONSOR LETTERHEAD

CERTIFICATION LETTER
REQUESTING AUTHORITY TO ADVERTISE

DATE

Mr. Jared D. Wiley
Chief Engineer – Preconstruction
Arkansas Department of Transportation
P. O. Box 2261
Little Rock, AR 72203

Re: ***Job #***
Job Name
County

Dear Mr. Wiley:

The following documents are submitted concerning the referenced project:

1. One set of plans and specifications.
2. A copy of the preliminary estimate of cost.
3. An unexecuted copy of the bid proposal form.

I certify that the plans, specifications and estimate were prepared by or under the direct supervision of a Professional Engineer licensed to practice in the State of Arkansas and that the plans and specifications comply with the Americans with Disabilities Act (ADA), the American Association of State Highway and Transportation Officials (AASHTO) design standards, and all other applicable state and federal regulations, including airport clearance when necessary, for the type of work involved.

I understand that if any project items are declared non-participating in federal funds due to failure to comply with any State or federal requirements, the ***(Sponsor Name)*** will promptly repay such funds to the Arkansas Department of Transportation (ARDOT). Further, I hereby authorize the Director of the Arkansas State Department of Finance and Administration to transfer such funds from the ***(Sponsor Name)'s*** Motor Fuel Tax allotment to the ARDOT's RRA Fund upon notification by the ARDOT Director of that such funds are due ARDOT and have not been paid by the ***(Sponsor Name)***.

Approval to proceed with advertisement of the project for bids is requested.

Sincerely,

NAME & OFFICE
(Sponsor's CEO)

Enclosures

GUIDELINES FOR ADVERTISING AND OPENING BIDS
FEDERAL-AID PROJECTS

Upon receipt of written authorization from the Arkansas Department of Transportation (Department), the project may be advertised for bids. The following minimum guidelines for advertising must be met:

- The minimum advertising period is three weeks (21 days).

- In addition to meeting the State requirements for advertising for construction projects, the project must be advertised a minimum of two times in a statewide newspaper (online or print versions are acceptable).

- The notice must contain: (1) the time, date, and place that sealed bids are to be accepted, opened, and publicly read; (2) a brief description of the kind or type of work contemplated; and (3) the place at which prospective bidders may obtain plans and specifications.

- The Sponsor will forward a copy of the approved advertisement to the Department once advertisement starts. Any addenda will also be sent to the Department during the advertisement period.

- The Sponsor will include the following language in the solicitation for bids:

  "The **(INSERT SPONSOR NAME)** hereby notifies all bidders that this contract is subject to applicable labor laws, non-discrimination provisions, wage rate laws and other federal laws including the Fair Labor Standards Acts of 1938. The Work Hours Act of 1962 and Title VI of the Civil Rights Act of 1964 also apply."

  "Build America, Buy America provisions apply to this project."

- All bids received in accordance with the terms of the advertisement shall be publicly opened and at a minimum, the total amount bid must be read aloud (the sponsor may choose to read the bids item by item).

- If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud shall be publicly announced at the letting.

- In accordance with 23 CFR 635.110, any procedures and requirements for qualifying and licensing contractors must be approved by the Federal Highway Administration.

- **Negotiation with contractors during the period following the opening of bids and before the award of the contract is strictly prohibited.**

Form LPA-013

PLEASE PRINT ON SPONSOR LETTERHEAD

CERTIFICATION LETTER

REQUESTING CONCURRENCE IN AWARD OF THE CONTRACT

DATE

Mr. Jared D. Wiley
Chief Engineer – Preconstruction
Arkansas Department of Transportation
P. O. Box 2261
Little Rock, AR 72203

Re: ***Job #***
Job Name
County

Dear Mr. Wiley:

The following documents are submitted concerning the referenced project:

1. One set of bid tabulations.
2. Justification of award (if low bid amount is greater than 10% over the estimate).
3. A check for $1,000 for ARDOT construction involvement.

I certify that the referenced project was advertised and bids were received in accordance with the regulations governing Federal-aid projects and all other applicable state and federal regulations, and that this process has been reviewed and approved by the ***(Sponsor Name)'s*** Attorney. Additionally, I certify that the bid is being awarded to the lowest responsive and qualified bidder and that there has not been, nor will there be, any negotiations with the contractor or other bidders regarding the amount bid.

Your concurrence in the award of this contract to ***(INSERT CONTRACTOR NAME)*** for ***(INSERT LOW BID AMOUNT)*** is requested.

Sincerely,

_____
Sponsor's CEO

_____
Sponsor's Attorney

Enclosures

Revised: 12/11/20

CONSTRUCTION CERTIFICATION AND REIMBURSEMENT REQUEST

Job No.: _____
FAP: _____
County: _____
Job Name.: _____

Payee/Sponsor: _____
address _____

Federal Tax ID No.: _____

DATE: _____

PAY REQUEST # _____

FROM: _____ TO: _____

SPONSOR'S REQUEST FOR PAYMENT

1	Maximum Approved Federal-aid Amount	
2	Original Contract Amount	
3	Net Changes by Change Orders	
4	Present Contract Total	
5	Present Federal-aid Amount (80% of Line 4 or Amount on Line 1, whichever is less)	
6	Work Completed to Date	
7	Federal Match (80% of Line 6 or amount on Line 5, whichever is less)	
8	Previous Reimbursements (Federal)	
9	***Amount Due this Estimate*** (subtract Line 8 from Line 7)	$0.00

CHANGE ORDER SUMMARY

	ADDITIONS	DEDUCTIONS
Total changes previously approved		
Total approved this Request Period		
TOTALS		
NET CHANGES by Change Order (Line 3 above)		

Designated Full Time Employee In Responsible Charge

The information provided in this document is true and correct and I recommend that payment be made to the Contractor for this work.

By: _____ Date: _____

Title: _____

Sponsor's CEO

Payment is requested from the Arkansas Department of Transportation for the Amount Due. I certify that the Contractor and/or subcontractor(s) are complying with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements; that the work has been completed by the Contractor in accordance with the plans and specifications; and that the Contractor has been paid for this work.

By: _____ Date: _____

Title: _____

DEPARTMENT USE ONLY

Recommended for Payment in Accordance with Project Agreement

_____
Resident Engineer

Approved for Payment

_____
State Construction Engineer

PAID

Voucher No. _____

Date:

CONSTRUCTION CERTIFICATION AND REIMBURSEMENT REQUEST

Revised: 12/11/20

DETAIL ESTIMATE

JOB NUMBER: _____

FAP: _____

JOB NAME: _____

REQUEST NO: _____ DATE: _____

FROM: _____ TO: _____

SPONSOR: _____

CONTRACTOR: _____

A	B	C	D	E	F	G	H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED PREVIOUS REQUESTS	WORK COMPLETED THIS PERIOD	MATERIALS PRESENTLY STOCKPILED (NOT IN D or E)	TOTAL COMPLETED & STOCKPILED TO DATE (D+E+F)	% COMPLETED (G ÷ C)	BALANCE TO FINISH (C - G)
	GRAND TOTALS							

Form LPA-014

COPY OF SPONSOR'S PAYMENT CHECK FOR THIS ESTIMATE MUST BE ATTACHED TO THIS FORM

Form LPA-015

Sponsor
LPA Report of Daily Work Performed

Job Name: _____ Job No.: _____

FAP No.: _____ Contractor: _____

Date: _____ Hours Worked: _____ – _____ Report No.: _____

Project Conditions

Site Conditions	Weather	Number of Contractor's Personnel
____ Useable	____ Sunny	____ Laborers
____ Partly Useable	____ Partly Cloudy	____ Carpenters
____ Not Useable	____ Rain	____ Concrete Laborers
Min Temp. (F) ____ Max Temp. (F) ____	Rainfall Amt. (in.) _____	____ Equip. Operators
Comments		____ Electricians
		____ Plumbers
		____ Foreman
		____ Other _____
		____ Other _____

Location and Description of Work Performed

Special Instructions and/or Conversations

Signed: _____
Designated Full-time Employee

SPONSOR
LPA Final Acceptance Report

Job Name:		**Date:**
Job No:	**FAP No:**	
County:	**Route:**	
Contractor:		
Date Work Began:	**Date Work Completed:**	
Attendees:		
Remarks:		
Project Completed in Substantial Compliance with Plans and Specifications and Recommended for Final Acceptance by Sponsor _____ **Engineer**	**Recommended for Acceptance in Accordance with Project Agreement** _____ **ARDOT Resident Engineer**	

Project Recommended for Acceptance

Designated Full-time Employee: _____

I certify that the Contractor and/or subcontractor(s) have complied with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements; that the project has been completed by the Contractor in accordance with the plans and specifications; that the Contractor has been paid for this work, and the project is hereby accepted.

_____

SPONSOR's **CEO**

2 CFR Part 200

UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Subpart D - Post Federal Award Requirements
Record Retention and Access

§200.334 Retention requirements for records.

Financial records, supporting documents, statistical records, and all other non-Federal entity records pertinent to a Federal award must be retained for a period of three years from the date of submission of the final expenditure report or, for Federal awards that are renewed quarterly or annually, from the date of the submission of the quarterly or annual financial report, respectively, as reported to the Federal awarding agency or pass-through entity in the case of a subrecipient. Federal awarding agencies and pass-through entities must not impose any other record retention requirements upon non-Federal entities. The only exceptions are the following:

(a) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken.

(b) When the non-Federal entity is notified in writing by the Federal awarding agency, cognizant agency for audit, oversight agency for audit, cognizant agency for indirect costs, or pass-through entity to extend the retention period.

(c) Records for real property and equipment acquired with Federal funds must be retained for 3 years after final disposition.

(d) When records are transferred to or maintained by the Federal awarding agency or pass-through entity, the 3-year retention requirement is not applicable to the non-Federal entity.

(e) Records for program income transactions after the period of performance. In some cases recipients must report program income after the period of performance. Where there is such a requirement, the retention period for the records pertaining to the earning of the program income starts from the end of the non-Federal entity's fiscal year in which the program income is earned.

(f) Indirect cost rate proposals and cost allocations plans. This paragraph applies to the following types of documents and their supporting records: Indirect cost rate computations or proposals, cost allocation plans, and any similar accounting computations of the rate at which a particular group of costs is chargeable (such as computer usage chargeback rates or composite fringe benefit rates).

(1) *If submitted for negotiation.* If the proposal, plan, or other computation is required to be submitted to the Federal Government (or to the pass-through entity) to form the basis for negotiation of the rate, then the 3-year retention period for its supporting records starts from the date of such submission.

(2) *If not submitted for negotiation.* If the proposal, plan, or other computation is not required to be submitted to the Federal Government (or to the pass-through entity) for negotiation purposes, then the 3-year retention period for the proposal, plan, or computation and its supporting records starts from the end of the fiscal year (or other accounting period) covered by the proposal, plan, or other computation.

§200.335 Requests for transfer of records.

The Federal awarding agency must request transfer of certain records to its custody from the non-Federal entity when it determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping, the Federal awarding agency may make arrangements for the non-Federal entity to retain any records that are continuously needed for joint use.

§200.336 Methods for collection, transmission, and storage of information.

The Federal awarding agency and the non-Federal entity should, whenever practicable, collect, transmit, and store Federal award-related information in open and machine-readable formats rather than in closed formats or on paper in accordance with applicable legislative requirements. A machine-readable format is a format in a standard computer language (not English text) that can be read automatically by a web browser or computer system. The Federal awarding agency or pass-through entity must always provide or accept paper versions of Federal award-related information to and from the non-Federal entity upon request. If paper copies are submitted, the Federal awarding agency or pass-through entity must not require more than an original and two copies. When original records are

2 CFR Part 200

UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES, AND AUDIT REQUIREMENTS FOR FEDERAL AWARDS

Subpart D - Post Federal Award Requirements
Record Retention and Access

electronic and cannot be altered, there is no need to create and retain paper copies. When original records are paper, electronic versions may be substituted through the use of duplication or other forms of electronic media provided that they are subject to periodic quality control reviews, provide reasonable safeguards against alteration, and remain readable.

§200.337 Access to records.

Records of non-Federal entities. The Federal awarding agency, Inspectors General, the Comptroller General of the United States, and the pass-through entity, or any of their authorized representatives, must have the right of access to any documents, papers, or other records of the non-Federal entity which are pertinent to the Federal award, in order to make audits, examinations, excerpts, and transcripts. The right also includes timely and reasonable access to the non-Federal entity's personnel for the purpose of interview and discussion related to such documents.

(a) *Extraordinary and rare circumstances.* Only under extraordinary and rare circumstances would such access include review of the true name of victims of a crime. Routine monitoring cannot be considered extraordinary and rare circumstances that would necessitate access to this information. When access to the true name of victims of a crime is necessary, appropriate steps to protect this sensitive information must be taken by both the non-Federal entity and the Federal awarding agency. Any such access, other than under a court order or subpoena pursuant to a bona fide confidential investigation, must be approved by the head of the Federal awarding agency or delegate.

(b) *Expiration of right of access.* The rights of access in this section are not limited to the required retention period but last as long as the records are retained. Federal awarding agencies and pass-through entities must not impose any other access requirements upon non-Federal entities.

§200.338 Restrictions on public access to records.

No Federal awarding agency may place restrictions on the non-Federal entity that limit public access to the records of the non-Federal entity pertinent to a Federal award, except for protected personally identifiable information (PII) or when the Federal awarding agency can demonstrate that such records will be kept confidential and would have been exempted from disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552) or controlled unclassified information pursuant to Executive Order 13556 if the records had belonged to the Federal awarding agency. The Freedom of Information Act (5 U.S.C. 552) (FOIA) does not apply to those records that remain under a non-Federal entity's control except as required under §200.315. Unless required by Federal, state, local, and tribal statute, non-Federal entities are not required to permit public access to their records. The non-Federal entity's records provided to a Federal agency generally will be subject to FOIA and applicable exemptions.

CERTIFICATION FOR GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

The undersigned certifies to the best of his knowledge and belief that:

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

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

3. The undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including sub grants, and contracts and subcontracts under grants, sub grants, loans and cooperative agreements) which exceed $100,000, and that all such sub recipients shall certify and disclose accordingly.

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

_____

Sponsor

_____

Signature

_____

Name (Sponsor's CEO)

Federal Funding Accountability and Transparency Act (FFATA)
Reporting Requirements

(For more information go to https://www.fsrs.gov/)

FFATA was signed on September 26, 2006. The intent is to empower every American with the ability to hold the government accountable for each spending decision. The end result is to reduce wasteful spending in the government. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website, which is www.USASpending.gov.

A Prime Grant Recipient (Arkansas Department of Transportation (hereinafter called ARDOT)) awarded a new Federal grant greater than or equal to $25,000 as of October 1, 2010 is subject to FFATA sub-award reporting requirements as outlined in the Office of Management and Budget guidance issued August 27, 2010. **ARDOT is required to file a FFATA sub-award report for any sub-grant awarded to a sub-awardee greater than or equal to $25,000.** As a sub-awardee, _____ shall provide the following information to ARDOT in order to fulfill FFATA reporting requirements:

- ✔ A Unique Entity Identifier (UEI) of the sub-awardee receiving the award and the parent entity of the recipient, should the sub-awardee be owned by another entity;
- ✔ The names and total compensation of the five most highly compensated officers of the sub-awardee **if** the sub-awardee in the preceding Federal fiscal year received 80 percent or more of its annual gross revenues in Federal awards; and $25,000,000 or more in annual gross revenues from Federal awards; and the public does not have access to information about the compensation of the senior executives of the sub-awardee through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. See FFATA § 2(b)(1).

Required Sub-Awardee Information

(A) Sub-Awardee UEI: _____ UEI Expiration Date: _____

Parent (if applicable) UEI: _____ UEI Expiration Date: _____

(B) In the preceding completed Federal fiscal year, did your business or organization (the legal entity to which the UEI number entered above belongs) receive (1) 80 percent or more of its annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements; and (2) $25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

Yes No

If "Yes" is selected, answer (C).

(C) Does the public have access to information about the compensation of the executives in your business or organization (the legal entity to which the UEI entered above belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

Yes No

If "Yes" is selected, visit http://www.sec.gov/edgar.shtml for reference.

If "No" is selected, answer (D).

(D) **If "No" was selected in Question "C"**, complete the following information for the five (5) most highly compensated executives in your business or organization (the legal entity to which the UEI entered above belongs). Amount should reflect the Total Compensation Amount in the preceding completed Federal fiscal year in U.S. whole dollars.

Sub-Awardee Names and Compensation of Most Highly Compensated Officers

1. Name: _____ Amount: $_____
2. Name: _____ Amount: $_____
3. Name: _____ Amount: $_____
4. Name: _____ Amount: $_____
5. Name: _____ Amount: $_____

LPA Project Quarterly Report Form

Date:

Job No.:	**Job Name:**		
F.A.P.:	**Funding Program:**	**Year:**	**Quarter:**
Sponsor:	**Submitted By:**		
Sponsor Phone:	**Sponsor Email:**		

Progress Report:

CURRENT PROJECT STATUS

Construction Plans:	☐ 30%	☐ 60%	☐ 90%	☐ Final
Environmental Clearance:	☐ ARDOT to Handle	☐ Preliminary	☐ Partially Complete	All Permits Received ☐ Date: / Final Clearance ☐ Date:
Right of Way Acquisition:	☐ No Acquisition Needed	☐ ROW Plans in Progress	ROW Plans Approved ☐ Date:	Acquisition Documents Approved ☐ Date:
	☐ Acquisition Underway	Acquisition Complete ☐ Date:	Right of Way Certification Submitted ☐ Conditional ☐ Final Date:	
Utility Relocation:	☐ Utility Relocation Not Necessary	Relocation Plans Prepared ☐ Date:	☐ Relocation Underway	Relocation Complete ☐ Date:
Authority to Advertise:	Request Submitted ☐ Date:	ARDOT Approval Received ☐ Date:	Bid Opening Date:	
Concurrence in Award:	Request Submitted ☐ Date:	ARDOT Approval Received ☐ Date:	Contract Executed ☐ Date:	
Construction:	Progress (%) 0%	Estimated Completion Date:	Project Completed ☐ Date:	

ARDOT Contact:

CHANGE ORDER FORM

Form LPA-022

ARDOT JOB NO.: _____ F.A.P. No.: _____ **CHANGE ORDER NO.:** _____

JOB NAME: _____ DATE PREPARED: _____

OWNER: _____ PREPARED BY: _____

CONTRACTOR: _____

DESCRIPTION OF CHANGE(S):

JUSTIFICATION / REASON FOR CHANGE(S):

SUMMARY

ITEM NO.	ITEM	UNIT	UNIT PRICE	PRESENT		REVISED	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
					$ -		$ -
				TOTALS:	$ -		$ -

CHANGE ORDER FORM

Form LPA-022

CHANGES TO CONTRACT PRICE:

ORIGINAL CONTRACT PRICE	
CURRENT CONTRACT PRICE ADJUSTED BY PREVIOUS CHANGE ORDERS	
THE CONTRACT PRICE DUE TO THIS CHANGE ORDER WILL BE (INCREASED) / (DECREASED) BY	$ -
THE NEW CONTRACT PRICE, INCLUDING THIS CHANGE ORDER, WILL BE	**$ -**

CHANGES TO CONTRACT TIME:

THE CURRENT CONTRACT TIME	_____	DAYS
THE CONTRACT TIME WILL BE (INCREASED) / (DECREASED) BY	_____	DAYS
THE CONTRACT PERIOD, INCLUDING THIS CHANGE ORDER, SHALL BE	_____	DAYS

APPROVALS:

ENGINEER: [INSERT ENGINEER NAME HERE]

Signature Date

CONTRACTOR: [INSERT CONTRACTOR NAME HERE]

Signature Date

OWNER: [INSERT OWNER NAME HERE]

Signature Date

ARDOT RESIDENT ENGINEER CONCURS

Signature Date

ARDOT LOCAL PROGRAMS APPROVES

Signature Date

Title VI Requirements and Responsibilities

Title VI of the Civil Rights Act of 1964, prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d states that *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.*"

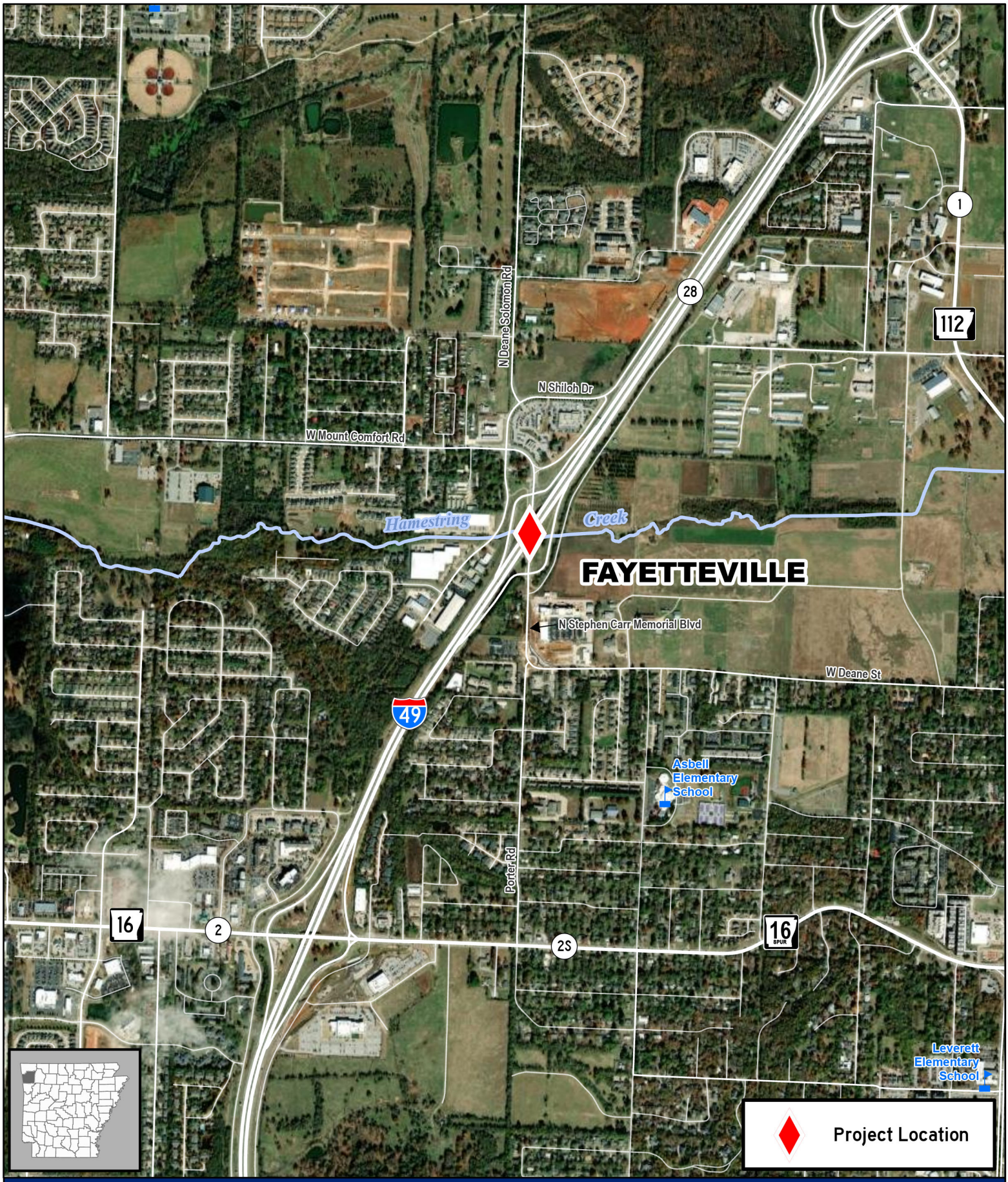
ARDOT is a recipient of federal funds from the U.S. Department of Transportation modal agencies, including the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). All recipients/subrecipients of federal funding must comply with the requirements of Title VI of the Civil Rights Act of 1964 and other nondiscrimination statues, regulation, and authorities.

Therefore, the sponsor (subrecipient) must also comply with the requirements of Title VI and its responsibilities.

Upon receipt of ARDOT reimbursement, the subrecipient will be required to establish Title VI compliance. ARDOT's Title VI Coordinator or designee will contact the subrecipient to request the following information:

- **Name of designated Title VI/ADA/Section 504 Coordinator**
- **Notice of Nondiscrimination**
- **Complaint Procedure and Process**
- **Complaint Form**
- **Standard USDOT Title VI/Non-Discrimination Assurances**
    - Must be signed annually by highest ranking official

The Title VI Coordinator or designee will assist the subrecipient in establishing the information as needed. For further information or inquiries, please contact the Civil Rights Division at 501-569-2299.



Job 040966

I-49/Stephen Carr Memorial Blvd. Intchng. Impvts. (Fayetteville) (S)

I-49, Sec. 28

Washington County

N

ARDOT ARKANSAS DEPARTMENT OF TRANSPORTATION

0 375 750 1,500 Feet

PM: PS: TM43786: 10/17/2024

Document Path: \\San1\gis\ProgramsContracts\Sketches\040966\040966.aprx

NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION
1311 Clayton St., Springdale, Arkansas, 72762
• (479) 751 7125 • Fax: (479) 751 7150 • http://nwarpc.org

June 6, 2024

Mayor Lioneld Jordan
City of Fayetteville
113 W Mountain
Fayetteville, AR 72701

Re: Stephen Carr Memorial Dr / I-49 Interchange Impvts. (Job No. TBD) – Design/Environmental
NWARPC FFY 2025 Surface Transportation Block Grant Program – Attributable (STBGP-A)
Total NWARPC Federal Funds Awarded to Project: $650,000

Dear Mayor Jordan:

I am pleased to inform you the Stephen Carr Memorial Dr / I-49 Interchange Impvts. (Job No. TBD) was selected by the Northwest Arkansas Regional Planning Commission on May 22, 2024, for Federal Fiscal Year (FFY) 2025 NWARPC Surface Transportation Block Grant Program – Attributable (STBGP-A) funding.

The awarded FY2025 NWARPC STBGP-A funds and the required local match are shown below:

NWARPC STBGP-A	**$650,000**	**(80% Federal)**
City Match	**$162,500**	**(20% Local Match)**
Total	**$812,500**	

The NWARPC STBGP-A funding is subject to an obligation limitation and the total available funds may change after final FFY 2025 funding is published by the Federal Highway Administration (FHWA).

These funds are required to be obligated by the end of the Federal Fiscal Year that ends on September 30, 2025. All required submittals to Arkansas Department of Transportation (ARDOT) and required approvals for this project should be completed by August 15, 2025, to allow sufficient time to obligate the STBGP-A funds for this project.

ARDOT administers the Local Public Agency (LPA) program, including oversight support for the federal-aid project delivery and applicable provisions in Title 23, U.S.C., and processes reimbursement requests for the NWARPC funding award. Please refer to the ARDOT Local Public Agency Project Manual for more information. Required training for this program is being provided by ARDOT **on Thursday, July 18, 2024, from 9:00 am to 10:00 am** at the NWARPC office. Please send the appropriate staff member(s).

Please let us know if you have any questions or need additional information regarding this program.

Sincerely,

Tim Conklin
Executive Director

Cc: David Siskowski, ARDOT
Minghua Qiu Miller, ARDOT
Carlos Meredith, ARDOT
Ashley Smith, ARDOT
Sunny Farmahan, ARDOT
Anthony Hunter, ARDOT
Chris Brown, Fayetteville Public Works Director/City Engineer
Paul Libertini, Fayetteville Staff Engineer
Matt Casey, Fayetteville Staff Engineer

NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION
1311 Clayton St., Springdale, Arkansas, 72762
• (479) 751 7125 • Fax: (479) 751 7150 • http://nwarpc.org

NWARPC Awarded Federal Funding - City of Fayetteville

Job No. - Project - Award Year	STBGP-A FEDERAL/HIP/EARMK	TAP FEDERAL	CRP FEDERAL	TOTAL FEDERAL
040581	$ 1,080,000			$ 1,080,000
Hwy 112 (Razorback Rd) - Hwy 180 (6th St) to Leroy	**$ 1,080,000**			**$ 1,080,000**
2013	$ 1,080,000			$ 1,080,000
040582	$ 2,400,000			$ 2,400,000
Hwy112 - Maple Street Impvts. and Traffic Signal-Maple/Razorback	**$ 2,400,000**			**$ 2,400,000**
2014	$ 2,400,000			$ 2,400,000
040603		$ 358,502		$ 358,502
Town Branch Trail Job # 040603		**$ 358,502**		**$ 358,502**
2013		$ 358,502		$ 358,502
040642	$ 950,484			$ 950,484
Hwy 45/Old Wire Traffic Signal and Inters. Imps.	**$ 950,484**			**$ 950,484**
2014	$ 950,484			$ 950,484
040657	$ 5,774,303			$ 5,774,303
Rupple Rd. (Wedington Drive to Starry Night)	**$ 5,774,303**			**$ 5,774,303**
2013	$ 286,303			$ 286,303
2015				$ -
2016	$ 680,000			$ 680,000
2017	$ 3,262,401			$ 3,262,401
2018	$ 1,545,599			$ 1,545,599
040673	$ -	$ 260,000		$ 260,000
Gordon Long Park Trailhead	**$ -**	**$ 260,000**		**$ 260,000**
2014	$ -			$ -
2015		$ 260,000		$ 260,000
040688	$ 5,741,512			$ 5,741,512
Sain Street Ext. (N. Front St. to Vantage Blvd.)	**$ 5,741,512**			**$ 5,741,512**
2015	$ 320,000			$ 320,000
2017	$ 160,000			$ 160,000
2019	$ 475,000			$ 475,000
2020	$ 2,286,512			$ 2,286,512
2021	$ 2,500,000			$ 2,500,000
040746	$ 230,891	$ 250,000		$ 480,891
Highway 112 Sidepath and Tunnel (Truckers Dr. - Howard Nickell Rd.)		**$ 250,000**		**$ 250,000**
2022		$ 250,000		$ 250,000
Highway 112 Sidepath and Tunnel (Truckers Dr. - Howard Nickell Rd.) HIP FUNDING	**$ 230,891**			**$ 230,891**
2021	$ 230,891			$ 230,891
040759		$ 320,000		$ 320,000
Cato Springs Trail Lighting		**$ 320,000**		**$ 320,000**
2018		$ 320,000		$ 320,000
040846	$ 1,500,000			$ 1,500,000
Hwy 62 Interchange Improvements	**$ 1,500,000**			**$ 1,500,000**
2022	$ 1,500,000			$ 1,500,000

⊟ 040887	$	3,300,000			$ 3,300,000
⊟ **College Ave Complete Street (North St to Township St)**	**$**	**3,300,000**			**$ 3,300,000**
2022	$	1,500,000			$ 1,500,000
2023	$	1,800,000			$ 1,800,000
⊟ 040943	$	3,520,000			$ 3,520,000
⊟ **Millsap Rd/College Ave Inters Impvts & N Hemlock Ave Imrpvts**	**$**	**3,520,000**			**$ 3,520,000**
2023	$	320,000			$ 320,000
2024	$	1,300,000			$ 1,300,000
2025	$	1,900,000			$ 1,900,000
⊟ 040946				$400,000	$ 400,000
⊟ **LED Lighting and Video Detection of Major**				**$400,000**	**$ 400,000**
2022				$400,000	$ 400,000
⊟ 040955			$1,000,000		$ 1,000,000
⊟ **Drake St Trail Connection**			**$1,000,000**		**$ 1,000,000**
2024			$ 500,000		$ 500,000
2025			$ 500,000		$ 500,000
⊟ 040956				$100,000	$ 100,000
⊟ **Safe Routes to School Planning Grant**				**$100,000**	**$ 100,000**
2024				$100,000	$ 100,000
⊟ (blank)	$	650,000		$315,193	$ 965,193
⊟ **Stephen Carr Memorial Dr / I-49 Interchange Impvts.**	**$**	**650,000**			**$ 650,000**
2025	$	650,000			$ 650,000
⊟ **Rupple Trail Lighting**				**$315,193**	**$ 315,193**
2025				$315,193	$ 315,193
Grand Total	$	25,147,190	$2,188,502	$815,193	$28,150,885

INTERSTATE 49
STEPHAN CARR MEMORIAL BLVD IMPROVEMENTS

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-723

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Paul Becker, Chief Financial Officer

FROM: Steven Dotson, Internal Auditor

SUBJECT: **ARPA Peace at Home Family Shelter agreement**

RECOMMENDATION:
Recommend Council approval of a revision to the agreement and budget for the Peace At Home Family Shelter ARPA project

BACKGROUND:
Peace At Home Family Shelter submitted an application for the City of Fayetteville's 2022 American Rescue Plan Act subrecipient grant program in the amount of $686,500.00. Resolution 270-22 was passed on 11/15/2022, authorizing Mayor Jordan to sign a subrecipient agreement with Peace At Home Family Shelter. The subrecipient agreement between the City and the applicant was finalized in December of 2022. The purpose of this ARPA project was to provide for the expansion of the emergency shelter for survivors of domestic violence. Peace at home is requesting a substantial change to the scope of the project, which is the reason this item is being brought back to Council for discussion.

DISCUSSION:
Peace at Home Family Shelter has experienced an increased demand for services in the local community. Since the pandemic began, the unique number of survivors seeking services from Peace at Home is up almost 27% (2019- 973 households; 2024- 1,235 households). Since 2019, Peace at home has experienced a nearly 40% increase in the demand for emergency shelter services.

Peace At Home Family Shelter had identified a need to expand the domestic violence shelter and requested the use of City ARPA funds to do so. As indicated in the original application, the ongoing COVID- 19 pandemic made it more difficult and dangerous for victims of domestic violence seeking to flee abusive homes. Peace at Home Family Shelter originally proposed a renovation project for $686,500 to create 3 additional shelter bedrooms with bathrooms. This expansion would allow Peace at Home to provide safe, emergency shelter to approximately 60 additional adults and children fleeing domestic violence each year.

During the architectural design phase of the renovation project, Peace at Home experienced a large scale water pipe breakage which caused portions of the ceiling to collapse throughout the residential wing including areas designed for the storage expansion. Through the rebuild of the damaged areas, a revised plan for expansion of the shelter was completed. As a result, Peace at Home will not need to utilize the full $686,500 of committed City of Fayetteville ARPA funds towards construction costs.

Peace at Home is not requesting additional funds, but is requesting a revision to its approved ARPA budget to allow for (1) fully covering the actual costs of the emergency shelter expansion, and (2) to use the remaining

committed ARPA funds to cover the additional programmatic expenses to be incurred by sheltering 23% more victims in the expanded emergency shelter. Those additional programmatic expenses include items such as food and medical care costs, residential supplies, housing assistance when leaving the emergency shelter, and salary and wage expenses including funding for victim advocate positions to provide 24 hour on site support for residents and their children.

Per the attached revised budget, Peace at Home Family Shelter is requesting to use the funding as follows (amounts per category are approximate):

$375,270 for completion of the renovation project
$23,000 for furniture and fixtures
$155,450 for salaries and wages
$81,350 for residential support
$51,430 for maintenance and operations
Total ARPA expenditures = $686,500

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF (#3), Amendment #3 PAHFS City of Fayetteville ARPA Subrecipient Agreement (#4), Resolution 270-22 (#5)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-723

ARPA Peace at Home Family Shelter agreement

A RESOLUTION TO APPROVE AMENDMENT #3 TO THE ARPA SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER TO REVISE THE SCOPE OF WORK AND PROJECT ALLOCATION

WHEREAS, on November 15, 2022 City Council passed Resolution 270-22 authorizing Mayor Jordan to sign a subrecipient agreement with Peace at Home Family Shelter in the amount of $686,500.00 in American Rescue Plan Act funds for the expansion of the safety shelter for survivors of domestic violence; and

WHEREAS, Peace at Home is not requesting additional funds, but a revision to its approved ARPA budget to allow for fully covering the actual costs of the three bedroom, three bathroom emergency shelter and to cover the additional programmatic expenses to be incurred by sheltering 23% more victims in the expanded emergency shelter.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign Amendment #3 to the subrecipient agreement with Peace at Home Family Shelter to revise the scope of work and project allocation.

City of Fayetteville Staff Review Form

2024-723

Item ID

11/19/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Steven Dotson	10/30/2024	CHIEF FINANCIAL OFFICER (110)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends Council approval of a revision to agreement and budget for the Peace At Home Family Shelter ARPA project. Peace at Home is not requesting additional funds. The original ARPA budget was approved for shelter expansion. Peace at Home is now requesting to use their allocated ARPA award for shelter expansion and programmatic costs.

Budget Impact:

2246.800.9719-5315.00	ARPA
Account Number	Fund
20023.2021	Peace At Home Safe Shelter
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	
		Expenses (Actual+Encum)	
		Available Budget	$ -
Does item have a direct cost?	No	Item Cost	$ -
Is a Budget Adjustment attached?	No	Budget Adjustment	
		Remaining Budget	$ -

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

AMENDMENT #3 TO THE SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER, INC.

WHEREAS, on November 15, 2022, pursuant to Resolution 270-22, the City of Fayetteville and Peace at Home Family Shelter ("Peace at Home") entered into a subrecipient agreement to provide funds in the amount of $686,500.00 for an expansion of the emergency shelter for survivors of domestic violence; and

WHEREAS, on September 21, 2023, the City and Peace at Home executed Amendment #1 which extended the Agreement to March 31, 2025; and

WHEREAS, on November 6, 2024, the City and Peace at Home executed Amendment #2 which extended the Period of Performance to June 30, 2026; and

WHEREAS, Peace at Home has requested approval of a revised scope of work and project allocation to allow the remaining funds to be used for additional programmatic expenses incurred as a result of the shelter expansion.

NOW, THEREFORE, BE IT KNOWN TO ALL:

That the City of Fayetteville, Arkansas and Peace at Home, on this _____ day of December, 2024, hereby agree that the Subrecipient Agreement dated November 15, 2022, as amended on September 21, 2023 and November 6, 2024, shall be amended to incorporate revised Appendix A – Scope of Work & Project Allocation attached hereto and made a part hereof.

The parties agree and understand that this Amendment is supplemental to their Agreement, and that it does not alter, amend or abridge any of the rights, obligations, or duties of the parties not expressly addressed herein.

IN WITNESS WHEREOF, the parties hereto have caused their signatures to be set by their authorized representative effective the date set forth herein above.

PEACE AT HOME FAMILY SHELTER, INC.

By: _____
TERESA MILLS, Chief Executive Officer

WITNESS:

_____

CITY OF FAYETTEVILLE

By: _____
LIONELD JORDAN, Mayor

ATTEST:

_____
KARA PAXTON, City Clerk/Treasurer

Revised Appendix A

City of Fayetteville American Rescue Plan Act
Peace at Home Family Shelter Subgrant Budget Revision Request

Even before the COVID 19 pandemic, domestic violence was a serious concern for Northwest Arkansas. The dangerous, controlling and impoverishing nature of domestic violence made it difficult for victims of violence and their children to successfully flee abuse and build new lives. Unfortunately, the pandemic exacerbated the difficulties domestic violence victims face. Stay at home orders, while a well-intended response to help stop the spread of the virus, also created an increased risk of domestic violence. Victims experienced heightened isolation, financial insecurity, stress from homeschooling and child rearing responsibilities, and were often unable to receive assistance to escape violent homes. Abusive partners capitalized on the isolating conditions of lockdowns and home quarantines to enforce separation from support systems using containment, fear and the threat of contagion as a mechanism of abuse.

Since the pandemic began medical providers have reported both an increase in the incidences of physical violence and the severity of injuries for domestic violence victims. Indeed, *Radiology Journal* reports higher incidences of high risk abuse such as strangulation, the use of weapons, stab wounds, and burns from domestic violence victims since the pandemic began.

And although lockdowns and stay at home orders have ceased, the increased rates of reported domestic violence have continued. *The American Journal of Public Health* reported that the COVID 19 pandemic increased the rate of domestic violence between 21-35% across the United States with reported rates even higher in marginalized communities of color. This trend continues in 2024.

Evidence of Local Need:
Peace at Home Family Shelter has also experienced an increased demand for services in our local community since the pandemic began. Since the pandemic began, the unique number of survivors seeking services from Peace at Home is up almost 27% (2019-973 households; 2024-1,235 households).

Demand for emergency shelter is the most pressing unmet need since the pandemic began. Since 2019, we have experienced a nearly 40% increase in the demand for emergency shelter services. In fact, in 2024 nearly 90% of the families who called Peace at Home for emergency shelter were unable to receive shelter at our facility. We had no beds available.

What will be done:
This ARPA funded project will increase the capacity of our emergency safe shelter for survivors of domestic violence by adding three bedrooms and three bathrooms. Currently, Peace at

Home has the capacity to house up to 13 households at one time (survivors and their children) at the emergency shelter (approximately 40-55 people daily). This ARPA funded project permanently increases that daily capacity to 16 households-a 23% increase in available emergency shelter beds. This funding would provide emergency safe shelter to at least 60 more households each year.

This project is in alignment with the City of Fayetteville's Master plan goals #1 and #6 as it involves the rehabilitation of an existing building and increasing access to housing.

While residing in our emergency safe shelter, families are provided with all their basic needs including food, household items, toiletries, medication, and children's needs completely free of charge. Families may bring their pets with them; all pet expenses including veterinary costs, food, toys, and waste disposal are covered. In addition, families are assisted with financial assistance to access safe housing including rental deposits, first month rent, and other related moving expenses. Families are eligible for free legal representation in family law issues, mental health counseling and support groups, and connection to mainstream benefits and community partners. The emergency safe shelter provides a refuge for families escaping domestic violence and a connection to the resources needed to break free from violence. Funding from the City of Fayetteville's ARPA grant will increase this lifesaving support to more survivors and their children.

Community Benefit:
In addition to meeting the immediate needs for emergency safe shelter, residing families are assigned a Victim Advocate to work with them on their goals towards self sufficiency and recovery from domestic violence. These goals can include acquiring permanent housing, increasing their income, rebuilding social networks, legal needs, and mental wellbeing.

This project enhances Peace at Home's capacity to provide immediate, lifesaving emergency shelter to survivors of domestic violence and their children at a time when more survivors need shelter than ever before. **This project will increase the emergency safe shelter's capacity by 23%.** It will help families recover from violence, work towards and obtain self-sufficiency and thrive in our community.

Verification of Final Rule Qualification:
As a project providing emergency housing, this project is enumerated in the Final Rule as a qualifying project. While there is no income requirement for emergency shelter services for victims of domestic violence, any person seeking shelter at a domestic violence organization is considered homeless under Housing and Urban Development (HUD) Category 4 definition and is a presumed benefit clientele assumed to be a Low to Moderate Income according to Community Development Block Grant HUD regulations.

Budget Revision Request:
In 2022, Peace at Home was awarded $686,500 from the City of Fayetteville to expand its emergency safe shelter by three bedrooms and three bathrooms and to improve its storage space. The current storage space would be converted into the new bedrooms and bathrooms and a small storage space would be added to the existing building.

During the architectural design phase, Peace at Home experienced a large scale water pipe breakage which caused portions of the ceiling to collapse throughout the residential wing including areas designed for the storage expansion. Through the rebuild of the damaged areas, a revised plan for storage expansion was completed. As a result, Peace at Home will not utilize City of Fayetteville ARPA funds towards its storage space.

Peace at Home is requesting a budget revision to fully cover the actual costs of the three bedroom, three bathroom emergency shelter expansion and to cover the additional programmatic expenses to be incurred by sheltering 23% more victims in the expanded emergency shelter over the next 18 months.

The following changes are requested:

1. **Renovation-Emergency Shelter Expansion:**

Peace at Home followed the procurement process required by the City of Fayetteville.

1. The lowest bid for the three bedroom three bathroom renovation construction project came in at $299,700, which is higher than originally budgeted.
2. WER, architect for the project, recommended adding a 10% contingency above the lowest bid.
3. Architectural, design, engineering and geo tech expenses were slightly higher than originally budgeted.

$276,500 was originally budgeted for architecture, escalation, and renovation.

Renovation-Emergency Shelter Expansion Revised Budget: $375,270

2. **Furniture, Fixtures and Equipment:**

Each new bedroom will be furnished with beds, bed frames, mattresses, a chest of drawers, desks, and nightstands. The bedroom furnishings are commercial grade and designed to be resistant to bed bugs.

Additionally, having more residents in the emergency shelter will require additional washing machines, dryers, and a refrigerator.

Furniture, Fixtures, and Equipment Revised Budget: $23,000

3. **Salary and Wages:**

Serving 23% more families in the emergency safe shelter will increase the staff required to provide crisis intervention and supportive services. Peace at Home has staff on site to support victims and their children 24 hours a day every day of the year.

This revised budget includes the salary and wage expenses for one full time Victim Advocate, 2 part time Victim Advocates, a portion of the residential supervisor, and a portion of the janitor salaries to support the increased number of families after the three bedroom expansion. The budgeted expense timeline for salary and wages is January 2025-June 2026 (after the completion of construction).

The Victim Advocates provide 24 hour on site support for residents and their children. While working with Victim Advocates, survivors address their housing, legal, mental health, job readiness, education, and other basic needs. Victim Advocates connect families with community resources and address barriers that keep families in dangerous homes.

This budget revision will add the staff necessary to support the additional families to be served in the emergency shelter. The additional bedroom and bathroom space will also increase the janitorial expenses.

Salary and Wages Revised Budget: $155,450

4. **Increased Residential Support**

Peace at Home provides families and their children with all their basic needs free of charge. Serving more families will increase these expenses.

Food: Families residing in the shelter often have unique dietary or personal food preferences. We anticipate serving more families in the emergency shelter will increase our food costs by approximately 20% between January 2025-June 2026.

Medical care: Families often are forced to flee violent homes quickly. As a result, they leave behind lifesaving medications, health care devices, and mobility equipment. We anticipate serving more families in the emergency shelter will increase medical care expenses by 20% between January 2025-June 2026.

Transportation: Families fleeing domestic violence are often unable to safely bring a personal vehicle with them. Families often need bus tickets, gas vouchers, ride shares, or transportation in a Peace at Home owned vehicle to access community resources. We anticipate that by serving more families in shelter we will increase our transportation expenses by 20% between January 2025-June 2026.

Residential Client Support: Peace at Home supports families with a variety of personal needs including clothing, steel toed boots for work, bicycles, children's needs like summer camp fees, and personal hygiene items. By serving more families in the shelter, we anticipate the residential client support budget will increase by 20% between January 2025-June 2026.

Residential supplies: Serving more residents in the emergency shelter will require additional supplies including bedding, pillows, kitchen supplies such as plates, utensils and cups, janitorial supplies, paper towels, toilet paper, and children's supplies including highchairs and baby monitors. By serving more families in the shelter, we anticipate our residential client support budget will increase by 20% between January 2025-June 2026.

Housing assistance: This funding will provide 15 additional residential households with the first month, last month, and security deposits necessary to secure safe housing when leaving the emergency shelter**.**

Increased Residential Support Revised Budget: $81,350

5. Increased Emergency Shelter Maintenance and Operations:
Expanding the emergency safe shelter will also increase the maintenance and operational expenses associated with insurance, utilities, security, and telephone/internet coverage.

Based on the increased square footage for the three bedrooms and bathrooms and the additional families served, we anticipate a 15% increase in insurance, utilities, security, and telephone/internet between January 2025-June 2026.

Emergency Shelter Maintenance and Operations Revised Budget: $51,430

Line Item	Revised Budget	Explanation or Description
Renovation-Emergency Shelter Expansion		
1. Construction	$299,700	Southern Building Services executed contract to build three bedrooms and three bathrooms
2. Construction Contingency/Escalation	$29,970	10% contingency for construction- renovation project
3. Architectural design, engineering, surveys, Geotech	$30,600	WER Architecture executed contract for renovation project
4. IT cabling, security camera equipment, wi fi access points, low voltage cabling	$15,000	IT and security cabling for the renovation project
Subtotal	**$375,270**	
Furniture, Fixtures, and Equipment		
1. Furniture for Emergency Shelter Bedrooms (3)	$12,000	Bedroom furniture including beds frames, mattresses, chest of drawers, desks, chairs, night stands, delivery and installation
2. Laundry Room	$9,000	3 washer and dryer sets
3. Refrigerator (1)	$2,000	Additional food storage will be required
Subtotal	**$23,000**	
Salary and Wages		
1. Victim Advocate	$62,400	Full time Advocate at $20.00/hour for 18 months (January 2025-June 30, 2026) to support residential expansion
2. Victim Advocate	$22,464	Part time Advocate $18.00 per hour at 24 hours per week July 2025-June 2026)
3. Victim Advocate	$22,464	Part time Advocate $18.00 per hour at 24 hours per week July 2025-June 2026)
4. Director of Programs	$22,000	.15 FTE Director of Programs at $47.00/hour for 18 months (January 2025-June 30, 2026) to support residential expansion
5. Janitor	$9,295	.20FTE janitor at $15.00/hour for 18 months (January 2025-June 30, 2026) to support residential expansion
6. Payroll Taxes	$10,605	% of payroll taxes for the above funded positions
7. Worker's Comp	$1,387	% of work comp for the above funded positions
8. Health Insurance	$4,835	health insurance for Full time Advocate noted above
Subtotal	**$155,450**	

Residential Support		
1. Food	$18,000	20% increase in food for residential families for 18 months (January 2025-June 2026)
2. Medical care (RX)	$1,350	20% increase in prescription medication for residential families for 18 months (January 2025-June 2026) Families entering emergency safe shelters are often forced to leave prescriptions and other medical devices behind
3. Transportation	$3,000	20% increase in transportation for residential families for 18 months (January 2025-June 2026); Transportation includes bus tickets, gas vouchers, ride share, and gas for agency owned vehicles used to transport families
4. Residential client support	$4,000	20% increase in residential client support for 18 months (January 2025-June 2026). Residential support includes purchasing items clothing, shoes, bicycles, children's needs, hygiene items)
5. Residential supplies	$10,000	20% increase in disposable supplies utilized in the emergency shelter for 18 months (January 2025-June 2026) including pillows, comforters, plates, cups, paper towels, janitorial supplies, children's supplies like high chairs and baby monitors.
6. Housing Relocation Assistance	$45,000	15 residential families assisted with first month/last month rent and security deposits to secure safe housing when exiting the emergency safe shelter
Subtotal	**$81,350**	
Maintenance and Operations		
1. Building Insurance	$24,930	15% of building insurance based on increased square footage for 18 months January 2025-June 2026
2. Utilities	$17,000	15% of building insurance based on increased square footage for 18 months January 2025-June 2026

3. Security Monitoring	$5,000	15% of security based on increased square footage for 18 months January 2025-June 2026
4. Crisis line telephone /internet	$4,500	15% of telephone/internet expenditures for 18 months January 2025-June 2026
Subtotal	**$51,430**	
Total:	**$686,500**	

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Resolution: 270-22

File Number: 2022-1009

PEACE AT HOME FAMILY SHELTER SUBRECIPIENT AGREEMENT:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER FOR THE EXPANSION OF THE EMERGENCY SHELTER FOR SURVIVORS OF DOMESTIC VIOLENCE UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF $686,500.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the City of Fayetteville has received funding from the American Rescue Plan Act (ARPA) invited non-profit organizations to submit proposals for projects to fund with the available ARPA funding; and

WHEREAS, the Peace at Home Family Shelter submitted an application requesting $686,500.00 in American Rescue Plan Act funds for the expansion of the safety shelter for survivors of domestic violence; and

WHEREAS, the expansion will include 3 additional shelter bedrooms with bathrooms which will allow Peace at Home to provide safe, emergency shelter to approximately 60 additional adults and children fleeing domestic violence each year; and

WHEREAS, the Subrecipient Agreement would provide funding in the amount of $686,500.00 for the rehabilitation and construction costs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a Subrecipient Agreement with Peace at Home Family Shelter to provide the amount of

$686,500.00 in American Rescue Plan Act funds to fund the expansion of the emergency shelter.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

PASSED and APPROVED on 11/15/2022

Approved:

Lioneld Jordan, Mayor

Attest:

Kara Paxton, City Clerk Treasurer

CITY CLERK / TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2022-1009

Agenda Date: 11/15/2022 **Version:** 1 **Status:** Passed

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: C.5

PEACE AT HOME FAMILY SHELTER SUBRECIPIENT AGREEMENT:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER FOR THE EXPANSION OF THE EMERGENCY SHELTER FOR SURVIVORS OF DOMESTIC VIOLENCE UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF $686,500.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the City of Fayetteville has received funding from the American Rescue Plan Act (ARPA) invited non-profit organizations to submit proposals for projects to fund with the available ARPA funding; and

WHEREAS, the Peace at Home Family Shelter submitted an application requesting $686,500.00 in American Rescue Plan Act funds for the expansion of the safety shelter for survivors of domestic violence; and

WHEREAS, the expansion will include 3 additional shelter bedrooms with bathrooms which will allow Peace at Home to provide safe, emergency shelter to approximately 60 additional adults and children fleeing domestic violence each year; and

WHEREAS, the Subrecipient Agreement would provide funding in the amount of $686,500.00 for the rehabilitation and construction costs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a Subrecipient Agreement with Peace at Home Family Shelter to provide the amount of $686,500.00 in American Rescue Plan Act funds to fund the expansion of the emergency shelter.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

Legistar ID No.: 2022- 1009

AGENDA REQUEST FORM

FOR: Council Meeting of November 15, 2022

FROM: Council Member Sarah Bunch

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER FOR THE EXPANSION OF THE EMERGENCY SHELTER FOR SURVIVORS OF DOMESTIC VIOLENCE UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF $686,500.00, AND TO APPROVE A BUDGET ADJUSTMENT

APPROVED FOR AGENDA:

Approved by email — 11/01/2022

City Council Member
Sarah Bunch — Date

City Attorney Kit Williams — November 1, 2020
Approved as to form — Date

Batker, Jodi

From: Bunch, Sarah
Sent: Tuesday, November 01, 2022 11:21 AM
To: Batker, Jodi; Williams, Kit; Blake Pennington; Paxton, Kara
Subject: Re: Resolution

Jodi,

Sorry, I am just now getting back to you on this. Please consider this email my approval of the Resolution as attached, and see that it gets added to our agenda. Call me if you need anything else.

Sarah Bunch

From: Batker, Jodi <jbatker@fayetteville-ar.gov>
Sent: Thursday, October 27, 2022 4:03 PM
To: Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>
Cc: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Resolution

Sarah,

Attached the requested Resolution for the Peace at Home Shelter for your review. If there are no changes needed, I've attached the Agenda Request for your signature.

Thank you.

Jodi Batker
Paralegal
113 W. Mountain St., Suite 302
Fayetteville, Arkansas 72701
Telephone: (479) 575-8313
jbatker@fayetteville-ar.gov

OFFICE OF THE CITY ATTORNEY

Facebook | Twitter | Instagram | YouTube

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER FOR THE EXPANSION OF THE EMERGENCY SHELTER FOR SURVIVORS OF DOMESTIC VIOLENCE UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF $686,500.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the City of Fayetteville has received funding from the American Rescue Plan Act (ARPA) invited non-profit organizations to submit proposals for projects to fund with the available ARPA funding; and

WHEREAS, the Peace at Home Family Shelter submitted an application requesting $686,500.00 in American Rescue Plan Act funds for the expansion of the safety shelter for survivors of domestic violence; and

WHEREAS, the expansion will include 3 additional shelter bedrooms with bathrooms which will allow Peace at Home to provide safe, emergency shelter to approximately 60 additional adults and children fleeing domestic violence each year; and

WHEREAS, the Subrecipient Agreement would provide funding in the amount of $686,500.00 for the rehabilitation and construction costs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a Subrecipient Agreement with Peace at Home Family Shelter to provide the amount of $686,500.00 in American Rescue Plan Act funds to fund the expansion of the emergency shelter.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

PASSED and **APPROVED** this 15th day of November, 2022.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
KARA PAXTON, City Clerk/Treasurer

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar) *1 Errors*

Budget Year	Division /Org2	Adjustment Number
2022	Non-Departmental (800)	
	Requestor: Council Member Sarah Bunch	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER FOR THE EXPANSION OF THE EMERGENCY SHELTER FOR SURVIVORS OF DOMESTIC VIOLENCE UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF $686,500.00, AND TO APPROVE A BUDGET ADJUSTMENT.

RESOLUTION/ORDINANCE

COUNCIL DATE: 11/15/2022

LEGISTAR FILE ID#: **2022-1009**

Kevin Springer
10/27/2022 4:31 PM

Budget Director Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

CHKD/POSTED: /

v.20221019

TOTAL	686,500	686,500				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
2246.800.9719-5315.00	686,500	-	***20023***	***2021***	EX	**Contract Services
2246.800.9246-4309.01	-	686,500	20023	2021	RE	Federal Grants - Operational
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

CITY OF FAYETTEVILLE
AMERICAN RESCUE PLAN ACT
2022 SUBRECIPIENT GRANT APPLICATION

NOTE: Submission of a Subrecipient Grant Application provides no guarantee that the applicant will receive funding. All organizations selected to receive funds will be subject to entering into a contract with the City of Fayetteville and subject to the rules and regulations pertaining to the American Rescue Plan Act.

Please review the City of Fayetteville American Rescue Plan Act 2022 Subrecipient Grant Application Guide for more information on the required items listed in this application.

PART 1 APPLICANT IDENTIFICATION	
Total Amount of Funding Requested (whole dollar) [Minimum $50,000]	$686,500
Applicant/Organization Name	Peace at Home Family Shelter
Mailing Address (street, city, zip)	PO Box 10946, Fayetteville, AR 72703
Organization Website	www.peaceathomeshelter.org
DUNS Number	029494593
Organization FEIN/SSN	71-0552563
PART 2 APPLICANT CONTACT INFORMATION	
Contact for Project (name & title)	Teresa Mills, CEO
Contact Phone Number	479-444-8310
Contact Email	tmills@peaceathomeshelter.com
Signature Authority (name, title & email address)	Teresa Mills, CEO tmills@peaceathomeshelter.com
PART 3 PROJECT INFORMATION	
Project Name	Expanding Safe Shelter for Survivors of Domestic Violence
Project Address (street, city, zip)	3045 E Ivey Ln, Fayetteville, AR 72764

PART 3 PROJECT INFORMATION continued	
Is anyone with control over the Organization (i.e. owner, manager, director, board member, or other) or any member of that person's immediate family, an employee or elected official of the City of Fayetteville	◉ Yes ○ No
If Yes, above, please identify person and position with the City	Blake Pennington, Assistant City Attorney (Peace at Home board member)
Project Summary (**brief** synopsis of proposed project)	The ongoing COVID-19 pandemic has made it more difficult and dangerous for victims of domestic violence seeking to flee abusive homes. Peace at Home Family Shelter proposes a renovation project to create 3 additional shelter bedrooms with bathrooms. This will allow Peace at Home to provide safe, emergency shelter to approximately 60 additional adults and children fleeing domestic violence each year.
Describe previous experience in providing similar services	As the first domestic violence shelter in the state of Arkansas, Peace at Home Family Shelter has been providing safe, emergency shelter to survivors of domestic violence and their children since 1979. In addition to safe shelter, Peace at Home also provides housing assistance, counseling, legal services exclusively to survivors of domestic violence and their children. In total, we serve over 1,000 individuals each year.
Programs will typically be funded for a time period not to exceed 12 months from the signed date of the subrecipient agreement. Please describe your organization's ability to plan and utilized requested funds within that timeframe.	The requested project will be for rehabilitation and construction costs in order to increase the physical capacity of our emergency shelter for survivors of domestic violence. We are already working with an architect for this and other projects and would be able to quickly begin construction to meet the limited time frame required.

PART 4 PROJECT BENEFICIARIES	
Projected number of **Fayetteville** beneficiaries	60 per year

Because the federal rules vary depending on the type of project for which funds are being requested, the city has grouped project requests in 3 focus categories: Social Services, Economic, and Environmental. Please choose the corresponding category below that most closely identifies your project.

PART 4A **SOCIAL SERVICES APPLICATIONS ONLY**	
Will **ALL** beneficiaries live, work and/or go to school in Fayetteville	(●) Yes ( ) No
Will **ALL** beneficiaries meet US Treasury Low to Moderate Income (LMI) Guidelines (please see Application Guide, Exhibit A).	(●) Yes ( ) No
Will **ALL** beneficiaries have been negatively impacted by COVID-19	(●) Yes ( ) No
Does this request respond to a **negative COVID-19 impact**?	(●) Yes ( ) No
If answering Yes to the **question above**, please describe the COVID-19 impact and how this proposal will aid in responding to the impact	COVID-19 has made it more dangerous for victims of domestic violence to flee abusive homes and avoid homelessness. The Final Rule lists victims of domestic violence as a population disproportionately negatively impacted by COVID-19 (page 19). This proposal will increase our community's capacity to provide safe emergency housing for a vulnerable population.
Please indicate how the proposed project meets eligibility standards and requirements described in the Department of Treasury's Final Rule for Coronavirus State and Local Fiscal Recovery Funds	As a project providing emergency housing assistance, this project is enumerated in the Final Rule as eligible to respond to the impacts of the pandemic on households and communities.

PART 4B **ENVIRONMENTAL APPLICATIONS ONLY**	
Please describe the effect of the proposed environmental impact or benefit. Please indicate how the proposed project meets eligibility standards under the EPA's Clean Water State Revolving Fund (CWSRF), Drinking Water State Revolving Fund (DWSRF), or eligible projects as described in Department of Treasury's Final Rule for Coronavirus State and Local Fiscal Recovery Funds. See Subrecipient Application Guide for more information.	
PART 4C **ECONOMIC APPLICATIONS ONLY**	
Please describe the residents or industry sector this grant request is intended to serve or benefit. Please indicate how the proposed project meets eligibility standards and requirements described in the Department of Treasury's Final Rule for Coronavirus State and Local Fiscal Recovery Funds.	This project will exclusively serve survivors of domestic violence and their children in our community. As a project providing emergency housing assistance, this project is enumerated in the Final Rule as eligible to respond to the impacts of the pandemic on households and communities.
Does this request respond to a negative COVID-19 impact	◉ Yes ○ No
If yes, please describe the COVID-19 impact and how this proposal will aid in the City's economic recovery	COVID-19 has made it more dangerous for victims of domestic violence to flee abusive homes and avoid homelessness. The Final Rule lists victims of domestic violence as a population disproportionately negatively impacted by COVID-19 (page 19). This proposal will aid in the City's economic recovery by meeting temporary housing needs for a vulnerable population so they have the stability to find or maintain employment and permanent housing in our community and achieve self-sufficiency.

PART 5 FAYETTEVILLE BUSINESS LICENSE

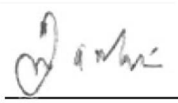
City Code Chapter 118 Business Registry and Licenses delineates what businesses are required to have a Fayetteville Business License. Submission of this grant application indicates that, if required, a current business license is in place.

PART 6 SIGNATURE OF SIGNATURE AUTHORITY AND DATE

I am an authorized employee/agent of the applicant organization and I am authorized to submit this application.

I have read and reviewed the American Rescue Plan Act documentation. I understand that as a subrecipient of the City of Fayetteville's American Rescue Plan Act funds, I will be responsible for maintaining records, complying with provisions of the subrecipient agreement, and providing any/all records and information necessary for the City of Fayetteville to report on this award.

All applications and documentation are subject to disclosure pursuant to the Arkansas Freedom of Information Act. All documentation may be provided to Federal and/or State government agencies for accounting and auditing purposes.



Teresa A. Mills CEO 3/29/2022

Name/Title/Date

PART 7 ORGANIZATION DESCRIPTION Provide a brief description of your organization and the services offered.	
Year of Incorporation	1977
Philosophy, Purpose and/or Mission Statement	The mission of Peace at Home Family Shelter is to empower victims of domestic violence to survive and thrive by nurturing their self-determination and courage and to promote healthy relationships and compassionate communities through education, outreach, and advocacy. Peace at Home Family Shelter believes that everyone deserves to feel safe in their own homes. We operate with an empowerment philosophy centered on the rights of survivors of domestic violence to be the decision makers of their own lives.

Provide a brief description of your organization including information about programs and/or services other than the proposed project.

Peace at Home Family Shelter helps survivors of domestic violence and their children safely escape abusive homes and rebuild their lives. In addition to providing immediate safe shelter, our program connects survivors with the resources they need to transition out of shelter and into long-term safe housing. Our programs have five components working together to help survivors transition from homes of violence to homes of safety.

24 Hour Hotline -- First, Peace at Home operates a 24/7 crisis hotline and email inbox. Our crisis hotline is available in Spanish and English and serves as the entry point for clients. Hotline advocates assist callers with community referrals, safety planning, coming into shelter, and our additional programs. In 2021, we received 1,205 calls from members of our community seeking help.

Emergency Shelter -- The emergency shelter has 14 rooms available for women, men, children, and any person escaping violence. Bilingual staff are available to provide onsite assistance to clients. On average, families stay 45 days in shelter as they work on their individualized goals (90 day maximum stay). Peace at Home was able to provide emergency shelter to 151 individuals in the community in 2021, a reduced capacity due to COVID-19 and renovations to make the shelter safer for families during the on-going pandemic.

Advocacy -- While staying in shelter, clients are offered advocacy services to help them reach their goals. Advocates meet daily with clients to develop and implement self-sufficiency plans.

These plans are built around the current strengths of a survivor and provide steps to achieving long-term goals such as employment or affordable housing.

The purpose is to empower survivors to overcome their unique barriers such as education skill gaps, scarce work histories, unreliable transportation, career planning, affordable child-care, and self-confidence. Peace at Home maintains partnerships with life-skill agencies such as the Credit Counseling of Arkansas and Dress for Success. These agencies provide critical support for the clients to meet the variety of employment and financial goals that they have towards achieving a safe life. The Institute for Women's Policy Research indicates that 73% of respondents said that they had stayed with an abusive partner longer than they wanted or returned to them for economic reasons.

Working together, advocates eliminate barriers that might keep survivors economically or emotionally dependent on a violent partner. These advocacy services are also open to individuals in the community who are not currently living at our shelter but are survivors of domestic violence in need of assistance.

Housing Assistance -- Survivors of domestic violence in our emergency shelter and in our community also have access to support from our Home Restored and SHE housing assistance programs. These program provides direct financial support, landlord advocacy, budgeting skills, and case management to help families find permanent housing in the community that meets their long-term needs. In 2021, Peace at Home was able to provide housing-related assistance to 160 families.

Legal Services -- Peace at Home has an onsite staff attorney and a bilingual advocate to assist shelter residents and outreach clients with legal needs. Our legal services department enables Peace at Home to provide survivors of domestic violence with legal representation for divorce cases, child custody issues, and orders of protection as well as legal advocacy and financial assistance for legal fees. In 2021, Peace at Home provided legal services to 537 clients.

Mental Health/Emotional Support Services - Peace at Home employs a full-time bilingual counselor and partners with the University of Arkansas Doctorate Program in Psychology as a site for doctoral candidates in clinical psychology. These mental health professionals provide one-on-one and parent/child counseling to clients of Peace at Home free of charge. In 2021, Peace at Home provided direct counseling services to 94 individuals in our community.

All of our services are free of charge, personalized to meet individual survivor needs, and voluntary.

PART 8	PROJECT BUDGET Provide a descriptive line-item budget for the entire project including the American Rescue Plan Act (ARPA) funds being requested. **Provide specific information on how American Rescue Plan Act funds will be used and include any necessary supporting documentation. Please indicate whether any American Rescue Plan Act funds have been requested or received from other sources, and if so, provide detailed information on the source and proposed use of those funds.** Please indicate how you will spend all awarded ARPA funding by the project end date.

Peace at Home Family Shelter - Rehabilitation Project to Add Capacity

Budget (based on estimates received from WER Architects):
Construction:
1000 sf ($235 per sf renovation costs) - $235,000
1250 sf ($300 per sf building addition costs) - $375,000
Escalation - $18,000
FF&E - $35,000
Design/Engineering/Surveys/Geotech - $23,500

TOTAL PROJECT BUDGET: $686,500

Spending by Project Date - The requested funds will be for a building rehabilitation project and will be expensed within the project timeline on the above line items.

Other ARPAR Requests - Peace at Home Family Shelter has requested $25,000 in ARPAR funding from the Emergency Food and Shelter Program to support emergency shelter operations.

PART 9	PROJECT DESCRIPTION Describe the proposed project and provide the information requested under PART 9 of the American Rescue Plan Act 2022 Subrecipient Application Guide. Please provide any additional information that will assist in evaluating the project.

What Project Will Do

This project will increase the capacity of the emergency shelter for survivors of domestic violence by renovating and expanding a section of the existing shelter building to add three additional client rooms and bathrooms. This project will involve converting an existing storage space into client rooms while expanding out to replace the lost storage. Currently, Peace at Home Family Shelter has capacity for up to 14 households (survivors and their children) at the emergency shelter (40-55 people). This project would permanently increase that capacity to 17 households. Allowing approximately 60 additional individuals to access emergency shelter every year.

COVID-19 has negatively impacted victims of domestic violence, as many individuals have lost employment and social supports to help them successfully leave abusive relationships. In 2022, Peace at Home received 1,205 calls from individuals seeking support in our community, an increase from pre-pandemic 2019 numbers of 24%.

As more individuals are requesting shelter services, Peace at Home Family Shelter also had to change shelter operations due to COVID-19. Now, clients no longer share rooms or bathrooms to help prevent the spread of illness. While this change was necessary to protect the health of families in shelter, it reduced capacity for emergency shelter. The completion of this project will recover lost capacity and allow Peace at Home to safely shelter more families. Peace at Home operates with a waiting list for emergency shelter due to insufficient capacity and high community need.

This project is in alignment with the City of Fayetteville's Master Plan goals #1 and #6 as it involves the rehabilitation of an existing building and increasing access to housing.

Execution of Project

This is a building rehabilitation project that will involve the addition of three additional family rooms to Peace at Home's emergency shelter. If approved for funding, the construction would take place within the 12-month timeframe and services would continue for families residing in the newly expanded shelter. Peace at Home Family Shelter is already working with WER Architects on this project and, if approved for funding, would be able to complete the rehabilitation within the required time frame.

How Beneficiaries are Selected

Peace at Home Family Shelter advertises and operates a 24-hour crisis hotline, email help address, and limited online chat for individuals in the community to reach out to us for assistance.

PART 9 PROJECT DESCRIPTION continued

When a person contacts us for services, our only requirement is that they are a survivor of domestic violence and have a need for services. For the emergency shelter, someone must be either fleeing intimate partner violence or homeless as a result of recent intimate partner violence. Our emergency shelter program defines ‘recent’ as within the past three months. Per best practices laid out by the National Network to End Domestic Violence, no additional verifications are required. When a new client arrives at the shelter, they complete intake paperwork with an advocate.

Services Provided

In addition to meeting immediate needs for shelter, each emergency shelter client is assigned to a primary advocate who works with them to identify and work towards individualized goals for self-sufficiency and recovery from domestic violence. These goals can include: acquiring permanent housing, increasing income, rebuilding social support networks, legal needs, and mental wellbeing. Many of these needs can be addressed through Peace at Home’s in-house programs, but advocates also offer robust community referrals to help clients connect with the community at large.

Verification of Final Rule Qualification

As a project providing emergency housing, this project is an enumerated in the Final Rule as a qualifying project. While there is no income requirement for emergency shelter services for victims of domestic violence, anyone seeking shelter at a domestic violence organization is considered homeless under Housing and Urban Development (HUD) Category 4 definition and is a presumed benefit clientele population assumed to be Low to Moderate Income according to Community Development Block Grant HUD regulations.

Benefit of Project – Limited Assistance and Creating Self-Sufficiency

This project will enhance Peace at Home Family Shelter’s capacity to provide immediate, life-saving emergency shelter to survivors of domestic violence and their children at a time when survivors are more in need of shelter and our capacity has been reduced (both because of the ongoing COVID-19 pandemic). In addition to this immediate assistance, the individualized advocacy provided to all residents of Peace at Home’s emergency shelter allows individuals to work towards and obtain self-sufficiency and thrive in our community.

How Project will Further Philosophy and Purpose

This project will further Peace at Home Family Shelter’s philosophy and purpose by increasing our capacity to provide client-centered safe shelter and supportive services to survivors of domestic violence and their children in our community. With increased capacity, our emergency shelter can serve more families in need every day and help make our community a safe and thriving place for all of our neighbors.

PART 10	PROJECT TIMELINE Provide a complete and specific timeline for all activities related to proposed project.

Project Timeline

Upon Award Notification (0-3 months) - Finalize design details with WER Architects, receive bids from construction contractors and select a contractor for the project.

3 Months-9 Months into Project - Complete construction and renovation of shelter space to add 3 additional client rooms with bathrooms and replace storage area.

9 Months - 12 Months (if not completed sooner) - Ensure all construction is completed and payments are processed. Acquire and install all necessary furniture, fixtures, and equipment. Complete inspection. Open rooms up to survivors of domestic violence seeking safe shelter.

PART 11 DATA COLLECTION, RECORD MAINTENANCE, AND REPORTING Describe how the organization will collect data and maintain records to track program activities and eligibility verification. Please also describe your organization's ability to produce required documentation including financial reports, performance reports, progress reports, expenditure information, etc.

Data Collection and Maintenance:

Peace at Home Family Shelter utilizes a database system built for victim service organizations by Osnium called WomensShelter for all client and program tracking information, including program activities and client eligibility. This database is used to generate reports for any grant requirements and to assess program effectiveness. Data is collected by advocate staff members of Peace at Home at intake and on an ongoing basis throughout the client's stay.

Organizational Capacity

Peace at Home has extensive experience managing federal grants, including grants as a recipient and sub-recipient from the Department of Justice, Department of Health and Human Services, and the Department of Housing and Urban Development.

Peace at Home employs a full-time Chief Financial Officer (CFO) to oversee all finances, including financial reporting for grants. The CFO is a certified public accountant and successfully manages all necessary reporting for grants and ensure appropriate accounting for all restricted funding.

PART 12 PROJECT EVALUATION | OBJECTIVES AND OUTCOMES List the objectives (not activities) of the proposed project. Describe how each objective will be measured to determine if it has been met.

Use the following format

Objective #:
Outcome(s):
Method of Measurement:

Objective: More survivors of domestic violence and their children have access to safe, emergency housing in order to flee abusive homes.

Outcome: 60 more individuals will receive safe shelter in the 12 months following completion of the rehabilitation than in the 12 months previous, increasing the shelter's capacity by 25%.

Method of Measurement: Shelter stays are logged in our database system and the previous 12 months before the rooms were added can be compared to a period of time after the additional rooms are opened to measure an increase in capacity for safe shelter.

Objective: More survivors of domestic violence will have access to individualized advocacy and support to help them overcome barriers to independence.

Outcome: Peace at Home advocates will provide an average of 14 hours of individualized advocacy services to each household staying in the shelter, providing support in commonly identified needs, including: safety planning, emotional support, resource referrals, legal support, budgeting, and transportation.

Method of Measurement: Hours of advocacy services are logged in the database system and can be pulled in aggregate for all shelter clients.

PART 13 PARTIAL FUNDING Indicate whether the project can proceed with partial funding. If **YES**, indicate the minimum amount the applicant will accept with line items arranged from highest to lowest priority. Describe the impact that partial funding will have on the project. If **NO**, the project will not be considered for partial funding.

Yes, the project could proceed with partial funding. Given the limited 12-month time frame, the project would need to be funded at a minimum of 75% in order to move forward. The impact of partial funding could potentially be redirecting needed funds away from important programs serving survivors of domestic violence in our community in order to fill the budget gap and move forward.

Line Item Breakdown - All line items are equally necessary for funding as all are necessary aspects of the rehabilitation project.

PART 14 ADDITIONAL DOCUMENTATION CHECKLIST

Please provide these items with your application. See page 10 of the 2022 American Rescue Plan Act Subrecipient Application Guide for more information

☑ Accessibility Narrative
☑ Board of Directors
☑ Bylaws
☑ Certificate of Good Standing
☑ Financial Audit (see Application Guide for more information)
☑ Intake Forms
☑ Non-Profit Status Verification [IRS 501(c)(3) letter, IRS form 990 or 990-EZ, etc.]
☑ Resumes
☑ System Award Management (SAM) registration
☑ Status of Funding (if applicable)
☑ Additional Documentation Checklist (this page)
☑ Additional Information

City of Fayetteville Staff Review Form

2022-1141

Legistar File ID

N/A

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

ARCHIVED

Steve Dotson	11/30/2022	INTERNAL AUDIT (036)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Recommend Mayor's signature of approval of a subrecipient agreement with the Peace At Home Family Shelter in the amount of $686,500.00 to provide funding from the American Rescue Plan Act to expand the emergency shelter. Resolution 270-22 passed on 11/15/22 as a walk-on item included the funding arrangements and authorized Mayor Jordan to sign the subrecipient agreement.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?		Current Budget	$ -
		Funds Obligated	$ -
		Current Balance	$ -
Does item have a cost?		Item Cost	$ -
Budget Adjustment Attached?		Budget Adjustment	
		Remaining Budget	$ -

V20210527

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date: 12/07/2022

Original Contract Number:

Comments:

CITY OF
FAYETTEVILLE
ARKANSAS

STAFF MEMO

TO: Mayor

THRU: Susan Norton, Chief of Staff

FROM: Steve Dotson, Internal Auditor

DATE: November 30, 2022

SUBJECT: **Subrecipient Agreement – Peace At Home Family Shelter**

RECOMMENDATION:
Recommend Mayor Jordan's signature on the Peace At Home Family Shelter subrecipient agreement.

BACKGROUND:
Resolution 270-22, passed and approved on 11/15/22, authorized Mayor Jordan to sign a subrecipient agreement with the Peace At Home Family Shelter for the expansion of the emergency shelter for survivors of domestic violence in the amount of $686,500.00.

DISCUSSION:
Peace at Home Family Shelter submitted a request for funding under the ARPA program as a subrecipient, with the purpose of expanding the emergency shelter for survivors of domestic violence. Resolution 270-22 authorized Mayor Jordan to sign the subrecipient agreement to provide the amount of $686,500.00 in American Rescue Plan Act funds to fund the expansion of the emergency shelter.

BUDGET/STAFF IMPACT:
The emergency shelter expansion will utilize American Rescue Plan Act funds.

Attachments:
ARPA Subrecipient Contract with the Peace At Home Family Shelter with Resolution 270-22 attached at the end of the subrecipient contract.

CITY OF
FAYETTEVILLE
ARKANSAS

SUBRECIPIENT AGREEMENT for AMERICAN RESCUE PLAN
City of Fayetteville, AR
and
PEACE AT HOME FAMILY SHELTER, INC.
City of Fayetteville Subrecipient# ARPA-0005

This Subrecipient Agreement (Agreement) is entered into and effective on this 7th day of December, 2022 between **the City of Fayetteville,** hereafter referred to as ("the City") and Peace at Home Family Shelter, Inc. (hereinafter referred to as "Peace at Home" or the "subrecipient").

WHEREAS, Peace at Home requested funding to increase the capacity of the emergency shelter for survivors of domestic violence by renovating and expanding a section of the existing shelter building to add three additional client rooms and bathrooms; and

WHEREAS, The City of Fayetteville has received funding through the American Rescue Plan Act ("ARPA" or the "Act"), from the United States Department of the Treasury;

WHEREAS, it shall be hereby disclosed this Agreement shall make Peace at Home a subrecipient / pass-through entity under 2 CFR 200.1 receiving a subaward under sections 602(c)(3) and 603(c)(3) of the Act and be considered for this subaward to carry out a program or project on behalf of the City with the City's Federal award funding;

WHEREAS, the City notifies the subrecipient: (1) that this funding shall be considered a subaward of ARPA funds; (2) subrecipient shall adhere to any and all compliance requirements for use of ARPA funds; and (3) any and all reporting requirements for expenditures of ARPA funds; and

WHEREAS, this Agreement is reflective of requirements issued and identified with the ***Final Rule*** of the Department of the Treasury; that capital expenditures, in certain cases, can be appropriate responses to the public health and economic impacts of the pandemic; and

WHEREAS, an increase in the number of domestic violence victims is recognized as a significant negative public health impact of the COVID-19 pandemic, and the City may use American Rescue Plan Act funds to address the harm experienced by these victims through increasing capacity and expanding access to emergency housing assistance.

NOW, THEREFORE, in consideration of the covenants and conditions hereinafter set forth, the City and subrecipient agree as follows:

1. INFORMATION REQUIRED BY THE UNIFORM GRANT GUIDANCE (UGG) §200.332:

a) **Subrecipient Name** (must match the name associated with its Unique Entity Identifier):

Peace at Home Family Shelter, Inc.
P.O. Box 10946
Fayetteville, AR 72703
EIN: 71-0552563

Subrecipient's Unique Entity Identifier (formerly known as DUNS number): LN3EUDU177W3

b) **Subaward Budget Period:** Subaward budget period shall be set forth in Section 4 below.

c) **Total Amount of Federal Funds obligated to the subrecipient by the City:** $686,500.00

d) **Name of Federal Awarding Agency and Contact Information:**

United States Department of Treasury (US Treasury)
Attn: State and Local Fiscal Recovery Funds
1500 Pennsylvania Avenue NW,
Washington, DC 20220
SLFRP@treasury.gov
Telephone: 202-622-6415
Website: https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local- and-tribal-governments/state-and-local-fiscal-recovery-fund

Contact Information for the City:
Paul A. Becker
Chief Financial Officer
113 W. Mountain
Fayetteville, AR 72701
pbecker@fayetteville-ar.gov
Telephone: 479-575-8330

Contact Information for the Subrecipient:
Peace at Home Family Shelter, Inc.
ATTN: Teresa Mills, CEO
P.O. Box 10946
Fayetteville, AR 72703

Assistance Listings Number and Title: 21.027 Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) (AKA the American Rescue Plan Local Recovery Funds, hereinafter ARPA) See https://sam.gov/fal/7cecfdef62dc42729a3fdcd449bd62b8/view

This subaward is a program grant and not for Research and Development.

e) **Indirect Cost Rate:** (de minimis cost rate) maximum of 10% of direct costs if indicated in the budget.

2. AGREEMENT: This Agreement, contains the entire agreement and understanding between the parties hereto and supersedes any prior or contemporaneous written or oral agreements, representations and warranties between them respecting the subject matter hereof. This Agreement is also composed of the following appendices:

   a. **Appendix A – Scope of Work & Project Allocation**

   b. **Appendix B – Department of the Treasury, 31 CFR Part 35, RIN 1505-AC77, Coronavirus State and Local Fiscal Recovery Funds, Action: Final Rule**

   c. **Appendix C – Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds**

3. SUBCONTRACTING: Subrecipient is permitted to sub-contract with third parties to complete the scope of work identified in this contract. Any sub-contract or sub-sub recipient shall follow all federal, local and state regulations. Subrecipient shall not be allowed to disperse funds in a subrecipient manner to another third party without prior written City approval.

4. PERIOD OF PERFORMANCE: This Agreement shall commence on the effective date stated above and shall expire one year from commencement. The Agreement may be extended or shortened upon mutual written agreement of the parties.

5. STANDARDS OF WORK: Subrecipient agrees that the performance of the work and services of this Agreement shall conform to the highest professional standards.

6. TAXES: Subrecipient shall pay all current and applicable local, city, county, state and federal taxes, licenses and assessments related to the Scope of Work to be performed by Subrecipient including but not limited to those payments required by all federal, state and local laws, and any other laws and Acts under which Subrecipient may be liable.

7. COMPLIANCE WITH APPLICABLE LAWS: Subrecipient shall perform all activities funded by this Agreement in accordance with all applicable federal, state and local laws, including without limitation laws which regulate the use of funds allocated under ARPA. The term "federal, state and local laws" as used in this Agreement shall mean all applicable statutes, rules, regulations, executive orders, directives or other laws, including all laws as presently in effect and as may be amended or otherwise altered during the Agreement Term, as well as all such laws which may be enacted or otherwise become effective during the Agreement Term. The term "federal, state and local laws" shall include, without limitation:

   a. Federal Requirements:

      i. Subrecipient agrees to comply with the requirements of section 603 of the **ARPA**, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. The Subrecipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and the Subrecipient shall provide for such

compliance by other parties in any agreements it enters into with other parties relating to this award.

ii. Federal regulations applicable to this award include, without limitation, the following:

a. **Uniform Administrative Requirements**, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award. The following 2 CFR Part 200 Policy requirements are excluded from coverage under this assistance listing: For 2 CFR Part 200, Subpart C, the following provisions do not apply to the CSLFRF program: 2 C.F.R. § 200.204 (Notices of Funding Opportunities); 2 C.F.R. § 200.205 (Federal awarding agency review of merit of proposal); 2 C.F.R. § 200.210 (Pre-award costs);and 2 C.F.R. § 200.213(Reporting a determination that a non-Federal entity is not qualified for a Federal award). For 2 CFR Part 200, Subpart D, the following provisions do not apply to the SLFRF program: 2 C.F.R. § 200.308 (revision of budget or program plan); 2 C.F.R. § 200.309 (modifications to period of performance); C.F.R. § 200.305 (b)(8) and (9) (Federal Payment).

b. **Universal Identifier and System for Award Management (SAM),** 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference. As SAM is scheduled to be phased out, compliance with a successor government-wide system officially designated by the Office of Management and Budget (OMB).

c. **Reporting Subaward and Executive Compensation Information**, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.

d. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.

e. **Subrecipient Integrity and Performance Matters**, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.

f. **Governmentwide Requirements for Drug-Free Workplace**, 31 C.F.R. Part 20.

g. **New Restrictions on Lobbying,** 31 C.F.R. Part 21.

h. **Uniform Relocation Assistance and Real Property Acquisitions Act of 1970** (42 U.S.C. §§ 4601-4655) and implementing regulations.

i. Generally applicable federal environmental laws and regulations.

iii. Statutes and regulations prohibiting discrimination applicable to this award include without limitation, the following:

a. **Title VI of the Civil Rights Act of 1964** (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance; Subrecipient and its sub-contractors, sub-recipients, sub-grantees, successors, transferees, or assignees, shall comply with: Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) and its applicable federal statutory, regulatory authorities, other pertinent directives, circulars, policy, memoranda, and guidance prohibiting discrimination on the basis of race, color, national origin, age, sex, and disability and give assurance that it will promptly take any measures necessary to ensure such compliance.

b. **The Fair Housing Act, Title VIII of the Civil Rights Act of 1968** (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;

c. **Section 504 of the Rehabilitation Act of 1973**, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;

d. **The Age Discrimination Act of 1975**, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and

e. **Title II of the Americans with Disabilities Act of 1990**, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

iv. **Remedial Actions.** In the event of the Subrecipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, the City may impose additional conditions on the receipt of a subsequent payments, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339.

In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.

v. **Hatch Act.** The Subrecipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.

vi. **False Statements.** The Subrecipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

vii. **Monitoring**: The Subrecipient agrees to allow the City and the US Treasury to monitor the subaward in accordance with all applicable statutes, regulations, OMB circulars, and guidelines. The Subrecipient shall allow the City to have oversight of any Subrecipient's spending and monitoring of specific outcomes and benefits attributable to use of subaward funds by Subrecipient.

viii. **Audits** In accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements, nonfederal entities that expend financial assistance of $750,000 or more in Federal awards will have a single audit conducted for that year. Non-federal entities that expend less than $750,000 a year in Federal awards are exempt from Federal audit requirements for that year, except as noted in 2 CFR 200.503. The City is responsible for resolving audit findings specifically related to the subaward and not responsible for resolving cross-cutting findings (§200.332(d)(4)).

ix. **Disclosure of Information**. Any confidential or personally identifiable information (PII) acquired during the course of the subaward shall not be disclosed by the Subrecipient to any person, firm, corporation, association, or other entity for any reason or purpose whatsoever without the prior written consent of the City, either during the term of the Agreement or after termination of the Agreement for any reasons whatsoever. The Subrecipient agrees to abide by applicable federal regulations regarding confidential information and research standards, as appropriate, for federally supported projects.

x. **Conflicts of Interest.** The Subrecipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Subrecipients must disclose in writing to the City, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

b. City and Other City Requirements (see §200.332(a)(3)):

i. **Reporting:** Subrecipient agrees to comply with any reporting obligations established by the City as it relates to this award. Subrecipient shall submit a Monthly Grant Report by the 6th of the month to the Contact for the City.

ii. **Maintenance of and Access to Records:**

a. The Subrecipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.

b. The US Treasury Office of Inspector General and the Government Accountability Office, the City, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of the Subrecipient in order to conduct audits or other investigations.

c. Records shall be maintained by Subrecipient for a period of five (5) years after all funds have been audited, the audit resolved, and all funds expended or returned to Treasury, whichever is later.

iii. **Administrative Considerations**. Where policies of the Subrecipient differ from those of, such as travel reimbursement, fringe benefits, indirect costs, etc., the policies of the subrecipient shall be applicable to cost incurrences under the Agreement provided such policies comply with awarding agency regulations.

iv. **Responsibilities**. The Subrecipient agrees to furnish the necessary resources, materials, services, and otherwise to do all things necessary for the performance of the work described in Scope of Work, which is incorporated into the Agreement as Attachment , along with the Budget required for that performance, which is incorporated into the Agreement as Attachment B and C respectively. (see Attachment B: Scope of Work and Attachment C Budget). Subrecipient shall provide Monthly Reports as provided above.

v. **Relationship of Parties**. The parties are independent, and neither party is the agent, joint venturer, partner, or employer of the other.

vi. **Rebudgeting and Prior Approvals**. Subrecipient is permitted to rebudget direct costs, if necessary, as described in the uniform guidance (§200.308) to better reflect spending requirements, subject to the City's written approval, and subject to the federal awarding agency's policy and UGG's that would define requirements for prior written approval (§200.407) before implementation.

vii. **Monitoring Plan and Reporting**. The City will monitor the Subrecipient to ensure that the subaward is used for authorized purposes, in compliance with federal statutes, regulations,

and the terms and conditions of the subaward; and that subaward performance goals are achieved, as required by §200.332(d). The City will monitor the Subrecipient and identify any failures in the administration and performance of the award. The monitoring plan will also serve to identify whether the Subrecipient needs technical assistance.

In addition to program performance, The City will monitor financial performance as required by §200.332(d)(1)). Monitoring will be used to document allowable and unallowable costs, time and effort reporting and travel. Monitoring also will be used to follow up on findings identified in an earlier monitoring visit, from document reviews or after an audit to ensure the Subrecipient took corrective action (§200.332(d)(2)).

As appropriate, the cooperative audit resolution process may be applied. The monitoring plan may include on-site visits, follow-up, document and/or desk reviews, third-party evaluations, virtual monitoring, technical assistance and informal monitoring such as email and telephone interviews.

The City will also issue management decisions for applicable audit findings as required by §200.521 (§200.332(d)(3)). For reporting, UGG requires that the City and the Subrecipient use OMB approved government-wide standard information collections when providing performance information and data in reports.

The books and records of the Subrecipient shall be made available, if needed and upon request, at subrecipient's regular place of business, for audit by personnel authorized by the City or federal government. The Subrecipient books and records must be retained for a period of five (5) years following receipt of final report, understanding no other actions require an extension of the record retention period, such as open audit findings, committed program income, or other reasons, as applicable.

viii. **Risk Assessments, Specific Conditions and Remedies**. The City has conducted a risk assessment as required by §200.332(b) and determined the subrecipient's level of risk as **low**. Risk assessments may be repeated throughout the project period after scheduled reports, audits, unanticipated issues or other adverse circumstances that may arise. In the event of noncompliance or failure to perform, the City has the authority to apply remedies, as defined in the uniform guidance (§200.339), including but not limited to: temporarily withholding payments, disallowances, suspension or termination of the federal award, suspension of other federal awards received by the subrecipient, debarment or other remedies including civil and/or criminal penalties, as appropriate (§200.332(h). The City will also consider whether the monitoring results of the Subrecipient necessitate adjustments to the its own record (see §200.332(9)).

ix. **Copyright/Intellectual Property**. The federal government will possess the entire copyright, title, and interest in all materials, inventions or deliverables produced as a result of this subaward, including use of logos, as appropriate. As a general principle, subject to the rights of the federal government and with respect to any subject, invention, material, or deliverable in which the City [and subrecipient] retain title resulting from this subaward, the federal

government shall ha.ve a nonexclusive, nontransferable, irrevocable paid-up license to practice or have practiced for or on behalf of the United States the subject invention, material or deliverable throughout the world. The City and Subrecipient will credit the federal award agency on any materials, inventions or deliverables produced under the federal award and subaward.

c. Suspension and Debarment. Subrecipient represents that neither it nor any of its principals has been debarred, suspended or determined ineligible to participate in federal assistance awards or contracts as defined in regulations implementing Office of Management and Budget Guidelines on Governmentwide Debarment and Suspension (Non-procurement) in Executive Order 12549. Subrecipient further agrees that it will notify the City immediately if it or any of its principals is placed on the list of parties excluded from federal procurement or non-procurement programs available at www.sam.gov.;
d. DUNS Number. Subrecipient agrees and acknowledges the City may not grant the Subaward and Subrecipient may not receive the Subaward unless Subrecipient has provided its Data Universal Numbering System ("DUNS") number to the City. The DUNS number is the nine-digit number established and assigned by Dun and Bradstreet, Inc. to uniquely identify business entities;
e. Federal Funding Accountability and Transparency Act of 2006. Subrecipient agrees to provide the City with all information requested by the City to enable the City to comply with the reporting requirements of the Federal Funding Accountability and Transparency Act of 2006;
f. Licenses, Certifications, Permits, Accreditation. Subrecipient shall procure and keep current any license, certification, permit or accreditation required by federal, state or local law and shall submit to the City proof of any licensure, certification, permit or accreditation upon request; and
g. Other City Agreements. Subrecipient shall fulfill all other agreements with the City and shall comply with all federal, state and local laws applicable to programs funded by such agreements.

8. LIMITATION OF FUNDING AND COMPENSATION: **It is expressly agreed and understood that upon execution of the Agreement, the City agrees to allocate no more than the amount of $686,500.00 US DOLLARS for full and complete satisfactory performance of this Agreement. Drawdowns for the advance payment of eligible expenses shall be made against the line item budgets specified in Appendix A in accordance with the following procedures:**

   a. **Subrecipient shall submit request to the City for the advance payment along with an invoice or other documentation establishing the cost of the item.**

   b. **The City will advance funds to Subrecipient for the item.**

   c. **Following Subrecipient's payment for the item, Subrecipient shall provide a receipt or other proof of payment acceptable to the City within seven (7) days of payment.**

   d. **The City may withhold advance funds for items if any required documentation has not been provided for previous purchases within the time required by 8.c**

Alternatively, the Subrecipient may request reimbursement for expenses by submitting monthly invoices, itemized by budget category, along with copies of invoices, receipts, and other documentation acceptable to

the City. The City will then remit reimbursement payments to Subrecipient within thirty (30) days of acceptance of the invoice.

9. SCOPE OF WORK: The Subrecipient shall perform all services according to the Scope of Work as indicated in **Appendix A.** Any deviation from the provisions detailed in the Scope of Work shall be prohibited unless prior approval is granted by formal change order to this Agreement.

10. PUBLICITY AND USE OF NAME:

    a. Any and all news releases, advertising, promotion, sales literature containing the City of Fayetteville logo or name shall be subject to prior written approval of the other party, and subject to the prior written approval of the City, as appropriate. Any such publicity shall credit the contributions of each party.

    b. Neither party shall use the name, insignia, or trademark of the other party, nor any adaptation thereof, nor the names of any of its employees in any advertising, promotion or sales literature without the written consent of the other party.

11. FISCAL AND ADMINISTRATIVE RESPONSIBILITIES: The Subrecipient agrees to comply with the provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200) (the Uniform Guidance), including the cost principles and restrictions on general provisions for selected items of cost. as applicable, and all requirements and standards which shall include but are not limited to the following:

    a. Compliance with Federal Procurement Laws: The City hereby designates and the Subrecipient hereby agrees to receive funding through the City's ARPA funding and to administer such funding in accordance the United States Treasury **Final Rule**, 31 CFR Part 35, 87 FR 4446, Coronavirus State and Local Fiscal Recovery Funds with this agreement. Compliance with procurement laws shall be inclusive of all appendices within this Agreement.

    All contracts for services and procurement for materials shall be carried out in compliance with **2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.**

    b. Compliance with Other Federal, State and Local Procurement: All contracts for services and procurement for materials shall be carried out in compliance with and all other applicable federal, state, and local rules and regulations, including regulations and policies from the City's Purchasing Division.

    City of Fayetteville Procurement Thresholds:

        a. $0 - $999: No quotes required

        b. $1,000 - $2,499: minimum of 3 verbal quotes required

c. $2,500 - $34,999: minimum of 3 written quotes required

d. $35,000 and up: Formal sealed bid / solicitation process

i. Refer to State of Arkansas Procurement laws, City of Fayetteville Purchasing Policies and Ordinances for requirements for formal solicitation processes.

c. Records and Reports: The Subrecipient shall, at a minimum, submit the following reports to the City and report as required in **Appendix C**:

i. **Monthly reports** shall be submitted to the City fifteen (15) calendar days after month end. Monthly reports shall be submitted on the City provided form and will provide and outline funded activities undertaken during each month for the duration of the project as it relates to **Appendix A – Scope of Work & Project Allocation.** Failure to provide the required documentation and information will affect the funding in this agreement and future requests for funding.

ii. **A Final Summary Report** due no later than thirty (30) calendar days after the end of the Agreement period shall include a summary of all compiled information and activities related to this Agreement

iii. The Subrecipient agrees to maintain records and reports related to the project for a period of no less than **five years** following the term of this Agreement.

iv. Access to Records (See §200.332(a)(5))

a. The City, its auditors, and if necessary, the federal agency, will be provided access to the subrecipient's programmatic and financial records (§200.337(a)).

b. The Subrecipient will maintain all programmatic and financial records, including but not limited to:

i. records providing a full description of each activity undertaken;

ii. records demonstrating that each activity undertaken meets the national objectives of the federally- connected program;

iii. records required to determine the eligibility of activities;

iv. records required to document the acquisition, improvement, use or disposition of real property acquired or improved with the subaward assistance;

v. records documenting compliance with federal and local laws; and

vi. financial records required by program regulations and the Office of Management and Budget.

c. The Subrecipient shall retain all records pertinent to program activities and financial expenditures incurred under this Agreement for a period of three years after the date of submission of the final expenditure report under this award (§200.334). Notwithstanding the above, if there are litigation, claims, audits, negotiations, written notification from the federal program or cognizant agencies or the City, or other actions that involve any of the records cited and that have started before the expiration of the three year period, then such records must be retained until completion of the actions and resolutions of all issues (§200.334(a)), or the expiration of the three-year period, whichever occurs later.

d. Documentation of Costs: The Subrecipient shall maintain records on materials purchased, services performed, individuals and families served. All costs shall be supported by evidencing in proper detail the nature and propriety of charges. All checks, payrolls, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to this Agreement shall be clearly identified and readily accessible.

e. Limitations on Expenditures. Subrecipient shall not be reimbursed or otherwise compensated for any expenditures incurred or services provided prior to the Effective Date or following the earlier of the expiration or termination of this Agreement. The City shall only reimburse Subrecipient for documented expenditures incurred during the Agreement Term that are: (i) reasonable and necessary to carry out the Scope of Work; (ii) documented by contracts or other evidence of liability consistent with established federal, state and local procurement guidelines; and (iii) incurred in accordance with all applicable requirements for the expenditure of funds payable under this Agreement.

f. Improper Payments. Any item of expenditure by Subrecipient under the terms of this Agreement which is found by auditors, investigators, and other authorized representatives of the City, the U.S. Government Accountability Office or the Comptroller General of the United States to be improper, unallowable, in violation of federal or state law or the terms of the Notice of Prime Award or this Agreement, or involving any fraudulent, deceptive, or misleading representations or activities of Subrecipient, shall become Subrecipient's liability, to be paid by Subrecipient from funds other than those provided by City under this Agreement or any other agreements between City and Subrecipient. This provision shall survive the expiration or termination of this Agreement.

g. Audited Financial Statements. In any fiscal year in which Subrecipient expends $750,000 or more in federal awards during such fiscal year, including awards received as a subrecipient, Subrecipient must comply with the federal audit requirements contained in 2 CFR § 200, including the preparation of an audit by an independent Certified Public Accountant in accordance with the Single Audit Act

Amendments of 1996, 31 U.S.C. 7501-7507, and with Generally Accepted Accounting Principles.[1] If Subrecipient expends less than $750,000 in federal awards in any fiscal year, it is exempt from federal audit requirements, but its records must be available for review by the City and appropriate officials of the U.S. Government Accountability Office and the Comptroller General of the United States, and it must still have a financial audit performed for that year by an independent Certified Public Accountant. Subrecipient shall provide the City with a copy of Subrecipient's most recent audited financial statements, federal Single Audit report, if applicable (including financial statements, schedule of expenditures of federal awards, schedule of findings and questioned costs, summary of prior audit findings, and corrective action plan, if applicable), and management letter within thirty (30) days after execution of this Agreement and thereafter within nine (9) months following the end of Subrecipient's most recently ended fiscal year.

h. Closeout (see 200.332(a)(6)): The City will determine whether all applicable administrative actions and all required work have been completed by the Subrecipient at the end of the period of performance. If the Subrecipient fails to complete the requirements, the federal awarding agency or pass-through will proceed to closeout the award with the information available (§200.344). The pass-through will note if closeout relates to the end of a 12-month period and termination of subaward, or if the closeout relates to the end of a 12-month period and preparation for an upcoming continuation period.
    i. The City must provide timelines for completion of tasks (see §200.344).
    ii. The City must identify submission dates of all performance and financial reports (no later than 90 calendar days after the period of performance) (§200.344(a}).
    iii. The City must describe requirements for liquidation of financial obligations if the award is ending, or identification of carry-over of funds, if needed, to the next award period (§200.344(b))
    iv. The City must include completion of any other required closeout activities, such as submission of deliverables, payments, if any, due to the Subrecipient from the City, attribution to the federal agency and/or copyright or patent rights, and any accounting of real or personal property (§200.344(c) and (f)).
    v. The Subrecipient must permit the City and auditors to have access to the subrecipient's records and financial statements as necessary for audits and monitoring during the record retention period of three years, or more as appropriate (§200.337(a)).
    vi. The federal agency and/or City has the right to return to audit the program after close-out at any time during the record retention period and as long as the records are retained, to conduct recovery audits including the recovery of funds, as appropriate (§200.337(c)}.

12. COOPERATION IN MONITORING AND EVALUATION:

a. City Responsibilities. The City shall monitor, evaluate and provide guidance and direction to Subrecipient in the conduct of Approved Services performed under this Agreement. The City has the responsibility to determine whether Subrecipient has spent funds in accordance with applicable laws,

regulations, including the federal audit requirements and agreements and shall monitor the activities of Subrecipient to ensure that Subrecipient has met such requirements. The City may require Subrecipient to take corrective action if deficiencies are found.

b. Subrecipient Responsibilities:

i. Subrecipient shall permit the City to carry out monitoring and evaluation activities, including any performance measurement system required by applicable law, regulation, funding sources guidelines or by the terms and conditions of the applicable Notice of Prime Award, and Subrecipient agrees to ensure, to the greatest extent possible, the cooperation of its agents, employees and board members in such monitoring and evaluation efforts. This provision shall survive the expiration or termination of this Agreement.

ii. Subrecipient shall cooperate fully with any reviews or audits of the activities under this Agreement by authorized representatives of the City, the U.S. Government Accountability Office or the Comptroller General of the United States and Subrecipient agrees to ensure to the extent possible the cooperation of its agents, employees and board members in any such reviews and audits. This provision shall survive the expiration or termination of this Agreement.

13. PROGRAM INCOME: It is not the intent of this Agreement to produce income relating from the Scope of Work; however, income directly generated from the use funds associated with this Agreement by the Subrecipient shall be returned to the City of Fayetteville.

14. MONITORING AND AUDITS: The City is required to ensure that federal funding requirements are met, that the funds are used for the purpose of the program, and the Subrecipient complies with reporting and auditing requirements. The City will monitor and audit the Subrecipient to assure the compliance of project.

15. REMEDIES FOR NONCOMPLIANCE: If the Subrecipient fails to comply with any term in this Agreement, the City may take one or more of the actions indicated in **2 CFR Part 200.338 Remedies for noncompliance**.

16. PERFORMANCE TERM EXTENSION: The City may consider an extension of the term of performance based on justifiable circumstances beyond the control of the Subrecipient. The Subrecipient shall make application and submit documentation to the City regarding such circumstances, and acceptance of a proposal for the new time frame constitutes an amendment to this Agreement. Any such request for extensions shall be subject to the written approval of the City. The decision of the City shall be final and conclusive.

17. TERMINATION OF AGREEMENT: This Agreement may be terminated at any time by either party, upon giving 30 calendar days written notice to the non-terminating party. This Agreement shall be automatically terminated in the event that funds under federal award are discontinued by the awarding agency for any reason. Such termination shall take effect upon receipt of written notice to Subrecipient from the City. If there is a need to settle on an early termination, partial payment up to the termination date would be determined by incurrence of allowable cost, by completion of task, by percent of time completed up to the settlement, or some other method as defined by the City upon review of the subrecipient's records.

CITY OF
FAYETTEVILLE
ARKANSAS

18. CLAIMS AGAINST THE CITY: The Subrecipient agrees to defend, indemnify and save harmless the City from any and all claims of any nature whatsoever which may arise from the Subrecipient's performance of this Agreement; provided, however, that nothing contained in this Agreement shall be construed as rendering the Subrecipient liable for acts of the City, its officers, agents or employees.

19. CONFLICTS OF INTEREST: The Subrecipient represents that none of its employees, officers, or directors presently have any interest, either directly or indirectly, which would conflict in any manner with the Subrecipient's performance or procurement under this Agreement, and that no person having such interest will be appointed or employed by the Subrecipient.

20. BINDING EFFECT: This Agreement shall be binding upon and shall ensure to the benefit of the parties hereto and their respective heirs and assigns; provided, however, that no assignment shall be effective to relieve a party of any liability under this Agreement unless the other party has consented in writing to the assignment and agreed to the release of such liability. The City and the Subrecipient hereby acknowledge receipt of a duly executed copy of this Agreement complete with all Appendices attached hereto.

21. PAYMENTS: Specific project completion dates may be negotiated during the contract term. Payment may be reduced, delayed, or denied until acceptable work products are produced.

    a. Costs shall be necessary, reasonable and directly related to the scope of the project in this agreement. All costs shall be legal and proper. The budget included in **Appendix A** shall control amounts of allowable expenditures within budget categories.

    b. The total amount invoiced to the City over the course of the contract period shall not exceed $686,500.00 US Dollars, the agreed upon contribution of the City pursuant to **Appendix A**.

    c. On or before the fifteenth (15th) day of each month and in any event no later than thirty (30) calendar days after the earlier of the expiration or termination of this Agreement, Subrecipient shall submit invoices for the most recent month ended, to the City, setting forth actual expenditures of Subrecipient in accordance with this Agreement The Subrecipient shall provide backup documentation with all invoices to show compliance with all federal, state and local laws.

    d. The City may disapprove the requested compensation. If the compensation is so disapproved, the City shall notify Subrecipient as to the disapproval. If payment is approved, no notice will be given.

22. INSURANCE: Subrecipient shall, at all times throughout the Agreement Term, carry insurance in such form and in such amounts as City may from time to time reasonably require against other insurable hazards and casualties that are commonly insured against in the performance of similar services as are to be provided under this Agreement. At a minimum, Subrecipient shall maintain during the Agreement Term at least the following types and limits of insurance coverage:

    a. Workers' compensation in amounts no less than required by law and statutory amount;
    b. Employer's Liability Insurance with a limit of no less than $1,000,000;

c. Commercial general liability insurance, including personal injury, contractual liability and property damage, with limits of $1,000,000 per occurrence and $2,000,000 aggregate;
d. Umbrella liability insurance with a limit of $1,000,000 per occurrence and in the aggregate.

All policies (other than workers' compensation and employer's liability insurance) providing such coverage shall name the City as an additional insured with respect to Subrecipient's performance of services under this Agreement. Subrecipient shall provide the City with certificates of insurance evidencing such coverage within thirty (30) calendar days after execution of this Agreement, which certificates shall provide that the City shall receive thirty (30) days' advance written notice of any pending cancellation or non-renewal of any of the coverages required by the City pursuant to this Agreement. Insurance coverages that expire before the expiration of the Agreement Term shall be promptly renewed by Subrecipient so that there is no gap in coverage and certificates of insurance evidencing such renewal coverage shall be provided to the City, by a copy provided to the City immediately upon renewal. Subrecipient's failure to maintain insurance in the form and/or amounts required by the Citypursuant to this Agreement shall be deemed a material breach of this Agreement and the City shall have the right thereupon to terminate this Agreement immediately in addition to any other remedy provided herein.

23. Changes in Scope or Price: Changes, modifications or amendments in scope, price or fees to this agreement shall not be allowed without a prior formal contract amendment approved by the City **in advance** of the change in scope, price or fees.

24. Freedom of Information Act: This Agreement is subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the subrecipient shall do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et. seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

25. Jurisdiction: Venue to resolve any disputes shall be **Washington County, Arkansas** with **Arkansas law** applying to the case. This Agreement shall be governed by and construed in accordance with the laws of the State of Arkansas without regard to conflict of law principles.

26. Miscellaneous

a. Notices. Any notice, request, consent or approval required or permitted to be given under this Agreement or pursuant to law shall be sufficient if in writing, and if and when sent by certified or registered mail, with postage prepaid, to City's address or to the Subrecipient's address as listed below.

CITY OF FAYETTEVILLE, AR

ATTN: Mayor Lioneld Jordan
113 W. Mountain
Fayetteville, AR 72701

SUBRECIPIENT

Peace at Home Family Shelter, Inc.
ATTN: Teresa Mills, CEO
P.O. Box 10946
Fayetteville, AR 72703

CITY OF
FAYETTEVILLE
ARKANSAS

b. Severability. If any term, provision, covenant or condition of this Agreement, or the application thereof to any person, place or circumstance, shall be held to be invalid, unenforceable or void, the remainder of this Agreement and such term, provision, covenant or condition as applied to other persons, places and circumstances shall remain in full force and effect.

c. Construction. The headings and captions of this Agreement are provided for convenience only and are intended to have no effect in construing or interpreting this Agreement. The language in all parts of this Agreement shall be in all cases construed according to its fair meaning and not strictly for or against either party.

d. Rights Cumulative. The rights and remedies provided by this Agreement are cumulative, and the exercise of any right or remedy by either party hereto (or by its successor), whether pursuant to this Agreement, to any other agreement, or to law, shall not preclude or waive its right to exercise any or all other rights and remedies.

e. Assistance. The Subrecipient shall, during and after termination of services rendered, upon reasonable notice, furnish such information and proper assistance to the City as may reasonably be required by the City in connection with work performed by Subrecipient.

f. Compliance with Law. The Parties mutually represent that throughout the term of this Agreement their respective performance under this Agreement shall be, and shall remain, in compliance with all applicable federal, state and local laws and regulations.

CITY OF FAYETTEVILLE, AR

By: _____
Lioneld Jordan, Mayor

Attest:

By: _____
Kara Paxton, City Clerk Treasurer

CITY CLERK / TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

Date Signed: 12/07/2022

PEACE AT HOME FAMILY SHELTER, INC.

By: _____
Teresa Mills, CEO

Date Signed: 11-22-2022

CITY OF FAYETTEVILLE ARKANSAS

CITY OF FAYETTEVILLE AMERICAN RESCUE PLAN ACT 2022 SUBRECIPIENT GRANT APPLICATION

NOTE: Submission of a Subrecipient Grant Application provides no guarantee that the applicant will receive funding. All organizations selected to receive funds will be subject to entering into a contract with the City of Fayetteville and subject to the rules and regulations pertaining to the American Rescue Plan Act.

Please review the City of Fayetteville American Rescue Plan Act 2022 Subrecipient Grant Application Guide for more information on the required items listed in this application.

PART 1 APPLICANT IDENTIFICATION	
Total Amount of Funding Requested (whole dollar) [Minimum $50,000]	$686,500
Applicant/Organization Name	Peace at Home Family Shelter
Mailing Address (street, city, zip)	PO Box 10946, Fayetteville, AR 72703
Organization Website	www.peaceathomeshelter.org
DUNS Number	029494593
Organization FEIN/SSN	71-0552563
PART 2 APPLICANT CONTACT INFORMATION	
Contact for Project (name & title)	Teresa Mills, CEO
Contact Phone Number	479-444-8310
Contact Email	tmills@peaceathomeshelter.com
Signature Authority (name, title & email address)	Teresa Mills, CEO tmills@peaceathomeshelter.com
PART 3 PROJECT INFORMATION	
Project Name	Expanding Safe Shelter for Survivors of Domestic Violence
Project Address (street, city, zip)	3045 E Ivey Ln, Fayetteville, AR 72764

PART 3 PROJECT INFORMATION continued	
Is anyone with control over the Organization (i.e. owner, manager, director, board member, or other) or any member of that person's immediate family, an employee or elected official of the City of Fayetteville	◉ Yes ○ No
If Yes, above, please identify person and position with the City	Blake Pennington, Assistant City Attorney (Peace at Home board member)
Project Summary (**brief** synopsis of proposed project)	The ongoing COVID-19 pandemic has made it more difficult and dangerous for victims of domestic violence seeking to flee abusive homes. Peace at Home Family Shelter proposes a renovation project to create 3 additional shelter bedrooms with bathrooms. This will allow Peace at Home to provide safe, emergency shelter to approximately 60 additional adults and children fleeing domestic violence each year.
Describe previous experience in providing similar services	As the first domestic violence shelter in the state of Arkansas, Peace at Home Family Shelter has been providing safe, emergency shelter to survivors of domestic violence and their children since 1979. In addition to safe shelter, Peace at Home also provides housing assistance, counseling, legal services exclusively to survivors of domestic violence and their children. In total, we serve over 1,000 individuals each year.
Programs will typically be funded for a time period not to exceed 12 months from the signed date of the subrecipient agreement. Please describe your organization's ability to plan and utilized requested funds within that timeframe.	The requested project will be for rehabilitation and construction costs in order to increase the physical capacity of our emergency shelter for survivors of domestic violence. We are already working with an architect for this and other projects and would be able to quickly begin construction to meet the limited time frame required.

PART 4 PROJECT BENEFICIARIES	
Projected number of **Fayetteville** beneficiaries	60 per year

Because the federal rules vary depending on the type of project for which funds are being requested, the city has grouped project requests in 3 focus categories: Social Services, Economic, and Environmental. Please choose the corresponding category below that most closely identifies your project.

PART 4A **SOCIAL SERVICES APPLICATIONS ONLY**	
Will **ALL** beneficiaries live, work and/or go to school in Fayetteville	◉ Yes ○ No
Will **ALL** beneficiaries meet US Treasury Low to Moderate Income (LMI) Guidelines (please see Application Guide, Exhibit A).	◉ Yes ○ No
Will **ALL** beneficiaries have been negatively impacted by COVID-19	◉ Yes ○ No
Does this request respond to a **negative COVID-19 impact**?	◉ Yes ○ No
If answering Yes to the **question above**, please describe the COVID-19 impact and how this proposal will aid in responding to the impact	COVID-19 has made it more dangerous for victims of domestic violence to flee abusive homes and avoid homelessness. The Final Rule lists victims of domestic violence as a population disproportionately negatively impacted by COVID-19 (page 19). This proposal will increase our community's capacity to provide safe emergency housing for a vulnerable population.
Please indicate how the proposed project meets eligibility standards and requirements described in the Department of Treasury's Final Rule for Coronavirus State and Local Fiscal Recovery Funds	As a project providing emergency housing assistance, this project is enumerated in the Final Rule as eligible to respond to the impacts of the pandemic on households and communities.

PART 4B **ENVIRONMENTAL APPLICATIONS ONLY**	
Please describe the effect of the proposed environmental impact or benefit. Please indicate how the proposed project meets eligibility standards under the EPA's Clean Water State Revolving Fund (CWSRF), Drinking Water State Revolving Fund (DWSRF), or eligible projects as described in Department of Treasury's Final Rule for Coronavirus State and Local Fiscal Recovery Funds. See Subrecipient Application Guide for more information.	
PART 4C **ECONOMIC APPLICATIONS ONLY**	
Please describe the residents or industry sector this grant request is intended to serve or benefit. Please indicate how the proposed project meets eligibility standards and requirements described in the Department of Treasury's Final Rule for Coronavirus State and Local Fiscal Recovery Funds.	This project will exclusively serve survivors of domestic violence and their children in our community. As a project providing emergency housing assistance, this project is enumerated in the Final Rule as eligible to respond to the impacts of the pandemic on households and communities.
Does this request respond to a negative COVID-19 impact	(●) Yes ( ) No
If yes, please describe the COVID-19 impact and how this proposal will aid in the City's economic recovery	COVID-19 has made it more dangerous for victims of domestic violence to flee abusive homes and avoid homelessness. The Final Rule lists victims of domestic violence as a population disproportionately negatively impacted by COVID-19 (page 19). This proposal will aid in the City's economic recovery by meeting temporary housing needs for a vulnerable population so they have the stability to find or maintain employment and permanent housing in our community and achieve self-sufficiency.

PART 5 FAYETTEVILLE BUSINESS LICENSE

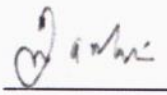
City Code Chapter 118 Business Registry and Licenses delineates what businesses are required to have a Fayetteville Business License. Submission of this grant application indicates that, if required, a current business license is in place.

PART 6 SIGNATURE OF SIGNATURE AUTHORITY AND DATE

I am an authorized employee/agent of the applicant organization and I am authorized to submit this application.

I have read and reviewed the American Rescue Plan Act documentation. I understand that as a subrecipient of the City of Fayetteville's American Rescue Plan Act funds, I will be responsible for maintaining records, complying with provisions of the subrecipient agreement, and providing any/all records and information necessary for the City of Fayetteville to report on this award.

All applications and documentation are subject to disclosure pursuant to the Arkansas Freedom of Information Act. All documentation may be provided to Federal and/or State government agencies for accounting and auditing purposes.



Teresa A. Mills CEO 3/29/2022

Name/Title/Date

PART 7 ORGANIZATION DESCRIPTION Provide a brief description of your organization and the services offered.	
Year of Incorporation	1977
Philosophy, Purpose and/or Mission Statement	The mission of Peace at Home Family Shelter is to empower victims of domestic violence to survive and thrive by nurturing their self-determination and courage and to promote healthy relationships and compassionate communities through education, outreach, and advocacy. Peace at Home Family Shelter believes that everyone deserves to feel safe in their own homes. We operate with an empowerment philosophy centered on the rights of survivors of domestic violence to be the decision makers of their own lives.

Provide a brief description of your organization including information about programs and/or services other than the proposed project.

Peace at Home Family Shelter helps survivors of domestic violence and their children safely escape abusive homes and rebuild their lives. In addition to providing immediate safe shelter, our program connects survivors with the resources they need to transition out of shelter and into long-term safe housing. Our programs have five components working together to help survivors transition from homes of violence to homes of safety.

24 Hour Hotline -- First, Peace at Home operates a 24/7 crisis hotline and email inbox. Our crisis hotline is available in Spanish and English and serves as the entry point for clients. Hotline advocates assist callers with community referrals, safety planning, coming into shelter, and our additional programs. In 2021, we received 1,205 calls from members of our community seeking help.

Emergency Shelter -- The emergency shelter has 14 rooms available for women, men, children, and any person escaping violence. Bilingual staff are available to provide onsite assistance to clients. On average, families stay 45 days in shelter as they work on their individualized goals (90 day maximum stay). Peace at Home was able to provide emergency shelter to 151 individuals in the community in 2021, a reduced capacity due to COVID-19 and renovations to make the shelter safer for families during the on-going pandemic.

Advocacy -- While staying in shelter, clients are offered advocacy services to help them reach their goals. Advocates meet daily with clients to develop and implement self-sufficiency plans.

These plans are built around the current strengths of a survivor and provide steps to achieving long-term goals such as employment or affordable housing.

The purpose is to empower survivors to overcome their unique barriers such as education skill gaps, scarce work histories, unreliable transportation, career planning, affordable child-care, and self-confidence. Peace at Home maintains partnerships with life-skill agencies such as the Credit Counseling of Arkansas and Dress for Success. These agencies provide critical support for the clients to meet the variety of employment and financial goals that they have towards achieving a safe life. The Institute for Women's Policy Research indicates that 73% of respondents said that they had stayed with an abusive partner longer than they wanted or returned to them for economic reasons.

Working together, advocates eliminate barriers that might keep survivors economically or emotionally dependent on a violent partner. These advocacy services are also open to individuals in the community who are not currently living at our shelter but are survivors of domestic violence in need of assistance.

Housing Assistance -- Survivors of domestic violence in our emergency shelter and in our community also have access to support from our Home Restored and SHE housing assistance programs. These program provides direct financial support, landlord advocacy, budgeting skills, and case management to help families find permanent housing in the community that meets their long-term needs. In 2021, Peace at Home was able to provide housing-related assistance to 160 families.

Legal Services -- Peace at Home has an onsite staff attorney and a bilingual advocate to assist shelter residents and outreach clients with legal needs. Our legal services department enables Peace at Home to provide survivors of domestic violence with legal representation for divorce cases, child custody issues, and orders of protection as well as legal advocacy and financial assistance for legal fees. In 2021, Peace at Home provided legal services to 537 clients.

Mental Health/Emotional Support Services - Peace at Home employs a full-time bilingual counselor and partners with the University of Arkansas Doctorate Program in Psychology as a site for doctoral candidates in clinical psychology. These mental health professionals provide one-on-one and parent/child counseling to clients of Peace at Home free of charge. In 2021, Peace at Home provided direct counseling services to 94 individuals in our community.

All of our services are free of charge, personalized to meet individual survivor needs, and voluntary.

PART 8	PROJECT BUDGET Provide a descriptive line-item budget for the entire project including the American Rescue Plan Act (ARPA) funds being requested. **Provide specific information on how American Rescue Plan Act funds will be used and include any necessary supporting documentation. Please indicate whether any American Rescue Plan Act funds have been requested or received from other sources, and if so, provide detailed information on the source and proposed use of those funds.** Please indicate how you will spend all awarded ARPA funding by the project end date.

Peace at Home Family Shelter - Rehabilitation Project to Add Capacity

Budget (based on estimates received from WER Architects):
Construction:
1000 sf ($235 per sf renovation costs) - $235,000
1250 sf ($300 per sf building addition costs) - $375,000
Escalation - $18,000
FF&E - $35,000
Design/Engineering/Surveys/Geotech - $23,500

TOTAL PROJECT BUDGET: $686,500

Spending by Project Date - The requested funds will be for a building rehabilitation project and will be expensed within the project timeline on the above line items.

Other ARPAR Requests - Peace at Home Family Shelter has requested $25,000 in ARPAR funding from the Emergency Food and Shelter Program to support emergency shelter operations.

PART 9	PROJECT DESCRIPTION Describe the proposed project and provide the information requested under PART 9 of the American Rescue Plan Act 2022 Subrecipient Application Guide. Please provide any additional information that will assist in evaluating the project.

What Project Will Do

This project will increase the capacity of the emergency shelter for survivors of domestic violence by renovating and expanding a section of the existing shelter building to add three additional client rooms and bathrooms. This project will involve converting an existing storage space into client rooms while expanding out to replace the lost storage. Currently, Peace at Home Family Shelter has capacity for up to 14 households (survivors and their children) at the emergency shelter (40-55 people). This project would permanently increase that capacity to 17 households. Allowing approximately 60 additional individuals to access emergency shelter every year.

COVID-19 has negatively impacted victims of domestic violence, as many individuals have lost employment and social supports to help them successfully leave abusive relationships. In 2022, Peace at Home received 1,205 calls from individuals seeking support in our community, an increase from pre-pandemic 2019 numbers of 24%.

As more individuals are requesting shelter services, Peace at Home Family Shelter also had to change shelter operations due to COVID-19. Now, clients no longer share rooms or bathrooms to help prevent the spread of illness. While this change was necessary to protect the health of families in shelter, it reduced capacity for emergency shelter. The completion of this project will recover lost capacity and allow Peace at Home to safely shelter more families. Peace at Home operates with a waiting list for emergency shelter due to insufficient capacity and high community need.

This project is in alignment with the City of Fayetteville's Master Plan goals #1 and #6 as it involves the rehabilitation of an existing building and increasing access to housing.

Execution of Project

This is a building rehabilitation project that will involve the addition of three additional family rooms to Peace at Home's emergency shelter. If approved for funding, the construction would take place within the 12-month timeframe and services would continue for families residing in the newly expanded shelter. Peace at Home Family Shelter is already working with WER Architects on this project and, if approved for funding, would be able to complete the rehabilitation within the required time frame.

How Beneficiaries are Selected

Peace at Home Family Shelter advertises and operates a 24-hour crisis hotline, email help address, and limited online chat for individuals in the community to reach out to us for assistance.

PART 9 PROJECT DESCRIPTION continued

When a person contacts us for services, our only requirement is that they are a survivor of domestic violence and have a need for services. For the emergency shelter, someone must be either fleeing intimate partner violence or homeless as a result of recent intimate partner violence. Our emergency shelter program defines 'recent' as within the past three months. Per best practices laid out by the National Network to End Domestic Violence, no additional verifications are required. When a new client arrives at the shelter, they complete intake paperwork with an advocate.

Services Provided

In addition to meeting immediate needs for shelter, each emergency shelter client is assigned to a primary advocate who works with them to identify and work towards individualized goals for self-sufficiency and recovery from domestic violence. These goals can include: acquiring permanent housing, increasing income, rebuilding social support networks, legal needs, and mental wellbeing. Many of these needs can be addressed through Peace at Home's in-house programs, but advocates also offer robust community referrals to help clients connect with the community at large.

Verification of Final Rule Qualification

As a project providing emergency housing, this project is an enumerated in the Final Rule as a qualifying project. While there is no income requirement for emergency shelter services for victims of domestic violence, anyone seeking shelter at a domestic violence organization is considered homeless under Housing and Urban Development (HUD) Category 4 definition and is a presumed benefit clientele population assumed to be Low to Moderate Income according to Community Development Block Grant HUD regulations.

Benefit of Project – Limited Assistance and Creating Self-Sufficiency

This project will enhance Peace at Home Family Shelter's capacity to provide immediate, life-saving emergency shelter to survivors of domestic violence and their children at a time when survivors are more in need of shelter and our capacity has been reduced (both because of the ongoing COVID-19 pandemic). In addition to this immediate assistance, the individualized advocacy provided to all residents of Peace at Home's emergency shelter allows individuals to work towards and obtain self-sufficiency and thrive in our community.

How Project will Further Philosophy and Purpose

This project will further Peace at Home Family Shelter's philosophy and purpose by increasing our capacity to provide client-centered safe shelter and supportive services to survivors of domestic violence and their children in our community. With increased capacity, our emergency shelter can serve more families in need every day and help make our community a safe and thriving place for all of our neighbors.

PART 10	PROJECT TIMELINE Provide a complete and specific timeline for all activities related to proposed project.

Project Timeline

Upon Award Notification (0-3 months) - Finalize design details with WER Architects, receive bids from construction contractors and select a contractor for the project.

3 Months-9 Months into Project - Complete construction and renovation of shelter space to add 3 additional client rooms with bathrooms and replace storage area.

9 Months - 12 Months (if not completed sooner) - Ensure all construction is completed and payments are processed. Acquire and install all necessary furniture, fixtures, and equipment. Complete inspection. Open rooms up to survivors of domestic violence seeking safe shelter.

PART 11 DATA COLLECTION, RECORD MAINTENANCE, AND REPORTING Describe how the organization will collect data and maintain records to track program activities and eligibility verification. Please also describe your organization's ability to produce required documentation including financial reports, performance reports, progress reports, expenditure information, etc.

Data Collection and Maintenance:

Peace at Home Family Shelter utilizes a database system built for victim service organizations by Osnium called WomensShelter for all client and program tracking information, including program activities and client eligibility. This database is used to generate reports for any grant requirements and to assess program effectiveness. Data is collected by advocate staff members of Peace at Home at intake and on an ongoing basis throughout the client's stay.

Organizational Capacity

Peace at Home has extensive experience managing federal grants, including grants as a recipient and sub-recipient from the Department of Justice, Department of Health and Human Services, and the Department of Housing and Urban Development.

Peace at Home employs a full-time Chief Financial Officer (CFO) to oversee all finances, including financial reporting for grants. The CFO is a certified public accountant and successfully manages all necessary reporting for grants and ensure appropriate accounting for all restricted funding.

PART 12 PROJECT EVALUATION | OBJECTIVES AND OUTCOMES List the objectives (not activities) of the proposed project. Describe how each objective will be measured to determine if it has been met.

Use the following format

Objective #:
Outcome(s):
Method of Measurement:

Objective: More survivors of domestic violence and their children have access to safe, emergency housing in order to flee abusive homes.

Outcome: 60 more individuals will receive safe shelter in the 12 months following completion of the rehabilitation than in the 12 months previous, increasing the shelter's capacity by 25%.

Method of Measurement: Shelter stays are logged in our database system and the previous 12 months before the rooms were added can be compared to a period of time after the additional rooms are opened to measure an increase in capacity for safe shelter.

Objective: More survivors of domestic violence will have access to individualized advocacy and support to help them overcome barriers to independence.

Outcome: Peace at Home advocates will provide an average of 14 hours of individualized advocacy services to each household staying in the shelter, providing support in commonly identified needs, including: safety planning, emotional support, resource referrals, legal support, budgeting, and transportation.

Method of Measurement: Hours of advocacy services are logged in the database system and can be pulled in aggregate for all shelter clients.

PART 13 PARTIAL FUNDING Indicate whether the project can proceed with partial funding. If **YES**, indicate the minimum amount the applicant will accept with line items arranged from highest to lowest priority. Describe the impact that partial funding will have on the project. If **NO**, the project will not be considered for partial funding.

Yes, the project could proceed with partial funding. Given the limited 12-month time frame, the project would need to be funded at a minimum of 75% in order to move forward. The impact of partial funding could potentially be redirecting needed funds away from important programs serving survivors of domestic violence in our community in order to fill the budget gap and move forward.

Line Item Breakdown - All line items are equally necessary for funding as all are necessary aspects of the rehabilitation project.

PART 14 ADDITIONAL DOCUMENTATION CHECKLIST

Please provide these items with your application. See page 10 of the 2022 American Rescue Plan Act Subrecipient Application Guide for more information

☑ Accessibility Narrative
☑ Board of Directors
☑ Bylaws
☑ Certificate of Good Standing
☑ Financial Audit (see Application Guide for more information)
☑ Intake Forms
☑ Non-Profit Status Verification [IRS 501(c)(3) letter, IRS form 990 or 990-EZ, etc.]
☑ Resumes
☑ System Award Management (SAM) registration
☑ Status of Funding (if applicable)
☑ Additional Documentation Checklist (this page)
☑ Additional Information

4338 Federal Register / Vol. 87, No. 18 / Thursday, January 27, 2022 / Rules and Regulations

DEPARTMENT OF THE TREASURY

31 CFR Part 35

RIN 1505–AC77

Coronavirus State and Local Fiscal Recovery Funds

AGENCY: Department of the Treasury.

ACTION: Final rule.

SUMMARY: The Secretary of the Treasury (Treasury) is adopting as final the interim final rule published on May 17, 2021, with amendments. This rule implements the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act.

DATES: The provisions in this final rule are effective April 1, 2022.

FOR FURTHER INFORMATION CONTACT: Katharine Richards, Director, Coronavirus State and Local Fiscal Recovery Funds, Office of Recovery Programs, Department of the Treasury, (844) 529–9527.

SUPPLEMENTARY INFORMATION:

I. Introduction

Overview

Since the first case of coronavirus disease 2019 (COVID–19) was discovered in the United States in January 2020, the pandemic has caused severe, intertwined public health and economic crises. In March 2021, as these crises continued, the American Rescue Plan Act of 2021 (ARPA) [1] established the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide state, local, and Tribal governments [2] with the resources needed to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery. The U.S. Department of the Treasury (Treasury) issued an interim final rule implementing the SLFRF program on May 10, 2021 [3] and has since disbursed over $240 billion to state, local, and Tribal governments and received over 1,500 public comments on the interim final rule. Treasury is now issuing this final rule which responds to public comments, implements the ARPA statutory provisions on eligible and ineligible uses of SLFRF funds, and makes several changes to the provisions of the interim final rule, summarized below in the section Executive Summary of Major Changes.

Since Treasury issued the interim final rule in May 2021, both the public health and economic situations facing the country have evolved. On the public health front, the United States has made tremendous progress in the fight against COVID–19, including a historic vaccination campaign that has reached over 80 percent of adults with at least one dose and is reaching millions of children as well.[4] However, the disease continues to present an imminent threat to public health, especially among unvaccinated individuals. As the Delta variant spread across the country this summer and fall, the United States faced another severe wave of cases, deaths, and strain on the healthcare system, with the risk of hospitalization and mortality exponentially greater to unvaccinated Americans. COVID–19 has now infected over 50 million and killed over 800,000 Americans since January 2020; tens of thousands of Americans continue to be infected each day.[5] Even as the nation recovers, new and emerging COVID–19 variants may continue to pose threats to both public health and the economy. Moving forward, state, local, and Tribal governments will continue to play a major role in responding through vaccination campaigns, testing, and other services.

The economic recovery similarly has made tremendous progress but faces continued risks from the disease and the disruptions it has caused. In the early months of the pandemic, the United States experienced the sharpest economic downturn on record, with unemployment spiking to 14.8 percent in April 2020.[6] The economy has gradually added back jobs, with growth accelerating in the first half of 2021.[7] However, as the Delta variant spread, the intensified health risks and renewed disruptions slowed growth, demonstrating the continued risks from the virus. By fall 2021, the economy had exceeded its pre-pandemic size [8] and unemployment had fallen below 5 percent,[9] but despite this progress, too many Americans remain unemployed, out of the labor force, or unable to pay their bills, with this pain particularly acute among lower-income Americans and communities of color. Again, moving forward, state, local, and Tribal governments will remain on the frontlines of the economic response and rebuilding a stronger economy in the aftermath of the pandemic.

However, as state, local, and Tribal governments continue to face substantial needs to respond to public health and economic conditions, they have also experienced severe impacts from the pandemic and resulting recession. State, local, and Tribal governments cut over 1.5 million jobs in the early months of the pandemic amid sharp declines in revenue and remain over 950,000 jobs below their pre-pandemic levels.[10] As the Great Recession demonstrated, austerity among state, local, and Tribal governments can hamper overall economic growth and severely curtail the ability of governments to serve their constituents.

Recognizing these imperatives, the SLFRF program provides vital resources for state, local, and Tribal governments to respond to the pandemic and its economic effects and to replace revenue lost due to the public health emergency, preventing cuts to government services. Specifically, the ARPA provides that SLFRF funds [11] may be used:

(a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(b) To respond to workers performing essential work during the COVID–19

[1] Public Law 117–2. *https://www.congress.gov/117/plaws/publ2/PLAW-117publ2.pdf.*

[2] Throughout this Supplementary Information, Treasury uses "state, local, and Tribal governments" or "recipients" to refer generally to governments receiving SLFRF funds; this includes states, territories, Tribal governments, counties, metropolitan cities, and nonentitlement units of local government.

[3] 86 FR 26786 (May 17, 2021).

[4] Centers for Disease Control and Prevention, COVID Data Tracker: COVID–19 Vaccinations in the United States, *https://covid.cdc.gov/covid-data-tracker/#vaccinations* (last visited December 31, 2021).

[5] Centers for Disease Control and Prevention, COVID Data Tracker, *http://www.covid.cdc.gov/covid-data-tracker/#datatracker-home* (last visited December 7, 2021).

[6] U.S. Bureau of Labor Statistics, Unemployment Rate [UNRATE], retrieved from FRED, Federal Reserve Bank of St. Louis; *https://fred.stlouisfed.org/series/UNRATE* (last visited December 7, 2021).

[7] *Id.*

[8] U.S. Bureau of Economic Analysis, Real Gross Domestic Product [GDPC1], retrieved from FRED, Federal Reserve Bank of St. Louis, *https://fred.stlouisfed.org/series/GDPC1* (last visited December 7, 2021).

[9] U.S. Bureau of Labor Statistics, *supra* note 6.

[10] U.S. Bureau of Labor Statistics, All Employees, State Government [CES9092000001] and All Employees, Local Government [CES9093000001], retrieved from FRED, Federal Reserve Bank of St. Louis, *https://fred.stlouisfed.org/series/CES9092000001* and *https://fred.stlouisfed.org/series/CES9093000001* (last visited December 7, 2021).

[11] The ARPA adds section 602 of the Social Security Act, which creates the State Fiscal Recovery Fund, and section 603 of the Social Security Act, which creates the Local Fiscal Recovery Fund (together, SLFRF). Sections 602 and 603 contain substantially similar eligible uses; the primary difference between the two sections is that section 602 establishes a fund for states, territories, and Tribal governments and section 603 establishes a fund for metropolitan cities, nonentitlement units of local government, and counties.

public health emergency by providing premium pay to eligible workers;

(c) For the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and

(d) To make necessary investments in water, sewer, or broadband infrastructure.

In addition, Congress specified two types of ineligible uses of funds: funds may not be used for deposit into any pension fund or, for states and territories only, to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation.

Issued May 10, 2021, Treasury's interim final rule provided further detail on eligible uses of funds within the four statutory categories, ineligible uses of funds, and administration of the program. The interim final rule provided state, local, and Tribal governments substantial flexibility to determine how best to use payments from the SLFRF program to meet the needs of their communities. The interim final rule aimed to facilitate swift and effective implementation by establishing a framework for determining the types of programs and services that are eligible under the ARPA along with examples of eligible uses of funds that state, local, and Tribal governments may consider.

State, local, and Tribal governments are already deploying SLFRF funds to make an impact in their communities. The SLFRF program ensures that state, local, and Tribal governments have the resources needed to fight the pandemic, sustain and strengthen the economic recovery, maintain vital public services, and make investments that support long-term growth, opportunity, and equity. Treasury looks forward to supporting and engaging with state, local, and Tribal governments as they use these funds to make transformative investments in their communities. Finally, with so many pressing and effective ways to use SLFRF funds, there is no excuse for waste, fraud, or abuse of these funds.

Treasury received over 1,500 comments spanning nearly all aspects of the interim final rule. The final rule considers and responds to comments, provides clarification to many aspects of the interim final rule, and makes several changes to eligible uses under the program, summarized immediately below.

Executive Summary of Major Changes and Clarifications

The final rule provides broader flexibility and greater simplicity in the program, in response to public comments. Among other clarifications and changes, the final rule provides for the following:

- *Public Health and Negative Economic Impacts:* In addition to programs and services, the final rule clarifies that recipients may use funds for capital expenditures that support an eligible COVID–19 public health or economic response. For example, recipients may build certain affordable housing, childcare facilities, schools, hospitals, and other projects consistent with the requirements in this final rule and the Supplementary Information.

In addition, the final rule presumes that an expanded set of households and communities are "impacted" or "disproportionately impacted" by the pandemic, thereby allowing recipients to provide responses to a broad set of households and entities without requiring additional analysis. Further, the final rule provides a broader set of enumerated eligible uses available for these communities as part of COVID–19 public health and economic response, including making affordable housing, childcare, and early learning services eligible in all impacted communities and making certain community development and neighborhood revitalization activities eligible for disproportionately impacted communities.

Further, the final rule allows for a broader set of uses to restore and support government employment, including hiring above a recipient's pre-pandemic baseline, providing funds to employees that experienced pay cuts or furloughs, avoiding layoffs, and providing retention incentives.

- *Premium Pay:* The final rule offers more streamlined options to provide premium pay, by broadening the share of essential workers who can receive premium pay without a written justification while maintaining a focus on lower-income and frontline essential workers.
- *Revenue Loss:* The final rule offers a standard allowance for revenue loss of up to $10 million, not to exceed a recipient's SLFRF award amount, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. Recipients that select the standard allowance may use that amount for government services.
- *Water, Sewer, and Broadband Infrastructure:* The final rule significantly broadens eligible broadband infrastructure investments to address challenges with broadband access, affordability, and reliability, and adds additional eligible water and sewer infrastructure investments, including a broad range of lead remediation and stormwater management projects.

Structure of the Supplementary Information

In addition to this Introduction, this Supplementary Information is organized into four sections: (1) Eligible Uses, (2) Restrictions on Use, (3) Program Administration Provisions, and (4) Regulatory Analyses.

The Eligible Uses section describes the standards to determine eligible uses of funds in each of the four eligible use categories:

(1) Responding to the public health and negative economic impacts of the pandemic (which includes several sub-categories)

(2) Providing premium pay to essential workers

(3) Providing government services to the extent of revenue loss due to the pandemic, and

(4) Making necessary investments in water, sewer, and broadband infrastructure.

Each eligible use category has separate and distinct standards for assessing whether a use of funds is eligible. Standards, restrictions, or other provisions in one eligible use category do not apply to the others. Therefore, recipients should first determine which eligible use category a potential use of funds fits within, then assess whether the potential use of funds meets the eligibility standard or criteria for that category. In the case of uses to respond to the public health and negative economic impacts of the pandemic, recipients should also determine which sub-category the eligible use fits within (*i.e.*, public health, assistance to households, assistance to small businesses, assistance to nonprofits, aid to impacted industries, or public sector capacity and workforce), then assess whether the potential use of funds meets the eligibility standard for that sub-category. Treasury does not pre-approve uses of funds; recipients are advised to review the final rule and may pursue eligible projects under it.

In some sections of the rule, Treasury identifies specific uses of funds that are eligible, called "enumerated eligible uses"; for example, Treasury provides many enumerated eligible uses of funds to respond to the public health and negative economic impacts of the pandemic. Uses of funds that are not specifically named as eligible in this

final rule may still be eligible in two ways. First, under the revenue loss eligible use category, recipients have broad latitude to use funds for government services up to their amount of revenue loss due to the pandemic. A potential use of funds that does not fit within the other three eligible use categories may be permissible as a government service, which recipients can fund up to their amount of revenue loss. For example, transportation infrastructure projects are generally ineligible as a response to the public health and negative economic impacts of the pandemic; however, a recipient could fund these projects as a government service up to its amount of revenue loss, provided that other restrictions on use do not apply. See sections Revenue Loss and Restrictions on Use for further information. Second, the eligible use category for responding to the public health and negative economic impacts of the pandemic provides a non-exhaustive list of enumerated eligible uses, which means that the listed eligible uses include some, but not all, of the uses of funds that could be eligible. The Eligible Uses section provides a standard for determining if other uses of funds, beyond those specifically enumerated, are eligible. If a recipient would like to pursue a use of funds that is not specifically enumerated, the recipient should use the standard and other guidance provided in the section Public Health and Negative Economic Impacts to assess whether the use of funds is eligible.

Next, the Restrictions on Use section describes limitations on how funds may be used. Treasury has divided the Restriction on Use section into (A) statutory restrictions under the ARPA, which include (1) offsetting a reduction in net tax revenue, and (2) deposits into pension funds, and (B) other restrictions on use, which include (1) debt service and replenishing reserves, (2) settlements and judgments, and (3) general restrictions. These restrictions apply to all eligible use categories; however, some restrictions apply only to certain types of recipient governments, and recipients are advised to review the final rule to determine which restrictions apply to their type of government (*e.g.*, state, territory, Tribal government, county, metropolitan city, or nonentitlement unit of government). To reiterate, for recipient governments covered by a specific restriction, that restriction applies to all eligible use categories and any use of funds under the SLFRF program. Specifically:

- For states and territories only, funds may not be used to offset directly or indirectly a reduction in net tax revenue resulting from a change in state or territory law.
- For all recipients except Tribal governments, funds may not be used for deposits into a pension fund.
- For all recipients, funds may not be used for debt service or replenishing financial reserves.
- All recipients must also comply with three general restrictions. First, a recipient may not use SLFRF funds for a program, service, or capital expenditure that conflicts with or contravenes the statutory purpose of ARPA, including a program, service, or capital expenditure that includes a term or condition that undermines efforts to stop the spread of COVID–19. Second, recipients may not use SLFRF funds in violation of the conflict-of-interest requirements contained in the Award Terms and Conditions, including any self-dealing or violation of ethics rules. Lastly, recipients should be aware that federal, state, and local laws and regulations, outside of SLFRF program requirements, also apply, including for example, environmental laws and federal civil rights and nondiscrimination requirements, which include prohibitions on discrimination on the basis of race, color, national origin, sex (including sexual orientation and gender identity), religion, disability, age, or familial status (having children under the age of 18).

The Program Administration Provisions section describes the processes and requirements for administering the program on an ongoing basis, specifically as relates to the following: Distribution of funds, timeline for using funds, transfer of funds from a recipient to different organizations, use of funds for program administration, reporting on use of funds, and remediation and recoupment of funds used for ineligible purposes. Of note, SLFRF funds may only be used for costs incurred within a specific time period, beginning March 3, 2021, with all funds obligated by December 31, 2024 and all funds spent by December 31, 2026. Recipients are advised to also consult Treasury's Reporting and Compliance Guidance for additional information on program administration processes and requirements, including applicability of the Uniform Guidance.

Finally, the section Regulatory Analyses provides Treasury's analysis of the impacts of this rulemaking, as required by several laws, regulations, and Executive Orders.

Throughout this Supplementary Information, statements using the terms "should" or "must" refer to requirements, except when used in summarizing opinions expressed in public comments. Statements using the term "encourage" refer to recommendations, not requirements.

II. Eligible Uses

A. Public Health and Negative Economic Impacts

Background

Since the first case of COVID–19 was discovered in the United States in January 2020, the disease has infected over 50 million and killed over 800,000 Americans.[12] The disease—and necessary measures to respond—have had an immense public health and economic impact on millions of Americans across many areas of life, as detailed below in the respective sections on Public Health and Negative Economic Impacts. Since the release of the interim final rule in May 2021, the country has made major progress in fighting the disease and rebuilding the economy but faces continued risks, as illustrated by the spread of the Delta variant and the resulting slowdown in the economic recovery. The SLFRF program, and Treasury's interim final rule, provide substantial flexibility to recipients to respond to pandemic impacts in their local community; this flexibility is designed to help state, local, and Tribal governments adapt to the evolving public health emergency and tailor their response as needs evolve and to the particular local needs of their communities.

Indeed, state, local, and Tribal governments face continued needs to respond at scale to the public health emergency. This includes continued public health efforts to slow the spread of the disease, to increase vaccination rates and provide vaccinations to new populations as they become eligible, to protect individuals living in congregate facilities, and to address the broader impacts of the pandemic on public health. Similarly, while a strong economic recovery is underway, the economy remains 3.9 million jobs below its pre-pandemic level, pointing to the continued need for response efforts, with low-income workers and communities of color facing elevated rates of unemployment and economic hardship.[13] Long-standing disparities in health and economic outcomes in

[12] Centers for Disease Control and Prevention, COVID Data Tracker, *http://www.covid.cdc.gov/covid-data-tracker/#datatracker-home* (last visited December 31, 2021).

[13] U.S. Bureau of Labor Statistics, All Employees, Total Nonfarm [PAYEMS] *https://fred.stlouisfed.org/series/PAYEMS* (last visited December 7, 2021).

underserved [14] communities, that amplified and exacerbated the impacts of the pandemic, also present continued barriers to full and equitable recovery.

As state, local, and Tribal governments work to meet the public health and economic needs of their communities, these governments are also confronting the need to rebuild their own capacity. Facing severe budget challenges during the pandemic, many state, local, and Tribal governments have been forced to make cuts to services or their workforces, including cutting over 1.5 million jobs from February to May 2020, or delay critical investments. As of fall 2021, state, local, and Tribal government employment remained over 950,000 jobs below pre-pandemic levels.[15] In the recovery from the Great Recession, cuts to state, local, and Tribal governments became a meaningful drag on economic growth for several years, and the SLFRF program provides the resources needed to re-invest in vital public services and workers to avoid this outcome.[16]

1. General Provisions: Structure and Standards

Background: Sections 602(c)(1)(A) and 603(c)(1)(A) of the Social Security Act establish that recipients may use funds "to respond to the public health emergency with respect to COVID–19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality." The interim final rule established three categories within this eligible use: (1) Public health responses for those impacted by the pandemic, including the general public; (2) responses to the negative economic impacts that were experienced by those impacted as a result of the pandemic; and (3) additional services, either as a public health response or a response to the negative economic impacts of the pandemic, for disproportionately impacted communities.

The interim final rule established the method to determine which specific programs or services may be eligible to respond to the public health emergency or to respond to the negative economic impacts of the public health emergency within this framework. The interim final rule included multiple enumerated uses that are eligible within each of these categories when provided to eligible populations, including populations that the interim final rule presumed to have been *impacted* (in the case of public health responses and responses to negative economic impacts) or *disproportionately impacted* (in the case of disproportionately impacted communities). Finally, the interim final rule also allowed recipients to designate additional individuals or classes as impacted or disproportionately impacted. The standards for each of these criteria under the interim final rule are discussed below.

To assess whether a program or service would be eligible to respond to the public health emergency or its negative economic impacts, the interim final rule stated that, "the recipient [is required] to, first, identify a need or negative impact of the COVID–19 public health emergency and, second, identify how the program, service, or other intervention addresses the identified need or impact [. . . .] [E]ligible uses under this category must be in response to the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID–19 public health emergency." The enumerated eligible uses were presumed to meet this criterion.

With respect to uses not specifically enumerated in the interim final rule as eligible public health responses, the interim final rule stated that, "[t]o assess whether additional uses would be eligible under this category, recipients should identify an effect of COVID–19 on public health, including either or both of immediate effects or effects that may manifest over months or years, and assess how the use would respond to or address the identified need."

With respect to uses not specifically enumerated in the interim final rule as eligible responses to a negative economic impact of the public health emergency, the interim final rule stated that "[e]ligible uses that respond to the negative economic impacts of the public health emergency must be designed to address an economic harm resulting from or exacerbated by the public health emergency. In considering whether a program or service would be eligible under this category, the recipient should assess whether, and the extent to which, there has been an economic harm, such as loss of earnings or revenue, that resulted from the COVID–19 public health emergency and whether, and the extent to which, the use would respond to or address this harm.[17] A recipient should first consider whether an economic harm exists and whether this harm was caused or made worse by the COVID–19 public health emergency." The interim final rule went on to say that: "In addition, the eligible use must 'respond to' the identified negative economic impact. Responses must be related and reasonably proportional to the extent and type of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses."

Throughout this final rule, Treasury refers to households, communities, small businesses, nonprofits, and industries that experienced public health or negative economic impacts of the pandemic as "impacted." The first section in the interim final rule under this eligible use category included public health responses for these impacted classes. The second category in the interim final rule under this eligible use category included responses to the negative economic impacts that were experienced by these impacted classes as a result of the pandemic.

The interim final rule further recognized that certain populations have experienced disproportionate health or negative economic impacts during the pandemic, as pre-existing disparities in these communities amplified the impacts of the pandemic. For example, the interim final rule recognized that the negative economic effects of the pandemic were particularly pronounced among lower-income families, who were more likely to experience income loss and more likely to have a job that required in-person work. The interim final rule recognized the role of pre-existing social vulnerabilities and disparities in driving the disparate health and economic outcomes and presumed that programs designed to address these health or economic disparities are responsive to the public health or negative economic impacts of the COVID–19 public health emergency, when provided in disproportionately impacted communities. In addition to identifying certain populations and communities

[14] Treasury uses "underserved" to refer to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. In the interim final rule, Treasury generally used the term "disadvantaged" to refer to these same populations and communities.

[15] U.S. Bureau of Labor Statistics, All Employees, State Government [CES9092000001] and All Employees, Local Government [CES9093000001], retrieved from FRED, Federal Reserve Bank of St. Louis, *https://fred.stlouisfed.org/series/CES9092000001* and *https://fred.stlouisfed.org/series/CES9093000001* (last visited December 7, 2021).

[16] Tracy Gordon, State and Local Budgets and the Great Recession, Brookings Institution (Dec. 31, 2012), *http://www.brookings.edu/articles/state-and-local-budgets-and-the-great-recession.*

[17] In some cases, a use may be permissible under another eligible use category even if it falls outside the scope of section (c)(1)(A) of section 602 and 603 of the Social Security Act.

presumed to be disproportionately impacted, it also empowered recipients to identify other disproportionately impacted households, populations, communities, or small businesses. The interim final rule provided that, in identifying these disproportionately impacted communities, recipients should be able to support their determination that the pandemic resulted in disproportionate public health or economic outcomes to the specific populations, households, or geographic areas to be served.

Throughout this final rule, Treasury refers to those households, communities, small businesses, and nonprofits that experienced disproportionate public health or negative economic impacts of the pandemic as "disproportionately impacted." The third category in the interim final rule under this eligible use included public health responses and responses to the negative economic impacts for these disproportionately impacted classes.

The interim final rule provided significant flexibility for recipients to determine which households, populations, communities, or small businesses have been impacted and/or disproportionately impacted by the pandemic and to identify appropriate responses. The interim final rule included several provisions to provide simple methods for recipients to identify impacts and design programs to address those impacts. First, the interim final rule allowed recipients to demonstrate a negative economic impact on a population or class and provide assistance to households or small businesses that fall within that population or class. In such cases, the recipient need only demonstrate that an individual household or business is within the class that experienced a negative economic impact, rather than requiring a recipient to demonstrate that each individual household or small business experienced a negative economic impact, because the impact was already identified for the class.

Second, in the interim final rule, Treasury presumed that certain populations have been impacted or disproportionately impacted and are thus eligible for services that respond to these impacts or disproportionate impacts. Specifically, the interim final rule permitted recipients to presume that households that experienced unemployment, increased food or housing insecurity, or are low- or moderate-income experienced a negative economic impact from the pandemic. The interim final rule also permitted recipients to presume that certain services provided in Qualified Census Tracts (QCTs), to individuals living in QCTs, or by Tribal governments are responsive to disproportionate impacts of the pandemic. In addition to the populations presumed to be impacted or disproportionately impacted, under the interim final rule, recipients could identify other impacted households or classes, as described above, as well as other populations, households, or geographic areas that are disproportionately impacted by the pandemic.

Third, as mentioned previously, the interim final rule included a non-exhaustive list of uses of funds that Treasury identified as responsive to the impacts or disproportionate impacts of the pandemic. Treasury refers to these as "enumerated eligible uses."

To summarize, the interim final rule identified certain populations that are presumed to be *impacted* by the pandemic (and specific enumerated uses of funds that are responsive to that impact) and populations that are presumed to be *disproportionately impacted* by the pandemic (and specific enumerated uses of funds that are responsive to those disproportionate impacts). In addition, the interim final rule provided standards for recipients to assess whether additional uses of funds, beyond the enumerated eligible uses, are eligible for impacted and disproportionately impacted populations and permitted recipients to identify other households or classes that experienced impacts of the pandemic or disproportionate impacts of the pandemic.

Rule Structure

Public Comment: Many commenters expressed concern regarding the structure of the eligible uses, indicating they found the structure of the public health and negative economic impacts section of the interim final rule to be confusing or difficult to navigate. Other commenters indicated that they understood the enumerated uses to be the only eligible uses and/or the presumed eligible populations to be the only eligible populations. Several commenters expressed frustration about the number of eligible uses specifically enumerated in the interim final rule, which they considered too few, and commenters proposed a wide range of additional enumerated eligible uses (for further discussion, see the section Public Health and section Negative Economic Impacts). Commenters expressed concern with pursuing uses of funds not explicitly enumerated in the eligible use section or uncertainty regarding the broad flexibility provided under the interim final rule to pursue additional programs that respond to the public health or negative economic impacts of the pandemic or the process for doing so.

Treasury Response: Treasury recognizes that many commenters felt the structure of the interim final rule could be clarified. These comments are consistent with many of the questions that Treasury has received from recipients, which requested clarification regarding the category their desired response fits into. Treasury observes that these comments and questions generally fall into four categories: (1) How to identify the correct public health or negative economic impact category for a particular response, (2) how to identify whether a particular use is eligible, (3) how to identify an impacted or disproportionately impacted class, and (4) whether an enumerated use can be provided to a class other than those presumed impacted or disproportionately impacted. In response to comments, Treasury is adjusting the structure of the public health and negative economic impacts eligible use section of the final rule to improve clarity and make it easier for recipients to interpret and apply the final rule.

Specifically, Treasury is restructuring the rule to aid recipients in determining whether a particular response is eligible and how the particular response might be eligible under a particular category. This restructuring reinforces the fundamental criteria that a use of funds is eligible based on its responsiveness to a public health or negative economic impact experienced by individuals, households, small businesses, nonprofits, or impacted industries (together "beneficiaries").[18] This restructuring is intended to make the rule easier to navigate and to implement, including any criteria or conditions on particular uses of funds.

The reorganization of the public health and negative economic impacts section of the final rule is also intended to clarify the enumerated eligible uses described in the interim final rule. The reorganization itself is not intended to change the scope of the enumerated uses that were included in the interim final rule or that were allowable under the interim final rule. In some cases, specific enumerated uses are being altered, and those changes are discussed

[18] Note that small businesses, nonprofits, and industries may also function as subrecipients. For additional information on these distinctions see section Distinguishing Subrecipients versus Beneficiaries.

as changes within the section on that enumerated use.

The final rule streamlines and aligns services and standards that are generally applicable or are provided for public health purposes. Under this approach, eligible uses to respond to the public health emergency are organized based on the type of public health problem: (1) COVID–19 mitigation and prevention, (2) medical expenses, (3) behavioral health care, and (4) preventing and responding to violence. Under this approach, eligible uses to respond to the negative economic impacts of the public health emergency are organized based on the type of beneficiary: (1) Assistance to households, (2) assistance to small businesses, and (3) assistance to nonprofits, alongside a fourth standalone eligibility category for aid to travel, tourism, hospitality, and other impacted industries. The first three categories, assistance to households, small businesses, and nonprofits, include enumerated eligible uses for impacted and disproportionately impacted beneficiaries. This change in structure is intended to provide a framework that clearly identifies the intended beneficiaries of uses of funds and provides clarity about what types of assistance are "responsive to the pandemic or its negative economic impacts" for these beneficiaries.

a. Standards for Identifying a Public Health or Negative Economic Impact

Standards: Designating a Public Health Impact

Public Comment: Many commenters expressed uncertainty about how to determine whether a use of funds, beyond those specifically enumerated as eligible, might be an eligible public health response. For example, many commenters submitted questions asking whether specific uses of funds would be eligible. Others described what they considered to be impacts of the pandemic and argued that uses of funds to respond to these issues should be eligible. Some commenters requested that Treasury provide additional detail to guide their assessments of eligible uses of funds. For example, a commenter requested more clarification around exactly what and whose medical expenses can be covered. These comments ranged in their specificity and covered the full range of the enumerated eligible uses.

Treasury Response: Treasury is clarifying that when assessing whether a program or service is an eligible use to respond to the public health impacts of the COVID–19 public health emergency, the Department will consider the two eligibility requirements discussed below. These standards apply to all proposed public health uses.

First, there must be a negative public health impact or harm experienced by an individual or a class. For ease of administration, the interim final rule allowed, and the final rule maintains the ability for, recipients to identify a public health impact on a population or group of individuals, referred to as a "class," and to provide assistance to that class. In determining whether an individual is eligible for a program designed to address a harm experienced by a class, the recipient need only document that the individual is within the class that experienced a public health impact, see section Standards: Designating Other Impacted Classes. In the case of some impacts, for example impacts of COVID–19 itself that are addressed by providing prevention and mitigation services, such a class could reasonably include the general public.

Second, the program, service, or other intervention must address or respond to the identified impact or harm. The final rule maintains the interim final rule requirement that eligible uses under this category must be in response to the disease itself or other public health harms that it caused.[19]

Responses must be reasonably designed to benefit the individual or class that experienced the public health impact or harm. Uses of funds should be assessed based on their responsiveness to their intended beneficiaries and the ability of the response to address the impact or harm experienced by those beneficiaries.

Responses must also be related and reasonably proportional to the extent and type of public health impact or harm experienced. Uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses. Reasonably proportional refers to the scale of the response compared to the scale of the harm. It also refers to the targeting of the response to beneficiaries compared to the amount of harm they experienced. In evaluating whether a use is reasonably proportional, recipients should consider relevant factors about the harm identified and the response. For example, recipients may consider the size of the population impacted and the severity, type, and duration of the impact. Recipients may also consider the efficacy, cost, cost-effectiveness, and time to delivery of the response.

If a recipient intends to fund capital expenditures in response to the public health impacts of the pandemic, recipients should refer to the section Capital Expenditures for details about the eligibility of capital expenditures.

Standards: Designating a Negative Economic Impact

Public Comment: Many commenters expressed uncertainty about how to determine whether uses of funds, beyond those specifically enumerated as eligible, might be eligible responses to negative economic impacts. For example, many commenters submitted questions asking whether specific uses of funds would be eligible. Others described what they considered to be impacts of the pandemic and argued that uses of funds to respond to these issues should be eligible. Some commenters requested that Treasury provide additional detail to guide their assessments of eligible uses of funds. These comments ranged in their specificity and covered the full range of eligible uses to respond to negative economic impacts. Several commenters asked for clarification about what types of food assistance would be considered eligible. Another commenter requested that the establishment of outdoor dining be eligible. Many commenters inquired about homeless shelters as an eligible use of SLFRF funds.

Commenters also expressed uncertainty about the ability to establish classes, including geographic areas, that experienced a negative economic impact or disagreed with the requirement that an individual entity be impacted by the pandemic in order to receive assistance. For example, a commenter argued that interventions should not be limited to individuals or businesses that experienced an economic impact and should instead be used broadly to support economic growth. These commenters argued that an expenditure that supports a more robust economy may help combat the pandemic's negative economic impacts, and it can do so even if funding is provided to individuals or entities that did not themselves experience a negative economic impact during the pandemic.

Treasury Response: The final rule maintains the standard articulated in

[19] In designing an intervention to mitigate COVID–19, the recipient should consider guidance from public health authorities, particularly the Centers for Disease Control and Prevention (CDC), in assessing appropriate COVID–19 mitigation and prevention strategies (*see* Centers for Disease Control and Prevention, COVID–19, *https://www.cdc.gov/coronavirus/2019-ncov/index.html*). A program or service that imposes conditions on participation in or acceptance of the service that would undermine efforts to stop the spread of COVID–19 or discourage compliance with practices in line with CDC guidance for stopping the spread of COVID–19 is not a permissible use of funds.

the interim final rule. For clarity, the final rule re-articulates that when assessing whether a program or service is an eligible use to respond to the negative economic impacts of the COVID–19 public health emergency, Treasury will consider the two eligibility requirements discussed below.

First, there must be a negative economic impact, or an economic harm, experienced by an individual or a class. The recipient should assess whether, and the extent to which, there has been an economic harm, such as loss of earnings or revenue, that resulted from the COVID–19 public health emergency. A recipient should first consider whether an economic harm exists and then whether this harm was caused or made worse by the COVID–19 public health emergency. This approach is consistent with the text of the statute, which provides that funds in this category must be used to "respond to the public health emergency with respect to . . . its negative economic impacts."

While economic impacts may either be immediate or delayed, individuals or classes that did not experience a negative economic impact from the public health emergency would not be eligible beneficiaries under this category. As noted above, the interim final rule permitted recipients to presume that households that experienced unemployment, increased food or housing insecurity, or are low- or moderate-income experienced a negative economic impact from the pandemic. For discussion of the final rule's approach to this presumption, see section Populations Presumed Eligible.

The final rule also maintains several provisions included in the interim final rule and subsequent guidance that are intended to ease administration of identifying that the beneficiary experienced a negative economic impact or harm. For example, the interim final rule allowed, and the final rule maintains the ability for, recipients to demonstrate a negative economic impact on a population or group, referred to as a "class," and to provide assistance to households, small businesses, or nonprofits that fall within that class. In such cases, the recipient need only demonstrate that the household, small business, or nonprofit is within the class that experienced a negative economic impact, see section Standards: Designating Other Impacted Classes. This would allow, for example, an internet access assistance program for all households with children to support those households' ability to participate in healthcare, work, and educational activities like extending learning opportunities, among other critical activities. In that case, the recipient would only need to identify a negative economic impact to the class of "households with children" and would not need to document or otherwise demonstrate that each individual household served experienced a negative economic impact.

Second, the response must be designed to address the identified economic harm or impact resulting from or exacerbated by the public health emergency. In selecting responses, the recipient must assess whether, and the extent to which, the use would respond to or address this harm or impact. This approach is consistent with the text of the statute, which provides that funds may be used to "respond to" the "negative economic impacts" of the public health emergency "including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality." The list of potential responses ("assistance" or "aid") suggests that responses should address the "negative economic impacts" of particular types of beneficiaries (*e.g.*, households or small businesses).

Responses must be reasonably designed to benefit the individual or class that experienced the negative economic impact or harm. Uses of funds should be assessed based on their responsiveness to their intended beneficiary and the ability of the response to address the impact or harm experienced by that beneficiary.[20]

Responses must also be related and reasonably proportional to the extent and type of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses.[21] Reasonably proportional refers to the scale of the response compared to the scale of the harm. It also refers to the targeting of the response to beneficiaries compared to the amount of harm they experienced; for example, it may not be reasonably proportional for a cash assistance program to provide assistance in a very small amount to a group that experienced severe harm and in a much larger amount to a group that experienced relatively little harm. In evaluating whether a use is reasonably proportional, recipients should consider relevant factors about the harm identified and the response. For example, recipients may consider the size of the population impacted and the severity, type, and duration of the impact. Recipients may also consider the efficacy, cost, cost-effectiveness, and time to delivery of the response.

Finally, recipients should be aware of the distinction between beneficiaries of funds and subrecipients; a recipient may provide services to beneficiaries through subrecipients that did not experience a negative economic impact, see section Distinguishing Subrecipients versus Beneficiaries. That is, a recipient may award SLFRF funds to an entity that did not experience a negative economic impact in order to implement a program or provide a service to beneficiaries on its behalf. Such transfers, when implementing a public health or negative economic impact response, should be responsive to and designed to benefit individuals, households, small businesses, nonprofits, or impacted industries that did experience a public health or negative economic impact.

Determining the Appropriate Eligible Use Category

Public Comment: Some commenters expressed uncertainty about how to analyze negative economic impacts to different entities (*e.g.*, households, small businesses, nonprofits). For example, commenters asked whether a nonprofit, which did not experience a negative economic impact itself, could be granted funds to provide services to individuals experiencing homelessness, who did experience negative economic impacts. Other commenters proposed providing assistance to support the expansion of small businesses, under the theory that this would create more job opportunities for unemployed workers who experienced negative economic impacts.

Treasury Response: In the final rule, Treasury is clarifying that recipients should assess a potential use of funds based on which beneficiary experienced the negative economic impact, in other words, the households, small businesses, nonprofits, or impacted industries that experienced the negative economic impact.

Treasury notes that recipients may award SLFRF funds to many different types of organizations to carry out eligible uses of funds and serve beneficiaries on behalf of a recipient.

[20] For example, expenses such as excessive compensation to employees or expenses which have already been reimbursed through another federal program, are not reasonably designed to address a negative economic impact to a beneficiary.

[21] For example, a program or service that imposes conditions on participation in or acceptance of the service that would undermine efforts to stop the spread of COVID–19 or discourage compliance with practices in line with CDC guidance for stopping the spread of COVID–19 is not a permissible use of funds.

When a recipient provides funds to another entity to carry out eligible uses of funds and serve beneficiaries the entity becomes a subrecipient (see section Distinguishing a Subrecipient versus a Beneficiary). For example, a recipient may grant funds to a nonprofit organization to provide food assistance (an eligible use) to low-income households (the beneficiaries). Recipients only need to assess whether the beneficiaries experienced a negative economic impact and whether the eligible use responds to that impact, consistent with the two-part framework described above; the organization carrying out the eligible use does not need to have experienced a negative economic impact if it is serving as the vehicle for reaching the beneficiaries. When making determinations about how to implement a program, recipients should consider whether that method of program implementation is an effective and efficient method to implement the program and do so in accordance with the Uniform Guidance provisions that govern procurements and sub-granting of federal funds, as applicable.

As noted above, recipients should analyze eligible uses based on the beneficiary of the assistance or the entity that experienced a negative economic impact. Assistance to a small business or to an impacted industry must respond to a negative economic impact experienced by that small business or industry. Recipients may not provide assistance to small businesses or impacted industries that did not experience a negative economic impact, although recipients can identify negative economic impacts for classes, rather than individual businesses, and may also presume that small businesses in certain areas experienced impacts; see section General Provisions: Structure and Standards and section Assistance to Small Businesses for details.

Several examples illustrate the application of these concepts. For example, a recipient could provide assistance to households via a contract with a business to create subsidized jobs for the long-term unemployed; in this case the business is a subrecipient and need not have experienced a negative economic impact, but the recipient would need to identify a specific connection between the assistance provided and addressing the negative economic impact experienced by the unemployed households. The recipient could, for instance, document the subsidized jobs created under the contract and their reservation for long-term unemployed individuals. Similarly, a recipient might provide assistance to a small business that experienced a pandemic-related loss of revenue. This small business is a beneficiary and may use those funds in many ways, potentially including hiring or retaining staff. However, general assistance to a business that did not experience a negative economic impact under the theory that this assistance generally grows the economy and therefore enhances opportunities for unemployed workers would not be an eligible use, because such assistance is not reasonably designed to impact the individuals or classes that experienced a negative economic impact. In other words, there is not a reasonable connection between the assistance provided and an impact on the beneficiaries. Such an activity would be attenuated from and thus not reasonably designed to benefit the households that experienced the negative economic impact.

b. Populations Presumed Eligible

Presumed Eligibility: Impacted and Disproportionately Impacted Households and Communities

Background: As noted above, the interim final rule allowed recipients to presume that certain households were impacted or disproportionately impacted by the pandemic and thus eligible for responsive programs or services. Specifically, under the interim final rule, recipients could presume that a household or population that experienced unemployment, experienced increased food or housing insecurity, or is low- or moderate-income experienced negative economic impacts resulting from the pandemic, and recipients may provide services that respond to these impacts.

The interim final rule also recognized that pre-existing health, economic, and social disparities contributed to disproportionate pandemic impacts in certain communities and allowed for a broader list of enumerated eligible uses to respond to the pandemic in disproportionately impacted communities. Under the interim final rule, recipients were allowed to presume that families residing in QCTs or receiving services provided by Tribal governments were disproportionately impacted by the pandemic.

Definition of Low- and Moderate-Income

Public Comment: As noted earlier, many commenters sought a definition for "low- and moderate-income" to provide recipients greater clarity on which specific households could be presumed to be impacted by the pandemic.

Treasury Response: The final rule maintains the presumptions identified in the interim final rule and defines low- and moderate-income for the purposes of determining which households and populations recipients may presume to have been impacted. To simplify the administration of this presumption, the final rule adopts a definition of low- and moderate-income based on thresholds established and used in other federal programs.

Definitions. The final rule defines a household as *low income* if it has (i) income at or below 185 percent of the Federal Poverty Guidelines (FPG) for the size of its household based on the most recently published poverty guidelines by the Department of Health and Human Services (HHS) or (ii) income at or below 40 percent of the Area Median Income (AMI) for its county and size of household based on the most recently published data by the Department of Housing and Urban Development (HUD).[22]

The final rule defines a household as *moderate income* if it has (i) income at or below 300 percent of the FPG for the size of its household based on the most recently published poverty guidelines by HHS or (ii) income at or below 65 percent of the AMI for its county and size of household based on the most recently published data by HUD.[23]

Recipients may determine whether to measure income levels for specific households or for a geographic area based on the type of service to be provided. For example, recipients developing a program that serves specific households (*e.g.*, a subsidy for internet access, a childcare program) may measure income at the household level. Recipients providing a service that reaches a general geographic area (*e.g.*, a park) may measure median income of that area.

Further, recipients should generally use the income threshold for the size of the household to be served (*e.g.*, when providing childcare to a household of five, recipients should reference the income threshold for a household of five); however, recipients may use the income threshold for a default household size of three if providing

[22] AMI is also often referred to as median family income for the area. Since AMI is synonymous with this term and used more generally, the final rule refers to AMI.

[23] For the six New England states of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, HUD provides AMI for towns rather than counties. Recipients in these states should use the AMI corresponding to their town when determining thresholds for both low and moderate income.

services that reach a general geographic area or if doing so would simplify administration of the program to be provided (*e.g.*, when developing a park, recipients should use the income threshold for a household size of three and compare it to median income of the geographic area to be served).

Note that recipients can also identify and serve other classes of households that experienced negative economic impacts or disproportionate impacts from the pandemic; recipients can identify these classes based on their income levels, including above the levels defined as low- and moderate-income in the final rule. For example, a recipient may identify that households in their community with incomes above the final rule threshold for low-income nevertheless experienced disproportionate impacts from the pandemic and provide responsive services. See section General Provisions: Standards for Identifying Other Eligible Populations for details on applicable standards.

Applicable levels. For reference, the FPG is commonly referred to as the federal poverty level (FPL) and is related to—although distinct from—the U.S. Census Bureau's poverty threshold. The final rule uses the FPG when referring specifically to the HHS guidelines, as these are the quantitative metrics used for determining low- and moderate-income households.

The FPG by household size for 2021 is included in the table below. Recipients should refer to HHS Poverty Guidelines for this information, which is updated annually and available on the HHS website.[24] For calculating the thresholds of 40 percent and 65 percent of AMI, recipients should refer to the annual HUD Section 8 50 percent income limits by county and household size published by HUD and available on the HUD website; in particular, recipients should calculate the 40 percent threshold as 0.8 times the 50 percent income limit, and recipients should calculate the 65 percent threshold as 1.3 times the 50 percent income limit.[25] Finally, for median income of Census Tracts and other geographic areas, recipients should refer to the most recent American Community Survey 5-year estimates available through the Census website.[26]

2021 Federal Poverty Guidelines

Household size	48 contiguous states and the District of Columbia	Alaska	Hawaii
1	$12,880	$16,090	$14,820
2	17,420	21,770	20,040
3	21,960	27,450	25,260
4	26,500	33,130	30,480
5	31,040	38,810	35,700
6	35,580	44,490	40.920
7	40,120	50,170	46,140
8	44,660	55,850	51,360

For families/households with more than 8 persons, add the following amounts for each additional person:
48 Contiguous States and the District of Columbia: $4,540.
Alaska: $5,680.
Hawaii: $5,220.
Source: "HHS Poverty Guidelines for 2021," available at *https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines.*

Rationale. In defining low income, the final rule uses both the FPG and AMI to account for national trends and regional differences. The metric of 185 percent of FPG aligns with some other programs; for instance, under the National School Lunch Program, students with household incomes under 185 percent of FPG qualify for free or reduced-price lunch, and schools often use eligibility for free or reduced-price lunch as an indicator of low-income status under Title 1–A of the Elementary and Secondary Education Act. Eligibility for other programs, such as the Federal Communications Commission's e-Rate program and the Special Supplemental Nutrition Program for Women, Infants and Children employ this metric as well. In addition, 185 percent of the FPG for a family of four is $49,025, which is approximately the wage earnings for a two-earner household in which both earners receive the median wage in occupations, such as waiters and waitresses and hotel clerks, that were heavily impacted by COVID–19.[27] This measure is targeted toward those at the bottom of the income distribution and thus helps to promote use of SLFRF funds towards populations with the greatest needs. At the same time, with approximately one-quarter of Americans below 185 percent of the poverty threshold, this approach is broad enough to facilitate use of SLFRF funds across many jurisdictions.[28] Because regions have different cost and income levels, this definition also allows for upward adjustment based on AMI for those regions where 40 percent of AMI exceeds 185 percent of FPG. The metric of 40 percent of AMI is based on the midpoint of values often used to designate certain categories of low-income households; specifically, it is the midpoint of the 30 percent income limit and the 50 percent income limit

[24] U.S. Department of Health and Human Service, HHS Poverty Guidelines for 2021, *available at https://aspe.hhs.gov/topics/poverty-economic-mobility/poverty-guidelines.*

[25] U.S. Department of Housing and Urban Development, FY 2021 Section 8 Income Limits, *available at https://www.huduser.gov/portal/datasets/il/il21/Section8-FY21.xlsx.* Recipients may refer to the list of counties (and New England towns) identified by state and metropolitan area for identifying the appropriate area. U.S. Department of Housing and Urban Development, FY 2021 List of Counties (and New England Towns) Identified by State and Metropolitan Area, *available at https://www.huduser.gov/portal/datasets/il/il21/area-definitions-FY21.pdf.*

[26] The U.S. Census Bureau provides an interactive map: U.S. Census Bureau, Median Household Income State Selection Map, *available at https://data.census.gov/cedsci/map?q=Median%20Household%20Income&g=0100000US%2404000%24001&tid=ACSST5Y2019.S1901&cid=S1901_C01_012E&vintage=2019.* The U.S. Census Bureau also provides an interactive table: U.S. Census Bureau, Median Household Income In The Past 12 Months (In 2019 Inflation-Adjusted Dollars), *available at https://data.census.gov/cedsci/table?q=b19013&tid=ACSDT5Y2019.B19013&hidePreview=true.*

[27] *See* U.S. Bureau of Labor Statistics, Occupational Employment and Wage Estimates, *https://www.bls.gov/oes/current/oes_nat.htm* (last visited December 7, 2021).

[28] U.S. Census Bureau, Poverty Status by State, *https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-pov/pov-46.html* (last visited December 7, 2021).

used in programs such as the Community Development Block Grant (CDBG) Program.

In defining moderate income, the final rule uses both the FPG and AMI to account for national trends and regional differences. While there are different definitions of moderate income, 300 percent of FPG falls within the range commonly used by researchers.[29] Analysis of median wages among a sample of occupations likely impacted by the pandemic also suggests that an income cutoff of 300 percent of FPG would include many households with workers in such occupations.[30] Moreover, the metric of 300 percent of FPG covers households that, while above the poverty line, often lack economic security.[31] Treasury determined the AMI threshold for moderate income by maintaining the same ratio of FPG multiplier to AMI multiplier as in the definition of low income. This anchors the threshold to the existing definitions of moderate income from the literature while taking into account geographical variation in income and expenses in the same manner as the definition of low income.

Eligibility Presumptions

Public Comment: Many commenters believed that a broader range of groups should be considered presumptively impacted and disproportionately impacted, arguing that many households had been affected by the pandemic and that broader presumed eligibility would help recipients provide assistance quickly and effectively.

Treasury also received many comments on the presumption that families living in QCTs or receiving services from Tribal governments were disproportionately impacted by the pandemic. While many commenters supported the interim final rule's recognition of disproportionate impacts of the pandemic on low-income communities, many commenters disagreed with treating QCTs as the only presumed eligible group of disproportionately impacted households, apart from households served by Tribal governments. While acknowledging a potential increase in administrative burden, commenters recommended that Treasury presume other households or geographic areas, in addition to QCTs, were disproportionately impacted; suggestions included all low- and moderate-income households, geographic areas designated as Opportunity Zones, Difficult Development Areas (DDAs), areas with a certain amount of Real Estate Advantage Program (REAP) recipients, or use of eligibility criteria from the Community Reinvestment Act. One commenter generally recommended that a clearer definition of "disproportionately impacted" should be provided and that any definition should include communities of color and people of limited means. Another recommended specific eligibility for people that had recently interacted with the criminal justice system. Many commenters representing Tribal governments and groups recommended a presumption of eligibility for all Tribal uses of funds, clarification that off reservation members remained eligible, and broad flexibility on use of funds.

Additionally, commenters noted that some areas are technically eligible to be QCTs but fall short because of the aggregate population of eligible tracts. One commenter noted that these areas should be considered the same as QCTs for the purpose of SLFRF funds. Some commenters argued that rural counties typically have few QCTs despite high levels of poverty and disruption caused by the COVID–19 pandemic. Other rural commenters recommended that the designation be by county rather than at a more granular level, arguing that the QCT designation is biased towards urban areas and understates the harm done to rural America. Many commenters representing Tribal governments supported the presumption that services provided by Tribal governments respond to disproportionate impacts.

Treasury Response

Summary: While households residing in QCTs or served by Tribal governments were presumed to be disproportionately impacted, Treasury emphasizes that under the interim final rule recipients could also identify other households, populations, or geographic areas that were disproportionately impacted by the pandemic and provide services to respond.

The final rule maintains the presumptions identified in the interim final rule, as well as recipients' ability to identify other impacted or disproportionately impacted classes. The final rule also allows recipients to presume that low-income households were disproportionately impacted, and as discussed above, defines low- and moderate-income. Finally, under the final rule recipients may also presume that households residing in the U.S. territories or receiving services from territorial governments were disproportionately impacted.

Households presumed to be impacted: Impacted households are those that experienced a public health or negative economic impact from the pandemic.

With regard to public health impacts, recipients may presume that the general public experienced public health impacts from the pandemic for the purposes of providing services for COVID–19 mitigation and behavioral health. In other words, recipients may provide a wide range of enumerated eligible uses in these categories to the general public without further analysis. As discussed in the introduction, COVID–19 as a disease has directly affected the health of tens of millions of Americans, and efforts to prevent and mitigate the spread of the disease are needed and in use across the country. Further, the stress of the pandemic and resulting recession have affected nearly all Americans. Accordingly, the final rule presumes that the general public are impacted by and eligible for services to respond to COVID–19 mitigation and prevention needs, as well as behavioral health needs.

With regard to negative economic impacts, as with the interim final rule, under the final rule recipients may presume that a household or population that experienced unemployment, experienced increased food or housing insecurity, or is low- or moderate-income experienced negative economic impacts resulting from the pandemic. The final rule's definition of low- and moderate-income, by providing standard metrics based on widely available data, is intended to simplify administration for recipients.

Households presumed to be disproportionately impacted: Disproportionately impacted households are those that experienced a

[29] For instance, Melissa Kearney et al. (2013) cap the "struggling lower middle-income class" at 250 percent of the federal poverty level, while Isabel Sawhill and Edward Rodrigue (2015) define the "middle class" as those with incomes of at least 300 percent of the poverty line. Melissa Kearney et al., "A Dozen Facts about America's Struggling Lower-Middle Class," The Hamilton Project (December 2013), *https://www.hamiltonproject.org/assets/legacy/files/downloads_and_links/THP_12LowIncomeFocts_Finol.pdf;* Isabel Sawhill and Edward Rodrigue, "An Agenda for Reducing Poverty and Improving Opportunity," Brookings Institution, *https://www.brookings.edu/wp-content/uploads/2016/07/Sowhill_FINAL.pdf.*

[30] Data on median annual wages from: U.S. Bureau of Labor and Statistics, Occupational Employment and Wage Statistics, *available at https://www.bls.gov/oes/current/oes_nat.htm* (last visited December 7, 2021).

[31] For instance, households earning between 200 and 300 percent of the FPG have significantly higher rates of food and housing insecurity than those earning above 300 percent of the FPG. Table 1, Kyle J. Caswell and Stephen Zuckerman, Food Insecurity, Housing Hardship, and Medical Care Utilization, Urban Institute (June 2018), *https://www.urban.org/sites/default/files/publication/98701/2001896_foodinsecurity_housinghardship_medicalcareutilization_finalized.pdf.*

disproportionate, or meaningfully more severe, impact from the pandemic. As discussed in the interim final rule, pre-existing disparities in health and economic outcomes magnified the impact of the COVID–19 public health emergency on certain households and communities. As with the interim final rule, under the final rule recipients may presume that households residing in QCTs or receiving services provided by Tribal governments were disproportionately impacted by the pandemic. In addition, under the final rule recipients may presume that low-income households were disproportionately impacted by the pandemic. Finally, under the final rule recipients may also presume that households residing in the U.S. territories or receiving services from territorial governments were disproportionately impacted.

Treasury notes that households presumed to be disproportionately impacted would also be presumptively impacted, as these households have not only experienced pandemic impacts but have experienced disproportionate pandemic impacts; as a result, these households are presumptively eligible for responsive services for both impacted and disproportionately impacted households.

Many different geographic, income-based, or poverty-based presumptions could be used to designate disproportionately impacted populations. The combination of permitting recipients to use QCTs, low-income households, and services provided by Tribal or territorial governments as presumptions balances these varying methods. Specifically, QCTs are a commonly used designation of geographic areas based on low incomes or high poverty rates of households in the community; for recipients providing geographically targeted services, QCTs may provide a simple metric with readily available maps for use. However, Treasury recognizes that QCTs do not capture all underserved populations, including for reasons noted by commenters. By allowing recipients to also presume that low-income households were disproportionately impacted, the final rule provides greater flexibility to serve underserved households or communities. Data on household incomes is also readily available at varying levels of geographic granularity (*e.g.*, Census Tracts, counties), again permitting flexibility to adapt to local circumstances and needs. Finally, Treasury notes that, as discussed further below, recipients may also identify other households, populations, and communities disproportionately impacted by the pandemic, in addition to those presumed to be disproportionately impacted.

Additionally, Tribal and territorial governments may face both disproportionate impacts of the pandemic and administrability challenges with operationalizing the income-based standard; therefore, Treasury has presumed that services provided by these governments respond to disproportionate pandemic impacts. Given a lack of regularly published data on household incomes in most territories,[32] as well as a lack of poverty guidelines developed for these jurisdictions,[33] it may be highly challenging to assess disproportionate impact in these communities according to an income- or poverty-based standard. Similarly, data on incomes in Tribal communities are not readily available.[34] Finally, as described in the sections on Public Health and Negative Economic Impacts, Tribal communities have faced particularly severe health and economic impacts of the pandemic. Similarly, available research suggests that preexisting health and economic disparities in the territories amplified the impact of the pandemic on these communities.[35]

Categorical Eligibility

Public Comment: Several commenters suggested that the final rule permit recipients to rely on a beneficiary's eligibility for other federal benefits programs as an easily administrable proxy for identifying a group or population that experienced a negative economic impact as a result of the COVID–19 public health emergency (*i.e.*, categorical eligibility). In other words, a recipient would determine that individuals or households are eligible for an SLFRF-funded program based on the individual or household's eligibility in another program, typically another federal benefit program. Commenters noted that categorical eligibility is a common policy in program administration that can significantly ease administrative burden on both program administrators and beneficiaries.

Treasury Response: Treasury agrees that allowing recipients to identify impacted and disproportionately impacted beneficiaries based on their eligibility for other programs with similar income tests would ease administrative burden. To the extent that the other program's eligibility criteria align with a population or class that experienced a negative economic impact of the pandemic, this approach is also consistent with the process allowed under the final rule for recipients to determine that a class has experienced a negative economic impact, and then document that an individual receiving services is a member of the class. For these reasons, the final rule recognizes categorical eligibility for the following programs and populations:

- *Impacted households.* Treasury will recognize a household as impacted if it otherwise qualifies for any of the following programs:
  - Children's Health Insurance Program (CHIP)
  - Childcare Subsidies through the Child Care and Development Fund (CCDF) Program
  - Medicaid
  - National Housing Trust Fund (HTF), for affordable housing programs only
  - Home Investment Partnerships Program (HOME), for affordable housing programs only
- *Disproportionately impacted households.* Treasury will recognize a household as disproportionately impacted if it otherwise qualifies for any of the following programs:
  - Temporary Assistance for Needy Families (TANF)
  - Supplemental Nutrition Assistance Program (SNAP)
  - Free and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs
  - Medicare Part D Low-income Subsidies
  - Supplemental Security Income (SSI)
  - Head Start and/or Early Head Start
  - Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
  - Section 8 Vouchers
  - Low-Income Home Energy Assistance Program (LIHEAP)
  - Pell Grants
  - For services to address educational disparities, Treasury will recognize Title

[32] For instance, the American Community Survey does not include all territories. U.S. Census Bureau, Areas Published, *https://www.census.gov/programs-surveys/acs/geography-acs/areas-published.html* (last visited November 9, 2021).

[33] U.S. Department of Health and Human Services, *supra* note 24.

[34] For instance, data from the American Community Survey is based on geographical location rather than Tribal membership. U.S. Census Bureau, My Tribal Area, *https://www.census.gov/Tribal/Tribal_glossary.php*.

[35] Lina Stoylar et. al., Challenges in the U.S. Territories: COVID–19 and the Medicaid Financing Cliff, Kaiser Family Foundation (May 18, 2021), *https://www.kff.org/coronavirus-covid-19/issue-brief/challenges-in-the-u-s-territories-covid-19-and-the-medicaid-financing-cliff/*.

I eligible schools [36] as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible

c. Standards for Identifying Other Eligible Populations

Standards: Designating Other Impacted Classes

Public Comment: Treasury received multiple comments requesting additional clarification about how classes of impacted individuals may be designated, as well as questions asking whether recipients must demonstrate a specific public health or negative economic impact to each entity served (*e.g.*, each household receiving assistance under a program). There were several comments requesting that specific geographic designations, like a county or Impact Zone, be eligible to use as a determining boundary.

Treasury Response: The interim final rule allowed, and the final rule maintains, the ability for recipients to demonstrate a public health or negative economic impact on a class and to provide assistance to beneficiaries that fall within that class. Consistent with the scope of beneficiaries included in sections 602(c)(1)(A) and 603(c)(1)(A) of the Social Security Act, Treasury is clarifying that a recipient may identify such impacts for a class of households, small businesses, or nonprofits. In such cases, the recipient need only demonstrate that the household, small business, or nonprofit is within the relevant class. For example, a recipient could determine that restaurants in the downtown area had generally experienced a negative economic impact and provide assistance to those small businesses to respond. When providing this assistance, the recipient would only need to demonstrate that the small businesses receiving assistance were restaurants in the downtown area. The recipient would not need to demonstrate that each restaurant served experienced its own negative economic impact.

In identifying an impacted class and responsive program, service, or capital expenditure, recipients should consider the relationship between the definition of the class and proposed response. Larger and less-specific classes are less likely to have experienced similar harms and thus the responses are less likely to be responsive to the harms identified. That is, as the group of entities being served by a program has a wider set of fact patterns, or the type of entities, their circumstances, or their pandemic experiences differ more substantially, it may be more difficult to determine that the class has actually experienced the same or similar negative economic impact and that the response is appropriately tailored to address that impact.

Standard: Designating Other Disproportionately Impacted Classes

Summary of Interim Final Rule: As noted above, the interim final rule provided a broad set of enumerated eligible uses of funds in disproportionately impacted communities, including to address pre-existing disparities that contributed to more severe pandemic impacts in these communities. The interim final rule presumed that these services are eligible uses when provided in a QCT, to families and individuals living in QCTs, or when these services are provided by Tribal governments. Recipients may also provide these services to "other populations, households, or geographic areas disproportionately impacted by the pandemic" and, in identifying these disproportionately impacted communities, should be able to support their determination that the pandemic resulted in disproportionate public health or economic outcomes to the group identified.

Public Comment: A significant number of commenters expressed uncertainty regarding the process for determining eligibility for disproportionately impacted communities beyond QCTs. A commenter noted that a clearer definition of "disproportionately impacted" should be delineated and that any definition should include communities of color and people of limited means. Some commenters suggested a template or checklist to see if an area meets the standard for disproportionately impacted communities outside of QCTs. Some commenters stated that QCT and non-QCT beneficiaries should be treated the same.

Treasury Response: Under the interim final rule, presuming eligibility for services in QCTs, for populations living in QCTs, and for Tribal governments was intended to ease administrative burden, providing a simple path for recipients to offer services in underserved communities, and is not an exhaustive list of disproportionately impacted communities. To further clarify, the final rule codifies the interpretive framework discussed above, including presumptions of groups disproportionately impacted, as well as the ability to identify other disproportionately impacted populations, households, or geographies (referred to here as disproportionately impacted classes).

As discussed in the interim final rule, in identifying other disproportionately impacted classes, recipients should be able to support their determination that the pandemic resulted in disproportionate public health or economic outcomes to the specific populations, households, or geographic areas to be served. For example, the interim final rule considered data regarding the rate of COVID–19 infections and deaths in low-income and socially vulnerable communities, noting that these communities have experienced the most severe health impacts, compared to national averages. Similarly, the interim final rule considered the high concentration of low-income workers performing essential work, the reduced ability to socially distance, and other pre-existing public health challenges, all of which correlate with more severe COVID–19 outcomes. The interim final rule also considered the disproportionate economic impacts of the pandemic, citing, for example, the rate of job losses among low-income persons as compared to the general population. The interim final rule then identified QCTs, a common, readily accessible, and geographically granular method of identifying communities with a large proportion of low-income residents, as presumed to be disproportionately impacted by the pandemic.

In other words, the interim final rule identified disproportionately impacted populations by assessing the impacts of the pandemic and finding that some populations experienced meaningfully more severe impacts than the general public. Similarly, to identify disproportionately impacted classes, recipients should compare the impacts experienced by that class to the typical or average impacts of the pandemic in their local area, state, or nationally.

Recipients may identify classes of households, communities, small businesses, nonprofits, or populations that have experienced a disproportionate impact based on academic research or government research publications, through analysis of their own data, or through analysis of other existing data sources. To augment their analysis, or when quantitative data is not readily available, recipients may also consider qualitative research and sources like resident interviews or

[36] *Title I eligible schools* means schools eligible to receive services under section 1113 of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6313), including schools served under section 1113(b)(1)(C) of that Act.

feedback from relevant state and local agencies, such as public health departments or social services departments. In both cases, recipients should consider the quality of the research, data, and applicability of analysis to their determination.

In designing a program or service that responds to a disproportionately impacted class, a recipient must first identify the impact and then identify an appropriate response. To assess disproportionate impact, recipients should rely on data or research that measures the public health or negative economic impact. An assessment of the effects of a response (*e.g.*, survey data on levels of resident support for various potential responses) is not a substitute for an assessment of the impact experienced by a particular class. Data about the appropriateness or desirability of a response may be used to assess the reasonableness of a response, once an impact or disproportionate impact has been identified but should not be the basis for assessing impact.

2. Public Health

Background

On January 21, 2020, the Centers for Disease Control and Prevention (CDC) identified the first case of novel coronavirus in the United States.[37] Since that time, and through present day, the United States has faced numerous waves of the virus that have brought acute strain on health care and public health systems. At various points in the pandemic, hospitals and emergency medical services have seen significant influxes of patients; response personnel have faced shortages of personal protective equipment; testing for the virus has been scarce; and congregate living facilities like nursing homes have seen rapid spread.

Since the initial wave of the COVID–19 pandemic, the United States has faced several additional major waves that continued to impact communities and stretch public health services. The summer 2020 wave impacted communities in the south and southwest. As the weather turned colder and people spent more time indoors, a wave throughout fall and winter 2020 impacted communities in almost every region of the country as the virus reached a point of uncontrolled spread and over 3,000 people died per day due to COVID–19.[38]

In December 2020, the Food and Drug Administration (FDA) authorized COVID–19 vaccines for emergency use, and soon thereafter, mass vaccination in the United States began. At the time of the interim final rule publication in May 2021, the number of daily new infections was steeply declining as rapid vaccination campaigns progressed across the country. By summer 2021, COVID–19 cases had fallen to their lowest level since early months of the pandemic, when testing was scarce. However, throughout late summer and early fall, the Delta variant, a more infectious and transmittable variant of the SARS–CoV–2 virus, sparked yet another surge. From June to early September, the seven-day moving average of reported cases rose from 12,000 to 165,000.[39]

As of December 2021, COVID–19 in total has infected over 50 million and killed over 800,000 Americans.[40] Preventing and mitigating the spread of COVID–19 continues to require a major public health response from federal, state, local, and Tribal governments.

First, state, local, and Tribal governments across the country have mobilized to support the national vaccination campaign. As of December 2021, more than 80 percent of adults have received at least one dose, with more than 470 million total doses administered.[41] Additionally, more than 15 million children over the age of 12 have received at least one dose of the vaccine and over 47 million people have received a booster dose.[42] Vaccines for younger children, ages 5 through 11, have been approved and are reaching communities and families across the country. As new variants continue to emerge globally, the national effort to administer vaccinations and other COVID–19 mitigation strategies will be a critical component of the public health response.

In early reporting on uses of SLFRF funds, recipients have indicated that they plan to put funds to immediate use to support continued vaccination campaigns. For example, one recipient has indicated that it plans to use SLFRF funds to support a vaccine incentive program, providing $100 gift cards to residents at community vaccination clinics. The program aimed to target communities with high public health needs.[43] Another recipient reported that it is partnering with multiple agencies, organizations, and providers to distribute COVID–19 vaccinations to homebound residents in assisted living facilities.[44]

State, local, and Tribal governments have also continued to execute other aspects of a wide-ranging public health response, including increasing access to COVID–19 testing and rapid at-home tests, contact tracing, support for individuals in isolation or quarantine, enforcement of public health orders, new public communication efforts, public health surveillance (*e.g.*, monitoring case trends and genomic sequencing for variants), enhancement to health care capacity through alternative care facilities, and enhancement of public health data systems to meet new demands or scaling needs.

State, local, and Tribal governments have also supported major efforts to prevent COVID–19 spread through safety measures at key settings like nursing homes, schools, congregate living settings, dense worksites, incarceration settings, and in other public facilities. This has included, for example, implementing infection prevention measures or making ventilation improvements.

In particular, state, local, and Tribal governments have mounted significant efforts to safely reopen schools. A key factor in school reopening is the ability to implement COVID–19 mitigation strategies such as providing masks and other hygiene resources, improving air-quality and ventilation, increasing outdoor learning and eating spaces, testing and contact tracing protocols, and a number of other measures.[45] For example, one recipient described plans to use SLFRF funds to further invest in school health resources that were critical components of school reopening and reducing the spread of COVID–19 in schools. Those investments include the increasing school nurses and social

[37] Press Release, Centers for Disease Control and Prevention, First Travel-related Case of 2019 Novel Coronavirus Detected in United States (Jan. 21, 2020), *https://www.cdc.gov/media/releases/2020/p0121-navel-coronavirus-travel-case.html.*

[38] Centers for Disease Control and Prevention, COVID Data Tracker: Trends in Number of COVID–19 Cases and Deaths in the US Reported to CDC, by State/Territory, *https://covid.cdc.gov/covid-data-tracker/#trends_dailytrendscases* (last visited December 7, 2021).

[39] *Id.*

[40] Centers for Disease Control and Prevention, COVID Data Tracker, *http://www.covid.cdc.gov/covid-data-tracker/#datatracker-home* (last visited December 31, 2021).

[41] Centers for Disease Control and Prevention, COVID Data Tracker: COVID–19 Vaccinations in the United States, *https://covid.cdc.gov/covid-data-tracker/#vaccinations* (last visited December 7, 2021).

[42] *Id.*

[43] Columbus, Ohio Recovery Plan, *https://www.columbus.gov/recovery/.*

[44] Luzerne County, Pennsylvania Recovery Plan, *https://www.luzernecounty.org/DocumentCenter/View/26304/Final-Interim-Recovery-Plan-Performance-Repart-83121.*

[45] This includes implementing mitigation strategies consistent with the Centers for Disease Control and Prevention's (CDC) Guidance for COVID–19 Prevention in K–12 Schools (November 5, 2021), *available at https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/k-12-guidance.html.*

workers, improved ventilation systems, and other health and safety measures.

The need for public health measures to respond to COVID–19 will continue moving forward. This includes the continuation of vaccination campaigns for the general public, booster doses, and children. This also includes monitoring the spread of COVID–19 variants, understanding the impact of these variants, developing approaches to respond, and monitoring global COVID–19 trends. Finally, the long-term health impacts of COVID–19 will continue to require a public health response, including medical services for individuals with "long COVID," and research to understand how COVID–19 impacts future health needs and raises risks for the tens of millions of Americans who have been infected.

The COVID–19 pandemic also negatively impacted other areas of public health, particularly mental health and substance use. In January 2021, over 40 percent of American adults reported symptoms of depression or anxiety, up from 11 percent in the first half of 2019.[46] The mental health impacts of the pandemic have been particularly acute for adults ages 18 to 24, racial and ethnic minorities, caregivers for adults, and essential workers, with all reporting significantly higher rates of considering suicide.[47] The proportion of children's emergency department visits related to mental health has also risen noticeably.[48] Similarly, rates of substance use and overdose deaths have spiked: Preliminary data from the CDC show a nearly 30 percent increase in drug overdose mortality from April 2020 to April 2021, bringing the estimated overdose death toll for a 12-month period over 100,000 for the first time ever.[49] The CDC also found that 13 percent of adults started or increased substance use to cope with stress related to COVID–19 and 26 percent reported having symptoms of trauma- and stressor-related disorder (TRSD) related to the pandemic.[50]

Another public health challenge exacerbated by the pandemic was violent crime and gun violence, which increased during the pandemic and has disproportionately impacted low-income communities.[51] According to the Federal Bureau of Investigation (FBI), although the property crime rate fell 8 percent in 2020, the violent crime rate increased 6 percent in 2020 compared to 2019 data.[52] In particular, the estimated number of aggravated assault offenses rose 12 percent, while murder and manslaughter increased 30 percent from 2019 to 2020.[53] The proportion of homicides committed with firearms rose from 73 percent in 2019 to 76 percent in 2020.[54] Exposure to violence can create serious short-term and long-term harmful effects to health and development, and repeated exposure to violence may be connected to negative health outcomes.[55] Addressing community violence as a public health issue may help prevent and even reduce additional harm to individuals, households, and communities.[56]

Many communities are using SLFRF funds to invest in holistic approaches in violence prevention that are rooted in targeted outreach and addressing root causes. For example, the City of St. Louis is planning to invest in expanding a "community responder" model designed to provide clinical help and to divert non-violent calls away from the police department. Additionally, the city will expand access to mental health services, allowing residents to seek support at city recreation centers, libraries, and other public spaces.[57] Similarly, Los Angeles County will further invest in its "Care First, Jails Last" program which seeks to replace "arrest and incarceration" responses with health interventions.[58]

While the pandemic affected communities across the country, it disproportionately impacted some demographic groups and exacerbated health inequities along racial, ethnic, and socioeconomic lines.[59] The CDC has found that racial and ethnic minorities are at increased risk for infection, hospitalization, and death from COVID–19, with Hispanic or Latino and Native American or Alaska Native patients at highest risk.[60]

Similarly, low-income and socially vulnerable communities have seen the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 308 deaths per 100,000 compared to the U.S. average of 238 deaths per 100,000, as of December 2021.[61] Counties with high social vulnerability, as measured by factors such as poverty and educational attainment, have also fared more poorly than the national average, with 325 deaths per 100,000 as of December 2021.[62] Over the course of the

[46] Nirmita Panchal et al., The Implications of COVID–19 for Mental Health and Substance Abuse (Feb. 10, 2021), *https://www.kff.org/coronavirus covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/#:~:text=Older%20adults%20are%20also%20 more, prior%20to%20the%20current%20crisis;* Mark É. Czeisler et al., Mental Health, Substance Abuse, and Suicidal Ideation During COVID–19 Pandemic—United States, June 24–30 2020, Morb. Mortal. Wkly. Rep. 69(32):1049–57 (Aug. 14, 2020), *https://www.cdc.gov/mmwr/volumes/69/wr/mm6932a1.htm.*

[47] *Id.*

[48] Rebecca T. Leeb et al., Mental Health-Related Emergency Department Visits Among Children Aged <18 Years During the COVID Pandemic—United States, January 1–October 17, 2020, Morb. Mortal. Wkly. Rep. 69(45):1675–80 (Nov. 13, 2020), *https://www.cdc.gov/mmwr/volumes/69/wr/mm6945a3.htm.*

[49] Centers for Disease Prevention and Control, National Center for Health Statistics, Provisional Drug Overdose Death Counts, *https://www.cdc.gov/nchs/nvss/vsrr/drug-overdose-data.htm* (last visited May 8 December 6, 2021).

[50] Panchal, *supra* note 46; Mark É. Czeisler et al., *supra* note 46.

[51] The White House, FACT SHEET: More Details on the Biden-Harris Administration's Investments in Community Violence Interventions (April 7, 2021), *https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/07/fact-sheet-more-details-on-the-biden-harris-administrations-investments-in-community-violence-interventions/.*

[52] Federal Bureau of Investigation, FBI Releases 2020 Crime Statistics (September 27, 2021) *https://www.fbi.gov/news/pressrel/press-releases/fbi-releases-2020-crime-statistics.*

[53] *Id.*

[54] *Id.*

[55] The Educational Fund to Stop Gun Violence, Community Gun Violence, *https://efsgv.org/learn/type-of-gun-violence/community-gun-violence/* (last visited November 9, 2021).

[56] Giffords Law Center, Healing Communities in Crisis: Lifesaving Solutions to the Urban Gun Violence Epidemic (March 2016), *https://giffords.org/wp-content/uploads/2019/01/Healing-Communities-in-Crisis.pdf.*

[57] St. Louis, MO Recovery Plan, *https://www.stlouis-mo.gov/government/recovery/covid-19/arpa/plan/.*

[58] Los Angeles County, CA Recovery Plan, *http://file.lacounty.gov/SDSInter/bos/supdocs/160391.pdf.*

[59] Office of the White House, National Strategy for the COVID–19 Response and Pandemic Preparedness (Jan. 21, 2021), *https://www.whitehouse.gov/wp-content/uploads/2021/01/National-Strategy-for-the-COVID-19-Response-and-Pandemic-Preparedness.pdf.*

[60] In a study of 13 states from October to December 2020, the CDC found that Hispanic or Latino and Native American or Alaska Native individuals were 1.7 times more likely to visit an emergency room for COVID–19 than White individuals, and Black individuals were 1.4 times more likely to do so than White individuals. *See* Sebastian D. Romano et al., Trends in Racial and Ethnic Disparities in COVID–19 Hospitalizations, by Region—United States, March–December 2020, MMWR Morb Mortal Wkly Rep 2021, 70:560–565 (Apr. 16, 2021), *https://www.cdc.gov/mmwr/volumes/70/wr/mm7015e2.htm?s_cid=mm7015e2_w.*

[61] Centers for Disease Control and Prevention, COVID Data Tracker: Trends in COVID–19 Cases and Deaths in the United States, by County-level Population Factors, *https://covid.cdc.gov/covid-data-tracker/#pop-factors_totaldeaths* (last visited December 7, 2021).

[62] The CDC's Social Vulnerability Index includes fifteen variables measuring social vulnerability, including unemployment, poverty, education levels, single-parent households, disability status, non-English speaking households, crowded housing, and transportation access.

Centers for Disease Control and Prevention, COVID Data Tracker: Trends in COVID–19 Cases and Deaths in the United States, by Social

Continued

pandemic, Native Americans have experienced more than one and a half times the rate of COVID–19 infections, more than triple the rate of hospitalizations, and more than double the death rate compared to White Americans.[63] Low-income and minority communities also exhibit higher rates of pre-existing conditions that may contribute to an increased risk of COVID–19 mortality.[64] In addition, individuals living in low-income communities may have had more limited ability to socially distance or to self-isolate when ill, resulting in faster spread of the virus, and were over-represented among essential workers, who face greater risk of exposure.[65]

Social distancing measures in response to the pandemic may have also exacerbated pre-existing public health challenges. For example, for children living in homes with lead paint, spending substantially more time at home raises the risk of developing elevated blood lead levels, while screenings for elevated blood lead levels declined during the pandemic.[66] The combination of these underlying social and health vulnerabilities may have contributed to more severe public health outcomes of the pandemic within these communities, resulting in an exacerbation of pre-existing disparities in health outcomes.[67]

Summary of the Interim Final Rule Approach to Public Health

Summary: As discussed above, the interim final rule provided flexibility for recipients to pursue a wide range of eligible uses to "respond to" the COVID–19 public health emergency. Uses of funds to "respond to" the public health emergency address the SARS-CoV–2 virus itself, support efforts to prevent or decrease spread of the virus, and address other impacts of the pandemic on public health. The interim final rule implemented these provisions by identifying a non-exhaustive list of programs or services that may be funded as responding to COVID–19 ("enumerated eligible uses"), along with considerations for evaluating other potential uses of funds not explicitly listed. Enumerated eligible uses are discussed below. For guidance on how to determine whether a particular use is allowable, beyond those enumerated, see section Standards: Identifying a Public Health Impact.

Enumerated eligible uses under this section built and expanded upon permissible expenditures under the Coronavirus Relief Fund; for clarity, the interim final rule expressly listed as eligible uses the uses permissible under the Coronavirus Relief Fund, with minor exceptions.[68] The interim final rule also recognized that the nature of the COVID–19 public health emergency, and responsive policy measures, programs, and services, had changed over time and is expected to continue evolving.

The interim final rule categorized enumerated eligible uses to respond to the public health emergency into several categories: (1) COVID–19 mitigation and prevention, (2) medical expenses, (3) behavioral health care, (4) public health and safety staff, (5) expenses to improve the design and execution of health and public health programs, and (6) eligible uses to address disparities in public health outcomes. For each category in turn, this section describes public comments received and Treasury's responses, as well as comments received proposing additional enumerated eligible uses.

Reorganizations and Cross-References: In some cases, enumerated eligible uses included in the interim final rule under responding to the public health emergency have been re-categorized in the organization of the final rule to enhance clarity. For discussion of eligible uses for public health and safety staff and to improve the design and execution of public health programs, please see section Public Sector Capacity and Workforce in General Provisions: Other. For discussion of eligible uses to address disparities in public health outcomes, please see section Assistance to Households in Negative Economic Impacts.

Conversely, discussion of eligible assistance to small businesses and nonprofits to respond to public health impacts has been moved from Assistance to Small Businesses and Assistance to Nonprofits in Negative Economic Impacts to this section. This change is consistent with the interim final rule, which provides that appropriate responses to address the public health impacts of COVID–19 may be provided to any type of entity.

a. COVID–19 Mitigation and Prevention

COVID–19 public health response and mitigation tactics. Recognizing the broad range of services and programming needed to contain COVID–19, the interim final rule provided an extensive list of enumerated eligible uses to prevent and mitigate COVID–19 and made clear that the public health response to the virus is expected to continue to evolve over time, necessitating different uses of funds.

Enumerated eligible uses of funds in this category included: Vaccination programs; medical care; testing; contact tracing; support for isolation or quarantine; supports for vulnerable populations to access medical or public health services; public health surveillance (*e.g.,* monitoring case trends, genomic sequencing for variants); enforcement of public health orders; public communication efforts; enhancement to health care capacity, including through alternative care facilities; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (*e.g.,* nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools; ventilation improvements in congregate settings, health care settings, or other key locations; enhancement of

---

Vulnerability Index, *https://covid.cdc.gov/covid-data-tracker/#pop-factors_totaldeaths* (last visited December 7, 2021).

[63] Centers for Disease Control and Prevention, Risk for COVID–19 Infection, Hospitalization, and Death By Race/Ethnicity, *https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html* (last visited December 7, 2021).

[64] *See, e.g.,* Centers for Disease Control and Prevention, Risk of Severe Illness or Death from COVID–19 (Dec. 10, 2020), *https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/racial-ethnic-disparities/disparities-illness.html* (last visited December 7, 2021).

[65] Milena Almagro et al., Racial Disparities in Frontline Workers and Housing Crowding During COVID–19: Evidence from Geolocation Data (Sept. 22, 2020), NYU Stern School of Business (forthcoming), *available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3695249;* Grace McCormack et al., Economic Vulnerability of Households with Essential Workers, JAMA 324(4):388–90 (2020), *available at https://jamanetwork.com/journals/jama/fullarticle/2767630.*

[66] *See, e.g.,* Joseph G. Courtney et al., Decreases in Young Children Who Received Blood Lead Level Testing During COVID–19—34 Jurisdictions, January–May 2020, Morb. Mort. Wkly. Rep. 70(5):155–61 (Feb. 5, 2021), *https://www.cdc.gov/mmwr/volumes/70/wr/mm7005a2.htm;* Emily A. Benfer & Lindsay F. Wiley, Health Justice Strategies to Combat COVID–19: Protecting Vulnerable Communities During a Pandemic, Health Affairs Blog (Mar. 19, 2020), *https://www.healthaffairs.org/do/10.1377/hblog20200319.757883/full/.*

[67] *See, e.g.,* Centers *for Disease Control and Prevention, supra note 62;* Benfer & Wiley, *supra* note 66; Nathaniel M. Lewis et al., Disparities in COVID–19 Incidence, Hospitalizations, and Testing, by Area-Level Deprivation—Utah, March 3–July 9, 2020, Morb. Mortal. Wkly. Rep. 69(38):1369–73 (Sept. 25, 2020), *https://www.cdc.gov/mmwr/volumes/69/wr/mm6938a4.htm.*

[68] Generally, funding uses eligible under CRF as a response to the direct public health impacts of COVID–19 will continue to be eligible under the ARPA, including those not explicitly listed in the final rule, with the following two exceptions: (1) The standard for eligibility of public health and safety payrolls has been updated (see section Public Sector Capacity and Workforce in General Provisions: Other) and (2) expenses related to the issuance of tax-anticipation notes are no longer an eligible funding use (see section Restrictions on Use: Debt Service).

public health data systems; other public health responses; and capital investments in public facilities to meet pandemic operational needs, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID–19 mitigation tactics. These enumerated uses are consistent with guidance from public health authorities, including the CDC.

Public Comment: Many commenters were supportive of expansive enumerated eligible uses for mitigating and preventing COVID–19, noting the wide range of activities that governments may undertake and the continued changing landscape of pandemic response. Some commenters requested that Treasury engage in ongoing consideration of and consultation on evolving public health needs and resulting eligible expenses. Some commenters noted that their jurisdiction does not have an official public health program, for example smaller jurisdictions or those that do not have a health department, and requested clarification on whether their public health expenses would still be eligible in compliance with program rules.

Treasury Response: In the final rule, Treasury is maintaining an expansive list of enumerated eligible uses to mitigate and prevent COVID–19, given the wide-ranging activities that governments may take to further these goals, including "other public health responses." Note that the final rule discusses several of these enumerated uses in more detail below.

Treasury is further clarifying that when providing COVID–19 prevention and mitigation services, recipients can identify the impacted population as the general public. Treasury presumes that all enumerated eligible uses for programs and services, including COVID–19 mitigation and prevention programs and services, are reasonably proportional responses to the harm identified unless a response is grossly disproportionate to the type or extent of harm experienced. Note that capital expenditures are not considered "programs and services" and are not presumed to be reasonably proportional responses to an identified harm except as provided in section Capital Expenditures in General Provisions: Other. In other words, recipients can provide any COVID–19 prevention or mitigation service to members of the general public without any further analysis of impacts of the pandemic on those individuals and whether the service is responsive.

This approach gives recipient governments an extensive set of eligible uses that can adapt to local needs, as well as evolving response needs and developments in understanding of transmission of COVID–19. Treasury emphasizes how the enumerated eligible uses can adapt to changing circumstances. For example, when the interim final rule was released, national daily COVID–19 cases were at relatively low levels and declining;[69] as the Delta variant spread and cases peaked in many areas of the country, particularly those with low vaccination rates, government response needs and tactics evolved, and the SLFRF funds provided the ability to quickly and nimbly adapt to new public health needs. Treasury also notes that funds may be used to support compliance with and implementation of COVID–19 safety requirements, including vaccination requirements, testing programs, or other required practices.

Recipient governments do not need to have an official health or public health program in order to utilize these eligible uses; any recipient can pursue these eligible uses, though Treasury recommends consulting with health and public health professionals to support effective implementation.

The CDC has provided recommendations and guidelines to help mitigate and prevent COVID–19. The interim final rule and final rule help support recipients in stopping the spread of COVID–19 through these recommendations and guidelines.[70] The final rule reflects changing circumstances of COVID–19 and provides a broad range of permissible uses for mitigating and preventing the spread of the disease, in a manner consistent with CDC guidelines and recommendations.

The purpose of the SLFRF funds is to mitigate the fiscal effects stemming from the COVID–19 public health emergency, including by supporting efforts to stop the spread of the virus. The interim final rule and final rule implement this objective by, in part, providing that recipients may use SLFRF funds for COVID–19 mitigation and prevention.[71] A program or service that imposes conditions on participation in or acceptance of the service that would undermine efforts to stop the spread of COVID–19 or discourage compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID–19 is not a permissible use of funds. In other words, recipients may not use funds for a program that undermines practices included in the CDC's guidelines and recommendations for stopping the spread of COVID–19. This includes programs that impose a condition to discourage compliance with practices in line with CDC guidance (*e.g.*, paying off fines to businesses incurred for violation of COVID–19 vaccination or safety requirements), as well as programs that require households, businesses, nonprofits, or other entities not to use practices in line with CDC guidance as a condition of receiving funds (*e.g.*, requiring that businesses abstain from requiring mask use or employee vaccination as a condition of receiving SLFRF funds).

Vaccination programs and vaccine incentives. At the time of the interim final rule release, many vaccination programs were using mass vaccination tactics to rapidly reach Americans en masse for first vaccine doses.[72] Since that time, the FDA has authorized booster vaccine doses for certain groups and certain vaccines and has also authorized vaccines for youths.[73] [74] The inclusion of "vaccination programs" as an eligible use allows for adaptation as the needs of programs change or new groups become eligible for different types of vaccinations.

Public Comment: Since the release of the interim final rule, many recipient governments have also requested clarification on whether vaccine incentives are a permissible use of funds.

Treasury Response: Treasury issued guidance clarifying that "[vaccine] programs that provide incentives reasonably expected to increase the number of people who choose to get vaccinated, or that motivate people to get vaccinated sooner than they otherwise would have, are an allowable

[69] *See* Centers for Disease Control and Prevention, COVID Data Tracker, *https://covid.cdc.gov/covid-data-tracker/#trends_dailycases* (last visited December 7, 2021).

[70] *See* Centers for Disease Control and Prevention, COVID–19, *https://www.cdc.gov/coronavirus/2019-ncov/index.html* (last visited November 8, 2021).

[71] *See* § 35.6(b); Coronavirus State and Local Fiscal Recovery Funds, 86 FR at 26786.

[72] Centers for Disease Control and Prevention, COVID Data Tracker: COVID–19 Vaccinations in the United States, *https://covid.cdc.gov/covid-data-tracker/#vaccinations* (last visited October 18, 2021).

[73] U.S. Food and Drug Administration, Coronavirus (COVID–19) Update: FDA Takes Additional Actions on the Use of a Booster Dose for COVID–19 Vaccines, *https://www.fda.gov/news-events/press-announcements/fda-authorizes-pfizer-biontech-covid-19-vaccine-emergency-use-children-5-through-11-years-age* (last visited November 8, 2021).

[74] U.S. Food and Drug Administration, FDA Authorizes Pfizer-BioNTech COVID–19 Vaccine for Emergency Use in Children 5 through 11 Years of Age, *https://www.fda.gov/news-events/press-announcements/fda-authorizes-pfizer-biontech-covid-19-vaccine-emergency-use-children-5-through-11-years-age* (last visited November 8, 2021).

use of funds so long as such costs are reasonably proportional to the expected public health benefit." [75] This use of funds remains permissible under the final rule.

Capital Expenditures

Public Comment: Many commenters requested clarification around the types and scope of permissible capital investments in public facilities to meet pandemic operational needs; ventilation improvements in congregate settings, health care settings, or other key locations; and whether support for prevention and mitigation in congregate facilities could include facilities renovations, improvements, or construction of new facilities, or if the facilities must solely be used for COVID–19 response.

Treasury Response: For clarity, Treasury has addressed the eligibility standard for capital expenditures, or investments in property, facilities, or equipment, in one section of this Supplementary Information; see section Capital Expenditures in General Provisions: Other. In recognition of the importance of capital expenditures in the COVID–19 public health response, Treasury enumerates that the following projects are examples of eligible capital expenditures, as long as they meet the standards for capital expenditures in section Capital Expenditures in General Provisions: Other:

- Improvements or construction of COVID–19 testing sites and laboratories, and acquisition of related equipment;
- Improvements or construction of COVID–19 vaccination sites;
- Improvements or construction of medical facilities generally dedicated to COVID–19 treatment and mitigation (*e.g.*, emergency rooms, intensive care units, telemedicine capabilities for COVID–19 related treatment);
- Expenses of establishing temporary medical facilities and other measures to increase COVID–19 treatment capacity, including related construction costs;
- Acquisition of equipment for COVID–19 prevention and treatment, including ventilators, ambulances, and other medical or emergency services equipment;
- Improvements to or construction of emergency operations centers and acquisition of emergency response equipment (*e.g.*, emergency response radio systems);
- Installation and improvements of ventilation systems;
- Costs of establishing public health data systems, including technology infrastructure;
- Adaptations to congregate living facilities, including skilled nursing facilities, other long-term care facilities, incarceration settings, homeless shelters, residential foster care facilities, residential behavioral health treatment, and other group living facilities, as well as public facilities and schools (excluding construction of new facilities for the purpose of mitigating spread of COVID–19 in the facility); and
- Mitigation measures in small businesses, nonprofits, and impacted industries (*e.g.*, developing outdoor spaces).

Other clarifications on COVID–19 mitigation: Medical care, supports for vulnerable populations, data systems, carceral settings. Based on public comments and questions received from recipients following the interim final rule, Treasury is making several further clarifications on enumerated eligible uses in this category.

Public Comment: Several commenters requested clarification on eligible uses of funds for medical care; Treasury addresses those comments in the section Medical Expenses below.

Public Comment: Recipients posed questions on the type and scope of activities eligible as "supports for vulnerable populations to access medical or public health services."

Treasury Response: Enumerated eligible uses should be considered in the context of the eligible use category or section where they appear; in this case, "supports for vulnerable populations to access medical or public health services" appears in the section COVID–19 Mitigation and Prevention. As such, these eligible uses should help vulnerable or high-risk populations access services that mitigate COVID–19, for example, transportation assistance to reach vaccination sites, mobile vaccination or testing programs, or on-site vaccination or testing services for homebound individuals, those in group homes, or similar settings.

Public Comment: Some commenters asked whether "enhancement of public health data systems" could include investments in software, databases, and other information technology resources that support responses to the COVID–19 public health emergency but also provide benefits for other use cases and long-term capacity of public health departments and systems.

Treasury Response: These are permissible uses of funds under the interim final rule and remain eligible under the final rule.

Assistance to Businesses and Nonprofits To Implement COVID–19 Mitigation Strategies

Background: As detailed above, Treasury received many public comments describing uncertainty about which eligible use category should be used to assess different potential uses of funds. As a result, Treasury has re-categorized some uses of funds in the final rule to provide greater clarity, consistent with the principle that uses of funds should be assessed based on their intended beneficiary. For example, COVID–19 mitigation and prevention serves the general public or specific populations within the public. However, in the interim final rule, assistance to small businesses, nonprofits, and impacted industries to implement COVID–19 mitigation and prevention strategies was categorized in the respective sections within Negative Economic Impacts. The final rule consolidates all COVID–19 mitigation and prevention within Public Health.

Public Comment: Treasury has received multiple comments and questions about which eligible use permits the recipient to provide assistance to businesses and nonprofits to address the public health impacts of COVID–19.

Treasury Response: In the final rule, these services have been re-categorized under COVID–19 mitigation and prevention to reflect the fact that this assistance responds to public health impacts of the pandemic rather than the negative economic impacts to a small business, nonprofit, or impacted industry. When providing COVID–19 mitigation and prevention services, recipients can identify the impacted entity as small businesses, nonprofits, or businesses in impacted industries in general. As with all enumerated eligible uses, recipients may presume that all COVID–19 mitigation and prevention programs and services are reasonably proportional responses to the harm identified unless a response is grossly disproportionate to the type or extent of harm experienced. Note that capital expenditures are not considered "programs and services" and are not presumed to be reasonably proportional responses to an identified harm except as provided in section Capital Expenditures in General Provisions: Other. In other words, recipients can provide any COVID–19 prevention or mitigation service to small businesses, nonprofits, and businesses in impacted

[75] Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.* Note that programs may provide incentives to individuals who have already received a vaccination if the incentive is reasonably expected to increase the number of people who choose to get vaccinated or motivate people to get vaccinated sooner and the costs are reasonably proportional to the expected public health benefit.

industries without any further analysis of impacts of the pandemic on those entities and whether the service is responsive.

In some cases, this means that an entity not otherwise eligible to receive assistance to respond to negative economic impacts of the pandemic, for example an entity that did not experience a negative economic impact, may still be eligible to receive assistance under this category for COVID–19 mitigation and prevention services.

Uses of funds can include loans, grants, or in-kind assistance to small businesses, nonprofits, or other entities to implement COVID–19 prevention or mitigation tactics, such as vaccination; testing; contact tracing programs; physical plant changes to enable greater use of outdoor spaces or ventilation improvements; enhanced cleaning efforts; and barriers or partitions. For example, this would include assistance to a restaurant to establish an outdoor patio, given evidence showing much lower risk of COVID–19 transmission outdoors.[76] Uses of funds can also include aid to travel, tourism, hospitality, and other impacted industries to implement COVID–19 mitigation and prevention measures to enable safe reopening, for example, vaccination or testing programs, improvements to ventilation, physical barriers or partitions, signage to facilitate social distancing, provision of masks or personal protective equipment, or consultation with infection prevention professionals to develop safe reopening plans.

Recipients providing assistance to small businesses, nonprofits, or impacted industries that includes capital expenditures (*i.e.*, expenditures on property, facilities, or equipment) should also review the section Capital Expenditures in General Provisions: Other, which describes eligibility standards for these expenditures. Recipients providing assistances in the form of loans should review the section Treatment of Loans Made with SLFRF Funds in General Provisions: Other.

Recipients should also be aware of the difference between beneficiaries of assistance and subrecipients when working with small businesses, nonprofits, or impacted industries. As noted above, Treasury presumes that the general public, as well as small businesses, nonprofits, and impacted industries in general, has been impacted by the COVID–19 disease itself and is eligible for services that mitigate or prevent COVID–19 spread. As such, a small business, nonprofit, or impacted industry receiving assistance to implement COVID–19 mitigation measures is a beneficiary of assistance (*e.g.*, granting funds to a small business to develop an outdoor patio to reduce transmission). In contrast, if a recipient contracts with, or grants funds to, a small business, nonprofit, or impacted industry to carry out an eligible use for COVID–19 mitigation on behalf of the recipient, the entity is a subrecipient (*e.g.*, contracting with a small business to operate COVID–19 vaccination sites). For further information on distinguishing between beneficiaries and subrecipients, as well as the impacts of the distinction on reporting and other requirements, see section Distinguishing Subrecipients versus Beneficiaries.

b. Medical Expenses

Background: The interim final rule also included as an enumerated eligible use medical expenses, including medical care and services to address the near-term and potential longer-term impacts of the disease on individuals infected.

Public Comment: Some commenters sought clarification on the types of medical expenses eligible and for whom, including whether funds could be used under this category for expanding health insurance coverage (*e.g.*, subsidies for premiums, expanding a group health plan), improvements to healthcare facilities or establishment of new medical facilities, direct costs of medical services, and costs to a self-funded health insurance plan (*e.g.*, a county government health plan) for COVID–19 medical care.

Treasury Response: In the final rule, Treasury is maintaining this enumerated eligible use category and clarifying that it covers costs related to medical care provided directly to an individual due to COVID–19 infection (*e.g.*, treatment) or a potential infection (*e.g.*, testing). This can include medical costs to uninsured individuals; deductibles, co-pays, or other costs not covered by insurance; costs for uncompensated care at a health provider; emergency medical response costs; and, for recipients with a self-funded health insurance plan, excess health insurance costs due to COVID–19 medical care. These are medical expenses due to COVID–19 and distinguish this category of eligible uses from other related eligible uses, like COVID–19 mitigation and prevention and health insurance expenses to households, to provide greater clarity for recipients in determining which category of eligible uses they should review to assess a potential use of funds. For discussion of eligibility for programs to expand health insurance coverage, see section Assistance to Households.

c. Behavioral Health Care

Background: Recognizing that the public health emergency, necessary mitigation measures like social distancing, and the economic downturn have exacerbated mental health and substance use challenges for many Americans, the interim final rule included an enumerated eligible use for mental health treatment, substance use treatment, and other behavioral health services, including a non-exhaustive list of specific services that would be eligible under this category.

Public Comment: Many commenters expressed support for the interim final rule's recognition of behavioral health impacts of the pandemic and eligible uses under this category. Several commenters requested clarification on the types of eligible services under this category, specifically whether both acute and chronic care are included as well as services that often do not directly accept insurance payments, like peer support groups. Some commenters highlighted the importance of cultural competence in providing effective behavioral health services. Some commenters suggested that funding should be available broadly and quickly for this purpose, recommending that funding available for behavioral health not be tied to the amount of revenue loss experienced by the recipient.

Treasury Response: In the final rule, Treasury is maintaining this enumerated eligible use category and clarifying that it covers an expansive array of services for prevention, treatment, recovery, and harm reduction for mental health, substance use, and other behavioral health challenges caused or exacerbated by the public health emergency. The specific services listed in the interim final rule also remain eligible.[77]

Treasury is further clarifying that when providing behavioral health services, recipients can identify the impacted population as the general public and, as with all enumerated eligible uses, presume that all programs and services are reasonably proportional responses to the harm identified unless a response is grossly disproportionate to the type or extent of harm experienced. In contrast, capital expenditures are not

[76] *See* Centers for Disease Control and Prevention, Participate in Outdoor and Indoor Activities, *https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/outdoor-activities.html* (last visited November 8, 2021).

[77] Hotlines or warmlines, crisis intervention, overdose prevention, infectious disease prevention, and services or outreach to promote access to physical or behavioral health primary care and preventative medicine.

considered "programs and services" and are not presumed to be reasonably proportional responses to an identified harm except as provided in section Capital Expenditures in General Provisions: Other.

In other words, recipients can provide behavioral health services to members of the general public without any further analysis of impacts of the pandemic on those individuals and whether the service is responsive. Recipients may also use this eligible use category to respond to increased rates of behavioral health challenges at a population level or, at an individual level, new behavioral health challenges or exacerbation of pre-existing challenges, including new barriers to accessing treatment.

Services that respond to these impacts of the public health emergency may include services across the continuum of care, including both acute and chronic care, such as prevention, outpatient treatment, inpatient treatment, crisis care, diversion programs (*e.g.*, from emergency departments or criminal justice system involvement), outreach to individuals not yet engaged in treatment, harm reduction, and supports for long-term recovery (*e.g.*, peer support or recovery coaching, housing, transportation, employment services).

Recipients may also provide services for special populations, for example, enhanced services in schools to address increased rates of behavioral health challenges for youths, mental health first responder or law enforcement-mental health co-responder programs to divert individuals experiencing mental illness from the criminal justice system, or services for pregnant women with substance use disorders or infants born with neonatal abstinence syndrome. Finally, recipients may use funds for programs or services to support equitable access to services and reduce racial, ethnic, or socioeconomic disparities in access to high-quality treatment.

Eligible uses of funds may include services typically billable to insurance[78] or services not typically billable to insurance, such as peer support groups, costs for residence in supportive housing or recovery housing, and the 988 National Suicide Prevention Lifeline or other hotline services. Recipients may also use funds in conjunction with other federal grants or programs (see section Program Administration Provisions), though eligible services under SLFRF are not limited to those eligible under existing federal programs.

Given the public health emergency's exacerbation of the ongoing opioid and overdose crisis, Treasury highlights several ways that funds may be used to respond to opioid use disorder and prevent overdose mortality.[79] Specifically, eligible uses of funds include programs to expand access to evidence-based treatment like medications to treat opioid use disorder (*e.g.*, direct costs or incentives for emergency departments, prisons, jails, and outpatient providers to offer medications and low-barrier treatment), naloxone distribution, syringe service programs, outreach to individuals in active use, post-overdose follow up programs, programs for diversion from the criminal justice system, and contingency management interventions.

Finally, for clarity, Treasury has addressed the eligibility standard for capital expenditures, or investments in property, facilities, or equipment, in one section of this Supplementary Information; see section Capital Expenditures in General Provisions: Other. Examples of capital expenditures related to behavioral health that Treasury recognizes as eligible include behavioral health facilities and equipment (*e.g.*, inpatient or outpatient mental health or substance use treatment facilities, crisis centers, diversion centers), as long as they adhere to the standards detailed in the Capital Expenditures section.

d. Preventing and Responding to Violence

Background: The interim final rule highlighted that some types of violence had increased during the pandemic and that the ability of victims to access services had decreased, noting as an example the challenges that individuals affected by domestic violence face in accessing services. Accordingly, the interim final rule enumerated as an eligible use, in disproportionately impacted communities, evidence-based community violence intervention programs. Following the release of the interim final rule, Treasury received several recipient questions regarding whether and how funds may be used to respond to an increase in crime, violence, or gun violence in some communities during the pandemic. Treasury released further guidance identifying how enumerated eligible uses and eligible use categories under the interim final rule could support violence reduction efforts, including rehiring public sector staff, behavioral health services, and services to address negative economic impacts of the pandemic that may aid victims of crime. The guidance also identified an expanded set of enumerated eligible uses to address increased gun violence.

Public Comment: Several commenters expressed support for this use of funds.

Treasury Response: In the final rule, Treasury is maintaining enumerated eligible uses in this area and clarifying how to apply eligibility standards. Throughout the final rule, enumerated eligible uses should respond to an identified impact of the COVID–19 public health emergency in a reasonably proportional manner to the extent and type of harm experienced. Many of the enumerated eligible uses—like behavioral health services, services to improve employment opportunities, and services to address educational disparities in disproportionately impacted communities—that respond to the public health and negative economic impacts of the pandemic may also have benefits for reducing crime or aiding victims of crime. For example, the pandemic exacerbated the impact of domestic violence, sexual assault, and human trafficking; enumerated eligible uses like emergency housing assistance, cash assistance, or assistance with food, childcare, and other needs could be used to support survivors of domestic violence, sexual assault, or human trafficking who experienced public health or economic impacts due to the pandemic.

Public Comment: Several commenters expressed support for community violence intervention programs or argued that traditional public safety approaches had negatively impacted the social determinants of health in their communities. Several commenters recommended inclusion of approaches like mental health or substance use diversion programs.

Treasury Response: Treasury recognizes the importance of comprehensive approaches to challenges like violence. The final rule includes an enumerated eligible use for community violence intervention programs in all communities, not just the disproportionately impacted communities eligible under the interim final rule. Given the increased rate of violence during the pandemic, Treasury has determined that this enumerated

[78] However, SLFRF funds may not be used to reimburse a service that was also billed to insurance.

[79] In line with the Department of Health and Human Services, Overdose Prevention Strategy, *https://www.hhs.gov/overdose-prevention/*, and the Office of National Drug Control Policy, Administration's Statement on Drug Policy Priorities for Year One (April 1, 2021), *https://www.whitehouse.gov/wp-content/uploads/2021/03/BidenHarris-Statement-of-Drug-Policy-Priorities-April-1.pdf*.

eligible use is responsive to the impacts of the pandemic in all communities. The final rule incorporates guidance issued after the interim final rule on specifically types of services eligible, including:

- Evidence-based practices like focused deterrence, street outreach, violence interrupters, and hospital-based violence intervention models, complete with wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance; and
- Capacity-building efforts at community violence intervention programs like funding more intervention workers, increasing their pay, providing training and professional development for intervention workers, and hiring and training workers to administer the programs.

Public Comment: Some commenters sought further clarification on whether some of the enumerated eligible uses are considered responsive to all crime, violent crime, or gun violence.

Treasury Response: Enumerated eligible uses that respond to an increase in gun violence may be pursued in communities experiencing an increase in gun violence associated with the pandemic, specifically: (1) Hiring law enforcement officials—even above pre-pandemic levels—or paying overtime where the funds are directly focused on advancing community policing strategies for gun violence, (2) additional enforcement efforts to reduce gun violence exacerbated by the pandemic, including prosecuting gun traffickers, dealers, and other parties contributing to the supply of crime guns, as well as collaborative federal, state, and local efforts to identify and address gun trafficking channels, and (3) investing in technology and equipment to allow law enforcement to more efficiently and effectively respond to the rise in gun violence resulting from the pandemic, for example technology to assist in the identification of guns whose serial numbers have been damaged.

3. Negative Economic Impacts

a. Assistance to Households

Background

While the U.S. economy is now on the path to a strong recovery, the public health emergency, including the necessary measures taken to protect public health, resulted in significant economic and financial hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote education, and travel declined precipitously, over 22 million jobs were lost in March and April 2020.[80] One year later, in April 2021, the economy still remained over 8 million jobs below its pre-pandemic peak,[81] and the unemployment rate hovered around 6 percent.[82]

In the months since Treasury issued the interim final rule in May 2021, the economy has made large strides in its recovery. The economy gained over 4 million jobs in the seven months from May to November 2021;[83] the unemployment rate fell more than 1.5 percentage points to 4.2 percent, which is the lowest rate since February 2020;[84] and the size of the nation's economy surpassed the pre-pandemic peak in the second quarter of 2021.[85]

While the economy has made immense progress in its recovery since May 2021, the economy has also faced setbacks that illustrate the continued risks to the recovery. As the Delta variant spread across the country this summer and fall, the United States faced another severe wave of cases, deaths, and strain on the healthcare system, which contributed to a slowdown in the pace of recovery in the third quarter.[86] Supply chain disruptions have also demonstrated the difficulties of restarting a global economy.[87] Moreover, although many Americans have returned to work as of November 2021, the economy remains 3.9 million jobs below its pre-pandemic peak,[88] and 2.4 million workers have dropped out of the labor market altogether relative to February 2020.[89] Thus, despite much progress, there is a continued need to respond to the pandemic's economic effects to ensure a full, broad-based, and equitable recovery.

Indeed, the pandemic's economic impacts continue to affect some demographic groups more than others. Rates of unemployment remain particularly severe among workers of color and workers with lower levels of educational attainment; for example, the overall unemployment rate in the United States was 4.2 percent in November 2021, but certain groups saw much higher rates: 6.7 percent for Black workers, 5.2 percent for Hispanic or Latino workers, and 5.7 percent for workers without a high school diploma.[90] Job losses have also been particularly steep among low-wage workers, with these workers remaining furthest from recovery as of the end of 2020.[91] A severe recession, and its concentrated impact among low-income workers, has amplified food and housing insecurity, with an estimated nearly 20 million adults living in households where there is sometimes or often not enough food to eat and an estimated 12 million adults living in households that were not current on rent.[92]

While economic effects have been seen across many communities, there are additional disparities by race and income. For example, approximately

[80] U.S. Bureau of Labor Statistics, All Employees, Total Nonfarm [PAYEMS], retrieved from FRED, Federal Reserve Bank of St. Louis; *https://fred.stlouisfed.org/series/PAYEMS* (last visited December 7, 2021).

[81] *Id.*

[82] U.S. Bureau of Labor Statistics, Unemployment Rate [UNRATE], retrieved from FRED, Federal Reserve Bank of St. Louis; *https://fred.stlouisfed.org/series/UNRATE* (last visited December 7, 2021).

[83] U.S. Bureau of Labor Statistics, *supra* note 80.

[84] U.S. Bureau of Labor Statistics, *supra* note 82.

[85] U.S. Bureau of Economic Analysis, Real Gross Domestic Product [GDPC1], retrieved from FRED, Federal Reserve Bank of St. Louis, *https://fred.stlouisfed.org/series/GDPC1* (last visited December 7, 2021).

[86] U.S. Department of the Treasury, Economy Statement by Catherine Wolfram, Acting Assistant Secretary for Economy Policy, for the Treasury Borrowing Advisory Committee (November 1, 2021), available at *https://home.treasury.gov/news/press-releases/jy0453.*

[87] Yuka Hayashi, IMF Cuts Global Growth Forecast Amid Supply-Chain Disruptions, Pandemic Pressures, Wall Street Journal (October 12, 2021), available at *https://www.wsj.com/articles/imf-cuts-global-growth-forecast-amid-supply-chain-disruptions-warns-of-inflation-risks-11634043601.*

[88] U.S. Bureau of Labor Statistics, *supra* note 80.

[89] U.S. Bureau of Labor Statistics, Civilian Labor Force Level [CLF16OV], retrieved from FRED, Federal Reserve Bank of St. Louis, *https://fred.stlouisfed.org/series/CLF16OV* (last visited December 7, 2021).

[90] U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Employment status of the civilian population by sex and age (December 6, 2021), *https://www.bls.gov/news.release/empsit.t01.htm* (last visited December 7, 2021); U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Employment status of the civilian noninstitutional population by race, Hispanic or Latino ethnicity, sex, and age (December 6, 2021), *https://www.bls.gov/web/empsit/cpseea04.htm* (last visited December 7, 2021); U.S. Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Employment status of the civilian noninstitutional population 25 years and over by educational attainment (December 6, 2021), *https://www.bls.gov/web/empsit/cpseea05.htm* (last visited December 7, 2021).

[91] Elise Gould & Jori Kandra, Wages grew in 2020 because the bottom fell out of the low-wage labor market, Economic Policy Institute (Feb. 24, 2021), *https://files.epi.org/pdf/219418.pdf. See also,* Michael Dalton et al., The K-Shaped Recovery: Examining the Diverging Fortunes of Workers in the Recovery from the COVID–19 Pandemic using Business and Household Survey Microdata, U.S. Bureau of Labor Statistics Working Paper Series (July 2021), *https://www.bls.gov/osmr/research-papers/2021/pdf/ec210020.pdf.*

[92] Center on Budget and Policy Priorities, Tracking the COVID–19 Recession's Effects on Food, Housing, and Employment Hardships, *https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-economys-effects-on-food-housing-and* (last visited December 17, 2021).

half of low-income, Black, and Hispanic parents reported difficulty covering costs related to food, housing, utility, or medical care.[93] Over the course of the pandemic, inequities also manifested along gender lines, as schools closed to in-person activities, leaving many working families without childcare during the day.[94] Women of color have been hit especially hard: The labor force participation rate for Black women has fallen by 3.6 percentage points[95] during the pandemic as compared to 1.3 percentage points for Black men[96] and 1.7 percentage points for White women.[97]

As the economy recovers, the effects of the pandemic-related recession may continue to impact households, including a risk of longer-term effects on earnings and economic potential. For example, unemployed workers, especially those who have experienced longer periods of unemployment, earn lower wages over the long term once rehired.[98] In addition to the labor market consequences for unemployed workers, recessions can also cause longer-term economic challenges through, among other factors, damaged consumer credit scores[99] and reduced familial and childhood wellbeing.[100] These potential long-term economic consequences underscore the continued need for robust policy support.

Low- and moderate-income households, those with income levels at or below 300 percent of the federal poverty level (FPL), face particular hardships and challenges. These households report much higher rates of food insecurity and housing hardships than households with higher incomes. For example, households with incomes at or below 300 percent FPL are several times more likely to have reported struggling with food insecurity compared to households with income above 300 percent FPL.[101] Similarly, low- and moderate-income households reported being housing insecure[102] at rates more than twice as high as higher-income households, and low- and moderate-income households reported housing quality hardship[103] at rates statistically significantly greater than the rate for higher-income households.[104] The economic crisis caused by the pandemic worsened economic outcomes for workers in many low- and moderate-income households. Industries that employed low-wage workers experienced a disproportionate level of job loss. For example, from February 2020 to February 2021, the hospitality and leisure industry lost nearly 3.5 million jobs.[105] While the entire industry was impacted, 72 percent of the job losses occurred in the lowest wage service occupations compared to only a 6 percent rate of job loss in the highest wage management and finance jobs.[106] Similar trends exist in other heavily impacted industries. In public education, the lowest wage occupations, service and transportation jobs, saw a job loss rate of 20 and 26 percent, respectively.[107] During that same time period, the highest wage occupations in public education, management, actually saw jobs increase by 7 percent.[108]

While many households suffered negative economic outcomes as a result of the COVID–19 pandemic and economic recession, households with low incomes were impacted in disproportionate and exceptional ways. From January 2020 to March 2021, low-wage workers experienced job loss at a rate five times higher than middle-wage workers, and high-wage workers actually experienced an increase in job opportunities.[109] Because workers in low-income households were more likely to lose their job or experience reductions in pay, those same households were also more likely to experience economic hardships like trouble paying utility bills, affording rent or mortgage payments, purchasing food, and paying for medical expenses.[110] The disproportionate negative impacts the pandemic has had on low-income families extend beyond financial insecurity. For example, low-income families have reported higher levels of social isolation, stress, and other negative mental health outcomes during the pandemic. While over half of all U.S. adults report that their mental health was negatively affected by the pandemic, adults with low incomes reported major negative mental health impacts at a rate nearly twice that of adults with high incomes.[111]

[93] Michael Karpman, Dulce Gonzalez, Genevieve M. Kenney, Parents Are Struggling to Provide for Their Families during the Pandemic, Urban Institute (May 2020), *https://www.urban.org/research/publication/parents-are-struggling-provide-their-families-during-pandemic?utm_source=urban_researcher&utm_medium=email&utm_campaign=covid_parents&utm_term=lhp.*

[94] Women have carried a larger share of childcare responsibilities than men during the COVID–19 crisis. *See, e.g.*, Gema Zamarro & María J. Prados, Gender differences in couples' division of childcare, work and mental health during COVID–19, Rev. Econ. Household 19:11–40 (2021), *available at https://link.springer.com/article/10.1007/s11150-020-09534-7;* Titan Alon et al., The Impact of COVID–19 on Gender Equality, National Bureau of Economic Research Working Paper 26947 (April 2020), *available at https://www.nber.org/papers/w26947.*

[95] U.S. Bureau of Labor Statistics, Labor Force Participation Rate—20 Yrs. & Over, Black or African American Women [LNS11300032], retrieved from FRED, Federal Reserve Bank of St. Louis; *https://fred.stlouisfed.org/series/LNS11300032* (last visited December 7, 2021).

[96] U.S. Bureau of Labor Statistics, Labor Force Participation Rate—20 Yrs. & Over, Black or African American Men [LNS11300031], retrieved from FRED, Federal Reserve Bank of St. Louis; *https://fred.stlouisfed.org/series/LNS11300031* (last visited December 7, 2021).

[97] U.S. Bureau of Labor Statistics, Labor Force Participation Rate—20 Yrs. & Over, White Women [LNS11300029], retrieved from FRED, Federal Reserve Bank of St. Louis; *https://fred.stlouisfed.org/series/LNS11300029* (last visited December 7, 2021).

[98] *See, e.g.*, Michael Greenstone & Adam Looney, Unemployment and Earnings Losses: A Look at Long-Term Impacts of the Great Recession on American Workers, Brookings Institution (Nov. 4, 2011), *https://www.brookings.edu/blog/jobs/2011/11/04/unemployment-and-earnings-losses-a-look-at-long-term-impacts-of-the-great-recession-on-american-workers/.*

[99] Chi Chi Wu, Solving the Credit Conundrum: Helping Consumers' Credit Records Impaired by the Foreclosure Crisis and Great Recession, National Consumer Law Center (Dec. 2013), *https://www.nclc.org/images/pdf/credit_reports/report-credit-conundrum-2013.pdf.*

[100] Irwin Garfinkel, Sara McLanahan, Christopher Wimer, eds., Children of the Great Recession, Russell Sage Foundation (Aug. 2016), *available at https://www.russellsage.org/publications/children-great-recession.*

[101] Kyle J. Casewell and Stephen Zuckerman, Food Insecurity, Housing Hardship, and Medical Care Utilization, Urban Institute (June 2018), available at *https://www.urban.org/sites/default/files/publication/98701/2001896_foodinsecurity_housinghardship_medicalcareutilization_finalized.pdf.*

[102] Housing insecurity is defined as not paying the full amount of rent or mortgage and/or utility bills (gas, oil, or electricity) sometime in the previous 12 months.

[103] Housing quality hardship is defined as an affirmative response to one or more questions related to problems with a respondent's physical dwelling: Pests and/or insects; leaking roof or ceiling; windows that are broken or cannot shut; exposed electrical wires; broken plumbing (toilet, hot water, other); holes in walls, ceiling, or floor; no appliances (refrigerator or stove); and no phone (of any kind).

[104] *Id.*

[105] Elise Gould and Melat Kassa. Low-wage, low-hours workers were hit hardest in the COVID–19 recession: The State of Working America 2020 employment report, Economic Policy Institute (May 2021), available at *https://www.epi.org/publication/swa-2020-employment-report/.*

[106] *Id.*

[107] *Id.*

[108] *Id.*

[109] R. Chetty, J. Friedman, N. Hendren, M. Stepner, & Team, T. O. I., The Economic Impacts of COVID–19: Evidence from a New Public Database Built Using Private Sector Data (No. w27431; p. w27431) (2020), National Bureau of Economic Research. *https://doi.org/10.3386/w27431.*

[110] M. Despard, Michal Grinstein-Weiss, Yung Chun, and Stephen Roll, COVID–19 job and income loss leading to more hunger and financial hardship, Brookings Institute (July 13, 2020), *https://www.brookings.edu/blog/upfront/2020/07/13/covid-19-job-and-income-loss-leading-to-more-hunger-and-financial-hardship/.*

[111] N. Panchal, R. Kamal, C. Muñana, & P. Chidambaram, The Implications of COVID–19 for Mental Health and Substance Use, Kaiser Family Foundation (February 10, 2021), *https://*

Summary of Interim Final Rule and Final Rule Structure

Summary: The interim final rule provided a non-exhaustive list of enumerated eligible uses to respond to the negative economic impacts of the pandemic through assistance to households, as well as a standard for assessing whether uses of funds beyond those enumerated are eligible.

The interim final rule described enumerated eligible uses for assistance to households in several categories: (1) Assistance to unemployed workers, (2) state Unemployment Insurance Trust Funds, (3) assistance to households, and (4) expenses to improve the efficacy of economic relief. Note that the interim final rule posed several questions to the public on enumerated eligible uses for assistance to households; comments on these questions are addressed in the relevant subject matter section below.

In addition, in recognition that pre-existing health, economic, and social disparities contributed to disproportionate pandemic impacts in certain communities, the interim final rule also provided a broader list of enumerated eligible uses to respond to the pandemic in disproportionately impacted communities, specifically: (1) Building stronger communities through investments in housing and neighborhoods, (2) addressing educational disparities, and (3) promoting healthy childhood environments. In the interim final rule, under the Public Health section, recipients could also provide services to address health disparities and increase access to health and social services; these eligible uses have been re-organized into the Assistance to Households section to consolidate responses in disproportionately impacted communities and enhance clarity.

This section addresses enumerated eligible uses in the final rule to respond to negative economic impacts to households. As a reminder, recipients may presume that a household or population that experienced unemployment, experienced increased food or housing insecurity, or is low or moderate income experienced negative economic impacts resulting from the pandemic, and recipients may provide services to them that respond to these impacts, including these enumerated eligible uses.

For guidance on how to determine whether a particular use, beyond those enumerated, is eligible; further detail on which households and communities are presumed eligible for services; and how to identify eligible households and communities beyond those presumed eligible, see section General Provisions: Structure and Standards.

Reorganizations and Cross-References: The final rule reorganizes all enumerated eligible uses for impacted and disproportionately impacted households into the section Assistance to Households, with the exception that expenses to improve the efficacy of economic relief has been re-categorized into a different section of the final rule for increased clarity; for discussion of that use category, see section General Provisions: Other.

Note that in conducting this reorganization, and based on further analysis and in response to comments, Treasury has determined that several enumerated uses included in the interim final rule for disproportionately impacted communities are directly responsive to negative economic impacts experienced by impacted households. In the final rule, these uses have been moved from "disproportionately impacted" to "impacted" households accordingly, making these services available to both disproportionately impacted and impacted households. These uses include assistance applying for public benefits or services; programs or services that address or mitigate the impacts of the COVID–19 public health emergency on childhood health or welfare, including childcare, early learning services, programs to provide home visits, and services for families involved in the child welfare system and foster youth; programs to address the impacts of lost instructional time for students;[112] and programs or services that address housing insecurity, lack of affordable housing, or homelessness.

The following activities remain enumerated eligible uses for disproportionately impacted households: Remediation of lead paint or other lead hazards; housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity; and programs or services that address educational disparities, including assistance to high-poverty school districts to advance equitable funding across districts and geographies and evidence-based services to address the academic, social, emotional, and mental health needs of students.

Enumerated Eligible Uses for Impacted Households

The interim final rule included several enumerated eligible uses to provide assistance to households or populations facing negative economic impacts due to COVID–19. Enumerated eligible uses included: Food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; cash assistance; or job training to address negative economic or public health impacts experienced due to a worker's occupation or level of training. It also posed a question as to what other types of services or costs Treasury should consider as eligible uses to respond to the negative economic impacts of COVID–19.

This section addresses each of these enumerated eligible uses in turn, with the exception of job training, which has been re-categorized for increased clarity to the eligible use for "assistance to unemployed and underemployed workers." In general, commenters supported inclusion of these enumerated eligible uses to address key economic needs among households due to the pandemic, and Treasury is maintaining these eligible uses in the final rule, in line with commenters' recommendations.

1. Food assistance. The interim final rule included an enumerated eligible use for food assistance. Some commenters expressed support for this eligible use and emphasized the importance of aid to address food insecurity. Some commenters raised questions as to whether food assistance funds could be used to augment services provided through organizations like food banks, churches, and other food delivery services, or generally be sub-awarded to these organizations.

Treasury Response: Treasury is maintaining this enumerated eligible use without change. Recipients may, as was the case under the interim final rule, administer programs through a wide range of entities, including nonprofit and for-profit entities, to carry out eligible uses on behalf of the recipient government (see section Distinguishing Subrecipients versus Beneficiaries). Further, Treasury is clarifying that capital expenditures related to food banks and other facilities primarily dedicated to addressing food insecurity are eligible; recipients seeking to use funds for capital expenditures should refer to the section Capital Expenditures in General

www.kff.org/coronavirus-covid-19/issue-brief/the-implications-of-covid-19-for-mental-health-and-substance-use/.

[112] For which recipients may presume that any student who did not have access to in-person instruction for a significant period of time was impacted by the pandemic.

Provisions: Other for additional eligibility standards that apply to uses of funds for capital expenditures.

2. Emergency housing assistance. The interim final rule included an enumerated eligible use for rent, mortgage, or utility assistance and counseling and legal aid to prevent eviction or homelessness.

Public Comment: Several commenters supported the inclusion of eviction prevention activities as an eligible use given the high number of households behind on rent and potentially at risk of eviction. Following release of the interim final rule, Treasury had also received requests for elaboration on the types of eligible services in this category. Some commenters also recommended including assistance to households for delinquent property taxes, for example to prevent tax foreclosures on homes, as an enumerated eligible use.

Treasury Response: In response to requests for elaboration on the types of eligible services for eviction prevention, Treasury has provided further guidance that these services include "housing stability services that enable eligible households to maintain or obtain housing, such as housing counseling, fair housing counseling, case management related to housing stability, outreach to households at risk of eviction or promotion of housing support programs, housing related services for survivors of domestic abuse or human trafficking, and specialized services for individuals with disabilities or seniors that support their ability to access or maintain housing," as well as "legal aid such as legal services or attorney's fees related to eviction proceedings and maintaining housing stability, court-based eviction prevention or eviction diversion programs, and other legal services that help households maintain or obtain housing."[113] Treasury also emphasized that recipients may work with court systems, nonprofits, and a wide range of other organizations to implement strategies to support housing stability and prevent evictions.

In the final rule, Treasury is maintaining these enumerated eligible uses, including those described in the interim final rule and later guidance, in line with commenters' recommendations. To enhance clarity, Treasury is also elaborating on some types of services included under this eligible use category; this remains a non-exhaustive list of eligible services. For example, eligible services under this use category include: Rent, rental arrears, utility costs or arrears (*e.g.*, electricity, gas, water and sewer, trash removal, and energy costs, such as fuel oil), reasonable accrued late fees (if not included in rental or utility arrears), mortgage payment assistance, financial assistance to allow a homeowner to reinstate a mortgage or to pay other housing-related costs related to a period of forbearance, delinquency, or default, mortgage principal reduction, facilitating mortgage interest rate reductions, counseling to prevent foreclosure or displacement, relocation expenses following eviction or foreclosure (*e.g.*, rental security deposits, application or screening fees). Treasury is clarifying that assistance to households for delinquent property taxes, for example to prevent tax foreclosures on homes, was permissible under the interim final rule and continues to be so under the final rule. In addition, Treasury is also clarifying that recipients may administer utility assistance or address arrears on behalf of households through direct or bulk payments to utility providers to facilitate utility assistance to multiple consumers at once, so long as the payments offset customer balances and therefore provide assistance to households.

This eligible use category also includes emergency assistance for individuals experiencing homelessness, either individual-level assistance (*e.g.*, rapid rehousing services) or assistance for groups of individuals (*e.g.*, master leases of hotels, motels, or similar facilities to expand available shelter).

Further, Treasury is clarifying that transitional shelters (*e.g.*, temporary residences for people experiencing homelessness) are eligible capital expenditures. Recipients seeking to use funds for capital expenditures should refer to the section Capital Expenditures in General Provisions: Other for additional eligibility standards that apply to uses of funds for capital expenditures.

Note that this enumerated eligible use describes "emergency housing assistance," or assistance for responses to the immediate or near-term negative economic impacts of the pandemic. The final rule also clarifies and expands the ability of recipients to use SLFRF funds to address the general lack of affordable housing and housing challenges underscored by the pandemic. For discussion of affordable housing eligible uses, including services that primarily increase access to affordable, high-quality housing and support stable housing and homeownership over the long term, see the eligible use for "promoting long-term housing security: Affordable housing and homelessness."

3. Emergency assistance for pressing needs: Burials, home repairs, weatherization, or other needs. The interim final rule included an enumerated eligible use for emergency assistance for burials, home repairs, weatherization, and other needs; these types of programs may provide emergency assistance for pressing and unavoidable household needs. Treasury did not receive comments on this eligible use and is maintaining it in the final rule.

Background on Home Repairs and Weatherization: The economic downturn has meant fewer households had the resources needed to make necessary home repairs and improvements. In May 2021, 28 percent of landlords reported deferring maintenance and 27 percent of tenants reported maintenance requests going unanswered.[114] While small and cosmetic repairs can often wait, deferring major repairs, such as plumbing needs, can result in unsafe and unhealthy living environments and, eventually, the need for more expensive repairs and fixes.

In addition to repairs, many homes are in need of weatherization. Weatherization assistance helps low- and moderate-income Americans save energy, reduce their utility bills, and keeps them and their homes safe. One in three households is energy insecure,[115] meaning they do not have the ability to meet their energy needs.[116] Weatherization efforts are particularly important for low- and moderate-income households. Households of color, renters, and households with low or moderate incomes are all more likely to report energy insecurity.[117] These

[113] *See FAQ 2.21.* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.*

[114] Jung Hyun Choi, Laurie Goodman, and Daniel Pang, The Pandemic Is Making It Difficult for Mom-and-Pop Landlords to Maintain Their Properties, Urban Institute (July 23, 2021), *https://www.urban.org/urban-wire/pandemic-making-it-difficult-mom-and-pop-landlords-maintain-their-properties.*

[115] U.S. Energy Information Administration, Residential Energy Consumption Survey (2017), Retrieved from *https://www.eia.gov/consumption/residential/data/2015/hc/php/hc11.1.php.*

D. Hernández, Understanding 'energy insecurity' and why it matters to health, Social Science & Medicine, 167, 1–10 (2016), *https://doi.org/10.1016/j.socscimed.2016.08.029.*

[116] Hernández, D. (2016). Understanding 'energy insecurity' and why it matters to health. Social Science & Medicine, 167, 1–10. *https://doi.org/10.1016/j.socscimed.2016.08.029.*

[117] U.S. Energy Information Administration, Residential Energy Consumption Survey (RECS) *https://www.eia.gov/consumption/residential/data/2015/hc/php/hc11.1.php.* (last visited November 9, 2021)

disparities are partially a result of economic hardship but are also caused by inequitable access to housing with proper insulation, up to date heating, cooling, and ventilation systems, and functioning and up to date lighting and appliances.[118] While programs that address the effects of energy hardships, like the Low-Income Home Energy Assistance Program (LIHEAP), are critical, weatherization attempts to address root causes by addressing issues that lead to energy insecurities.

4. Internet access or digital literacy assistance. The interim final rule included an enumerated eligible use for assistance to households for internet access or digital literacy assistance. This enumerated eligible use, which responds to the negative economic impacts of the pandemic on a household by providing assistance that helps them secure internet access or increase their ability to use computers and the internet, is separate from the eligible use category for investments in broadband infrastructure, under Sections 602(c)(1)(D) and 603(c)(1)(D), which is used to build new broadband networks through infrastructure construction or modernization. For discussion of broadband infrastructure investment in the final rule, see section Broadband Infrastructure in Infrastructure.

Background: The COVID–19 public health emergency has underscored the importance of universally available, high-speed, reliable, and affordable broadband coverage as millions of Americans rely on the internet to participate in, among other critical activities, school, healthcare, and work. Recognizing the need for such connectivity, SLFRF funds can be used to make necessary investments in broadband infrastructure that increase access over the long term, as well as the necessary supports to purchase internet access or gain digital literacy skills needed to complete activities of daily living during the pandemic.

The National Telecommunications and Information Administration (NTIA) highlighted the growing necessity of broadband in daily lives through its analysis of NTIA internet Use Survey data, noting that Americans turn to broadband internet service for every facet of daily life including work, study, and healthcare.[119] With increased use of technology for daily activities and the movement by many businesses and schools to operating remotely during the pandemic, broadband has become even more critical for people across the country to carry out their daily lives.

However, even in areas where broadband infrastructure exists, broadband access may be out of reach for millions of Americans because it is unaffordable, as the United States has some of the highest broadband prices in the Organisation for Economic Co-operation and Development (OECD).[120] According to a 2021 Pew Research Center study, 20 percent of non-broadband users say that the monthly cost of home broadband is the primary reason they do not have broadband at home, and 40 percent say that cost is one reason for their lack of home broadband.[121] Further, according to another survey, 22 percent of parents with homebound schoolchildren during the COVID–19 pandemic say that it is very or somewhat likely that their children will have to rely on public wi-fi to finish their schoolwork because there is no reliable internet connection at home; this percentage nearly doubles for lower-income parents, 40 percent of whom noted that their children will have to rely on public wi-fi.[122] The same survey showed that 36 percent of lower-income parents with homebound children say their child will not be able to complete their schoolwork because they do not have access to a computer at home.[123]

Public Comment: Many commenters highlighted the importance of broadband access during the pandemic, including for remote work and education, and argued that affordability presents a major barrier to broadband adoption by households; in other words, many households live in areas that have broadband infrastructure and service available but are unable to purchase service for their household due to the high cost. These commenters argued that broadband must be affordable to be accessible.

Commenters proposed several potential responses to affordability concerns. Some commenters recommended that building "gap networks," or broadband networks built at low cost to provide affordable service in areas where it is lacking, be eligible as assistance to households to respond to the negative economic impacts of the pandemic, even if they do not meet the technical standards for eligibility under the eligible use category of broadband infrastructure investment, especially the required speed standards for new service. These commenters argued that the networks have shown promise as a timely means to expand access to affordable broadband internet during the pandemic, even if they may not provide service speeds needed for more intensive internet uses. Another commenter requested eligible uses include funding cellular towers to decrease costs. One commenter recommended that affordability should be addressed through other programs but not SLFRF given that affordability and availability may require nuanced solutions that would be complex to combine.

Treasury Response: The interpretive framework and enumerated eligible uses allow recipients flexibility to address identified pandemic impacts, including through solutions that take into account the particularized issues in their community. Given extensive commenter feedback on the importance of affordability to achieving broadband access, and the centrality of broadband to participating in work, education, healthcare, and other activities during the pandemic, affordability programs are an appropriate eligible use to respond to the negative economic impacts of the pandemic and Treasury is maintaining the enumerated eligible use for assistance to households for internet access and digital literacy programs in the final rule.

Building or constructing new broadband networks is an infrastructure investment and is governed by a separate clause in the statute. Treasury has addressed comments on "gap networks" that require infrastructure build-out in the section Broadband Infrastructure in Infrastructure.

---

[118] A. Drehobl, & L. Ross, Lifting the high energy burden in America's largest cities: How energy efficiency can improve low income and underserved communities, American Council for an Energy Efficient Economy (2016), *https://www.aceee.org/sites/default/files/publications/researchreports/u1602.pdf.*

[119] *See, e.g.,* Nation Telecommunications and Information Administration, More than Half of American Households Used the Internet for Health-Related Activities in 2019, NTIA Data Show (December 7, 2020), *https://www.ntia.gov/blog/2020/more-half-american-households-used-internet-health-related-activities-2019-ntia-data-show;* Nation Telecommunications and Information Administration, Nearly a Third of American Employees Worked Remotely in 2019, NTIA Data Show (September 3, 2020) *https://www.ntia.gov/blog/2020/nearly-third-american-employees-worked-remotely-2019-ntia-data-show;* and generally, Nation Telecommunications and Information Administration, Digital Nation Data Explorer (June 10, 2020), *https://www.ntia.gov/data/digital-nation-data-explorer.*

[120] BroadbandSearch Blog Post, How Do U.S. Internet Costs Compare To The Rest Of The World?, *available at https://www.broadbandsearch.net/blog/internet-costs-compared-worldwide.*

[121] Pew Research Center, Mobile Technology and Home Broadband 2021 (June 3, 2021), *https://www.pewresearch.org/internet/2021/06/03/mobile-technology-and-home-broadband-2021/.*

[122] Pew Research Center, 53% of Americans Say the internet Has Been Essential During the COVID–19 Outbreak (April 30, 2020), *https://www.pewresearch.org/internet/2020/04/30/53-of-americans-say-the-internet-has-been-essential-during-the-covid-19-outbreak/.*

[123] *Id.*

Public Comment: Some commenters also use the term "gap networks" to refer to equipment installed as part of wi-fi systems, such as routers, repeaters, and access points; this equipment provides consumer access to an existing broadband network and does not require new network build-out or construction. These commenters recommended that Treasury permit, as assistance to households for internet access, investments in public wi-fi networks, free wi-fi in public housing communities, and other equipment that offers internet access to end users by utilizing existing broadband networks.

Other commenters recommended that eligible uses in this category include providing devices and equipment necessary to access the internet, like computers and routers, directly to low-income households.

Treasury Response: Treasury has determined that these services, which expand internet access without constructing new networks, are an appropriate enumerated eligible use as assistance to households to respond to a negative economic impact, and they are permitted under the final rule. Treasury is clarifying that eligible uses under this category can also include a wide range of programs and services to expand internet access and digital literacy, such as subsidies for the cost of internet service, other programs that support adoption of internet service where available, digital literacy programs, or programs that provide devices and equipment to access the internet (*e.g.*, programs that provide equipment like tablets, computers, or routers) to households. Recipients seeking to use funds for equipment should refer to the section Capital Expenditures in General Provisions: Other for additional eligibility standards that apply to uses of funds for capital expenditures (*e.g.*, equipment, property, and facilities).

5. Cash assistance. The interim final rule included as an enumerated eligible use cash assistance and provided that cash transfers must be "reasonably proportional" to the negative economic impact they address and may not be "grossly in excess of the amount needed to address" the impact. In assessing whether a transfer is reasonably proportional, recipients may "consider and take guidance from the per person amounts previously provided by the Federal Government in response to the COVID–19 crisis," and transfers "grossly in excess of such amounts" are not eligible.

Public Comment: Several commenters expressed support for this eligible use, noting that this is a common policy tool for some governments to support the well-being of households and individuals in their communities. Some commenters requested that Treasury set a specific dollar amount for permissible cash transfers, and Treasury has also received recipient questions on whether specific types of transfers, such as those to a substantial share of the population in the jurisdiction, would be a permissible use of funds.

Treasury Response: Treasury is maintaining this enumerated eligible use in the final rule, in line with commenters' recommendations. Because the final rule is intended to provide flexibility to recipients to respond to the particularized pandemic impacts in their communities, which may vary in type and intensity, setting a specific dollar threshold for eligible cash transfers would fail to recognize the particularized needs of communities and limit recipients' flexibility to tailor their response to those needs.

To provide greater clarity, Treasury is elaborating on the analysis that recipients may undertake to assess the eligibility of specific cash assistance programs or transfers. Cash transfers, like all eligible uses in this category, must respond to the negative economic impacts of the pandemic on a household or class of households. For the reasons discussed above, recipients may presume that low- and moderate-income households (as defined in the final rule), as well as households that experienced unemployment, food insecurity, or housing insecurity, experienced a negative economic impact due to the pandemic.

Recipients may also identify other households or classes of households that experienced a negative economic impact of the pandemic and provide cash assistance that is reasonably proportional to, and not grossly in excess of, the amount needed to address the negative economic impact. For example, in the ARPA, Congress authorized Economic Impact Payments to households at certain income levels, identifying and responding to a negative economic impact of the pandemic on these households.

Finally, Treasury has reiterated in the final rule that responses to negative economic impacts should be reasonably proportional to the impact that they are intended to address. Uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses. Reasonably proportional refers to the scale of the response compared to the scale of the harm. It also refers to the targeting of the response to beneficiaries compared to the amount of harm they experienced; for example, it may not be reasonably proportional for a cash assistance program to provide assistance in a very small amount to a group that experienced severe harm and in a much larger amount to a group that experienced relatively little harm.

6. Survivor's benefits. The interim final rule included an enumerated eligible use for survivor's benefits to surviving family members of individuals who have died from COVID–19, including cash assistance to widows, widowers, or dependents.

Public Comment: Treasury did not receive any comments on the inclusion of survivor's benefits as an enumerated use for impacted households in the interim final rule.

Treasury Response: This use of funds remains eligible under the final rule. Consistent with the general reorganization noted above, the final rule organizes survivor's benefits under assistance to households to clarify that households are the intended beneficiaries of survivor's benefits.

7. Assistance accessing or applying for public benefits or services. Recognizing that eligible households often face barriers to accessing public benefits or services that improve health and economic outcomes, the interim final rule included as an enumerated eligible use in disproportionately impacted communities, public benefits navigators to assist community members with navigating and applying for available federal, state, and local public benefits or services. Treasury also clarified in subsequent guidance after the interim final rule that this eligible use category would include outreach efforts to increase uptake of the Child Tax Credit.

Background: The under-enrollment of eligible households in social assistance programs is a well-recognized and persistent challenge. There are many reasons why a household may not be receiving a particular benefit even though they are eligible. For many federal programs, enrollment processes vary from state-to-state. Sometimes, households are simply unaware that they are eligible for a particular benefit.[124] For example, despite having one of the highest rates of participation of any benefits program, nearly 20 percent of eligible individuals do not participate in the Supplementary Nutritional Assistance Program

[124] Amy Finkelstein & Matthew J Notowidigdo, Take-Up and Targeting: Experimental Evidence from SNAP, The Quarterly Journal of Economics, vol 134(3), pages 1505–1556 (2019), *https://www.nber.org/papers/w24652.*

(SNAP).[125] In other cases, policies like public charge and asset testing can discourage otherwise eligible households.[126] While the gap between households that need assistance and the number of households participating in public benefit programs has always existed, narrowing that gap and ensuring households receive the support they need is critical in mitigating the negative economic impacts of the pandemic.

Public Comment: Treasury has also received feedback from recipients and stakeholders noting the need to increase awareness and uptake of assistance programs, including gaps that remain in enrollment of eligible households in programs to address the negative economic impacts of the pandemic.[127]

Treasury Response: Treasury has determined that this impact of the pandemic is widely experienced across many jurisdictions and programs or services to increase awareness and uptake of assistance programs would respond to the pandemic's negative economic impact in all communities. As such, in the final rule, this use is eligible for any impacted household or class of households, not only in disproportionately impacted communities.

8. Promoting healthy childhood environments. The interim final rule included programs and services that promote healthy childhood environments as an enumerated eligible use for disproportionately impacted households. The interim final rule listed three programs or services included under this use: Childcare; programs to provide home visits by health professionals, parent educators, and social service professionals to individuals with young children to provide education and assistance for economic support, health needs, or child development; and services for child welfare-involved families and foster youth to provide support and education on child development, positive parenting, coping skills, or recovery for mental health and substance use. The interim final rule also included an enumerated eligible use for early learning services in disproportionately impacted communities, to address disparities in education.

Public Comment: Childcare and Early Learning: Treasury received multiple comments that were supportive of the provision of childcare. Treasury has also received multiple comments and questions indicating that recipients have identified a need for childcare for a broader range of households and communities, for example those that may need childcare in order to return to work, in addition to households and communities disproportionately impacted by the pandemic. Several commenters expressed uncertainty about how childcare facilities should interact with the boundaries of a QCT. Finally, one commenter recommended that pre-K or early learning services encompass care for infants and toddlers, arguing that these types of care are often more expensive or challenging to access for families.

Background: Childcare and Early Learning: As daycares and schools closed in-person activities during the pandemic, many working families were left without childcare during the day.[128] Although daycare centers and schools have since reopened in many communities, there remains a persistent childcare shortage as childcare employment levels have not fully rebounded since the sharp decline in childcare employment at the beginning of the pandemic.[129] As a result, working parents in communities across the country, and more specifically women, may face challenges entering or reentering the labor force.[130]

Low-income households are also more likely to lose access to quality childcare.[131] The widespread closure of childcare centers combined with a lack of access to paid family leave means parents in low-income households are more likely to experience a reduction of income or leave their jobs due to a lack of childcare options.[132]

Additionally, childcare providers serving primarily low-income families were less likely to remain open during the pandemic because of tighter profit margins and general community financial insecurity, compared to childcare providers serving primarily high-income families.[133] [134]

In addition to disruptions to childcare, early learning services were also significantly impacted by the pandemic, and the disruption of these services had widespread ramifications for learning loss, parental support, and equity. Early learning centers have seen declined enrollment across the board, though there was a larger dip in enrollment for low-income households.[135] This lower enrollment coincides with a diminishing workforce, as similarly to childcare, early childhood educators have been leaving the profession due to long hours, low pay,[136] and health and safety concerns.[137] As a result, children's school readiness has suffered, leading to potential long-term impacts on life outcomes.[138] The impact also extended

[125] United States Department of Agriculture, Trends in Supplemental Nutrition Assistance Program Participation Rates: Fiscal Year 2016 to Fiscal Year 2018 (May 2021), *https://fns-prod.azureedge.net/sites/default/files/resource-files/Trends2016-2018.pdf.*

[126] Jeremy Barofsky et al., Spreading Fear: The Announcement Of The Public Charge Rule Reduced Enrollment In Child Safety-Net Programs, Health Affairs (October 2020), *https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2020.00763.*

[127] *See, e.g.,* U.S. Department of the Treasury, By ZIP Code: Number of Children under Age 18 with a Social Security Number Who Are Not Found on a Tax Year 2019 or 2020 Tax Return but who Appear on a Tax Year 2019 Form 1095 and Associated Number of Policy Holders (June 2021), *https://home.treasury.gov/system/files/131/Estimated-Counts-of-Children-Unclaimed-for-CTC-by-ZIP-Code-2019.pdf.*

[128] Women have carried a larger share of childcare responsibilities than men during the COVID–19 crisis. See, *e.g.,* Gema Zamarro & María J. Prados, Gender differences in couples' division of childcare, work and mental health during COVID–19, Rev. Econ. Household 19:11–40 (2021), available at *https://link.springer.com/article/10.1007/s11150-020-09534-7;* Titan Alon et al., The Impact of COVID–19 on Gender Equality, National Bureau of Economic Research Working Paper 26947 (April 2020), available at *https://www.nber.org/papers/w26947.*

[129] *See, e.g.,* Center For The Study Of Child Care Employment (CSCCE), Child Care Sector Jobs: BLS Analysis (November 8, 2021), *https://cscce.berkeley.edu/child-care-sector-jobs-bls-analysis/;* Emma K. Lee, and Zachary Parolin. The Care Burden during COVID–19: A National Database of Child Care Closures in the United States, Socius (January 2021), doi:10.1177/23780231211032028.

[130] Jason Furman, Melissa Schettini Kearney, and Wilson Powell, The Role of Childcare Challenges in the US Jobs Market Recovery During the COVID–19 Pandemic, NBER Working Paper No. 28934 (June 2021), *https://www.nber.org/papers/w28934.*

[131] U.S. Census Bureau, Phase 3.2 Household Pulse Survey: Table 2. Childcare Arrangements in the Last 4 Weeks for Children Under 5 Years Old, by Selected Characteristics, (Washington: 2021), available at *https://www.census.gov/programs-surveys/household-pulse-survey/data.html.*

[132] *Id.*

[133] N. Kalluri, C. Kelly, & A. Garg, Child Care During the COVID–19 Pandemic: A Bad Situation Made Worse. Pediatrics (2021), *https://doi.org/10.1542/peds.2020-041525.*

[134] National Association for the Education of Young Children, Am I Next? Sacrificing to Stay Open, Child Care Providers Face a Bleak Future Without Relief (December 2020), *https://www.naeyc.org/sites/default/files/globally-shared/downloads/PDF.*

[135] G. G. Weisenfeld, Impacts of Covid-19 on Preschool Enrollment and Spending, New Brunswick, NJ: National Institute for Early Education Research (2021), *https://nieer.org/wp-content/uploads/2021/03/NIEER_Policy_Brief_Impacts-of-Covid-19on_Preschool_Enrollment_and_Spending_3_16_21.pdf.*

[136] Heather Long, 'The pay is absolute crap': Child-care workers are quitting rapidly, a red flag for the economy, Washington Post (September 19, 2021), *https://www.washingtonpost.com/business/2021/09/19/childcare-workers-quit/.*

[137] Monash University, The emotional toll of COVID–19 among early childhood educators (August 5, 2020) *https://lens.monash.edu/@education/2020/08/05/1381001/the-emotional-toll-of-covid-19-among-early-childhood-educators.*

[138] Daphna Bassok and Anna Shapiro, Understanding COVID–19-era enrollment drops

Continued

to parents. Parents, especially mothers, may face challenges reentering or remaining in the workforce if early learning services are unavailable.

Treasury Response: Childcare and Early Learning Services: Treasury agrees with commenters' analysis that challenges accessing or affording childcare have been widespread during the pandemic, affecting many jurisdictions and populations across the country. Disruptions to early care and learning services similarly have had broad impact and likely result in negative impacts for young children and their parents. As such, these enumerated eligible uses are generally responsive to the negative economic impacts of the pandemic in all communities, not just in disproportionately impacted communities. Under the final rule, childcare and early learning services are available to impacted households or classes of households, not just those disproportionately impacted. These eligible uses can include new or expanded services, increasing access to services, efforts to bolster, support, or preserve existing providers and services, and similar activities.

Further, Treasury is clarifying that improvements to or new construction of childcare, daycare, and early learning facilities are eligible capital expenditures. Recipients seeking to use funds for capital expenditures should refer to the section Capital Expenditures in General Provisions: Other for additional eligibility standards that apply to uses of funds for capital expenditures.

Public Comment: Home Visiting: Treasury has also received questions about whether the provision of home visiting services would be responsive to the health and mental health needs of impacted new mothers, citing the positive mental health impacts shown on the mother as well as improved outcomes for children.

Background: Home Visiting: Pregnant and recently pregnant individuals are at an increased risk for serious illness from COVID–19.[139] Furthermore, pregnant individuals with COVID–19 are more likely to experience preterm birth (delivering the baby earlier than 37 weeks).[140] In addition to heightened health risks from COVID–19, pregnant individuals may have experienced significant changes to their prenatal care during the pandemic[141] or may also have experienced increased mental health challenges, including high levels of depression, anxiety, loneliness, and post-traumatic stress during the pandemic.[142]

Home visiting services provided to families, particularly new mothers and newborns, feature regular home visits from trained nurses, social workers, and/or counselors who provide health care, mental health resources, positive parenting support, support in making personal health decisions, and awareness of other potentially helpful services. These functions have become even more essential at mitigating negative factors associated with the pandemic. Home visits give professionals a chance to flag potential domestic violence, which has risen worldwide over the course of the pandemic.[143] Racial health disparities can also be driven down by home visits. For example, Black women are more likely to avoid hospitals during the pandemic, and home visitors can help either assuage concerns around hospitals or give effective advice for alternative methods of childbirth.[144] Given the disproportionate effect of the pandemic on people of color, home visits are an essential equity tool that tackle major negative effects of the pandemic. These are just a few selections from the evidence that suggests many home visiting models can have a positive effect on maternal physical and mental health.[145]

Treasury Response: Home Visiting: Given the widespread impact of COVID–19 on pregnant and recently pregnant individuals, Treasury is re-categorizing home visiting services as an eligible use for impacted communities, not just disproportionately impacted communities. Under the final rule, these eligible uses are available to impacted households or classes of households.

Public Comment: Child Welfare: While the interim final rule noted that certain types of assistance, particularly around child development and parenting, were eligible for child welfare-involved families, Treasury has received some recipient questions asking whether financial, educational, housing, or other supports and services are eligible uses for foster youth, including those aging out of the system, and child welfare-involved families. Other commenters asked about whether funding for kinship care would be eligible.

Background: Child Welfare: The COVID–19 pandemic placed meaningful strain on the child welfare and foster care system. Court hearings were delayed,[146] essential mental health care was shifted to a virtual environment, and attendance and performance in school among foster children dropped sharply.[147] Additionally, there was a nationwide rise of new children entering the foster care system and many states placed temporary moratoria on children aging out of the foster care system.[148] As these temporary moratoria expire, additional support will be needed to assist children exiting the system.

Additionally, financial and material hardship are causal factors in the increase of new children entering the foster care system, whether through loss of a caregiver, domestic violence,[149] or other associated costs of the pandemic. Therefore, support to decrease these hardships will support families and increase positive outcomes for youth

among early-grade public school students, Brookings Institution (February 22, 2021), *https://www.brookings.edu/blog/brown-center-chalkboard/2021/02/22/understanding-covid-19-era-enrollment-drops-among-early-grade-public-school-students/.*

[139] Centers for Disease Control and Prevention, Pregnant and Recently Pregnant People, *https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/pregnant-people.html* (last visited November 9, 2021).

[140] *Id.*

[141] Sarah Javaid, Sarah Barringer, Sarah D Compton, Elizabeth Kaselitz, Maria Muzik, Cheryl A. Moyer, The impact of COVID–19 on prenatal care in the United States: Qualitative analysis from a survey of 2519 pregnant women, Midwifery, Volume 98, 2021, 102991, ISSN 0266–6138, *https://doi.org/10.1016/j.midw.2021.102991.*

[142] A Basu, HH Kim, R Basaldna, KW Choi, L Charron, et al., A cross-national study of factors associated with women's perinatal mental health and wellbeing during the COVID–19 pandemic, PLOS ONE 16(4): e0249780, (2021), *https://doi.org/10.1371/journal.pone.0249780.*

[143] Amanda Taub, A New Covid-19 Crisis: Domestic Abuse Rises Worldwide, New York Times (April 6, 2020), *https://www.nytimes.com/2020/04/06/world/coronavirus-domestic-violence.html.*

[144] Xenia Shih Bion, Efforts to Reduce Black Maternal Mortality Complicated by COVID–19, California Health Care Foundation (April 20, 2020), *https://www.chcf.org/blog/efforts-reduce-black-maternal-mortality-complicated-covid-19/.*

[145] U.S. Department of Health and Human Services, Home Visiting Evidence of Effectiveness, *https://homvee.acf.hhs.gov/outcomes/maternal%20health/In%20Brief.*

[146] National Conference of State Legislatures, Criminal Justice System Responses to COVID–19 (November 16, 2020), *https://www.ncsl.org/research/civil-and-criminal-justice/criminal-justice-and-covid-19.ospx.*

[147] John Burton Advocates for Youth, The Cumulative Impact of the Pandemic on Youth Who Have Been in Foster Care or Homeless (May 2020) *https://jbay.org/wp-content/uploads/2021/04/JBAY-COVID-19-Impact.pdf.*

[148] John Kelly, Next Week, Thousands of Foster Youth Will Age Out on the Same Day (September 21, 2021), *https://imprintnews.org/subscriber-content/thousands-of-foster-youth-will-age-out-on-the-same-day/59006.*

[149] Conrad-Hiebner, Aislinn, and Elizabeth Byram, The Temporal Impact of Economic Insecurity on Child Maltreatment: A Systematic Review. Trauma, Violence, & Abuse, vol. 21, no. 1, Jan. 2020, pp. 157–178, doi:10.1177/1524838018756122.

and families that may otherwise become involved in the child welfare system.

Treasury Response: In the final rule, Treasury is clarifying that services to foster youth, including those aging out of the system, and child welfare-involved families may encompass a wide array of financial, educational, child development, or health supports, or other supports necessary, including supports for kinship care.

9. Addressing the impacts of lost instructional time.

Public Comment: The interim final rule included an enumerated eligible use to address educational disparities in disproportionately impacted communities, recognizing that underserved students have been more severely impacted by the pandemic and including responsive services for early learning, enhance funding to high-poverty districts, and providing evidence-based services to address the academic, social, emotional, and mental health needs of students. Some commenters expressed concerns that learning loss or the negative impacts of lost instructional time due to school closures or remote education during the pandemic had affected a significant share of students in grades kindergarten through twelve (K–12), including students who may not fall within a disproportionally impacted group.

Background: The COVID–19 pandemic resulted in the widespread closure of schools across the nation. While many schools and districts reopened to in-person instruction or implemented remote learning, the shift was not immediate or without consequence. Children who received virtual only or combined remote and in-person instruction were more likely to report experiencing negative mental- and physical health outcomes than children who received in-person instruction.[150]

Treasury Response: Under the final rule, addressing the impact of lost instructional time and/or learning loss is an enumerated eligible use for impacted households. When providing services to address lost instructional time, recipients may presume that any K–12 student who lost access to in-person instruction for a significant period of time has been impacted by the pandemic and is thus eligible for responsive services.

Interventions or services that address the impact of lost instructional time may include offering high-quality tutoring and other extended learning opportunities, providing differentiated instruction, implementing activities to meet the comprehensive needs of students, expanding and improving language access for parents and families, providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment, improving student engagement in distance education, and administering and using high-quality assessments to assess students' academic progress, among others. In designing services under this eligible use, recipients may wish to reference guidance from the Department of Education on strategies for addressing lost instructional time.[151]

The final rule also maintains a separate enumerated eligible use for addressing educational disparities in disproportionately impacted communities. This eligible use includes services to address disparities in educational outcomes that predate the pandemic and amplified its impact on underserved students; these include, for example, enhanced funding to high-poverty districts and providing evidence-based services to address the academic, social, emotional, and mental health needs of students.

Finally, as described in the section Public Health, recipients can provide a broad range of behavioral health services, including services for children and youth in schools, to respond to the impacts of the pandemic on mental health and other behavioral health issues. When providing behavioral health services, recipients may presume that the general public was impacted by the pandemic and provide behavioral health services to members of the general public, including children and youth in schools, without any further analysis of impacts of the pandemic on those individuals and whether the service is responsive.

10. Promoting long-term housing security: affordable housing and homelessness. Under the interim final rule, recipients may use SLFRF funds to provide a set of housing services to communities that have been disproportionately impacted by the pandemic. Specifically, the interim final rule provided that programs or services that address housing insecurity, lack of affordable housing, or homelessness, were responsive to the negative economic impacts of the pandemic when provided to disproportionately impacted households and communities. The enumerated uses included supportive housing or other programs or services to improve access to stable, affordable housing among individuals who are homeless and development of affordable housing to increase supply of affordable and high-quality living units. Many recipients have already announced plans to use SLFRF funds for affordable housing interventions in all of these categories. Treasury received many comments asking for additional clarity or flexibility in these uses.

As detailed below, based on multiple public comments and questions and Treasury's subsequent analysis, Treasury has determined that supportive housing or other programs or services to improve access to stable, affordable housing among individuals who are homeless, and the development of affordable housing to increase supply of affordable and high-quality living units are responsive to the needs of impacted populations, not only disproportionately impacted populations. This final rule reflects this clarification and builds on the objectives stated in the interim final rule to improve access to stable, affordable housing, including through interventions that increase the supply of affordable and high-quality living units, improve housing security, and support durable and sustainable homeownership.

Finally, note that "emergency housing assistance," or assistance for responses to the immediate negative economic impacts of the pandemic through services like financial assistance for rental arrears or mortgage payments, is also an eligible use category for assistance to households under the final rule; see the eligible use for "emergency housing assistance" above. The provision of housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity remains an eligible use under assistance to disproportionately impacted households; for discussion, see the eligible use for "housing vouchers and assistance relocating" below.

Background: Affordable Housing: It is clear that the ongoing pandemic and resulting economic crisis are having a profound, long-term negative effect on the pre-existing affordable housing crisis facing low-income households.[152]

[150] Verlenden JV, Pampati S, Rasberry CN, et al. Association of Children's Mode of School Instruction with Child and Parent Experiences and Well-Being During the COVID–19 Pandemic—COVID Experiences Survey, United States, October 8–November 13, 2020. MMWR Morb Mortal Wkly Rep 2021;70:369–376. DOI: *http://dx.doi.org/10.15585/mmwr.mm7011a1external* icon.

[151] U.S. Department of Education, Strategies for Using American Rescue Plan Funding to Address the Impact of Lost Instructional Time, August 2021. Retrieved from *https://www2.ed.gov/documents/coronavirus/lost-instructional-time.pdf.*

[152] Consumer Financial Protection Bureau, Housing insecurity and the COVID–19 pandemic

Continued

The combination of a large number of higher-income households who have weathered the pandemic without significant income losses, low interest rates, and housing supply constraints exacerbated by the pandemic, have driven a sharp increase in the sale price of homes.[153] Meanwhile, many low-income renters and homeowners are struggling with lost employment and income and are behind on their housing payments.[154]

Public Comment: Affordable Housing Outside of Low-Income Geographies: A major theme in comments was that affordable housing interventions, especially development of affordable housing, should be allowed outside of QCTs, as concentrating the supply of affordable housing in low-income geographies can have the effect of increasing both concentrated poverty and racial and economic segregation, while locking lower-income households in need of housing support out of high-opportunity neighborhoods with access to employment and amenities.

Treasury Response: Affordable Housing Outside Low-Income Geographies: As previously stated, affordable housing is not confined to low-income geographies under the interim final rule. As discussed elsewhere, the interim final rule presumed that QCTs, as well as communities served by Tribal governments, were disproportionately impacted for administrative convenience, but recipients may identify other populations, households, or geographic areas with disparate impacts of COVID–19 and provide affordable housing services to them. For example, under the interim final rule, a city could determine that its low-income residents faced disproportionate impacts of COVID–19 and develop affordable housing targeted to these households. Such a scenario could include, for example, affordable projects in higher-income neighborhoods that would allow residents to live closer to jobs and well-resourced schools.

Additionally, as noted above, Treasury is finalizing the rule with some changes to the treatment of affordable housing development designed to clarify that permanent supportive housing or other programs or services to improve access to stable, affordable housing among individuals who are homeless, and the development of affordable housing to increase supply of affordable and high-quality living units, are responsive to individuals and households that were impacted by the pandemic in addition to those that were disproportionately impacted. This shift is in line with commenters' recommendations and consistent with the facts described above, which demonstrate that lack of supply of affordable housing units contributed to the pandemic's impact on housing insecurity and unsustainable housing cost burdens and that these impacts were experienced broadly across the country.

Public Comment: Eligible Activities: Many commenters asked for clarity on what types of activities (*e.g.,* land acquisition, construction, pre-construction costs, operating costs, etc.) are eligible uses of SLFRF, and what affordability criteria must be applied to affordable housing development. Commenters encouraged Treasury to allow the full array of affordable housing activities, including particular requests for broad flexibility for Tribal communities, and to specify that "development" should include construction, preservation, rehabilitation, and operation. Other commenters requested clarification about permissible program administration approaches for affordable housing, such as contracting methods and distribution of funds.

Some commenters asked that Treasury require SLFRF funds to be focused on the lowest-income households, who suffer the most severe rent burdens and risks of housing instability, and whose housing situation has left them particularly vulnerable to COVID–19. For example, one commenter argued that SLFRF funds should only be used to support affordable housing for households making 50 percent of AMI or less and that recipients should be required to set aside significant portions of any developments for renters making 30 percent of AMI or less and persons with physical and sensory disabilities. Other commenters requested a more flexible approach to affordable housing definitions.

Treasury Response: Eligible Activities: The final rule clarifies eligibility of affordable housing development for recipients; these uses were eligible under the interim final rule, but Treasury is providing further guidance to enhance clarity and respond to recipient and commenter questions.

As with all interventions to address the negative economic impacts of the pandemic, affordable housing projects must be responsive and proportional to the harm identified. This test may be met by affordable housing development projects—which may involve large expenditures and capital investments—if the developments increase the supply of long-term affordable housing for low-income households. While there may be less costly (or non-capital) alternatives to affordable housing development, a comprehensive response to the widespread housing challenges underscored by the pandemic will require the production of additional affordable homes, and targeted affordable housing development is a cost-effective and proportional response to this need.

For purposes of this test, Treasury will presume that any projects that would be eligible for funding under either the National Housing Trust Fund (HTF) or the Home Investment Partnerships Program (HOME) are eligible uses of SLFRF funds. Note that these programs use different income limits than the definition of low- and moderate-income adopted by Treasury. Given the severity of the affordable housing shortage, and the ways in which the pandemic has exacerbated the need for affordable, high-quality dwelling units, Treasury has determined that the households served by these federal housing programs have been impacted by the pandemic and its negative economic impacts and that development of affordable housing consistent with these programs is a related and reasonably proportional response to those impacts. Additionally, affordable housing projects provided by a Tribal government are eligible uses of SLFRF if they would be eligible for funding under the Indian Housing Block Grant program, the Indian Community Development Block Grant program, or the Bureau of Indian Affairs Housing Improvement Program. Alignment with these programs, which define "affordable housing" in a manner consistent with a proportionate response to the affordable housing challenges faced by low- and moderate-income households as a result of the negative economic impacts of the pandemic, is intended to give recipients comfort and clarity as they design a

(March 2020), *https://files.consumerfinance.gov/f/documents/cfpb_Housing_insecurity_and_the_COVID-19_pandemic.pdf.*

[153] Joint Center For Housing Studies Of Harvard University, The State of the Nation's Housing (June 2021), *https://www.jchs.harvard.edu/sites/default/files/reports/files/Harvard_JCHS_State_Nations_Housing_2021.pdf.*

[154] Davin Reed and Eileen Divringi, Household Rental Debt During COVID–19: Update for 2021, Federal Reserve Bank of Philadelphia (2020), available at: *https://www.philadelphiafed.org/community-development/housing-and-neighborhoods/household-rental-debt-during-covid-19-update-for-2021.* Further, some research suggests that liquidity may be a more important predictor of default than other factors, including income or equity. *See* Trading Equity for Liquidity (June 2019), available at *https://www.jpmorganchase.com/content/dam/jpmc/jpmorgan-chase-and-co/institute/pdf/institute-trading-equity-for-liquidity.pdf.*

wide variety of affordable housing interventions, including production, rehabilitation, and preservation of affordable rental housing and, in some cases, affordable homeownership units. These programs allow the financing of a wide range of affordable housing activities and set clear eligibility criteria that many recipients are already familiar with.

Finally, to further support sustainable and durable homeownership, recipients may consider offering down payment assistance, such as through contributions to a homeowner's equity at origination or that establish a post-closing, mortgage reserve account on behalf of the borrower that may be utilized to make a missed or partial mortgage payment at any point during the life of the loan (*e.g.*, if the borrower faces financial stress). Homeownership assistance that would be eligible under the Community Development Block Grant (at 24 CFR 507.201(n)) is also an eligible use of SLFRF funds.

Public Comment: Permanent Supportive Housing: Treasury has received comments encouraging the use of SLFRF funds for permanent supportive housing. This is an eligible use under the interim final rule: Both the development of affordable housing (including operating subsidies) and wraparound services such as behavioral health services, employment services, and other supportive services, are eligible responses to the public health crisis or its negative economic impacts.

Treasury Response: The final rule maintains the eligibility of permanent supportive housing as an enumerated use. Treasury is also clarifying that other affordable housing developments targeted to specialized populations are also eligible, for example recovery housing for individuals in recovery from substance use.

Public Comment: Operating Expenses: Commenters specifically asked that Treasury allow the use of SLFRF funds for operating expenses of affordable housing units, as operating subsidies are typically required to reach extremely low-income households, whose affordable rents may be lower than the ongoing cost of operating their unit.

Treasury Response: Operating expenses for eligible affordable housing were an eligible use of funds under the interim final rule and the final rule maintains this treatment. This may include capitalized operating reserves.

Rehabilitation and repair of public housing will also be considered an eligible use of SLFRF funds.

Public Comment: Affordable Housing Loans and Revolving Loan Funds: Some commenters requested that loans with maturities beyond the period of performance or revolving loan funds that revolve beyond the period of performance be eligible uses of SLFRF funds if used for affordable housing. Some commenters pointed out that for-profit developers of low-income housing through the Low-Income Housing Tax Credit (LIHTC) may be deterred from accepting grants to bridge funding gaps in current LIHTC deals by the treatment of grants to for-profit entities in the calculation of eligible basis for the LIHTC.

Treasury Response: The final rule does not change the treatment of loans from the interim final rule. For more details see section Treatment of Loans in Program Administration Provisions. Similarly, the final rule does not change the treatment of grants to support affordable housing development, including developments supported by the LIHTC: such grants are an eligible use of funds.

Additional enumerated eligible uses for assistance to impacted households. As noted above, the interim final rule posed a question on what other types of services or costs Treasury should consider as eligible uses to respond to the negative economic impacts of COVID–19. In response, commenters proposed a wide variety of additional recommended enumerated eligible uses to assist households, ranging from general categories of services (*e.g.*, legal and social services) to services that respond to needs widely experienced across the country (*e.g.*, access to and affordability of health insurance) to services that are most applicable to the particularized needs of certain populations or geographic areas of the United States (*e.g.*, senior citizens, SNAP recipients, immigrants, formerly-incarcerated individuals, responding to environmental issues in certain geographic regions). Other commenters generally requested a high degree of flexibility to respond to the particular needs of their communities.

Treasury Response: Given the large number and diversity of SLFRF recipients, Treasury's approach to assistance to households in the final rule aims to clarify additional enumerated eligible uses that respond to negative economic impacts of the pandemic experienced widely in many jurisdictions across the country, making it clear and simple for recipients to pursue these enumerated eligible uses under the final rule. In the final rule, Treasury is clarifying several additional uses, which generally respond to pandemic impacts experienced broadly across jurisdictions and populations, are eligible under the interim final rule as assistance to households and continue to be so under the final rule, as outlined below.

11. Paid sick, medical, or family leave.

Public Comment: Some commenters argued that the pandemic increased the need for paid sick or medical leave, as staying home when ill is recommended by the CDC to prevent spread of the virus but lack of access to paid sick leave often prevents workers from staying home. Other commenters recommended paid family leave as an eligible use, arguing that shortages in access to childcare or home health assistance, as well as school closures, may increase the need for family members to serve as caretakers.

Background: The COVID–19 pandemic highlighted the importance of paid leave as well as the number of workers who do not have access to paid sick and/or family leave. When workers have access to paid leave, they are less likely to report to work sick, and therefore less likely to spread illnesses in the workplace: One study demonstrates that the emergency sick leave provision of the Families First Coronavirus Response Act (FFCRA) reduced the spread of COVID–19.[155]

The lack of paid leave exacerbates financial hardships experienced as a result of the public health emergency. A 2018 survey by the Department of Labor found that two-thirds of employees that took unpaid or partial-paid leave experienced financial hardship.[156] Furthermore, because the Family and Medical Leave Act (FMLA) excludes small employers, part-time workers, and workers who have been with their employer for less than a year, 44 percent of workers do not have access to even unpaid leave.[157] Workers of color and workers with lower incomes are less likely to have access to paid leave.[158] [159]

[155] Stefan Pichler, Katherine Wen, and Nicolas R. Ziebarth, COVID–19 Emergency Sick Leave Has Helped Flatten The Curve In The United States: Study examines the impact of emergency sick leave on the spread of COVID–19, Health Affairs 39, no. 12 (2020): 2197–2204, *https://www.healthaffairs.org/doi/10.1377/hlthaff.2020.00863.*

[156] Scott Brown et al., Employee and Worksite Perspectives of the Family and Medical Leave Act: Results from the 2018 Surveys, Abt Associates (July 2020), *https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHD_FMLA2018Survey Results_FinalReport_Aug2020.pdf.*

[157] *Id.*

[158] Ann P. Bartel et al., Racial and ethnic disparities in access to and use of paid family and medical leave: evidence from four nationally representative datasets, U.S. Bureau of Labor Statistics (BLS) (January 2019), *https://www.bls.gov/opub/mlr/2019/article/racial-and-ethnic-disparities-in-access-to-ond-use-of-paid-family-andmedical-leave.htm.*

Continued

For workers that are also caregivers for children, seniors, or other family members, there may be a similar need for—and benefits of—paid family leave. For example, some workers may have struggled during the pandemic to balance caring for children, as schools and daycares closed, and working. For new parents, paid parental leave results in fewer infant hospitalizations, lowering parental stress, increasing parental involvement, and improving the overall health of parent and child.[160] COVID–19 has also increased the levels of "caregiving intensity" [161] and "caregiving burden" [162] for those providing care to seniors or older family members.[163] [164] When surveyed, more than half of caregivers reported that COVID–19 increased both the amount of caregiving responsibilities they had as well as the negative physical and mental impacts their caregiving responsibilities had on themselves.[165]

Treasury Response: Treasury agrees that these constitute impacts of the pandemic, and accordingly, under the final rule, creating, expanding, or financially supporting paid sick, medical, or family leave programs is an enumerated eligible use of funds to respond to the negative economic impacts of the pandemic.

12. Health insurance.

Public Comment: Several commenters recommended that uses of funds to expand access to health insurance be enumerated eligible uses; commenters believed that the heightened risk of illness or hospitalization due to COVID–19 had increased the negative economic impacts of lacking health insurance.

Background: In 2019, prior to the pandemic, it was estimated that 11 percent of nonelderly adults lacked health insurance.[166] By mid-2020, job loss had resulted in an estimated 3.3 million people losing their employer sponsored insurance, resulting in an additional 2 million uninsured adults.[167] Participation in Medicaid, the Children's Health Insurance Program (CHIP), and the Affordable Care Act (ACA) marketplace played an important role in minimizing the number of people who completely lost health insurance during the early phases of the pandemic; Medicaid and CHIP enrollment increased by 9 percent from February to September 2020 [168] and 8.3 million people enrolled in insurance through the ACA marketplace.[169]

Although the ACA, CHIP, and Medicaid have significantly reduced the number of uninsured Americans through the pandemic and the economic downturn, adequate coverage and affordability still remains an issue for many. In 2020, 21 percent of working-age adults were inadequately insured, meaning even if they had insurance, they incurred a significant amount of out-of-pocket costs.[170] Additionally, 37 percent of adults reported struggling with medical bills or medical debt and 71 percent of adults who did not purchase insurance cited affordability as the main factor.[171]

Treasury Response: Treasury agrees that loss of health insurance, increased financial risk from lacking health insurance, or excessive out-of-pocket healthcare costs constitute negative economic impacts of the pandemic. Under the final rule, programs or services to expand access to health insurance coverage are an enumerated eligible use as assistance to households, for example, subsidies for health insurance premiums or expansion of a recipient's health insurance plan to cover additional employees who currently lack coverage.

13. Services for the unbanked and underbanked.

Public Comment: One commenter expressed support for the inclusion of services to increase banking access as an allowable expense under SLFRF. The commenter recommended that states be encouraged to offer opportunities for consumers to open safe and affordable accounts capable of receiving direct payments. The commenter emphasized that allowing unbanked and underbanked households to receive funds securely through no-fee, direct deposit will help connect or reconnect consumers to the mainstream financial system.

Background: Banking inequities can make it difficult for unbanked or underbanked households to access housing, jobs, and other important economic opportunities. Being unbanked or underbanked can also make it challenging for households to apply for and receive financial assistance, including services like pandemic emergency housing assistance.

Safe, affordable, and accessible financial services play a critical role in assisting households in the United States in managing income volatility and cash flow shortages.[172] Currently, over 5 percent of families, or 7 million households are "unbanked," meaning they do not have a bank account.[173] Low-income households, non-white households, and households with individuals with disabilities were even more likely to be unbanked. In 2019, 16 percent of Native American households, 14 percent of Black households, and 12 percent of Hispanic households were unbanked, compared to 2.5 percent of white households. Additionally,

[159] U.S. Bureau of Labor Statistics, Employee Benefits in the United States (March 2019), *https://www.bls.gov/ncs/ebs/benefits/2019/ownership/civilian/table31a.pdf.*

[160] Maya Rossin-Slater et al., Local exposure to school shootings and youth antidepressant use, Proceedings of the National Academy of Sciences, vol 117(38), pages 23484–23489 (2020), *https://www.pnas.org/content/117/38/23484;* Ariel Marek Pihl and Gaetano Basso, Did California Paid Family Leave Impact Infant Health?, Journal of Policy Analysis and Management, *https://onlinelibrary.wiley.com/doi/abs/10.1002/pam.2210.*

[161] J.C. Jacobs, A. Laporte, C.H. Van Houtven, P.C. Coyte, Caregiving intensity and retirement status in Canada. Social Science & Medicine, 102, 74–82 (2014), *https://www.sciencedirect.com/science/article/abs/pii/S0277953613006631.*

[162] E. Lightfoot, R.P. Moone, Caregiving in times of uncertainty: Helping adult children of aging parents find support during the COVID–19 outbreak, Journal of Gerontological Social Work, 63(6–7), 542–552 (2020), *https://www.tandfonline.com/doi/abs/10.1080/01634372.2020.1769793.*

[163] Note: "Caregiving intensity" is defined as the amount and type of care provided by informal caregivers; "Caregiving burden" is defined as the impacts on physical and mental health, and health-related quality of life of informal caregivers.

[164] SA Cohen, ZJ Kunicki, MM Drohan, ML Greaney, Exploring Changes in Caregiver Burden and Caregiving Intensity due to COVID–19, Gerontology and Geriatric Medicine (January 2021), doi:10.1177/2333721421999279.

[165] *Id.*

[166] Jennifer Tolbert et al., Key Facts about the Uninsured Population, Kaiser Family Foundation (November 6, 2020), *https://www.kff.org/uninsured/issue-brief/key-facts-about-the-uninsured-population/.*

[167] Joshua Aarons et. al., As the COVID–19 Recession Extended into the Summer of 2020, More Than 3 Million Adults Lost Employer-Sponsored Health Insurance Coverage and 2 Million Became Uninsured, Urban Institute (September 18, 2020), *https://www.urban.org/research/publication/covid-19-recession-extended-summer-2020-more-3-million-adults-lost-employer-sponsored-health-insurance-coverage-and-2-million-became-uninsured.*

[168] Centers for Medicare and Medicaid Services, Medicaid and CHIP Enrollment Trends Snapshot through September 2020 (Washington: 2021), available at *https://www.medicaid.gov/sites/default/files/2021-01/september-medicaid-chip-enrollment-trend-snapshot.pdf.*

[169] Centers for Medicare and Medicaid Services, 2021 Federal Health Insurance Exchange Weekly Enrollment Snapshot: Final Snapshot (January 12, 2021) available at *https://www.cms.gov/newsroom/fact-sheets/2021-federal-health-insurance-exchange-weekly-enrollment-snapshot-final-snapshot.*

[170] Sara R. Collins, Munira Z. Gunja, and Gabriella N. Aboulafia, U.S. Health Insurance Coverage in 2020: A Looming Crisis in Affordability (New York: Commonwealth Fund, 2020), available at *https://www.commonwealthfund.org/publications/issue-briefs/2020/aug/looming-crisis-health-coverage-2020-biennial.*

[171] *Id.*

[172] Federal Deposit Insurance Corporation, FDIC National Survey of Unbanked and Underbanked Households (2015), *https://www.fdic.gov/householdsurvey/2015/2015execsumm.pdf.*

[173] Federal Deposit Insurance Corporation, How America Banks: Household Use of Banking and Financial Services 2019 FDIC Survey, *https://www.fdic.gov/analysis/household-survey/2019report.pdf.*

underbanked households—those that have a bank account but rely on alternative financial services, such as money orders, payday loans, and check cashing services— account for 16 percent of all households in the United States.[174] As a result of the COVID–19 pandemic, new social distancing protocols have, in some instances, made it more difficult to perform financial transactions with paper instruments, like banknotes, coinage, paper checks, or money orders. Households constrained to these payment methods may face challenges receiving government assistance. Additionally, businesses have transitioned to cashless payments systems to promote contactless payments.[175] As a result, unbanked individuals may face additional challenges conducting financial transactions.

Treasury Response: Recognizing these challenges, Treasury is clarifying that recipients may use SLFRF funds to provide financial services that facilitate the delivery of federal, state, or local benefits (*e.g.*, Child Tax Credit, Earned Income Tax Credit, tax refunds, or emergency housing or food assistance funds). The following includes a non-exhaustive list of uses to provide financial services to unbanked and underbanked households:

- Provide low or no cost financial services, including in conjunction with administration of benefits, such as pre-paid debit cards, *e.g.*, via Economic Impact Payment or General Purpose Reloadable pre-paid cards or for the development of public banking infrastructure that can support benefit delivery.
- Provide transitional services to facilitate long-term access to banking and financial services.
- Provide financial literacy programs and conduct community outreach and deploy engagement resources to increase awareness about low-cost, no-overdraft fee accounts, pilot new strategies and approaches that help overcome barriers to banking access and support the gathering and sharing of information in ways that improve equity, such as community meetings, partnerships with community-based organizations, online surveys, focus groups, human-centered design activities, and other community engagement activities.

Assistance to Unemployed and Underemployed Workers

The interim final rule included assistance to unemployed workers as an enumerated eligible use, including "services like job training to accelerate rehiring of unemployed workers." Treasury provided further guidance, based on recipient questions after the interim final rule, that eligible uses under this section also include "other efforts to accelerate rehiring and thus reduce unemployment, such as childcare assistance, assistance with transportation to and from a jobsite or interview, and incentives for newly employed workers[,]" as well as assistance to unemployed workers seeking to start small businesses. Finally, further guidance also provided that "public jobs programs, subsidized employment, combined education and on-the-job training programs, or job training to accelerate rehiring or address negative economic or public health impacts experienced due to a worker's occupation or level of training" are all enumerated eligible uses as assistance to unemployed or underemployed workers.

The interim final rule defined eligible beneficiaries of assistance as "individuals who want and are available for work, including those who have looked for work sometime in the past 12 months or who are employed part time but who want and are available for full-time work." This definition is based on definitions used by the Bureau of Labor Statistics to define individuals currently unemployed, as well as persons marginally attached to the labor force and working part-time for economic reasons.[176] The latter two classifications are types of labor underutilization, or "underemployed" workers.[177] Finally, the interim final rule specified that assistance to unemployed workers included both workers who lost their job during the pandemic and resulting recession and workers unemployed when the pandemic began who saw further deterioration of their economic prospects due to the pandemic.

Public Comment: Commenters generally supported the inclusion of this enumerated eligible use. One commenter recommended including assistance for underemployed workers who took jobs due to the pandemic that did not fully utilize their skillset or did not provide the hours, wages, or job quality desired. Treasury has also received recipient questions on whether job fairs or grants to businesses to hire underserved workers are eligible uses under this category. Another commenter recommended flexibility in eligible workforce development programs, arguing that rural areas may face particular challenges.

Treasury Response: Treasury is maintaining this eligible use in the final rule, including the enumerated eligible services in the interim final rule and subsequent guidance. Treasury is also confirming that job fairs or grants to businesses to hire underserved workers are eligible uses under this section.

Treasury is also enumerating that job and workforce training centers are eligible capital expenditures, so long as they adhere to the standards and presumptions detailed in the section Capital Expenditures in General Provisions: Other.

The final rule maintains the definition of eligible beneficiaries, which is aligned with the Bureau of Labor Statistics' definitions of unemployed workers and other labor underutilization, using a common, widely known definition that incorporates a broad group of individuals both unemployed or whose skills are otherwise underutilized in the labor market.

In addition, recognizing that the pandemic has generated broad workforce disruption, in the final rule, Treasury is making clear that recipients may provide job training or other enumerated types of assistance to individuals that are currently employed but are seeking to move to a job that provides better opportunities for economic advancement, such as higher wages or more opportunities for career advancement.

Recipient Unemployment Insurance Trust Funds and Related Expenses

Under the interim final rule, a recipient may use funds to make deposits into its account of the Unemployment Trust Fund established under section 904 of the Social Security Act (42 U.S.C. 1104) up to the level needed to restore the pre-pandemic balance of such account as of January 27, 2020 or to pay back advances received under Title XII of the Social Security Act (42 U.S.C. 1321) for the payment of benefits between January 27, 2020 and May 17, 2021. These costs support the solvency of the unemployment insurance system and, ultimately, unemployment insurance benefits provided to unemployed

[174] Board of the Governors of the Federal Reserve System, Report on the Economic Well-Being of U.S. Households in 2018–May 2019, *https://www.federalreserve.gov/publications/2019-economic-well-being-of-us-households-in-2018-banking-and-credit.htm.*

[175] Zaheer Allam, The Forceful Reevaluation of Cash-Based Transactions by COVID–19 and Its Opportunities to Transition to Cashless Systems in Digital Urban Networks. Surveying the Covid-19 Pandemic and its Implications (2020): 107–117. doi:10.1016/B978–0–12–824313–8.00008–5.

[176] Bureau of Labor Statistics, Labor Force Statistics from the Current Population Survey: Concepts and Definitions, *https://www.bls.gov/cps/definitions.htm* (last visited November 9, 2021).

[177] *Id.*

workers during the pandemic.[178] The interim final rule also posed the question of what, if any, conditions should be considered to ensure that funds used under this eligible use category repair economic impacts of the pandemic and strengthen unemployment insurance systems.

Public Comment: Inclusion as an Eligible Use and Conditions: Commenters expressed mixed perspectives on this eligible use category. Some commenters supported its inclusion, arguing that unemployment insurance systems have faced significant costs to support unemployed workers during the pandemic and that this constitutes a negative economic impact that SLFRF funds should be able to address. Other commenters opposed this eligible use category, arguing that funds used under this category may not ultimately support unemployed workers. Some commenters noted that unemployment insurance taxes on businesses automatically increase when trust fund balances are low and suggested that permitting the deposit of funds into unemployment insurance trust funds prevents a tax increase on businesses, some of which may not have faced negative economic impacts from the pandemic, rather than providing assistance to unemployed workers. Other comments suggested that deposits are better thought of as savings for future needs than assistance to unemployed workers in the near term.

Responding to the interim final rule's question, several commenters suggested that, if Treasury maintains this eligible use, the final rule should require detailed reporting on funds used under this category or place conditions on this category to increase the likelihood that funds ultimately support unemployed workers. For example, some commenters suggested that recipients that deposit SLFRF funds into their trust fund should be barred from cutting unemployment insurance benefits for workers during the period of performance or from erecting new barriers to accessing benefits (*e.g.*, through the application process and ongoing requirements to receive benefits). One commenter, noting that unemployment insurance benefits often provide low rates of wage replacement and do not cover some types of unemployed workers, argued that recipients should not be permitted to deposit funds into the trust fund unless the recipient concurrently expands benefits. Finally, one commenter suggested a cap on the amount of funds that can be used for this purpose.

Treasury Response: Inclusion as an Eligible Use and Conditions: In the final rule, Treasury is maintaining the inclusion of this eligible use category. Because unemployment insurance trust funds directly fund benefits to unemployed workers, maintaining the solvency of the trust fund is critical to the continued provision of assistance to unemployed workers. Further, funds deposited into the trust fund must be used as assistance to unemployed workers, an eligible use of SLFRF funds. Finally, while, in the absence of the SLFRF, trust fund deposits would likely be funded through increases on employer payroll taxes, the eligibility of uses of SLFRF funds does not depend on how obligations would otherwise be satisfied if the SLFRF were not available for this use.

While deposits to unemployment insurance trust funds generally serve as assistance to unemployed workers, recipients that make deposits but also cut unemployment insurance benefits to workers substantially decrease the likelihood that the deposited funds will assist unemployed workers. In other words, SLFRF funds deposited into an unemployment insurance trust fund generally serve as assistance to unemployed workers, unless recipients take policy actions that substantially decrease the extent to which SLFRF funds would flow to unemployed workers. As such, through December 31, 2024, recipients that deposit SLFRF funds into an unemployment insurance trust fund or use SLFRF funds to repay principal on Title XII advances, may not take action to reduce benefits available to unemployed workers by changing the computation method governing regular unemployment compensation in a way that results in a reduction of average weekly benefit amounts or the number of weeks of benefits payable (*i.e.*, the maximum benefit entitlement).

Finally, until the final rule becomes effective on April 1, 2022, the interim final rule remains binding and effective.[179] These requirements were not in effect under the interim final rule and do not apply to funds used (*i.e.*, obligated or expended) under the interim final rule while it is in effect. In addition, recognizing that some recipients have taken significant steps toward making a trust fund deposit or repaying principal on Title XII advances under the interim final rule, such as the legislative appropriation of funds for this purpose, even if a formal obligation has not occurred, Treasury will exercise enforcement discretion to not pursue violations of this final rule provision (*i.e.*, the requirement not to reduce benefits) for recipients that have appropriated funds for this purpose prior to the date of adoption of the final rule consistent with the laws and procedures in their jurisdiction. Recipients should refer to Treasury's Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule, which provides additional detail on these issues.

Public Comment and Treasury Response: Technical Corrections and Amendments: Following the interim final rule, Treasury received recipient questions on whether paying interest on advances received under Title XII of the Social Security Act (42 U.S.C. 1321) is an eligible use of SLFRF funds; Treasury is clarifying that such use is permissible, consistent with Treasury's treatment of the eligibility of interest on Title XII advances under the Coronavirus Relief Fund.

Treasury is further clarifying that recipients may only use SLFRF funds for contributions to unemployment insurance trust funds and repayment of the principal amount due on advances received under Title XII of the Social Security Act up to an amount equal to (i) the difference between the balance in the recipient's unemployment insurance trust fund as of January 27, 2020 and the balance of such account as of May 17, 2021, plus (ii) the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021. Further, recipients may use SLFRF funds for the payment of any interest due on such Title XII advances. In other words, excluding interest due on Title XII advances, the magnitude of the decrease of the balance in the unemployment insurance trust fund plus the principal outstanding on any Title XII borrowings made from the beginning of the public health emergency to the date of publication of the SLFRF interim final rule sets a cap on the amount of SLFRF funds a recipient may use for trust fund contributions and repayment of principal on Title XII advances. Further, a recipient that deposits SLFRF funds into its unemployment insurance trust fund to fully restore the pre-pandemic balance may not draw down that

[178] Note that, while the economic harm being addressed accrued before March 3, 2021, the cost incurred to address the harm occurs after March 3, 2021 and provides assistance to unemployed workers, an eligible use of SLFRF funds.

[179] *See, e.g.*, U.S. Department of the Treasury, More Information on the Conclusion of the Public Comment Period and the Interim Final Rule on the Coronavirus State and Local Fiscal Recovery Funds, *https://home.treasury.gov/system/files/136/IFR-Explainer.pdf.*

balance and deposit more SLFRF funds, back up to the pre-pandemic balance.

Enumerated Eligible Uses for Disproportionately Impacted Households

Background

The COVID–19 pandemic has had disproportionally negative impacts on many households and communities that were already experiencing inequality related to race, gender, age, or income before the pandemic. People of color, low-income workers, and women disproportionately lost their jobs during the COVID–19 pandemic and experienced disproportionate rates of negative health outcomes.[180] [181]

These disproportionate negative impacts experienced by systemically underserved communities are not novel to the COVID–19 pandemic and the economic downturn. Research shows that historically underserved communities that are experiencing economic and social disparities typically experience disproportionate impacts of economic downturns and natural disasters.[182] This pattern held true for the effects of COVID–19 and the economic downturn: Historically undeserved groups experienced amplified negative impacts, further widening inequality.[183]

Many communities facing systemic barriers had not yet recovered from the impact of the Great Recession before experiencing the impacts of COVID–19 and the economic downturn. For example, in 2009, at the end of the Great Recession, households without a high school diploma had an average annual income of $32,300 (measured in 2018 dollars). By 2018, nine years into the economic recovery, those same households saw their average income increase by $600. During that same time period, households with a bachelor's degree saw an increase in their average household income of $6,100 (measured in 2018 dollars).[184]

The impact pre-existing inequalities have on a household or community's ability to recover is intersectional. Research shows that pre-existing racial and gender disparities exacerbated the disproportionate economic and health impact COVID–19 and the economic downturn had on workers of color, and specifically, women of color.[185] Another study found that during the first six months of the pandemic counties that were both high-poverty and majority non-white experienced COVID–19 infection rates eight times higher than high-poverty, majority white counties.[186] Many residents in these communities are still coping with the negative health and economic impacts.

Summary of the Interim Final Rule and Final Rule Structure

As described previously, the interim final rule provided a broader list of enumerated eligible uses to respond to the pandemic in disproportionately impacted communities, in recognition that pre-existing health, economic, and social disparities contributed to disproportionate pandemic impacts in certain communities and that addressing the root causes of those disparities constitutes responding to the public health and negative economic impacts of the pandemic. The interim final rule described eligible uses in disproportionately impacted communities in four categories, spread across public health and negative economic impacts: (1) Addressing disparities in public health outcomes, (2) building stronger communities through investments in housing and neighborhoods, (3) addressing educational disparities, and (4) promoting healthy childhood environments. As described above, Treasury has moved eligible uses related to community violence intervention, assistance accessing or applying to public benefits and services, affordable housing development, healthy childhood environments, and addressing lost instructional time in K–12 schools into the category "assistance to impacted households," recognizing that these pandemic impacts were widely shared across the country.

This section discusses enumerated eligible uses to address health disparities, to build stronger communities through investments in neighborhoods, to address educational disparities, to provide rental assistance vouchers or assistance relocating to areas of greater economic opportunity, and additional eligible uses to respond to negative economic impacts in disproportionately impacted communities. While many of these services impact both health and economic outcomes, Treasury has consolidated them into a single section for simplicity and clarity and to reflect the intertwined nature of these issues.

As a reminder, recipients can presume these uses are eligible when provided in a QCT, to families and individuals living in QCTs, by Tribal or territorial governments, or to low-income households or communities. As provided in section Standards: Designating Other Disproportionately Impacted Classes, recipients can also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic. Recipients may also identify additional disproportionate impacts of the pandemic and design an appropriate response to address that harm. For details on eligibility standards and presumed eligible populations, see section General Provisions: Structure and Standards.

Enumerated Eligible Uses for Disproportionately Impacted Households

1. Addressing health disparities.

Public Comment: General: In general, commenters supported eligible uses to address health disparities and support health equity; several commenters highlighted the disparities faced by communities of color and low-income populations, as well as the importance of community engagement in developing effective programs to serve disproportionately impacted communities. Many commenters recommended additional enumerated eligible uses to address health disparities; these are discussed further below in this section.

Treasury Response: In line with commenters' recommendations, the final rule maintains several enumerated eligible uses to address health disparities, specifically:

a. Community health workers. Treasury received few comments on community health workers, though one

[180] U.S. Department of Health and Human Services, COVID–19 and Economic Opportunity: Inequities in the Employment Crisis, April 2021. Retrieved from *https://aspe.hhs.gov/sites/default/files/migrated_legacy_files//199901/covid-economic-equity-brief.pdf.*

[181] Adelle Simmons et al., Health disparities by race and ethnicity during the COVID–19 pandemic: Current evidence and policy approaches. U.S. Department of Health and Human Services *https://aspe.hhs.gov/sites/default/files/migrated_legacy_files//199516/covid-equity-issue-brief.pdf.*

[182] Perry, Brea L., Brian Aronson, and Bernice A. Pescosolido, Pandemic precarity: COVID–19 is exposing and exacerbating inequalities in the American heartland, National Academy of Sciences (Febuary 2021), *https://www.pnas.org/content/118/8/e2020685118.*

[183] *Id.*

[184] Jesse Bennet & Rakesh Kochhar, Two Recessions, Two Recoveries, Pew Research Center (December 13, 2019), *https://www.pewresearch.org/social-trends/2019/12/13/two-recessions-two-recoveries-2/.*

[185] Darrick Hamilton et al., Building an Equitable Recovery: The role of Race, Labor Markets, and Education, The New School's Institute on Race and Political Economy (February 2021).

[186] Adhikari S, Pantaleo NP, Feldman JM, Ogedegbe O, Thorpe L, Troxel AB. Assessment of Community-Level Disparities in Coronavirus Disease 2019 (COVID–19) Infections and Deaths in Large US Metropolitan Areas. JAMA Netw Open. 2020;3(7):e2016938. doi:10.1001/jamanetworkopen.2020.16938.

requested further clarification on their role.[187] Treasury is maintaining this eligible use in the final rule.

b. Remediation of lead paint or other lead hazards. The interim final rule included remediation of lead paint or other lead hazards as an enumerated eligible use to address health disparities.

Public Comment: Treasury received several comments asking for clarification on the eligibility of a particular use that would indirectly address lead pollution. For example, a commenter requested the ability to fund remedial actions, such as filtration and plumbing procedures to help address lead pollution. One commenter requested that private wells be eligible for funding to address contamination with substances such as lead. Other commenters requested that Treasury allow replacement of lead pipes as an eligible use of funds.

Treasury Response: Recipients may make a broad range of water infrastructure investments under section 602(c)(1)(d) and 603(c)(1)(d), which can include lead service line replacement and other activities to identify and remediate lead in water. These uses are discussed in greater detail in section Water and Sewer Infrastructure of this Supplemental Information.

Treasury has further determined that several of the services identified by commenters are appropriate responses to address health disparities in disproportionately impacted households. These services were eligible under the interim final rule and continue to be so under the final rule. These services include remediation to address lead-based public health risk factors, outside of lead in water, including evaluation and remediation of lead paint, dust, or soil hazards; testing for blood lead levels; public outreach and education; and emergency protection measures, like bottled water and water filters, in areas with an action level exceedance for lead in water in accordance with the Environmental Protection Agency's Lead and Copper Rule.[188]

Further, Treasury had determined that certain capital expenditures, including improvements to existing facilities to remediate lead contaminants (*e.g.*, removal of lead paint), are eligible responses, although this does not include construction of new facilities for the purpose of lead remediation. Recipients should make sure that all capital expenditures adhere to the standards and presumptions detailed in section Capital Expenditures in General Provisions: Other.

c. Medical facilities. Treasury received a few comments from recipients seeking to use SLFRF funds to build new medical facilities, such as hospitals or public health clinics, to serve disproportionately impacted communities. Given the central role of access to high-quality medical care in reducing health disparities and addressing the root causes that led to disproportionate impact COVID–19 health impacts in certain communities, the final rule recognizes that medical equipment and facilities designed to address disparities in public health outcomes are eligible capital expenditures. This includes primary care clinics, hospitals, or integrations of health services into other settings. Recipients should make sure that all capital expenditures adhere to the standards and presumptions detailed in section Capital Expenditures in General Provisions: Other.

2. Housing vouchers and assistance relocating. In addition to other housing services, the interim final rule permitted a variety of rental assistance approaches to support low-income households in securing stable, long-term housing, including housing vouchers, residential counseling, or housing navigation assistance to facilitate household moves to neighborhoods with high levels of economic opportunity and mobility for low-income residents. Examples could include SLFRF-funded analogues to Section 8 Housing Choice vouchers; other kinds of rent subsidies, including shallow subsidies; and programs to help residents move to areas with higher levels of economic mobility.[189] Treasury did not receive public comments on these enumerated eligible uses.

Treasury Response: Treasury maintains the eligibility of vouchers and relocation assistance in the final rule.

3. Building strong, healthy communities through investments in neighborhoods. While the interim final rule included a category of enumerated eligible uses for "building stronger communities through investments in housing and neighborhoods," the examples of services provided generally focused on housing uses. In response to questions following release of the interim final rule, Treasury issued further guidance clarifying that "investments in parks, public plazas, and other public outdoor recreation spaces may be responsive to the needs of disproportionately impacted communities by promoting healthier living environments."

Public Comment: General: A significant theme across many public comments was the importance of neighborhood environment to health and economic outcomes and the potential connections between residence in an underserved neighborhood and disproportionate impacts from the pandemic. Many commenters highlighted the connection between neighborhoods and health outcomes, including citing public health research linking neighborhood traits to health outcomes. For example, the CDC states that "neighborhoods people live in have a major impact on their health and well-being."[190] As such, CDC identifies "neighborhoods and built environment" as one of five key social determinants of health[191] and includes "creat[ing] neighborhoods and environments that promote health and safety" as one of the agency's goals for social determinants of health outcomes.

a. Neighborhood features that promote improved health and safety outcomes.

Public Comment: Commenters argued that neighborhoods impact physical health outcomes in several ways. First, some commenters reasoned that the physical environment and amenities in a community[192] influence a person's level of physical activity, with features like parks, recreation facilities, and safe sidewalks promoting increased physical activity that improves health outcomes. Conversely, commenters argued that a lack of these features in a neighborhood could dampen physical activity and contribute to health conditions like obesity that are risk factors for more severe COVID–19 health outcomes.

Second, some commenters also suggested that access to healthy food in a neighborhood impacts health outcomes. These commenters reasoned

[187] *See, e.g.*, Centers for Disease Control and Prevention, Community Health Worker (CHW) Toolkit, *https://www.cdc.gov/dhdsp/pubs/toolkits/chw-toolkit.htm* (last visited November 9, 2021).

[188] Environmental Protection Agency, 40 CFR 141.80(c)(1), *https://www.ecfr.gov/current/title-40/chapter-I/subchapter-D/part-141/subpart-I/section-141.80.*

[189] *See, e.g.*, Opportunity Insights, Creating Moves To Opportunity (August 2019), *https://opportunityinsights.org/policy/cmto/.*

[190] U.S. Department of Health and Human Services, Neighborhood and Built Environment, *https://health.gov/healthypeople/objectives-and-data/browse-objectives/neighborhood-and-built-environment#cit1* (last visited November 9, 2021).

[191] Social determinants of health are "the conditions in the places where people live, learn, work, and play that affect a wide range of health risks and outcomes." Centers for Disease Control and Prevention, About Social Determinants of Health (SDOH), *https://www.cdc.gov/social determinants/about.html* (last visited November 9, 2021).

[192] In public health, this is referred to as "built environment," or the man-made physical aspects of a community (*e.g.*, homes, buildings, streets, open spaces, and infrastructure).

that lacking adequate access to affordable, healthy food or living in a "food desert" may contribute to disparities in diet that influence health outcomes, including contributing to pre-existing conditions that increased risk for severe COVID–19 outcomes. These commenters cited public health research finding "clear evidence for disparities in food access in the United States by income and race." [193]

Some commenters also suggested that neighborhood environment is connected to other public health outcomes, like mental health and public safety. For example, some research suggests that living in neighborhoods with green space and tree cover correlates with improved mental health outcomes.[194] Finally, some commenters argued that activities like installing streetlights, greening or cleanup of public spaces or land, and other efforts to revitalize public spaces would support improved public safety.[195] [196]

These commenters recommended that Treasury include as an enumerated eligible use in disproportionately impacted communities projects to develop neighborhood features that promote improved health and safety outcomes, such as parks, green spaces, recreational facilities, sidewalks, pedestrian safety features like crosswalks, projects that increase access to healthy foods, streetlights, neighborhood cleanup, and other projects to revitalize public spaces.

Background: Investments in neighborhood features, including parks, recreation facilities, sidewalks, and healthy food access, can work to improve physical and mental health outcomes. Allowing people access to nature, including parks, has been connected to decreased levels of mortality and illness and increased well-being.[197] Urban park use during the COVID–19 pandemic may have declined among lower-income individuals.[198] Encouraging physical activity can also play a role in health outcomes, as a sedentary lifestyle is a risk factor for chronic diseases and more severe COVID–19 outcomes.[199] Parks, recreation facilities, and sidewalks can promote healthier living environments by allowing for safe and socially distanced recreation during the COVID–19 pandemic.

Additionally, food insecurity rates, which are higher among lower-income households and households of color, doubled among all households and tripled among households with children during the onset of COVID–19 from February 2020 to May 2020.[200] Improving healthy food access supports public health, particularly among lower-income households and households of color that face disproportionate outcomes.

Treasury Response: Treasury recognizes the connection between neighborhood built environment and physical health outcomes as discussed in the research and analysis provided by commenters, including risk factors that may have contributed to disproportionate COVID–19 health impacts in low-income communities. The final rule also recognizes that the public health impacts of the pandemic are broader than just the COVID–19 disease itself and include substantial impacts on mental health and public safety challenges like rates of violent crime, which are correlated with a neighborhood's built environment and features. As such, neighborhood features that promote improved health and safety outcomes respond to the pre-existing disparities that contributed to COVID–19's disproportionate impacts on low-income communities.

The final rule includes enumerated eligible uses in disproportionately impacted communities for developing neighborhood features that promote improved health and safety outcomes, such as parks, green spaces, recreational facilities, sidewalks, pedestrian safety features like crosswalks,[201] projects that increase access to healthy foods, streetlights, neighborhood cleanup, and other projects to revitalize public spaces. Recipients seeking to use funds for capital expenditures should refer to the section Capital Expenditures in General Provisions: Other, which describes additional eligibility standards that apply to uses of funds for capital expenditures.

b. Vacant or abandoned properties. As discussed above, the interim final rule included enumerated eligible uses for building stronger communities through investments in housing and neighborhoods in disproportionately impacted communities. The interim final rule also posed a question of whether other potential uses in this category, specifically "rehabilitation of blighted properties or demolition of abandoned or vacant properties," address the public health or economic impacts of the pandemic.

Public Comment: Several commenters argued that programs or services to address vacant or abandoned property would respond to the public health and negative economic impacts of the pandemic in disproportionately impacted communities. Some commenters cited research suggesting that living near such property is correlated with worse physical health and mental health outcomes, noted that such properties pose an environmental hazard, or argued that such properties present a barrier to economic recovery. These commenters suggested that renovation or demolition of vacant or abandoned property could benefit community health and raise property values. Other commenters recommended that Treasury include an enumerated eligible use for the operation of land banks that redevelop or renew vacant properties and land.

Treasury Response: As noted throughout the final rule, the pandemic underscored the importance of safe, affordable housing and healthy

[193] J Beaulac, E Kristjansson, S Cummins, A systematic review of food deserts, 1966–2007, Prev Chronic Dis 2009;6(3):A105, *http://www.cdc.gov/pcd/issues/2009/jul/08_0163.htm.*

[194] *See, e.g.,* Yijun Zhang et al. The Association between Green Space and Adolescents' Mental Well-Being: A Systematic Review. International journal of environmental research and public health vol. 17,18 6640 (Sep. 11 2020), doi:10.3390/ijerph17186640; EC South, BC Hohl, MC Kondo, JM MacDonald, CC Branas, Effect of Greening Vacant Land on Mental Health of Community-Dwelling Adults: A Cluster Randomized Trial, JAMA Netw Open. 2018;1(3):e180298 (2018), available at: doi:10.1001/jamanetworkopen.2018.0298.

[195] *See, e.g.,* Yanqing Xu, Cong Fu, Eugene Kennedy, Shanhe Jiang, Samuel Owusu-Agyemang, The impact of street lights on spatial-temporal patterns of crime in Detroit, Michigan, Cities, Volume 79, Pages 45–52, ISSN 0264–2751 (2018), *https://doi.org/10.1016/j.cities.2018.02.021.*

[196] A. Chalfin, B. Hansen, J. Lerner et al., Reducing Crime Through Environmental Design: Evidence from a Randomized Experiment of Street Lighting in New York City, Journal of Quantitative Criminology (2021), *https://doi.org/10.1007/s10940-020-09490-6.*

[197] *See, e.g.,* American Public Health Association, Improving Health and Wellness through Access to Nature (November 5, 2013), *https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2014/07/08/09/18/improving-health-and-wellness-through-access-to-nature.*

[198] LR Larson et al., Urban Park Use During the COVID–19 Pandemic: Are Socially Vulnerable Communities Disproportionately Impacted?, Front. Sustain. Cities 3:710243 (2021), *https://doi.org/10.3389/frsc.2021.710243.*

[199] JP Després, Severe COVID–19 outcomes—the role of physical activity. Nat Rev Endocrinol 17, 451–452 (2021). *https://doi.org/10.1038/s41574-021-00521-1.*

[200] Caroline George and Adie Tomer, Beyond 'food deserts': America needs a new approach to mapping food, Brookings Institution (August 17, 2021), *https://www.brookings.edu/research/beyond-food-deserts-america-needs-a-new-approach-to-mapping-food-insecurity/.*

[201] However, Treasury cautions recipients that general infrastructure development, including street or road construction, remains a generally ineligible use of funds under the final rule. Sidewalks and pedestrian safety should be the predominant component of uses of funds in this category. While projects may include ancillary construction needed to execute the predominant component, a project that predominantly involves street construction or repair to benefit vehicular traffic would be ineligible.

neighborhood environments to public health and economic outcomes. Treasury agrees with commenters that high rates of vacant or abandoned properties in a neighborhood may exacerbate public health disparities, for example through environmental contaminants that contribute to poor health outcomes or by contributing to higher rates of crime. As such, certain services for vacant or abandoned properties are eligible to address the public health and negative economic impacts of the pandemic on disproportionately impacted households or communities. Eligible activities include:

- Rehabilitation, renovation, maintenance, or costs to secure vacant or abandoned properties to reduce their negative impact
- Costs associated with acquiring and securing legal title of vacant or abandoned properties and other costs to position the property for current or future productive use
- Removal and remediation of environmental contaminants or hazards from vacant or abandoned properties, when conducted in compliance with applicable environmental laws or regulations
- Demolition or deconstruction of vacant or abandoned buildings (including residential, commercial, or industrial buildings) paired with greening or other lot improvement as part of a strategy for neighborhood revitalization
- Greening or cleanup of vacant lots, as well as other efforts to make vacant lots safer for the surrounding community
- Conversion of vacant or abandoned properties to affordable housing
- Inspection fees and other administrative costs incurred to ensure compliance with applicable environmental laws and regulations for demolition, greening, or other remediation activities

Vacant or abandoned properties are generally those that have been unoccupied for an extended period of time or have no active owner.[202] Such properties may be in significant disrepair (*e.g.*, major structural defects; lack of weather tight conditions; or lack of useable plumbing, kitchen facilities, electricity, or heating infrastructure (not to include utilities currently out of service or disconnected but able to be reconnected and used)), or may be declared unfit for inhabitants by a government authority.

As noted above, demolition and greening (or other structure or lot remediation) of vacant or abandoned properties, including residential, commercial, or industrial buildings, is an eligible use of funds. Treasury encourages recipients to undertake these activities as part of a strategy for neighborhood revitalization and to consider how the cleared property will be used to benefit the disproportionately impacted community. Activities under this eligible use should benefit current residents and businesses, who experienced the pandemic's impact on the community.

Treasury encourages recipients to be aware of potential impacts of demolition of vacant or abandoned residential properties. Demolition activities that exacerbate the pandemic's impact on housing insecurity or lack of affordable housing are not eligible uses of funds. This risk is generally more acute in jurisdictions with low or reasonable vacancy rates and less acute in jurisdictions with high or hyper-vacancy.[203]

Treasury presumes that demolition of vacant or abandoned residential properties that results in a net reduction in occupiable housing units for low- and moderate-income individuals in an area where the availability of such housing is lower than the need for such housing would exacerbate the impacts of the pandemic on disproportionately impacted communities and that use of SLFRF funds for such activities would therefore be ineligible. This includes activities that convert occupiable housing units for low- and moderate-income individuals into housing units unaffordable to current residents in the community. Recipients may assess whether units are "occupiable" and what the housing need is for a given area taking into account vacancy rates (as described above), local housing market conditions (including conditions for different types of housing like multi-family or single-family), and applicable law and housing codes as to what units are occupiable. Recipients should also take all reasonable steps to minimize the displacement of persons due to activities under this eligible use category, especially the displacement of low-income households or longtime residents.

Recipients engaging in these activities and other construction activities with SLFRF funds should be mindful of the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. 4601, and the Department of Transportation's implementing regulations, 49 CFR part 24, that apply to projects funded with federal financial assistance, such as SLFRF funds. Recipients should also be aware of federal, state, and local laws and regulations, outside of SLFRF program requirements, that apply to this activity. Recipients must comply with the applicable requirements of the Uniform Guidance regarding procurement, contracting, and conflicts of interest and must follow the applicable laws and regulations in their jurisdictions. Recipients must also comply with all federal, state, and local public health and environmental laws or regulations that apply to activities under this eligible use category,[204] for example, requirements around the

[202] A state or locality may use its existing classifications of what is considered vacant or abandoned property under state law and local ordinances, as well as any corresponding processes for demolition, for these eligible uses. A recipient without a definition of vacant or abandoned property may refer to definitions used in the Department of Housing and Urban Development's Neighborhood Stabilization Program (available at the citations below); however, recipients should be aware that other federal, state, or local requirements may apply such as compliance with the Uniform Relocation Act (*see* U.S. Department of Housing and Urban Development, Real Estate Acquisition and Relocation Overview in HUD Programs, *https://www.hudexchange.info/programs/relocation/overview/#overview-of-the-ura* (last visited November 9, 2021) and other state and local requirements like condemnation and code enforcement. U.S. Department of Housing and Urban Development, What is the definition of vacant properties as referenced in NSP Eligible Use E—Redevelop Demolished or Vacant Properties? (October 2012), *https://www.hudexchange.info/faqs/programs/neighborhood-stabilization-program-nsp/redevelopment/what-is-the-definition-of-vacant-properties-as-referenced-in-nsp-eligible/*. U.S. Department of Housing and Urban Development, What are the definitions of abandoned and foreclosed? (October 2012), *https://www.hudexchange.info/faqs/programs/neighborhood-stabilization-program-nsp/program-requirements/eligible-activitiesuses/what-are-the-definitions-of-abandoned-and-foreclosed/*.

[203] For analysis of vacancy rates considered low or high, see, *e.g.*, page 12 of Alan Mallach, The Empty House Next Door, Lincoln Institute (May 2018), *https://www.lincolninst.edu/publications/policy-focus-reports/empty-house-next-door#:~:text=%E2%80%9CAlan%20Mallach%20is%20the%20sage,through%20data%20and%20model%20* practices. Recipients may determine the appropriate geographic unit for which to analyze vacancy rates (*e.g.*, county, census tract) based on their circumstances. As needed, recipients may refer to the Current Population Survey/Housing Vacancy Survey data series on Housing Vacancies and Homeownership as one data source to assess vacancy rates. See *https://www.census.gov/housing/hvs/index.html*. Other data sources include the American Community Survey five-year estimates, for smaller geographic areas, or tabulations by the Department of Housing and Urban Development based on United States Postal Service Vacancy Data. See, respectively, *https://data.census.gov/cedsci/table?q=DP04&tid=ACSDP5Y2019.DP04&hidePreview=true* or *https://www.huduser.gov/portal/datasets/usps.html*.

[204] *See* U.S. Environmental Protection Agency, Large-Scale Residential Demolition, *https://www.epa.gov/large-scale-residential-demolition* (last visited November 9, 2021) for a primer on requirements that may apply.

handling and disposal of asbestos-containing materials, lead paint, and other harmful materials may apply, as well as environmental standards for any backfill materials used at demolition sites. Treasury encourages recipients to consult and apply best practices from the Environmental Protection Agency as well.

Recipients must evaluate each subrecipient's risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward related to safely and properly conducting activities under this eligible use. This may include checking for any past violations recorded by state or local environmental, workplace safety, licensing, and procurement agencies, as well as regular reviews for suspensions, debarments, or stop work orders. Recipients must establish rigorous oversight and internal controls processes to monitor compliance with any applicable requirements, including compliance by subrecipients.

4. Addressing educational disparities. The interim final rule included an enumerated eligible use for addressing educational disparities in disproportionately impacted communities and outlined some enumerated eligible services under this use. These enumerated uses included early learning services, assistance to high-poverty school districts to advance equitable funding across districts and geographies, and educational and evidence-based services to address the academic, social, emotional, and mental health needs of students. Addressing the many dimensions of resource equity—including equitable and adequate school funding; access to a well-rounded education; well-prepared, effective, and diverse educators and staff; and integrated support services—can also begin to mitigate the impact of COVID–19 on schools and students and can close long-standing gaps in educational opportunity. As discussed above, in the final rule, early learning services and addressing the impacts of lost instructional time for K–12 students are enumerated eligible uses for impacted communities, not just disproportionately impacted communities.

Public Comment: Treasury received some comments in this category. Generally, commenters expressed agreement with the elements of the interim final rule regarding use of funds for addressing educational disparities. Some commenters had questions about whether a few specific uses of funds qualified under this category. For example, commenters inquired about whether the funds could be used for behavioral health in a school setting or cultural language classes.

Treasury Response: Treasury is maintaining these enumerated eligible uses in the final rule, which are now organized under the heading of "services to address educational disparities." Treasury reiterates that these uses include addressing educational disparities exacerbated by COVID–19, including but not limited to: increasing resources for high-poverty school districts, educational services like tutoring or afterschool programs, summer education and enrichment programs, and supports for students' social, emotional, and mental health needs. This also includes responses aimed at addressing the many dimensions of resource equity—including equitable and adequate school funding; access to a well-rounded education; well-prepared, effective, and diverse educators and staff; and integrated support services—in order to close long-standing gaps in educational opportunity.

Further, Treasury is clarifying that improvements or new construction of schools and other educational facilities or equipment are eligible capital expenditures for disproportionately impacted communities. Recipients seeking to use funds for capital expenditures should refer to the section Capital Expenditures in General Provisions: Other for additional eligibility standards that apply to uses of funds for capital expenditures.

Treasury notes that services to promote healthy childhood environments, including childcare, early learning services, and home visiting programs that serve infants and toddlers, is a separate category of enumerated eligible uses for households impacted by the pandemic (see eligible uses for "promoting healthy childhood environments"). Similarly, education services to address the impact of lost instructional time during the pandemic are a separate eligible use category for households impacted by the pandemic; when providing these services, recipients may presume that any K–12 student who lost access to in-person instruction for a significant period of time has been impacted by the pandemic and is thus eligible for responsive services (see eligible uses for "addressing the impact of lost instructional time").

Proposed Additional Enumerated Eligible Uses Not Incorporated

The interim final rule posed a question on what other types of services or costs Treasury should consider as eligible uses to respond to the disproportionate public health or negative economic impacts of COVID–19 on low-income populations and communities.

In response, commenters proposed a wide variety of additional recommended enumerated eligible uses to assist disproportionately impacted households, ranging from general categories of services (*e.g.*, long-term investments to remediate long-term disparities) to highly specific examples of services (*e.g.*, a specific type of healthcare equipment). As discussed above, Treasury is including several additional categories of enumerated eligible uses in the final rule in response to public comments.

Given the large number and diversity of SLFRF recipients, Treasury's approach to assistance to households in disproportionately impacted communities in the final rule aims to provide enumerated eligible uses that respond to disproportionate impacts of the pandemic experienced widely in many jurisdictions across the country and are intended to simplify and clarify these enumerated eligible uses. At the same time, Treasury recognizes that the impacts of the pandemic vary over time, by jurisdiction, and by population; as such, the final rule provides flexibility for recipients to identify additional disproportionate impacts to additional households or classes of households and pursue programs and services that respond to those disproportionate impacts.

In the final rule, Treasury has not chosen to include as enumerated uses all uses proposed by commenters; given the significant range, and in some cases highly specific nature, of the proposed uses Treasury was not able to assess that the proposed uses would respond to disproportionate impacts experienced in many jurisdictions across the country, supporting an enumerated eligible use available to all recipients presumptively. However, the final rule continues to provide a framework to allow recipients to identify and respond to additional disproportionate impacts (for details, see section General Provisions: Structure and Standards). Some types of proposed additional enumerated eligible uses for assistance to households in disproportionately impacted communities were recommended by several commenters:

- Capital expenditures. Many commenters recommended that capital expenditures on many different types of public and private facilities be enumerated eligible uses. For clarity, Treasury has addressed all comments on the eligibility of capital expenditures on property, facilities, or equipment in one

section (see section Capital Expenditures in General Provisions: Other).

• Equity funds. Several commenters recommended that Treasury permit SLFRF funds to be deposited into an equity fund to support long-term racial and economic equity investments. The eligibility of such use would depend on the specific structure and uses of funds. Under the statute, SLFRF funds can only support costs incurred until December 31, 2024; see section Timeline for Use of SLFRF Funds in Program Administration Provisions. Further, recipients may calculate the cost incurred with respect to investments in revolving loan funds based on the methodology described in section Treatment of Loans in Program Administration Provisions. Projects funded by a revolving loan fund using SLFRF funds would also need to be eligible uses of SLFRF funds.

• Environmental quality and climate resilience. Several commenters recommended eligible uses to enhance environmental quality, remediate pollution, promote recycling or composting, or increase energy efficiency or electrical grid resilience. Whether these projects respond to the disproportionate impacts of the pandemic on certain communities would depend on the specific issue they address and its nexus to the public health and economic impacts of the pandemic.

b. Assistance to Small Businesses

Background

The pandemic has severely impacted many businesses, with small businesses hit especially hard. Small businesses make up nearly half of U.S. private-sector employment [205] and play a key role in supporting the overall economic recovery as they are responsible for two-thirds of net new jobs.[206] Since the beginning of the pandemic, however, 400,000 small businesses have closed, with many more at risk.[207] Sectors with a large share of small business employment have been among those with the most drastic drops in employment.[208] The negative outlook for small businesses has continued: As of November 2021, approximately 66 percent of small businesses reported that the pandemic has had a moderate or large negative effect on their business, and over a third expect that it will take over 6 months for their business to return to their normal level of operations.[209]

This negative outlook is likely the result of many small businesses having faced periods of closure and having seen declining revenues as customers stayed home.[210] In general, small businesses can face greater hurdles in accessing credit,[211] and many small businesses were already financially fragile at the outset of the pandemic.[212]

While businesses everywhere faced significant challenges during the pandemic, minority-owned and very small businesses have faced additional obstacles. Between February and April 2020, the number of actively self-employed Black business owners decreased by 41 percent.[213] During that same time period, Asian and Latino business owners decreased by 26 and 32 percent, respectively, compared to a 17 percent decrease in white business owners.[214] Female business owners also saw significant impacts, with businesses owned by women falling by 25 percent.[215]

Many of the disparities in how minority business owners experienced the pandemic are rooted in systemic issues present even before the pandemic. For example, before the economic downturn, only 12 percent of Black-owned businesses and 19 percent of Hispanic-owned businesses had annual earnings of over $1 million compared to 31 percent of white-owned businesses.[216] Minority-owned businesses were also overrepresented in industries hit hardest by the economic downturn (*e.g.*, services, transportation and warehousing, healthcare and social assistance, administrative and support and waste management, and accommodation and food services).[217] Approximately 22 percent of all minority-owned business fell into the hardest hit industries compared to 13 percent of nonminority-owned businesses.[218]

Although disparities in annual revenue are not a direct indication of a business's ability to weather an economic downturn, they do highlight other disparities that make it more challenging for these businesses to survive the effects of the pandemic. Black-owned startups, for example, face larger challenges in raising capital, including securing business loans.[219]

Summary of the Interim Final Rule and Final Rule Structure

Summary of Interim Final Rule: As discussed above, small businesses faced significant challenges in covering payroll, mortgages or rent, and other operating costs as a result of the public health emergency and measures taken to contain the spread of the virus. Under Sections 602(c)(1)(A) and 603(c)(1)(A), recipients may "respond to the public health emergency or its negative economic impacts," by, among other things, providing "assistance to . . . small businesses." Accordingly, the interim final rule allowed recipients to provide assistance to small businesses to address the negative economic impacts faced by those businesses. A

[205] Board of Governors of the Federal Reserve System, Monetary Policy Report (June 12, 2020), *https://www.federalreserve.gov/monetarypolicy/2020-06-mpr-summary.htm.*

[206] U.S. Small Business Administration, Office of Advocacy, Small Businesses Generate 44 Percent of U.S. Economic Activity (Jan. 30, 2019), *https://advocacy.sba.gov/2019/01/30/small-businesses-generate-44-percent-of-u-s-economic-activity/.*

[207] Joseph R. Biden, Remarks by President Biden on Helping Small Businesses (Feb. 22, 2021), *https://www.whitehouse.gov/briefing-room/speechesremarks/2021/02/22/remarks-by-president-bidenon-helping-small-businesses/.*

[208] Daniel Wilmoth, U.S. Small Business Administration Office of Advocacy, The Effects of the COVID–19 Pandemic on Small Businesses, Issue Brief No. 16 (Mar. 2021), *available at https://cdn.advocacy.sba.gov/wp-content/uploads/2021/03/02112318/COVID-19-Impact-On-Small-Business.pdf.*

[209] U.S. Census Bureau, Small Business Pulse Survey, *https://portal.census.gov/pulse/data/* (last visited December 7, 2021).

[210] Olivia S. Kim et al., Revenue Collapses and the Consumption of Small Business Owners in the Early Stages of the COVID–19 Pandemic (Nov. 2020), *https://www.nber.org/papers/w28151.*

[211] *See, e.g.*, Board of Governors of the Federal Reserve System, Report to Congress on the Availability of Credit to Small Businesses (Sept. 2017), *available at https://www.federalreserve.gov/publications/2017-september-availability-of-credit-to-small-businesses.htm.*

[212] Alexander W. Bartik et al., The Impact of COVID–19 on small business outcomes and expectations, PNAS 117(30): 17656–66 (July 28, 2020), *available at https://www.pnas.org/content/117/30/17656.*

[213] Robert Fairlie, The impact of COVID–19 on small business owners: Evidence from the first 3 months after widespread social-distancing restrictions, Journal of economics & management strategy (August 27, 2020), *https://doi.org/10.1111/jems.12400.*

[214] U.S. Small Business Administration, The Effects of the COVID–19 Pandemic on Small Businesses (March 2021), *https://cdn.advocacy.sba.gov/wp-content/uploads/2021/03/02112318/COVID-19-Impact-On-Small-Business.pdf.*

[215] Robert Fairlie, *supra* note 213.

[216] Federal Reserve Bank of Atlanta. 2019. Small Business Credit Survey 2019 Report on Minority-Owned Firms. December. *fedsmallbusiness.org/survey/2019/report-on-minority-owned-firms.*

[217] Ding, Lei, and Alvaro Sanchez. 2020. What Small Businesses Will Be Impacted by COVID–19? Federal Reserve Bank of Philadelphia. *philadelphiafed.org/covid-19/covid-19-equity-in-recovery/what-small-businesses-will-be-impacted.*

[218] Lucas Misera, An Uphill Battle: COVID–19's Outsized Toll on Minority-Owned Firms, Federal Reserve Bank of Cleveland (October 8, 2020), *https://www.clevelandfed.org/newsroom-and-events/publications/community-development-briefs/db-20201008-misera-report.aspx.*

[219] Robert Fairlie, A. Robb, D. Robinson, Black and White: Access to Capital among Minority-Owned Startups, NBER Working Paper 28154 (November 2020), *https://www.nber.org/papers/w28154.*

"small business" is defined as a business concern or other organization that:

(1) Has no more than 500 employees or, if applicable, the size standard in number of employees established by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates; and

(2) Is a small business concern as defined in section 3 of the Small Business Act (15 U.S.C. 632).

Specifically, the interim final rule provided that recipients may provide assistance to small businesses to adopt safer operating procedures, weather periods of closure, or mitigate financial hardship resulting from the COVID–19 public health emergency, including:

- Loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure;
- Loans, grants, or in-kind assistance to implement COVID–19 prevention or mitigation tactics; and
- Technical assistance, counseling, or other services to assist with business planning needs.

The interim final rule further provided that recipients may consider additional criteria to target assistance to businesses in need, including small businesses. Such criteria may include businesses facing financial insecurity, substantial declines in gross receipts (*e.g.*, comparable to measures used to assess eligibility for the Paycheck Protection Program), or other economic harm due to the pandemic, as well as businesses with less capacity to weather financial hardship, such as the smallest businesses, those with less access to credit, or those serving underserved communities. The interim final rule also indicated that recipients should consider local economic conditions and business data when establishing such criteria. Finally, the interim final rule posed a question on whether there are other services or costs that Treasury should consider as eligible uses to respond to the disproportionate impacts of COVID–19 on low-income populations and communities.

Final Rule Structure: Consistent with the interim final rule approach, the final rule provides a non-exhaustive list of enumerated eligible uses for assistance to small businesses that are impacted or disproportionately impacted by the pandemic. Further, within Assistance to Small Business, a recipient may also identify a negative economic impact experienced by small businesses and design and implement a response to that negative economic impact, beyond the uses specifically enumerated in the final rule, according to the standard described in the section Standards: Identifying a Negative Economic Impact. A recipient may also identify small businesses that have been disproportionately impacted by the public health emergency and design and implement a program that responds to the source of that disproportionate impact.

Consistent with other eligible use categories to respond to the public health and economic impacts of the pandemic, recipients may identify and serve small businesses that experienced a negative economic impact or disproportionate impact due to the pandemic, as described in the section Standards for Identifying Other Eligible Populations. For example, to identify impacted small businesses, a recipient may consider whether the small businesses faced challenges in covering payroll, mortgage or rent, or other operating costs as a result of the public health emergency and measures taken to contain the spread of the virus. In order to ease administrative burden, the final rule presumes that small businesses operating in QCTs, small businesses operated by Tribal governments or on Tribal Lands, and small businesses operating in the U.S. territories were disproportionately impacted by the pandemic.

Reorganizations and Cross-References: As detailed above, Treasury has re-categorized some uses of funds in the final rule to provide greater clarity. For discussion of assistance to small businesses and impacted industries to implement COVID–19 mitigation and prevention strategies, see section COVID–19 Mitigation and Prevention in Public Health.

Small Businesses Eligible for Assistance

Public Comment: Treasury received many comments about the general benefits or drawbacks of use of SLFRF funds to provide assistance to small businesses. Some commenters suggested that SLFRF funds should be available to assist all small businesses, rather than only businesses that experienced direct negative economic impacts due to the public health emergency. Other commenters argued that aid to small businesses should be narrowed in the final rule, asserting that SLFRF funds should instead focus on assistance to households or building public sector capacity.

Treasury also received comments requesting clarification of the types of small businesses eligible for assistance. For example, some commenters requested clarification about whether microbusinesses were included in the definition of small business. Comments also suggested that self-employed individuals and Tribal enterprises be classified as small businesses, respectively. Commenters argued that these types of small businesses are more common among low-income and minority businessowners and serve as important institutions in underserved communities.

Finally, some commenters suggested that Treasury permit broader enumerated eligible uses to assist small businesses in disproportionately impacted communities and generally strengthen economic growth in these communities. These commenters recommended that Treasury presume small businesses operating in QCTs are disproportionately impacted and eligible for broader enumerated uses.

Treasury Response: As discussed in the section Designating a Negative Economic Impact, in the final rule, recipients must identify an economic harm caused or exacerbated by the pandemic on a small business or class of small businesses to provide services that respond.

As discussed above, programs or services in this category must respond to a harm experienced by a small business or class of small businesses as a result of the public health emergency. To identify impacted small businesses and necessary response measures, recipients may consider impacts such as lost revenue or increased costs, challenges covering payroll, rent or mortgage, or other operating costs, the capacity of a small business to weather financial hardships, and general financial insecurity resulting from the public health emergency.

Recognizing the difficulties faced by small businesses in certain communities, the final rule presumes that small businesses operating in QCTs, small businesses operated by Tribal governments or on Tribal Lands, and small businesses operating in the U.S. territories were disproportionately impacted by the pandemic. This presumption parallels the final rule's approach to assistance to households, reflecting the more severe pandemic impacts in underserved communities and creating a parallel structure across different categories of eligible uses to make the structure simpler for recipients to understand and navigate.

Treasury notes that recipients may also designate a class of small businesses that experienced a negative economic impact or disproportionate negative economic impact (*e.g.*, microbusinesses, small businesses in certain economic sectors), design an intervention to fit the impact, and

document that the individual entity is a member of the class. Additional information about this framework is included in the section General Provisions: Structure and Standards.

Further, Treasury is maintaining the interim final rule definition of "small business," which used the Small Business Administration's (SBA) definition of fewer than 500 employees, or per the standard for that industry, as defined by SBA. This definition includes businesses with very few employees, self-employed individuals, and Tribally owned businesses.[220] Finally, Treasury notes that recipients may award SLFRF funds to many different types of organizations, including small businesses, to function as a subrecipient in carrying out eligible uses of funds on behalf of a recipient government. In this case, a small business need not have experienced a negative economic impact in order to serve as a subrecipient. See section Distinguishing Subrecipients versus Beneficiaries for more detailed discussion of interactions with subrecipients, in contrast to beneficiaries of assistance.

Enumerated Eligible Uses for Assistance to Small Businesses

Public Comment: Treasury received comments requesting clarification of the types of assistance available to small businesses. For example, one commenter suggested that outdoor dining be an eligible use for SLFRF funds as assistance to small businesses. Other commenters asked for clarification about how SLFRF funds could be used to support new businesses and start-ups.

Several commenters requested clarification of whether and how recipients may provide services to business districts or downtown areas, particularly those that exist in whole or in part within a QCT, and requested reduced documentation of the specific negative economic impact for the businesses operating within those areas. These commenters argued in favor of allowing redevelopment or other support, including capital investments, in business districts that were negatively impacted by COVID–19. Several commenters also argued that funds should be available to support and grow microbusinesses, or businesses with five or fewer employees, which are more likely to be owned by women and people of color.

Treasury Response: In the final rule, Treasury is maintaining and clarifying the enumerated eligible uses of funds for assistance to small businesses that are impacted or disproportionately impacted by the pandemic.

Impacted small businesses. Specifically, Treasury is maintaining enumerated eligible uses from the interim final rule for assistance to impacted small businesses. These include but are not limited to:

- Loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs;
- Loans, grants, or in-kind assistance to implement COVID–19 prevention or mitigation tactics (see section Public Health for details on these eligible uses); and
- Technical assistance, counseling, or other services to assist with business planning needs.

Treasury acknowledges a range of potential circumstances in which assisting small businesses could be responsive to the negative economic impacts of COVID–19, including for small businesses startups and microbusinesses and individuals seeking to start small or microbusinesses. For example:

- As noted above, a recipient could assist small business startups or microbusinesses with additional costs associated with COVID–19 mitigation tactics; see section Public Health for details on these eligible uses.
- A recipient could identify and respond to a negative economic impact of COVID–19 on new small business startups or microbusinesses; for example, if small business startups or microbusinesses in a locality faced greater difficulty accessing credit than prior to the pandemic or faced increased costs to starting the business due to the pandemic or if particular small businesses or microbusinesses had lost expected startup capital due to the pandemic.
- The interim final rule also discussed, and the final rule maintains, eligible uses that provide support for individuals who have experienced a negative economic impact from the COVID–19 public health emergency, including uses that provide job training for unemployed individuals. These initiatives also may support small business start-ups, microbusinesses, and individuals seeking to start small or microbusinesses.

Disproportionately impacted small businesses. Additionally, Treasury agrees with commenters that disproportionately impacted small businesses may benefit from additional assistance to address the sources of that disparate impact.

As such, the final rule provides a broader set of enumerated eligible uses for disproportionately impacted small businesses and/or small businesses in disproportionately impacted business districts. Recipients may use SLFRF funds to assist these businesses with certain capital investments, such as rehabilitation of commercial properties, storefront improvements, and façade improvements. Recipients may also provide disproportionately impacted microbusinesses additional support to operate the business, including financial, childcare, and transportation supports.

Recipients could also provide technical assistance, business incubators, and grants for start-ups or expansion costs for disproportionately impacted small businesses. Note that some of these types of assistance are similar to those eligible to respond to small businesses that experienced a negative economic impact ("impacted" small businesses). However, because the final rule presumes that some small businesses were disproportionately impacted, these enumerated eligible uses can be provided to those businesses without any specific assessment of whether they individually experienced negative economic impacts or disproportionate impacts due to the pandemic.

Cross-References: Recipients providing assistance to small businesses for capital expenditures (*i.e.*, expenditures on property, facilities, or equipment) should also review the section Capital Expenditures in General Provisions: Other, which describes eligibility standards that apply to capital expenditures. Recipients should also note that services to address vacant or abandoned commercial or industrial properties are addressed in section Vacant or Abandoned Properties in Assistance to Households.

Loans to Small Businesses

Public Comment: Treasury received many comments requesting clarification on using SLFRF funds to establish funds that provide loans to small businesses. For example, commenters sought clarification of how eligible use

[220] In regard to counting employees, businesses owned and controlled by a Tribal government are not considered affiliates of the Tribal government and are not considered affiliates of other businesses owned by the Tribal government because of their common ownership by the Tribal government or common management, as described in 13 CFR 121.103(b)(2). This definition is consistent with the Small Business Administration (SBA) HUBZone definition of a "small business concern" relating to Tribal governments as well as how Tribal enterprises are defined for the State Small Business Credit Initiative (SSBCI).

requirements and applicable dates for SLFRF funds would apply to third party organizations (like economic development organizations) who receive SLFRF funds in order to establish a loan fund. In addition, commenters requested clarification on what requirements apply to loan programs with available funds remaining after December 31, 2024.

Treasury Response: SLFRF funds may be used to make loans, including to small businesses, provided that the loan is an eligible use, and the cost of the loan is tracked and reported in accordance with Treasury's Compliance and Reporting Guidance. Funds that are unobligated after December 31, 2024 must be returned to Treasury. See section Treatment of Loans for more information about using SLFRF funds for loan programs.

c. Assistance to Nonprofits

Background: Nonprofits have faced significant challenges because of the pandemic, including increased demand for services and changing operational needs.[221] Prior to the pandemic, the median U.S. nonprofit reported that it had six months of cash on hand.[222] This varied by sector, however, with some sectors like disaster relief organizations reporting a median of 17 months cash on hand, and others, like mental health and crisis intervention organizations reporting only three months.[223] Evidence suggests that the pandemic has damaged the financial health of nonprofits, with small nonprofits, which tend to rely more heavily on donations than large nonprofits, reporting relatively larger declines in donations — 42 percent versus 29 percent, respectively.[224] Among nonprofits that collect fees for services, the median revenue amount collected from such fees fell by 30 percent from 2019 to 2020, with arts organization experiencing a 50 percent decline.[225] Nonprofits also experienced significant job losses. While employment in the nonprofit sector has recovered from its low point in 2020, as of November 2021, the sector remained 485,000 jobs below its pre-pandemic level.[226] In addition, some nonprofits may have experienced declines in volunteer staffing during the pandemic.[227]

At the same time, nonprofits provide a host of services for their communities, including helping Americans weather the multitude of challenges presented by the pandemic. The ARPA and the interim final rule recognized this dichotomy—nonprofits as entities that have themselves been negatively impacted by the pandemic and as entities that provide services that respond to the public health and negative economic impacts of the pandemic on households and others —by creating two roles for nonprofits.

First, under Sections 602(c)(1)(A) and 603(c)(1)(A), recipients may "respond to the public health emergency or its negative economic impacts," by, among other activities, providing "assistance to . . . nonprofits." The interim final rule defined assistance to nonprofits to include "loans, grants, in-kind assistance, technical assistance or other services, that responds to the negative economic impacts of the COVID–19 public health emergency," and "nonprofit" to mean a tax-exempt organization under Section 501(c)(3) of the U.S. Internal Revenue Code.[228]

Second, as discussed above, ARPA and the interim final rule provided that nonprofit organizations may also receive funds as subrecipients of a recipient government (*i.e.*, a government that received SLFRF funds); subrecipients carry out an eligible use of SLFRF funds on behalf of a recipient government (*e.g.*, a recipient government that would like to provide food assistance to impacted households may grant funds to a nonprofit organization to carry out that eligible use). Recipients generally have wide latitude to award funds to many types of organizations, including nonprofit or for-profit organizations, as subrecipients to carry out eligible uses of funds on their behalf. For further information on distinguishing between beneficiaries and subrecipients, as well as the impacts of the distinction on reporting and other requirements, see section Transfers of Funds and section Distinguishing Subrecipients versus Beneficiaries under the Public Health and Negative Economic Impacts eligible use category.[229]

Reorganization and Cross-References: Under the interim final rule, assistance to disproportionately impacted communities was a separate, stand-alone category. The final rule reorganizes the disproportionate impact analysis within the sections Assistance to Households, Assistance to Small Business, and Assistance to Nonprofits to better articulate how recipients can serve disproportionately impacted beneficiaries in each of those categories.

As detailed above in the Public Health subsection, in response to public comments describing uncertainty on which eligible use category should be used to assess different potential uses of funds, Treasury has re-categorized some uses of funds in the final rule to provide greater clarity. For discussion of assistance to nonprofits to implement COVID–19 mitigation and prevention strategies, see section COVID–19 Mitigation and Prevention in Public Health.

Recipients providing assistance via nonprofits involving capital expenditures (*i.e.*, expenditures on property, facilities, or equipment) should also review the section Capital Expenditures in General Provisions: Other, which describes eligibility standards for these expenditures. Recipients providing assistances in the form of loans should review the section Treatment of Loans.

Public Comment: Eligible Assistance to Impacted and Disproportionately Impacted Nonprofits: A few commenters asked Treasury to be more explicit in the final rule that recipients may use funds to provide relief directly to nonprofit organizations and to explain how nonprofits might qualify themselves for assistance and what expenses SLFRF funds may be used to cover.[230] Commenters requested that Treasury note that the pandemic is

[221] *See, e.g.*, Federal Reserve Bank of San Francisco, Impacts of COVID–19 on Nonprofits in the Western United States (May 2020), *https://www.frbsf.org/community-development/files/impact-of-covid*.

[222] Philanthropy and COVID–19: Measuring one year of giving, Candid and the Center for Disaster Philanthropy. (2021), *https://www.issuelab.org/resources/38039/38039.pdf*.

[223] *Id.*

[224] Elizabeth T. Boris et al., Nonprofit Trends and Impacts 2021, Urban Institute (October 7, 2021), *https://www.urban.org/research/publication/nonprofit-trends-and-impacts-2021/view/full_report*.

[225] *Id.*

[226] Chelsea Newhouse, COVID–19 JOBS UPDATE, NOVEMBER 2021: Nonprofits add just 5,000 jobs in November, Center for Civil Society Studies at Johns Hopkins University (December 10, 2021), *http://ccss.jhu.edu/november-2021-jobs/*.

[227] Elizabeth T. Boris et al. *supra* note 224 at p. 38.

[228] § 35.3 Definitions.

[229] The ARPA also states under "Transfer Authority" that a Recipient may transfer funds to a private nonprofit organization such as those defined in paragraph (17) of section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(17). *See* 602 & 603(c)(3) of the Social Security Act. *See* section Transfers of Funds for additional information on other types of entities, including other forms of nonprofits, that may receive transfers.

[230] While not stated specifically in the interim final rule, the Department does not require or have a preference as to the payment structure for recipients that transfer funds to subrecipients (*e.g.*, advance payments, reimbursement basis, etc.). Ultimately, recipients must comply with the eligible use requirements and any other applicable laws or requirements and are responsible for the actions of their subrecipients or beneficiaries.

leading to a changing financial landscape for nonprofits.

Treasury Response: Eligible Assistance to Impacted and Disproportionately Impacted Nonprofits: The interim final rule provided for, and the final rule maintains, the ability for recipients to provide direct assistance to nonprofits that experienced public health or negative economic impacts of the pandemic. Specifically, recipients may provide direct assistance to nonprofits if the nonprofit has experienced a public health or negative economic impact as a result of the pandemic. For example, if a nonprofit organization experienced impacts like decreased revenues or increased costs (*e.g.*, through reduced contributions or uncompensated increases in service need), and a recipient provides funds to address that impact, then it is providing direct assistance to the nonprofit as a beneficiary under Subsection (c)(1) of Sections 602 and 603. Direct assistance may take the form of loans, grants, in-kind assistance, technical assistance, or other services that respond to the negative economic impacts of the COVID–19 public health emergency.

A recipient may identify a negative economic impact experienced by a nonprofit, or class of nonprofits, and design and implement a response to that negative economic impact, see section Standards: Designating a Negative Economic Impact. The final rule provides a non-exhaustive list of enumerated eligible uses for assistance to nonprofits that are impacted or disproportionately impacted by the pandemic.

A recipient may also identify a class of nonprofits that have been disproportionately impacted by the public health emergency and design and implement a program that responds to the source of that disproportionate impact. For example, a recipient may determine that nonprofits offering after-school programs within its jurisdiction were disproportionately impacted by the pandemic due to the previous in-person, indoors nature of the work and the nonprofits' reliance on fees received for services (*e.g.*, attendance fees). The recipient might then design an intervention to assist those nonprofits in adapting their programming (*e.g.*, to outdoor or online venues), their revenue structure (*e.g.*, adapting the fee for service structure or developing expertise in digital donation campaigns), or both. Additional information about this framework is included in General Provisions: Structure and Standards. In order to ease administrative burden, the final rule presumes that nonprofits operating in QCTs, operated by Tribal governments or on Tribal Lands, or operating in the U.S. territories were disproportionately impacted by the pandemic.

To summarize, a recipient may determine that certain nonprofits were impacted by the pandemic or were disproportionately impacted by the pandemic and provide responsive services.

Public Comment: Beneficiaries and Subrecipients: As noted elsewhere in this final rule, Treasury received multiple comments expressing uncertainty on how to categorize a particular activity in the eligible use categories. For instance, some commenters requested that recipients be able to use SLFRF funds for certain expenses incurred by nonprofits (*e.g.*, unemployment charges) as a response to a public health or negative economic impact to that nonprofit; others asked if nonprofits providing certain services (*e.g.*, social services) made them eligible for direct assistance. Commenters also requested that Treasury acknowledge that engagement directly with nonprofit organizations in low-income communities and communities of color may allow the recipient to better assess economic harms in these areas.

Treasury Response: Beneficiaries and Subrecipients: Treasury recognizes that many nonprofits play important roles in their communities, and some may have experienced public health or negative economic impacts during the pandemic. As such, under the interim final rule and the final rule, nonprofits may be impacted by the pandemic and receive assistance as a beneficiary, as described above, and/or be a subrecipient providing services on behalf of a recipient.[231]

Specifically, the interim final rule also allowed for, and the final rule maintains, the ability for the recipient to transfer, *e.g.*, via grant or contract, funds to nonprofit entities to carry out an eligible use on behalf of the recipient. Treasury notes that recipients may award SLFRF funds to many different types of organizations to carry out eligible uses of funds and serve beneficiaries on behalf of a recipient government (*e.g.*, assisting in a vaccination campaign, operating a job training program, developing affordable housing). When a recipient provides funds to an organization to carry out eligible uses of funds and serve beneficiaries, the organization becomes a subrecipient. In this case, a nonprofit need not have experienced a negative economic impact in order to serve as a subrecipient.

In the context of SLFRF, nonprofits of all types may be subrecipients. Treasury is not restricting the types of nonprofits that can operate as subrecipients, rather allowing recipients to decide what form best meets the needs of their community. Therefore, a "nonprofit" that is acting as subrecipient could include, but is not limited to, a nonprofit as that term is defined in paragraph (17) of section 401 of the McKinney-Vento Homeless Assistance.[232] See section Distinguishing Subrecipients versus Beneficiaries for further information. Additional guidance on determining subrecipient status may be found in the Uniform Guidance.[233]

Recipients may transfer funds to subrecipients in several ways, including advance payments and on a reimbursement basis. Ultimately, recipients must comply with the eligible use requirements and any other applicable laws or requirements and are responsible for the actions of their subrecipients or beneficiaries.

As part of accepting the Award Terms and Conditions for SLFRF, each recipient agreed to maintain a conflict-of-interest policy consistent with 2 CFR 200.318(c) that is applicable to all activities funded with the SLFRF award. Pursuant to this requirement, decisions concerning SLFRF funds must be free of undisclosed personal or organizational conflicts of interest, both in fact and in appearance. Recipients may avoid conflicts of interest in providing assistance to nonprofits or making subrecipient awards by, *inter alia,* making aid available to nonprofits on generally applicable terms or utilizing a competitive grant process, respectively. A recipient may not use control over SLFRF funds for their own private gain. Furthermore, no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.

Public Comment: Definition of Nonprofit: Treasury also received several requests to expand the definition of nonprofits so that other tax-exempt entities (*e.g.*, 501(c)(7)s, 501(c)(9)s, 501(c)(19)s, nonprofits with "historical

[231] Note, this response is meant to clarify the difference between nonprofits as beneficiaries and nonprofits as subrecipients. It is not meant to limit the types of relationships that a recipient may enter into with a nonprofit as permitted under the Uniform Guidance.

[232] *See* sections 602(c)(3) and 603(c)(3) of the Social Security Act. *See also* Section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360(17), which defines a "private nonprofit organization."

significance") could be eligible for direct assistance as beneficiaries.

Treasury Response: Definition of Nonprofit: The final rule expands the definition of nonprofits to mean 501(c)(3) organizations and 501(c)(19) organizations.[234] The 501(c)(3) classification includes a wide range of organizations with varying charitable or public service-oriented goals (*e.g.*, housing, food assistance, job training). As discussed above, these nonprofit organizations often experienced hardship due to increased needs for services combined with decreased donations and other sources of funding. In response to comments, Treasury has expanded the definition of nonprofit to include 501(c)(19) organizations, which includes veterans' organizations, to provide recipients more flexibility and in alignment with the definition of nonprofit adopted by the CARES Act, wherein 501(c)(3)s and 501(c)(19)s were eligible for assistance.[235]

Public Comment: Reporting Requirements: One commenter asked Treasury to clarify if nonprofits that receive direct assistance as beneficiaries are required to comply with guidelines and reporting requirements.

Treasury Response: Reporting Requirements: Nonprofits that receive direct assistance as beneficiaries are not subrecipients under SLFRF and are therefore not required to comply with SLFRF reporting requirements. However, the recipient must comply with SLFRF reporting requirements, which would require reporting obligations and expenditures for assistance to nonprofits. The recipient may also choose to establish other forms of reporting or accountability as a part of the recipient's direct assistance program.

A nonprofit entity that receives a transfer from a recipient is a subrecipient. Per the Uniform Guidance, subrecipients must adhere to the same requirements as recipients. Therefore, a nonprofit subrecipient may only receive funds to carry out an eligible use of SLFRF funds and must comply with any reporting and compliance requirements. Note that recipients are ultimately responsible for reporting information to Treasury and must collect any necessary information from their subrecipients to complete required reporting.

d. Aid to Impacted Industries

The interim final rule allowed for "aid to tourism, travel, and hospitality, and other impacted industries" that responds to the negative economic impacts of the COVID–19 public health emergency. In designating other impacted industries, Treasury specified that recipients should consider the "extent of the economic impact as compared to tourism, travel, and hospitality" and "whether impacts were due to the COVID–19 pandemic, as opposed to longer-term economic or industrial trends unrelated to the pandemic."[236] Treasury identified declines in employment and revenue as possible metrics to compare the economic impact on a particular industry relative to the tourism, travel, and hospitality industries.

Treasury further provided that aid should be limited to businesses, attractions, business districts, and Tribal development districts[237] that were operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic. Examples of eligible aid include assistance to implement COVID–19 mitigation and infection prevention measures, aid to support safe reopening of businesses in these industries, as well as aid for a planned expansion or upgrade of tourism, travel, and hospitality facilities delayed due to the pandemic. The interim final rule and Treasury's subsequent Compliance and Reporting Guidance also required governments to publicly report assistance provided to private-sector businesses under this eligible use and maintain records of their assessments to facilitate transparency and accountability.

Reorganization and Cross-References: As detailed above, Treasury has re-categorized some uses of funds in the final rule to provide greater clarity. In the interim final rule, aid to impacted industries to implement COVID–19 mitigation and prevention strategies was categorized under Aid to Impacted Industries; the final rule addresses these items under the section COVID–19 Mitigation and Prevention in Public Health. Recipients should also be aware of the difference between beneficiaries of assistance and subrecipients when working with impacted industries; for further information, see section Distinguishing Subrecipients versus Beneficiaries.

Designating an Impacted Industry

Public Comment: Many commenters requested greater clarity on how to designate "other impacted industries" within their jurisdiction. Commenters requested greater specificity as to the metrics used to measure impact, with some suggesting metrics such as the change in the size of an industry's workforce due to the pandemic, as well as consideration of whether and why employees are choosing to return to work at slower rates in certain industries. One commenter asked if this meant nearly every industry was "disproportionately impacted." Some commenters encouraged Treasury to focus on industries most negatively impacted by the pandemic, including disallowing across-the-board business subsidies to businesses that were not negatively impacted by the pandemic and saw revenue or profit growth. Other commenters asked for flexibility for recipients to determine impacted industries based on their local knowledge of the economic landscape.

Treasury Response: The final rule maintains the interim final rule's approach of allowing recipients to designate impacted industries outside the travel, tourism, and hospitality industries, and, in response to comments, provides greater clarity as to how recipients may designate such impacted industries.

Sections 602(c)(1)(A) and 603(c)(1)(A) recognize that the tourism, travel, and hospitality industries are severely negatively impacted by the pandemic. Under the final rule, recipients may provide eligible aid (described in further detail herein) to the tourism, travel, and hospitality industries. Treasury considers Tribal development districts, which are commercial centers for Tribal hospitality, gaming, tourism, and entertainment and can include Tribal enterprises, as part of the tourism, travel, and hospitality industries that have been severely hit by the pandemic. Therefore, Treasury reaffirms that Tribal development districts are considered impacted industries and recipients may provide eligible aid to them.

To identify other industries comparably impacted to the tourism, travel, and hospitality industries, recipients should undertake a two-step process: Identifying an industry and determining whether that industry is comparably impacted.

[234] § 35.3 Definitions.

[235] Treasury considered expanding the definition of nonprofit to include 501(c)(6) orgauizations, as Congress later did in the Coronavirus Response and Consolidated Appropriations Act of 2021, but ultimately decided to retain the original CARES Act definition. To the extent impacted by the pandemic, 501(c)(6) organizations may be eligible to receive funds to support eligible uses that align with their overall purpose (e.g., tourism promotion in aid of an impacted industry).

[236] Coronavirus State and Local Fiscal Recovery Funds, 86 FR at 26795.

[237] For a definition of "Tribal development districts," please see FAQ 2.9 at the following: Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.*

First, recipients should identify an industry to be assessed. In identifying this industry, the final rule provides recipients the flexibility to define its substantive or geographic scope.[238] Recipients may identify a broad sector that encompasses a number of sub-industries, or they may identify a specific sub-industry to be assessed. For example, a recipient may identify "personal care services" as an industry, or they may identify a more specific category within the "personal care services" industry (*e.g.*, barber shops) as an industry. In defining the industry, Treasury encourages recipients to define narrow and discrete industries eligible for aid. Recipients are not required to follow, but may consider following, industry classifications under the North American Industry Classification System (NAICS). Treasury notes that the larger and more diverse the sector, the more difficult it may be to demonstrate that the larger and less specific sector is negatively impacted in the same way given the scale and diversity of businesses within it.

State or territory recipients may also define a constituent industry with greater geographic precision than state or territory-wide. For example, a state may identify a particular industry in a certain region of the state that was negatively impacted by the pandemic, even if the same industry in the rest of the state did not see a meaningful negative economic impact from the pandemic. State recipients oversee large and diverse industries, sometimes with differences in economic activity between geographic regions. Allowing greater geographic precision allows recipients to target aid to those that need it most, ensuring that state averages do not conceal hard-hit areas in their state.

Second, to determine whether the industry is "impacted," recipients should compare the negative economic impacts of the public health emergency on the identified industry to the impacts observed on the travel, tourism, and hospitality industries.

1. *Simplified test.* An industry is presumed to be impacted if the industry experienced employment loss of at least 8 percent.

Specifically, a recipient should compare the percent change in the number of employees of the recipient's identified industry and the national Leisure & Hospitality sector in the three months before the pandemic's most severe impacts began (a straight three-month average of seasonally-adjusted employment data from December 2019, January 2020, and February 2020) with the latest data as of the final rule release (a straight three-month average of seasonally-adjusted employment data from September 2021, October 2021, and November 2021).[239] The national Leisure & Hospitality sector largely represents the national travel, tourism, and hospitality industries enumerated in the statute. According to the Bureau of Labor Statistics, employment has fallen by approximately 8 percent for the national Leisure & Hospitality sector when comparing the most recent three-month period available as of the date of adoption of the final rule to the three-month period immediately before the public health emergency. Therefore, if the identified industry has suffered an employment loss of at least 8 percent, the final rule presumes the industry to be an "impacted industry."

For parity and simplicity, smaller recipients without employment data that measure industries in their specific jurisdiction may use data available for a broader unit of government for this calculation (*e.g.*, a county may use data from the state in which it is located; a city may use data for the county, if available, or state in which it is located) solely for purposes of determining whether a particular industry is an impacted industry.

2. *If simplified test is not met.* If an industry does not satisfy the test above or data are unavailable, the recipient may still designate the industry as impacted by demonstrating the following:

a. The recipient can show that the totality of relevant major economic indicators demonstrate that the industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries at the time of the publication of the final rule, and that the impacts were generally due to the COVID–19 public health emergency. Example economic indicators include gross output, GDP, net profits, employment levels, and projected time to restore employment back to pre-pandemic levels. Recipients may rely on available economic data, government research publications, research from academic sources, and other quantitative sources for this determination.

. If quantitative data is unavailable, the recipient can rely on qualitative data to show that the industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries, and the impacts were generally due to the COVID–19 public health emergency. Recipients may rely on sources like community interviews, surveys, and research from relevant state and local government agencies.

As the public health emergency and economic recovery evolves, recipients should assess how industry impacts shift over time. Impacted industries may recover in a short period of time and no longer face a negative economic impact; in those circumstances, the recipient should ensure that the extent and length of aid is reasonably proportional to the negative economic impact that is experienced, as detailed further below and in section General Provisions: Structure and Standards. Recipients may add to their list of impacted industries by showing that the negative economic impacts to the industry at the time of the designation are comparable to the negative economic impacts to the national tourism, travel, and hospitality sectors as of the date of the final rule adoption, as detailed herein.

Eligible Aid

Public Comment: Commenters asked for further clarification as to the definition of eligible aid to an impacted industry, with many requesting that a broad range of aid be eligible. Examples of aid that recipients asked to be considered eligible include aid to businesses to cover COVID–19 mitigation costs and planned renovations or improvements to tourism, travel, and hospitality facilities, as well as marketing and in-kind incentives to attract visitors. Commenters also asked about the eligibility of aid to broadly cover losses incurred by facilities such as convention centers and hotels due to the pandemic's economic impact. Commenters also asked for further clarification about the requirements related to private-sector reporting. Further, some commenters asked for clarification about eligible aid to impacted industries owned and operated by Tribal governments, including for Tribal construction projects that have been delayed due to the pandemic's economic impacts, and for deference to Tribal determinations of negative economic impacts.

[238] Once an industry is designated as impacted, aid should be generally broadly available to businesses in the industry that qualify. Recipients should document how they defined the scope of their industry and how they determined that the industry was impacted. For states and territories, this includes documenting their justification for defining a constituent industry with greater geographic precision than state or territory-wide.

[239] National Leisure & Hospitality supersector employment data can be found on the U.S. Bureau of Labor Statistics website: U.S. Bureau of Labor Statistics, Leisure and Hospitality, *https://www.bls.gov/iag/tgs/iag70.htm* (last visited December 7, 2021).

Treasury Response: In response to commenters' requests for clarification on eligible aid, the final rule requires that aid to impacted industries, including to Tribal development districts, be designed to address the harm experienced by the impacted industry.

First, recipients should identify a negative economic impact, *i.e.*, an economic harm, that is experienced by businesses in the impacted industry. Second, recipients should select a response that is designed to address the identified economic harm resulting from or exacerbated by the public health emergency. Responses must also be related and reasonably proportional to the extent and type of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses. Recipients should consider the further discussion of this standard provided in the sections Standards: Designating a Public Health Impact and Standards: Designating a Negative Economic Impact.

These responses may take the form of direct spending by recipients to promote an industry or support for businesses within an "impacted" industry that experienced a negative economic impact (*e.g.*, through a grant program). Examples of eligible responses include:

- Aid to mitigate financial hardship due to declines in revenue or profits by supporting payroll costs and compensation of returning employees for lost pay and benefits during the COVID–19 pandemic, as well as support of operations and maintenance of existing equipment and facilities, such as rent, leases, and utilities;
- Aid for technical assistance, counseling, and other services to assist with business planning needs; and
- Aid to implement COVID–19 mitigation and infection prevention measures, such as vaccination or testing programs, is broadly eligible for many types of entities, including travel, tourism, hospitality, and other impacted industries. Recipients providing aid to impacted industries for COVID–19 public health measures should review the section Assistance to Businesses to Implement COVID–19 Strategies in Public Health, which describes types of eligible uses of funds in this category.

To address the identified harms, responses (*e.g.*, aid through a grant program) should be generally broadly available to all businesses within the impacted industry to avoid the risk of self-dealing, preferential treatment, and conflicts of interest.[240] Treasury encourages recipients to design aid programs such that funds are first used for operational expenses that are generally recognized as ordinary and necessary for the recipient's operation, such as payroll, before being used on other types of costs. As noted in the section General Standards: Structure and Standards, uses of funds that do not respond to the negative economic impacts of the pandemic, such as excessive compensation to employees, is ineligible.

The final rule maintains the interim final rule's requirement that aid may only be considered responsive to the negative economic impacts of the pandemic if it supports businesses, attractions, and Tribal development districts operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic. Further, to facilitate transparency and accountability, the final rule maintains the interim final rule's requirement that recipients publicly report assistance provided to private-sector businesses under this eligible use, including tourism, travel, hospitality, and other impacted industries, and its connection to negative economic impacts of the public health emergency. Recipients also should maintain records to support their assessment of how businesses receiving assistance were affected by the negative economic impacts of the public health emergency and how the aid provided responds to these impacts.

Recipients providing aid to impacted industries for capital expenditures (*i.e.*, expenditures on property, facilities, or equipment), including Tribal governments providing aid to Tribal development districts, should also review the section Capital Expenditures in General Provisions: Other, which describes eligibility standards that are applicable to these expenditures, depending on the type of aid. Recipients providing assistance in the form of loans should review the section Treatment of Loans in Program Administration Provisions.

[240] As part of accepting the Award Terms and Conditions for SLFRF, each recipient agreed to maintain a conflict-of-interest policy consistent with 2 CFR 200.318(c) that is applicable to all activities funded with the SLFRF award. Pursuant to this policy, decisions concerning SLFRF must be free of undisclosed personal or organizational conflicts of interest, both in fact and in appearance. Recipients may avoid conflicts of interest in awarding aid to impacted industries by, inter alia, making aid available to businesses in the industry on generally applicable terms or utilizing a competitive grant process. A recipient may not use control over SLFRF for their own private gain. Furthermore, no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.

4. General Provisions: Other

As noted above, the final rule consolidates into a General Provisions section several types of uses of funds; in the interim final rule, the eligibility of these uses of funds was discussed within specific categories of eligible uses for public health and negative economic impacts. Treasury anticipates that this re-organization will enhance recipient clarity in assessing eligible uses of funds. These General Provisions apply across all uses of funds under public health and negative economic impacts.

Specifically, this section considers eligible uses for:

- *Public Sector Capacity and Workforce,* which includes several separate and non-mutually exclusive categories articulated in the interim final rule: public health and safety staff; rehiring state, local, and Tribal government staff; expenses for administering COVID–19 response programs; expenses to improve the efficacy of public health or economic relief programs; and administrative expenses caused or exacerbated by the pandemic. Treasury recognizes that these are closely related and frequently overlapping categories. The final rule treats them as a single purpose, supporting public sector capacity, and provides coordinated guidance on the standards and presumptions that apply to them.
- *Capital Expenditures,* which was addressed only under Public Health in the interim final rule. The final rule moves this expense to General Provisions and provides more clarity on the eligibility of capital expenditures across all aspects of the public health and negative economic impacts eligible use category.
- *Distinguishing Subrecipients versus Beneficiaries,* which describes the differences between these two categories. Recipient governments responding to the public health and negative economic impacts of the pandemic may provide assistance to beneficiaries or execute an eligible use of funds through a subrecipient; some types of entities (*e.g.*, nonprofits) could fit into either category depending on the specific purpose of the use of funds.
- *Uses Outside the Scope of this Category,* which addresses uses of funds that are ineligible or generally ineligible under this eligible use category in the interim final rule. These uses of funds remain ineligible under the final rule, but Treasury has re-categorized where they are addressed, as described below.

This section also addresses enumerated eligible uses proposed by commenters that Treasury has not incorporated into the final rule.

Recipients should also note that the Office of Management and Budget's (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (commonly called the "Uniform Guidance") generally applies to SLFRF.

a. Public Sector Capacity and Workforce

Public Safety, Public Health, and Human Services Staff

Summary of Interim Final Rule: Under the interim final rule, funds may be used for payroll and covered benefits [241] for *public safety, public health, health care, human services, and similar employees* [242] of a recipient government, for the portion of the employee's time that is spent responding to COVID–19. For administrative convenience, the recipient may consider *public health and safety* employees to be entirely devoted to responding to COVID–19, and therefore their full payroll and covered benefits eligible to be covered, if the employee, or his or her operating unit or division, is "primarily dedicated" to responding to COVID–19, meaning that more than half of the employee, unit, or division's time is dedicated to responding to COVID–19. Recipients may consider other presumptions for assessing the extent to which an employee, division, or operating unit is responding to COVID–19. Recipients must periodically reassess their determination and maintain records to support their assessment, such as payroll records, attestations from supervisors or staff, or regular work product or correspondence; recipients need not track staff hours. The interim final rule also posed a question on how long recipients should be able to use funds for staff responding to COVID–19 and what other measures or presumptions might Treasury consider to assess the extent to which public sector staff are engaged in COVID–19 response in an easily administrable manner.

Treasury also provided further guidance on the types of employees covered by this category of eligible use, specifically: "Public safety employees would include police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel. Public health employees [243] would include employees involved in providing medical and other health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions, and other support services essential for patient care (*e.g.,* laboratory technicians, medical examiner, or morgue staff) as well as employees of public health departments directly engaged in matters related to public health and related supervisory personnel. Human services staff include employees providing or administering social services; public benefits; child welfare services; and child, elder, or family care, as well as others."

Public Comment: Measuring Time Spent on COVID–19 Response: Treasury received public comments on several components of this eligible use category. Many commenters argued that it poses an administrative burden to identify the extent to which staff are responding to COVID–19 and to maintain records to support that assessment. Largely citing administrative burden in assessing eligibility, several commenters recommended revisions to the administrative convenience that the full payroll and covered benefits for public health and safety staff "primarily dedicated" to responding to COVID–19 may be paid with SLFRF funds. Some commenters recommended presuming that all public health and safety staff are primarily dedicated to COVID–19 response, while others proposed that public health and safety workers who primarily serve QCTs or low- and moderate-income areas be presumed to be primarily dedicated to COVID–19 response, given the disproportionate impacts of the pandemic in those communities. Similarly, Tribal communities recommended that their public health staff be presumed eligible due to the disproportionate impact of the pandemic on their communities. Some commenters proposed that they be able to use the administrative convenience for staff outside of public health and safety that are responding to COVID–19 (*i.e.,* to be able to pay the full payroll and covered benefits for any staff "primarily dedicated" to COVID–19 response).

Treasury Response: In the final rule, Treasury is maintaining the approach in the interim final rule, including elaborations issued in further guidance, but providing additional clarification on its application, including methods to apply the approach to minimize administrative burden. Treasury notes that recipients may assess the extent to which staff are dedicated to responding to COVID–19 through a variety of means, including establishing presumptions or assessing public health and safety staff at the division or operating unit level. For example, a recipient could consider the amount of time spent by employees in its public health department's epidemiology division in responding to COVID–19 and, if a majority of its employees are dedicated to responding to COVID–19, determine that the entire division is primarily dedicated to responding to COVID–19. Treasury also clarifies that recipients may use reasonable estimates to establish administrable presumptions; for example, a recipient could estimate, based on discussions with staff, the general share of time that employees in a specific role or type of position spend on COVID–19 related tasks and apply that share of time to all employees in that position.

Recipients are generally required to be able to support uses of SLFRF funds as eligible, including, in this instance, maintenance of records to support an assessment that public health and safety staff are primarily dedicated to responding to COVID–19. As noted above, recipients may use reasonable estimates to implement this provision. Recipients should maintain records on how they developed these estimates and need not track staff hours. Treasury notes that records retained can include payroll records (*e.g.,* the number and type of staff in various positions), attestations from supervisors or staff (*e.g.,* self-attestation of share of time spent on COVID–19), or regular work product or correspondence (*e.g.,* calendars, email correspondence, documents, and other electronic

[241] In general, if an employee's wages and salaries are an eligible use of SLFRF funds, recipients may treat the employee's covered benefits as an eligible use of SLFRF funds. For purposes of SLFRF funds, covered benefits include costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (federal and state), workers compensation insurance, and Federal Insurance Contributions Act (FICA) taxes (which includes Social Security and Medicare taxes). As described further in the section Deposits into Pension Funds in Restrictions on Use, that limitation on use does not apply to pension contributions that are part of regular payroll contributions for employees whose wages and salaries are an eligible use of SLFRF funds.

[242] Note that the interim final rule adapted prior guidance issued for CRF that described these four categories of employees; however, when listing the specific occupations or types of employees in each of these categories, the guidance collapses health care and public health into one category titled "public health." Therefore, the presumption described around public health employees also covers health care employees.

[243] Note that this category encompasses both public health and health care employees; both are treated as public health employees for the purposes of this eligible use category.

records). Treasury anticipates that these types of records are generally retained in many government settings; recipients should also consult the Award Terms and Conditions for SLFRF funds for requirements on length of record retention. For example, a recipient could establish a reasonable presumption about the share of time that an employee, division, or operating unit is responding to COVID–19 and simply retain those employees' electronic records as a record to support their assessment.

Public Comment: Public Health and Safety Staff Primarily Dedicated to COVID–19 Response: Some commenters recommended expanding the administrative convenience for public health and safety staff primarily dedicated to COVID–19 response to further types of staff, to all public health and safety staff, or to public health and safety staff serving underserved areas.

Treasury Response: The interim final rule recognized that COVID–19 response continues to require substantial staff resources and provides an administrative convenience to make it relatively simpler to identify the eligibility of the types of workers—public health and safety workers—generally most involved in COVID–19 response. At the same time, many public health and safety workers perform roles unrelated to COVID–19; coverage of all roles would be overbroad compared to the workers responding to COVID–19 in actuality. For this reason, the final rule maintains the interim final rule's approach to permitting SLFRF funds to be used for public health and safety staff primarily dedicated to responding to COVID–19. Finally, to the extent that a greater proportion of public health and safety staff time is needed to respond to COVID–19 in disproportionately impacted communities, the "primarily dedicated" approach recognizes this increased need.

Public Comment: Eligible Types of COVID–19 Response: Some public commenters also sought further clarification on how to identify eligible types of "COVID–19 response." For example, commenters requested clarification on delineating COVID–19 response from general public health response and defining COVID–19 response for public safety employees.

Treasury Response: Treasury is clarifying that "responding to" COVID–19 entails work needed to respond to the public health or negative economic impacts of the pandemic, apart from the typical pre-pandemic job duties or workload of an employee in a comparable role, if one existed. For example, responding to COVID–19 for a public safety worker may entail working in an emergency operations center to coordinate pandemic-related supply distribution, responding to an increased volume of 911 calls, or implementing COVID–19 prevention and mitigation protocols in a carceral setting.

Public Comment: Eligible Employees: Some commenters requested clarification on the types of eligible employees or expansion of eligible employees to include additional types of staff, including in behavioral health; administrative, management, or financial management positions; social services; morgue staff; and nonprofit staff supporting projects to undertake eligible uses of funds under SLFRF.

Treasury Response: Treasury provided further guidance on eligible types of employees following the interim final rule, which expressly included social services and morgue staff, and incorporates that guidance into the final rule. In addition, Treasury is clarifying that public health "employees involved in providing medical and other health services to patients and supervisory personnel" includes behavioral health services as well as physical health services.

Treasury also is clarifying that this provision only addresses employees of the recipient government responding to COVID–19. For discussion of eligible expenses to administer SLFRF, including eligible costs for subrecipients performing eligible activities on behalf of a recipient government, see section Administrative Expenses in Program Administration Provisions.

Finally, Treasury is clarifying that indirect costs for administrative, management, and financial management personnel to support public health and safety staff responding to COVID–19 are not permissible under this provision, given the relatively greater challenge of differentiating the marginal increase in staff time and workload due to pandemic response for indirect versus direct costs.

Public Comment: Time Period: Finally, some commenters made recommendations on the time period during which this eligible use should be available. Some commenters recommended eligibility begin before March 3, 2021, the period when Treasury's interim final rule permitted recipients to begin to incur costs using SLFRF funds; for discussion of this topic, see section Timeline for Use of SLFRF Funds in Program Administration Provisions. As noted above, Treasury also posed a question in the interim final rule asking for how long Treasury should maintain the administrative convenience that SLFRF funds may be used for the full payroll and covered benefits of public health and safety staff primarily dedicated to COVID–19 response. Several commenters recommended that Treasury maintain this approach throughout the program or through December 31, 2024. Other commenters requested clarification on whether eligibility for this use of funds was tied to the length of the state of emergency or whether a jurisdiction has an active state of emergency.

Treasury Response: In the final rule, Treasury is clarifying that recipients will be permitted to fund the full payroll and covered benefits of public health and safety staff primarily dedicated to COVID–19 response throughout the period of performance for the SLFRF program, though recipients should periodically reassess their determination of primarily dedicated staff, including as the public health emergency and response evolves.

Government Employment and Rehiring Public Sector Staff

The interim final rule permitted use of funds for costs associated with rehiring state, local, and Tribal government staff in order to bolster the government's ability to effectively administer services. Specifically, recipients may pay for payroll, covered benefits, and other costs associated with the recipient increasing the number of its employees up to the pre-pandemic baseline, or the number of employees that the recipient government employed on January 27, 2020.

Public Comment: Many commenters requested greater flexibility and additional clarification on the provision's requirements, including the pre-pandemic baseline and re-hiring process. Some commenters requested that the final rule allow for hiring above the pre-pandemic baseline given historic underinvestment in the public sector workforce. Commenters suggested a number of adjustments to the pre-pandemic baseline, including adjusting based on population or revenue growth, while some recommended allowing recipients to set their own hiring levels. Others requested clarification on the definition of the baseline and the re-hiring process, including whether the pre-pandemic baseline referred to budgeted or filled positions and whether new hires had to fill the same roles as the previous hires. Commenters also asked whether recipients need to show if the reduction in number of employees was due to the pandemic in order to qualify for funding and requested that workers dedicated to

COVID–19 response be exempted from the calculation of number of employees.

Many commenters also requested an expanded set of eligible uses beyond restoring their workforce up to the pre-pandemic baseline. Commenters requested that funding be able to be used to avoid layoffs, provide back pay, retain employees through pay increases and other retention programs, or reimburse salaries and benefits already paid. Some commenters also requested clarification as to whether recipients can fund re-hired positions through the period of performance and on the definition of payroll and benefits. Other commenters requested preferential hiring for workers laid off, a strong commitment to equity, and a requirement that funds would not be used to pay for contract or temporary replacement workers during a labor dispute.

Treasury Response: The final rule allows for an expanded set of eligible uses to restore and support public sector employment. Eligible uses include hiring up to a pre-pandemic baseline that is adjusted for historic underinvestment in the public sector, providing additional funds for employees who experienced pay cuts or were furloughed, avoiding layoffs, providing worker retention incentives, and paying for ancillary administrative costs related to hiring.

Restoring pre-pandemic employment. In response to comments and recognizing underinvestment in public sector employment, the final rule expands the ability to use SLFRF funds to restore pre-pandemic employment. Treasury is also clarifying how, and the extent to which, recipients may use SLFRF funds to rehire public employees.

The final rule provides two options to restore pre-pandemic employment, depending on recipient's needs. Under the first and simpler option, recipients may use SLFRF funds to rehire staff for pre-pandemic positions that were unfilled or were eliminated due the pandemic without undergoing further analysis. Under the second option, the final rule provides recipients an option to hire above the pre-pandemic baseline, by adjusting the pre-pandemic baseline for historical growth in public sector employment over time, as well as flexibility on roles for hire. Recipients may choose between these options but cannot use both.

To pursue the first option, recipients may use SLFRF funds to hire employees for the same positions that existed on January 27, 2020 but that were unfilled or eliminated as of March 3, 2021, without undergoing further analysis. For these employees, recipients may use SLFRF funds for payroll and covered benefit costs that are obligated by December 31, 2024 and expended by December 31, 2026, consistent with the Uniform Guidance's Cost Principles at 2 CFR part 200 Subpart E. This option provides administrative simplicity for recipients that would simply like to restore pre-pandemic positions and would not like to hire above the pre-pandemic baseline.

To pursue the second option, recipients should undergo the analysis provided below. In short, this option allows recipients to pay for payroll and covered benefits associated with the recipient increasing its number of budgeted full-time equivalent employees (FTEs) up to 7.5 percent above its pre-pandemic employment baseline, which adjusts for the continued underinvestment in state and local governments since the Great Recession. State and local government employment as a share of population in 2019 remained considerably below its share prior to the Great Recession in 2007, which presented major risks to recipients mounting a response to the COVID–19 public health emergency. The *adjustment factor* of 7.5 percent results from estimating how much larger 2019 state and local government employment would have needed to be for the share of state and local government employment to population in 2019 to have been back at its 2007 level and is intended to correct for this gap.

Recipients should complete the steps described below. Recipients may choose whether to conduct this analysis on a government-wide basis or for an individual department, agency, or authority.

- *Step One:* Identify the recipient's budgeted FTE level on January 27, 2020. This includes all budgeted positions, filled and unfilled. This is called the *pre-pandemic baseline.*
- *Step Two:* Multiply the *pre-pandemic baseline* by 1.075 (that is, 1 + *adjustment factor*). This is called the *adjusted pre-pandemic baseline.*
- *Step Three:* Identify the recipient's budgeted FTE level on March 3, 2021, which is the beginning of the period of performance for SLFRF funds. Recipients may, but are not required to, exclude FTEs dedicated to responding to the COVID–19 public health emergency.[244] This is called the *actual number of FTEs.*
- *Step Four:* Subtract the *actual number of FTEs* from the *adjusted pre-pandemic baseline* to calculate the number of FTEs that can be hired and covered by SLFRF funds.

Recipients may use SLFRF funds to cover payroll and covered benefit costs obligated by December 31, 2024, and expended by December 31, 2026, up to the number of FTEs calculated in Step Four, consistent with the Uniform Guidance's Cost Principles at 2 CFR part 200 Subpart E. Recipients may only use SLFRF funds for additional FTEs hired over the March 3, 2021 level of budgeted FTEs (*i.e.,* the *actual number of FTEs*); note again that recipients may choose whether to conduct the analysis of FTEs that can be covered by SLFRF funds on a government-wide basis or for an individual department, agency, or authority.

These FTEs must have begun their employment on or after March 3, 2021, which is the beginning of the period of performance. For administrative convenience, recipients do not need to demonstrate that the reduction in number of FTEs was due to the COVID–19 pandemic, as Treasury assumes the vast majority of employment reductions during this time were due to pandemic fiscal pressures on state and local budgets. Recipients do not need to hire for the same roles that existed pre-pandemic.

For illustration, consider a hypothetical recipient with 1,000 budgeted FTEs on January 27, 2020 (950 filled FTE positions and 50 unfilled FTE positions). The recipient's *pre-pandemic baseline* is 1000 FTEs; its *adjusted pre-pandemic baseline* is 1,000 * 1.075 = 1075 FTEs. Now, assume that on March 3, 2021, the recipient had 800 budgeted FTEs in total (795 filled FTE positions and 5 unfilled FTE positions), with 50 FTEs primarily dedicated to responding to the COVID–19 public health emergency. The recipient would have the option of using either 800 FTEs or 750 FTEs as its *actual number of FTEs* for the calculation; assuming it chooses the lower number, it would be able to fund up to 325 FTEs with SLFRF funds (that is, 1,075 − 750 = 325 FTEs).

[244] Recipients may determine that a portion of an FTE's time is dedicated to responding to the COVID–19 public health emergency. Further, for administrative convenience, the recipient may consider public health and safety FTEs to be entirely devoted to mitigating or responding to the COVID–19 public health emergency if the FTE, or his or her operating unit of division, is primarily dedicated to responding to the COVID–19 public health emergency. Recipients may also consider other presumptions for assessing the extent to which an FTE, division, or operating unit is engaged in activities that respond to the COVID–19 public health emergency, provided that the recipient reassesses periodically and maintains records to support its assessment, such as payroll records, attestations from supervisors or staff, or regular work product or correspondence demonstrating work on the COVID–19 response.

Specifically, the recipient would be able to use SLFRF to fund payroll and covered benefits for up to 325 FTEs that begin their employment on or after March 3, 2021, for costs obligated by December 31, 2024, and expended by December 31, 2026, consistent with the Uniform Guidance's Cost Principles, as long as SLFRF funds are used for additional FTEs hired over the recipient's 750 FTE level (which is its March 3, 2021 budgeted FTE level).

In hiring new employees, the final rule encourages recipients to ensure a diverse workforce. The final rule also prohibits recipients from using funds to temporarily fill positions during a labor dispute, as this would not constitute responding to the public health or negative economic impacts of the pandemic. Further, recipients must ensure that its hiring practices do not violate conflict-of-interest policies.[245] Total compensation for a hired employee that is substantially in excess of typical compensation for employees of their experience and tenure within the recipient's government, without a corresponding business case, may indicate a potential conflict-of-interest in fact or appearance.

Providing additional funding for employees who experienced pay cuts and furloughs. In recognition of the economic hardship caused by pay cuts and furloughs, additional funds may be provided to employees who experienced pay cuts or were furloughed since the onset of the pandemic on January 27, 2020. Recipients must be able to substantiate that the pay cut or furlough was substantially due to the public health emergency or its negative economic impacts (*e.g.*, fiscal pressures on state and local budgets) and should document their assessment. As a reminder, this additional funding must be reasonably proportional to the negative economic impact of the pay cut or furlough on the employee, which would include taking into account unemployment insurance (UI) benefits that a furloughed employee may have received during the furloughed period. Treasury presumes that additional funds beyond the difference in pay had the employee not received a pay cut or been furloughed would not be reasonably proportional.

Recipients may also provide premium pay to certain employees, as detailed further in section Premium Pay.

Avoiding layoffs. Funds may be used to maintain current compensation levels, with adjustments for inflation, in order to prevent layoffs that would otherwise be necessary. Recipients must be able to substantiate that layoffs were likely in the absence of SLFRF funds and would be substantially due to the public health emergency or its negative economic impacts (*e.g.*, fiscal pressures on state and local budgets) and should document their assessment.

Retaining workers. Funds may be used to provide worker retention incentives, which are designed to persuade employees to remain with the employer as compared to other employment options. Recipients must be able to substantiate that the employees were likely to leave employment in the absence of the retention incentive and should document their assessment. For example, a recipient may determine that a retention bonus is necessary based on the presence of an alternative employment offer for an employee.

All worker retention incentives must be narrowly tailored to need and should not exceed incentives traditionally offered by the recipient or compensation that alternative employers may offer to compete for the employees. Further, because retention incentives are intended to provide additional incentive to remain with the employer, they must be entirely additive to an employee's regular rate of wages and other remuneration and may not be used to reduce or substitute for an employee's normal earnings. Treasury will presume that retention incentives that are less than 25 percent of the rate of base pay for an individual employee or 10 percent for a group or category of employees are reasonably proportional to the need to retain employees, as long as the other requirements are met.

Ancillary administrative costs. Funds may be used to pay for ancillary administrative costs associated with administering SLFRF-funded hiring and retention programs detailed above, including costs to publish job postings, review applications, and onboard and train new hires. For additional information on administrative expenses, see section Administrative Expenses in Program Administration Provisions.

Effective Service Delivery: Administrative Expenses

The interim final rule provided that funds could be used for: "Expenses to improve efficacy of public health or economic relief programs: Administrative costs associated with the recipient's COVID–19 public health emergency assistance programs, including services responding to the COVID–19 public health emergency or its negative economic impacts, that are not federally funded." In the final rule, Treasury is clarifying that there are several categories of eligible administrative expenses.

First, recipients may use funds for administrative costs to improve the efficacy of public health or economic relief programs through tools like program evaluation, data analysis, and targeted consumer outreach (see section Effective Service Delivery: Program Evaluation, Data, and Outreach).

Second, recipients may use funds for administrative costs associated with programs to respond to the public health emergency and its negative economic impacts, including programs that are not funded by SLFRF or not federally funded. In other words, Treasury recognizes that responding to the public health and economic impacts of the pandemic requires many programs and activities, some of which are not funded by SLFRF. Executing these programs effectively is a component of responding to the public health and negative economic impacts of the pandemic.

Finally, recipients may use funds for direct and indirect administrative costs for administering the SLFRF program and projects funded by the SLFRF program. See section Administrative Expenses in Program Administration Provisions for details on this eligible use category.

Effective Service Delivery: Program Evaluation, Data, and Outreach

The Supplementary Information of the interim final rule provided that state, local and Tribal governments may use SLFRF funds to improve the design and execution of programs responding to the COVID–19 pandemic and to improve the efficacy of programs addressing negative economic impacts. The interim final rule included high-level guidance about how SLFRF funds could be used in this eligible use category, including the use of targeted consumer outreach, improvements to data or technology infrastructure, impact evaluations, and data analysis.

Since the publication of the interim final rule, Treasury has also released

[245] As part of accepting the Award Terms and Conditions for SLFRF, each recipient agreed to maintain a conflict-of-interest policy consistent with 2 CFR 200.318(c)112 that is applicable to all activities funded with the SLFRF award. Pursuant to this policy, decisions concerning SLFRF must be free of undisclosed personal or organizational conflicts of interest, both in fact and in appearance. A recipient may not use control over SLFRF for their own private gain. Furthermore, no employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest.

supplementary information on data analysis, evidence building, and program evaluation in the Compliance and Reporting Guidance.

Public Comment: Treasury received positive comments about the opportunity to invest in data and technology upgrades with SLFRF funds. For example, one commenter noted that investing in technology for better connectivity, coupled with software and hardware upgrades, will allow the workforce to be more productive. Treasury also received comments seeking clarification on using funds for investments in data and technology, including whether upgrading government websites to improve community outreach and investing in technologies that support social distancing were eligible uses.

Treasury Response: Governments with high capacity to use data and evidence to administer programs are more likely to be responsive to the needs of their community, more transparent about their community impact, and more resilient to emergencies such as the pandemic and its economic impacts.[246] Treasury recognizes that collecting high-quality data and developing community-driven, evidence-based programs requires resources to hire and build the capacity of staff, adopt new processes and systems, and use new technology and tools in order to effectively develop, execute, and evaluate programs. As such, Treasury is clarifying that recipients may use SLFRF funds toward the following non-exhaustive list of uses to address the data, evidence, and program administration needs of recipients. Additional information may be provided in the Compliance and Reporting Guidance.

- *Program evaluation and evidence resources* to support building and using evidence to improve outcomes, including development of Learning Agendas[247] to support strategic evidence building, selection of evidence-based interventions, and program evaluations including impact evaluations (randomized control trials and quasi-experimental designs) as well as rapid-cycle evaluations, process or implementation evaluations, outcome evaluations, and cost-benefit analyses. Recipients are encouraged to undertake rigorous program evaluations when practicable, assess the impact of their programs by beneficiary demographics (including race, ethnicity, gender, income, and other relevant factors), and engage with community stakeholders (including intended beneficiaries) when developing Learning Agendas and designing evaluations to ensure that programmatic, cultural, linguistic, and historical nuances are accurately and respectfully addressed.

Recipients are also encouraged to use relevant evidence Clearinghouses,[248] among other sources, to assess the level of evidence for their interventions and identify evidence-based models that could be applied in their jurisdiction (meaning models with strong or moderate evidence; see Compliance and Reporting Guidance for details on these terms).

- *Data analysis resources* to gather, assess, and use data for effective policy-making and real-time tracking of program performance to support effective implementation of SLFRF-funded programs and programs that respond to the public health emergency and its negative economic impacts, or which households, small businesses, or impacted industries are accessing during the pandemic that are funded by other sources. These resources include but are not limited to data gathering, data cleaning, data analysis, data infrastructure, data management, data sharing, data transparency, performance management, outcomes-based budgeting, outcomes-based procurement, and other data needs. Treasury encourages the disaggregation of data to identify disparate program impacts and the use of cross-jurisdictional data sharing to better measure and implement government programs.
- *Technology infrastructure* resources to improve access to and the user-experience of government information technology systems, including upgrades to hardware and software as well as improvements to public-facing websites or to data management systems, to increase public access and improve public delivery of government programs and services (including in the judicial, legislative, or executive branches).
- *Community outreach and engagement* resources to support the gathering and sharing of information in ways that improve equity and effective implementation of SLFRF-funded programs and programs that respond to the public health emergency and its negative economic impacts, or which households, small businesses, or impacted industries are accessing during the pandemic that are funded by other sources. These methods include but are not limited to community meetings, online surveys, focus groups, human-centered design activities, behavioral science techniques, and other community engagement tools.
- *Capacity building* resources to support using data and evidence in designing, executing, and evaluating programs, including hiring public sector staff, contractors, academics, consultants, and others with expertise in evaluation, data, technology, and community engagement as well as technical assistance support for public sector staff, staff of subrecipients, and community partners to support effective implementation of SLFRF-funded programs and programs that respond to the public health emergency and its negative economic impacts, or which households, small businesses, or impacted industries are accessing during the pandemic that are funded by other sources.

Administrative Needs Caused or Exacerbated by the Pandemic

As described in guidance and the interim final rule, SLFRF funds may be used to address administrative needs of recipient governments that were caused or exacerbated by the pandemic. Guidance following the interim final rule included several examples of this, for example, uses of funds to address backlogs resulting from pandemic-related shutdowns (*e.g.*, backlogs in court systems).[249] This also includes

[246] Results for America, Invest in What Works State Standard of Excellence (August 2020), *https://2020state.results4america.org/2020_State-Standard-of-Excellence.pdf.*

[247] Learning Agendas are systematic plans to identify, prioritize, answer important questions about programs and policies using analytic techniques that are appropriate to the type of question asked. For more information on learning agendas, please see OMB Memorandum M–19–23, available at: *https://www.whitehouse.gov/wp-content/uploads/2019/07/M-19-23.pdf* and OMB Memorandum M–21–27, available at: *https://www.whitehouse.gov/wp-content/uploads/2021/06/M-21-27.pdf.*

[248] Evidence Clearinghouses are databases of research in particular program areas. Frequently these Clearinghouses identify evidence-based programs, the strength of the evidence for those programs, and provide contextual or supporting information in easy to understand formats. Many federal departments have developed rigorous and helpful Clearinghouses that cover a wide range of uses enumerated in this final rule as well as other programs that may be responsive to public health or negative economic impacts of the pandemic. For more information on Clearinghouses, please see the Compliance and Reporting Guidance: U.S. Department of the Treasury, Recipient Compliance and Reporting Responsibilities, as of November 5, 2021; *https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds/recipient-compliance-and-reporting-responsibilities.*

[249] *See FAQ 2.19.* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.* In the case of courts specifically, this includes "implementing COVID–19 safety measures to facilitate court operations, hiring additional court staff or attorneys to increase speed of case

using funds for increased repair or maintenance needs to respond to significantly greater use of public facilities during the pandemic (*e.g.*, increased use of parks resulting in damage or increased need for maintenance). Some commenters expressed support for the ability to use funds for these purposes. Treasury is maintaining these enumerated eligible uses in the final rule and clarifying that capital expenditures such as technology infrastructure to adapt government operations to the pandemic (*e.g.*, video-conferencing software, improvements to case management systems or data sharing resources), reduce government backlogs, or meet increased maintenance needs are eligible.

b. Capital Expenditures

The interim final rule expressly permitted use of funds for a limited number of capital expenditures that mostly pertained to COVID–19 prevention and mitigation. These included capital investments in public facilities to meet pandemic operational needs, such as physical plant improvements to public hospitals and health clinics; adaptations to public buildings to implement COVID–19 mitigation tactics; ventilation improvements in congregate settings, health care settings, or other key locations; assistance to small businesses and nonprofits and aid to impacted industries to implement COVID–19 prevention or mitigation tactics, such as physical plant changes to enable social distancing. For disproportionately impacted populations and communities, the interim final rule also expressly permitted development of affordable housing to increase the supply of affordable and high-quality living units.

Public Comment: Many commenters supported the interim final rule's allowance of capital expenditures in facilities to meet pandemic operational needs but requested that the final rule explicitly allow for a broader range of capital expenditures. Commenters expressed an interest in investing in equipment, real property, and facilities that they argued will yield lasting benefits beyond the SLFRF period of performance. Some commenters stated that the approach in the interim final rule limited the vast majority of capital expenditures to governments that experienced revenue loss under Sections 602(c)(1)(C) and 603(c)(1)(C) and that this approach may prevent some governments from fully meeting the needs of their residents. A few commenters argued that Treasury should limit use of funds on capital expenditures not related to addressing a direct pandemic harm, such as general economic development or workforce development, and some expressed support for generally limiting capital expenditures to those that address the needs of low-income communities and communities of color.

Many commenters requested that capital expenditures related to direct COVID–19 public health response be included as enumerated eligible uses. The requested types of expenditures include improvements and construction of hospitals and health clinics (including behavioral health clinics), as well as other health-related infrastructure improvements, such as improvements to medical equipment or public health information technology. These commenters stated that investments in health and public health systems are vital to ensuring critical infrastructure necessary to respond to continued impacts of COVID–19 or to address disparities in health, due to lack of access to health care, that contributed to disproportionate impacts of COVID–19 on some communities. Further, some commenters requested that construction or improvements of emergency management and public safety facilities be deemed eligible, citing that some of these sites serve as remote vaccination sites or are otherwise crucial to the pandemic public health response.

Commenters also requested use of funds for capital expenditures that support community needs apart from health care, such as new construction or improvements to schools, affordable housing (beyond presumed disproportionately impacted communities), childcare facilities, and community centers; some suggested that all types of projects permissible under the Community Development Block Grant Program should be eligible both for policy and administrability reasons. Further, some commenters also asked for clarification as to whether parks and recreational facilities are eligible if built in certain disproportionately impacted areas, as well as public transportation infrastructure.

Finally, some commenters also requested use of funds for capital expenditures in government administration buildings, such as public courthouses, as well as technology infrastructure that would allow for remote delivery of public benefits. Others also asked about whether funds could be used to renovate vacant business district buildings or commercial spaces to spur economic recovery.

Treasury Response: Capital expenditures, in certain cases, can be appropriate responses to the public health and economic impacts of the pandemic, in addition to programs and services. Like other eligible uses of SLFRF funds in this category, capital expenditures should be a related and reasonably proportional response to a public health or negative economic impact of the pandemic. The final rule clarifies and expands how SLFRF funds may be used for certain capital expenditures, including criteria and documentation requirements specified in this section, as applicable.

Treasury provides presumptions and guidelines for capital expenditures that are enumerated earlier in sections Public Health, Negative Economic Impacts, and General Provisions: Other under the Public Health and Negative Economic Impact eligible use category ("enumerated projects"), along with capital expenditures beyond those enumerated by Treasury. In addition to satisfying the two-part framework in Standards: Designating a Public Health Impact and Standards: Designating a Negative Economic Impact for identifying and designing a response to a pandemic harm, Treasury will require projects with total expected capital expenditure costs of $1 million or greater to undergo additional analysis to justify their capital expenditure. Increased reporting requirements will be required for projects that are larger in size, as well as projects that are not enumerated as eligible by Treasury, with certain exceptions for Tribal governments discussed below. Smaller projects with total expected capital expenditures below $1 million will not be required to undergo additional analysis to justify their capital expenditure, as such projects will be presumed to be reasonably proportional, provided that they are responding to a harm caused or exacerbated by the public health emergency. These standards and documentation requirements are designed to minimize administrative burden while also ensuring that projects are reasonably proportional and supporting Treasury's risk-based approach to overall program management and monitoring.

This section provides (1) an overview of general standards governing capital expenditures; (2) presumptions on capital expenditures, which help guide recipients in determining whether the expenditure meets the standards and the associated documentation requirements; and (3) additional standards and requirements that may apply.

resolution, and other expenses to expedite case resolution are eligible uses."

Overview of General Standards

In considering whether a capital expenditure would be eligible under the public health and negative economic impacts eligible use category, recipients must satisfy the requirements for all uses under the public health and negative economic impacts eligible use category, including identifying an impact or harm and designing a response that addresses or responds to the identified impact or harm. Responses must be reasonably designed to benefit the individual or class that experienced the impact or harm and must be related and reasonably proportional to the extent and type of impact or harm. Recipients should consult further details on this standard provided in the sections Standards: Designating a Public Health Impact and Standards: Designating a Negative Economic Impact under General Provisions: Structure and Standards.

In addition to the framework described above, for projects with total expected capital expenditures of $1 million or greater, recipients must complete and meet the substantive requirements of a Written Justification for their capital expenditure, except for Tribal governments as discussed below. This Written Justification helps clarify the application of this interpretive framework to capital expenditures, while recognizing that the needs of communities differ. In particular, this justification reflects the fact that the time required for a large construction project may make capital expenditures less responsive to pandemic-related needs relative to other types of responses. In addition, as discussed in section Timeline for Use of SLFRF Funds of this Supplemental Information, SLFRF funds must be obligated by December 31, 2024 and expended by December 31, 2026. Capital expenditures may involve long lead-times, and the Written Justification may support recipients in analyzing proposed capital expenditures to confirm that they conform to the obligation and expenditure timing requirements. Further, such large projects may be less likely to be reasonably proportional to the harm identified. For example, construction of a new, larger public facility for the purpose of increasing the ability to socially distance generally would not be considered a reasonably proportional response compared to other less time- and resource-intensive options that may be available and would be equally or more effective. Other solutions, such as improvements in ventilation, could be made more quickly and are typically more cost effective than construction of a new, larger facility. The needs of communities differ, and recipients are responsible for identifying uses of SLFRF funds that best respond to these needs. The Written Justification recognizes this while also establishing consistent documentation and reporting to support monitoring and compliance with the ARPA and final rule. Finally, the Written Justification also reflects the fact that infrastructure projects are generally not within scope of this eligible use category. See section Uses Outside the Scope of this Category in General Provisions: Other.

As noted above, Tribal governments are not required to complete the Written Justification for projects with total capital expenditures of $1 million or greater. Tribal governments generally have limited administrative capacity due to their small size and corresponding limited ability to supplement staffing for short-term programs. In addition, Tribal governments are already subject to unique considerations that require additional administrative processes and administrative burden for Tribal government decision making, including capital expenditures. Tribal governments generally are subject to a jurisdictionally complex sets of rules and regulations in the case of improvements to land for which the title is held in trust by the United States for a Tribe (Tribal Trust Lands).[250] This includes the requirement in certain circumstances to seek the input or approval of one or more federal agencies such the Department of the Interior, which holds fee title of Tribal Trust Lands.

As a result of their limited administrative capacity and unique and complex rules and regulations applicable to Tribal governments operating on Tribal Trust Lands, Tribal governments would experience significant and redundant administrative burden by also being required to complete a Written Justification for applicable capital expenditures. While Tribal governments are not required to complete the Written Justification for applicable capital expenditures, the associated substantive requirements continue to apply, including the requirement that a capital expenditure must be reasonably designed to benefit the individual or class that experienced the identified impact or harm and must be related and reasonably proportional to the extent and type of impact or harm. Note that, as a general matter, Treasury may also request further information on SLFRF expenditures and projects, including capital expenditures, as part of the regular SLFRF reporting and compliance process, including to assess their eligibility under the final rule.

The Written Justification should (1) describe the harm or need to be addressed; (2) explain why a capital expenditure is appropriate to address the harm or need; and (3) compare the proposed capital expenditure against alternative capital expenditures that could be made. The information required for the Written Justification reflects the framework applicable to all uses under the public health and negative economic impacts eligible use category, providing justification for the reasonable design, relatedness, and reasonable proportionality of the capital expenditure in response to the harm or impact identified.

1. *Description of harm or need to be addressed:* Recipients should provide a description of the specific harm or need to be addressed, and why the harm was exacerbated or caused by the public health emergency. When appropriate, recipients may provide quantitative information on the extent and type of the harm, such as the number of individuals or entities affected.

2. *Explanation of why a capital expenditure is appropriate:* Recipients should provide an independent assessment demonstrating why a capital expenditure is appropriate to address the specified harm or need. This should include an explanation of why existing capital equipment, property, or facilities would be inadequate to addressing the harm or need and why policy changes or additional funding to pertinent programs or services would be insufficient without the corresponding capital expenditures. Recipients are not required to demonstrate that the harm or need would be irremediable but for the additional capital expenditure; rather, they may show that other interventions would be inefficient, costly, or otherwise not reasonably designed to remedy the harm without additional capital expenditure.

3. *Comparison of the proposed capital expenditure against alternative capital expenditures:* Recipients should provide an objective comparison of the proposed capital expenditure against at least two alternative capital expenditures and demonstrate why their proposed capital expenditure is superior to alternative capital expenditures that could be made. Specifically, recipients should assess the proposed capital expenditure against at least two alternative types or sizes of capital expenditures that are potentially effective and reasonably

[250] See 25 U.S.C. 5108.

feasible. Where relevant, recipients should compare the proposal against the alternative of improving existing capital assets already owned or leasing other capital assets. Recipients should use quantitative data when available, although they are encouraged to supplement with qualitative information and narrative description. Recipients that complete analyses with minimal or no quantitative data should provide an explanation for doing so.

In determining whether their proposed capital expenditure is superior to alternative capital expenditures, recipients should consider the following factors against each selected alternative.

a. *A comparison of the effectiveness of the capital expenditures in addressing the harm identified.* Recipients should generally consider the effectiveness of the capital expenditures in addressing the harm over the useful life of the capital asset and may consider metrics such as the number of impacted or disproportionately impacted individuals or entities served, when such individuals or entities are estimated to be served, the relative time horizons of the project, and consideration of any uncertainties or risks involved with the capital expenditure.

b. *A comparison of the expected total cost of the capital expenditures.* Recipients should consider the expected total cost of the capital expenditure required to construct, purchase, install, or improve the capital assets intended to address the public health or negative economic impact of the public health emergency. Recipients should include pre-development costs in their calculation and may choose to include information on ongoing operational costs, although this information is not required.

Recipients should balance the effectiveness and costs of the proposed capital expenditure against alternatives and demonstrate that their proposed capital expenditure is superior. Further, recipients should choose the most cost-effective option unless it substantively reduces the effectiveness of the capital investment in addressing the harm identified.

As an example, a recipient considering building a new diagnostic testing laboratory to enhance COVID–19 testing capacity may consider whether existing laboratories sufficiently meet demand for COVID–19 testing, considering the demand for test results (along with their turnaround time) as well as the impact of current testing availability on the spread of COVID–19. Recipients may also consider other public health impacts of the level of diagnostic testing capacity, for example if insufficient capacity has decreased testing for other health conditions. The recipient may consider alternatives such as expanding existing laboratories or building a laboratory of a different size. In comparing the effectiveness of the capital expenditures, examples of factors that the recipient may consider include when the facilities will become operational and for how long; the daily throughput of COVID–19 tests; and the effect on minimizing delays in test results on the populations that such tests will serve. In comparing costs, the recipient may compare the total expected cost of the new laboratory (including costs of acquisition of real property, construction of the laboratory, and purchase of any necessary equipment needed to operationalize the lab), against the expected costs of expanding existing laboratories (whether by replacing current equipment with higher throughout devices or physically expanding space to accommodate additional capacity) or building a new laboratory of a different size, including by leasing property. As a reminder, recipients should only consider alternatives that are potentially effective and reasonably feasible.

Because, in all cases, uses of SLFRF funds to respond to public health and negative economic impacts of the pandemic must be related and reasonably proportional to a harm caused or exacerbated by the pandemic, some capital expenditures may not eligible. For example, constructing a new correctional facility would generally not be a proportional response to an increase in the rate of certain crimes or overall crime as most correctional facilities have historically accommodated fluctuations in occupancy.[251] In addition, construction of new congregate facilities, which would generally be expected to involve expenditures greater than $1 million, would generally not be a proportional response to mitigate or prevent COVID–19, because such construction is generally expected to be more costly than alternative approaches or capital expenditures that may be equally or more effective in decreasing spread of the disease.[252] These alternatives include personal protective equipment, ventilation improvements, utilizing excess capacity in other facilities or wings, or temporary facility capacity expansions.

Large capital expenditures intended for general economic development or to aid the travel, tourism, and hospitality industries—such as convention centers and stadiums—are, on balance, generally not reasonably proportional to addressing the negative economic impacts of the pandemic, as the efficacy of a large capital expenditure intended for general economic development in remedying pandemic harms may be very limited compared to its cost.[253]

Presumptions on Capital Expenditures

For administrative convenience, the final rule provides presumptions on whether a Written Justification is required—and required to be submitted to Treasury through reporting—based on the type and size of the capital expenditure, as detailed in the table below.

As discussed above, Tribal governments are not required to complete the Written Justification for applicable capital expenditures, but the associated substantive requirements continue to apply, including the requirement that a capital expenditure must be reasonably designed to benefit the individual or class that experienced the identified impact or harm and must be related and reasonably proportional to the extent and type of impact or harm.

[251] *See, e.g.*, "Economic Perspectives on Incarceration and the Criminal Justice System," Council of Economic Advisers (April 2016), pg. 36–43.

[252] For instance, the CDC has published detailed recommendations for nursing homes, long-term care facilities, and correctional and detention facilities, on infection prevention and control. Many of these recommendations are relatively low cost, such as proper use of PPE. In addition, increasing vaccination rates among nursing home staff is among the most important ways to decrease the spread of the disease. Centers for Disease Control and Prevention, Interim Infection Prevention and Control Recommendations to Prevent SARS–CoV–2 Spread in Nursing Homes (September 10, 2021), *https://www.cdc.gov/coronavirus/2019-ncov/hcp/long-term-care.html#anchor_1631030153017.*

[253] For instance, researchers have found no consistent positive relationship between building sports facilities and local economic development. As Siegfried and Zimbalist (2000, 103) write in a review of the literature, "independent work on the economic impact of stadiums and arenas has uniformly found that there is no statistically significant positive correlation between sports facility construction and economic development." John Siegfried and Andrew Zimbalist, The Economics of Sports Facilities and Their Communities, Journal of Economic Perspectives 14, no. 3 (Summer 2000): 95–114, *https://www.aeaweb.org/articles?id=10.1257/jep.14.3.95.*

If a project has total expected capital expenditures of	and the use is enumerated by Treasury as eligible, then [254]	and the use is beyond those enumerated by Treasury as eligible, then [255]
Less than $1 million	No Written Justification required	No Written Justification required.
Greater than or equal to $1 million, but less than $10 million.	Written Justification required but recipients are not required to submit as part of regular reporting to Treasury.	Written Justification required and recipients must submit as part of regular reporting to Treasury.
$10 million or more	Written Justification required and recipients must submit as part of regular reporting to Treasury.	

In selecting these thresholds, Treasury recognized that capital expenditures vary widely in size and therefore would benefit from tiered treatment to implement eligibility standards while minimizing administrative burden, especially for smaller projects. For example, Treasury selected $1 million as a threshold for whether a recipient needs to complete a Written Justification as well as a threshold under which capital expenditures would be presumed reasonably proportional. Treasury estimates that $1 million would encapsulate the costs of a significant portion of equipment or small renovations. These types of smaller projects are often a necessary and reasonably proportional part of a response to the public health emergency; therefore, the $1 million threshold provides a simplified pathway to complete smaller projects more likely to meet the eligibility standard. At the same time, Treasury selected $10 million as the threshold for more intensive reporting requirements, estimating that projects larger than $10 million would likely constitute significant improvements or construction of mid- or large-sized facilities. As discussed above, given their scale and longer time to completion, these types of larger projects may be less likely to be reasonably proportional responses. The $10 million threshold also generally aligns with thresholds in other parts of the SLFRF program, such as for enhanced reporting on labor practices.

Expenditures from closely related activities directed toward a common purpose are considered part of the scope of one project. These expenditures can include capital expenditures, as well as expenditures on related programs, services, or other interventions. A project includes expenditures that are interdependent (*e.g.*, acquisition of land, construction of the school on the land, and purchase of school equipment), or are of the same or similar type and would be utilized for a common purpose (*e.g.*, acquisition of a fleet of ambulances that would be used for COVID–19 emergency response). Recipients must not segment a larger project into smaller projects in order to evade review. A recipient undertaking a set of identical or similar projects (*e.g.*, development of a number of new affordable housing complexes across the recipient jurisdiction) may complete one Written Justification comprehensively addressing the entire set of projects.

Projects Enumerated as Eligible by Treasury

Under the public health and negative economic impacts eligible use category, the final rule provides a non-exclusive list of eligible uses of funding for projects that respond to the public health emergency or its negative economic impacts. Treasury has determined that these enumerated projects are related to the public health emergency and its negative economic impacts; however, recipients (other than Tribal governments) undertaking these projects with total expected capital expenditures of $1 million or greater must still complete and meet the substantive requirements of a Written Justification as part of their demonstration that the project is a related and reasonably proportional response to the harm identified.

- *Projects with total expected capital expenditures of under $1 million:* Treasury provides a safe harbor for projects with total expected capital expenditures of less than $1 million and will not require recipients to complete, submit, or meet the substantive requirements of a Written Justification for the capital expenditure. In essence, recipients may pursue an enumerated project with total expected capital expenditures of under $1 million without having to undergo additional assessments to meet SLFRF requirements.
- *Projects with total expected capital expenditures of at least $1 million but under $10 million:* Recipients should complete a Written Justification for the capital expenditure and make an independent assessment of whether their proposed capital expenditure meets the substantive requirements of the Written Justification. Recipients will not be required to submit the Written Justification as part of regular reporting to Treasury but should keep documentation for their records.
- *Projects with total expected capital expenditures of at least $10 million:* Similar to the above, recipients should complete a Written Justification of the capital expenditure and make an independent assessment of whether their proposed capital expenditure meets the substantive requirements of the Written Justification. Further, recipients will be asked to submit the Written Justification as part of regular reporting to Treasury. Similar to other parts of the SLFRF program, such as on reporting on labor practices, Treasury recognizes that projects with expected total capital expenditures of at least $10 million may be less likely to meet eligibility requirements and therefore requires recipients to provide an enhanced level of information to Treasury.

Projects Beyond Those Enumerated as Eligible by Treasury

As with all uses, recipients that undertake capital expenditures beyond those enumerated as eligible by Treasury must meet the two-part framework under Standards: Designating a Public Health Impact and Standards: Designating a Negative Economic Impact under General Provisions: Structure and Standards,

[254] Whether or not a Written Justification is required, recipients should still determine that the response is related and reasonably proportional to the public health emergency and its negative economic impacts. Treasury recognizes that enumerated eligible uses are "related" to the public health emergency and its negative economic impacts and presumed to be reasonably proportional, except recipients pursuing projects with expected total capital expenditures equal to or greater than $1 million should still independently determine that the expenditures are a reasonably proportional response. Enumerated projects with total expected capital expenditures under $1 million receive a safe harbor and deemed to meet the related and reasonably proportional standard.

[255] Whether or not a Written Justification is required, recipients should still determine that the response is related and reasonably proportional to the public health emergency and its negative economic impacts. Treasury presumes that projects with total expected capital expenditures under $1 million are reasonably proportional in size to responding to the public health emergency and its negative economic impacts; however, recipients should determine that the response otherwise meets the requirements of the standard, including that the response is related to the public health emergency and its negative economic impacts.

including the requirement that responses are related and reasonably proportional to the harm or impact identified. As part of that assessment, these recipients may also be asked to complete a Written Justification. Recipients (other than Tribal governments) are subject to the following presumptions for the Written Justification of the capital expenditure, based on the total expected capital expenditures of the project:

• *Projects with total expected capital expenditures of under $1 million:* Treasury provides a safe harbor for unenumerated projects with total expected capital expenditures of under $1 million and will not require recipients to complete, submit, or meet the substantive requirements of a Written Justification of the capital expenditure. Recipients should still make a determination as to whether the capital expenditure is part of a response that is related and reasonably proportional to the public health emergency or its negative economic impacts.

• *Projects with total expected capital expenditures of $1 million or over:* Recipients should complete a Written Justification of the capital expenditure and make an independent assessment that their proposed capital expenditure meets the substantive requirements of the Written Justification. Further, recipients will be asked to submit the Written Justification as part of regular reporting to Treasury.

Treasury employs a risk-based approach to overall program management and monitoring, which may result in heightened scrutiny on larger projects. Accordingly, recipients pursuing projects with larger capital expenditures should complete more detailed analyses for their Written Justification, commensurate with the scale of the project.

Additional Provisions, Standards, and Definitions

Strong Labor Standards in Construction

Treasury encourages recipients to carry out projects in ways that produce high-quality work, avert disruptive and costly delays, and promote efficiency. Treasury encourages recipients to use strong labor standards, including project labor agreements (PLAs) and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also recommends that recipients prioritize in their procurement decisions employers who can demonstrate that their workforce meets high safety and training standards (*e.g.*, professional certification, licensure, and/or robust in-house training), that hire local workers and/or workers from historically underserved communities, and who directly employ their workforce or have policies and practices in place to ensure contractors and subcontractors meet high labor standards. Treasury further encourages recipients to prioritize employers (including contractors and subcontractors) without recent violations of federal and state labor and employment laws.

Treasury believes that such practices will promote effective and efficient delivery of high-quality projects and support the economic recovery through strong employment opportunities for workers. Such practices will reduce likelihood of potential project challenges like work stoppages or safety accidents, while ensuring a reliable supply of skilled labor and minimizing disruptions, such as those associated with labor disputes or workplace . injuries. That will, in turn, promote on-time and on-budget delivery.

Furthermore, among other requirements contained in 2 CFR 200, Appendix II, all contracts made by a recipient or subrecipient in excess of $100,000 with respect to a capital expenditure that involve employment of mechanics or laborers must include a provision for compliance with certain provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR part 5).

Treasury will seek information from recipients on their workforce plans and practices related to capital expenditures undertaken under the public health and negative economic impacts eligible use category with SLFRF funds. This reporting will support transparency and competition by enhancing available information on the services being provided.

Environmental, Uniform Guidance, and Other Generally Applicable Requirements

Treasury cautions that, as is the case with all projects using SLFRF funds, all projects must comply with applicable federal, state, and local law. In the case of capital expenditures in particular, this includes environmental and permitting laws and regulations. Likewise, as with all capital expenditure projects using the SLFRF funds, projects must be completed in a manner that is technically sound, meaning that it must meet design and construction methods and use materials that are approved, codified, recognized, fall under standard or acceptable levels of practice, or otherwise are determined to be generally acceptable by the design and construction industry.

Further, as with all other uses of funds under the SLFRF program, the Uniform Guidance at 2 CFR part 200 applies to capital expenditures unless stated otherwise. Importantly, this includes 2 CFR part 200 Subpart D on post-federal award requirements, including property standards pertaining to insurance coverage, real property, and equipment; procurement standards; sub-recipient monitoring and management; and record retention and access.

Definitions

Treasury adopts several definitions from the Uniform Guidance at 2 CFR 200.1 under this section, including for capital expenditures, capital assets, equipment, and supplies.

Per the Uniform Guidance, the term "capital expenditures" means "expenditures to acquire capital assets or expenditures to make additions, improvements, modifications, replacements, rearrangements, reinstallations, renovations, or alterations to capital assets that materially increase their value or useful life." The term "capital assets" means "tangible or intangible assets used in operations having a useful life of more than one year which are capitalized in accordance with [Generally Accepted Accounting Principles]."

Capital assets include lands, facilities, equipment, and intellectual property. Equipment means "tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or $5,000." Supplies, which means all tangible personal property other than those included as "equipment," are not considered capital expenditures.

Recipients may also use SLFRF funds for pre-project development costs that are tied to or reasonably expected to lead to an eligible capital expenditure. For example, pre-project costs associated with planning and engineering for an eligible project are considered an eligible use of funds.

c. Distinguishing Subrecipients Versus Beneficiaries

Under the interim final rule, state, local, and Tribal governments that receive a federal award directly from a federal awarding agency, such as Treasury, are designated as "recipients,"

and state, local, and Tribal governments are authorized to transfer funds to other entities, including private entities like nonprofits. The interim final rule stated that, "[a] transferee receiving a transfer from a recipient under sections 602(c)(3) and 603(c)(3) will be a subrecipient. Subrecipients are entities that receive a subaward from a recipient to carry out a program or project on behalf of the recipient with the recipient's Federal award funding."

For funds transferred to a subrecipient, the interim final rule noted that "[r]ecipients continue to be responsible for monitoring and overseeing the subrecipient's use of SLFRF funds and other activities related to the award to ensure that the subrecipient complies with the statutory and regulatory requirements and the terms and conditions of the award. Recipients also remain responsible for reporting to Treasury on their subrecipients' use of payments from the SLFRF funds for the duration of the award."

Public Comment: Treasury received many comments requesting clarification about which entities qualify as subrecipients and are, in turn, subject to subrecipient monitoring and reporting requirements. For example, commenters sought clarification about whether a nonprofit that received a grant to provide services under a program to carry out an enumerated eligible use would qualify as a subrecipient and be subject to subrecipient monitoring and reporting requirements. Similarly, commenters also wondered if a nonprofit that received a grant in recognition of experiencing a negative economic impact of the public health emergency would also be a subrecipient and subject to subrecipient reporting requirements.

Treasury Response: Treasury is clarifying the distinction between a subrecipient and beneficiary in the final rule. The Uniform Guidance definitions for subaward and subrecipient inform Treasury's distinction between subrecipients and beneficiaries.

First, per 2 CFR 200.1 of Uniform Guidance "[s]ubaward means an award provided by a pass-through entity [256] to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract."

Further, 2 CFR 200.1 of the Uniform Guidance defines a subrecipient, in that "[s]ubrecipient means an entity, usually but not limited to non-Federal entities, that receives a subaward from a pass-through entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency." Treasury is aligning the definition of subrecipient in the final rule with the definition of subrecipient in the Uniform Guidance.

Treasury is maintaining the monitoring and subrecipient reporting requirements outlined in the final rule. Per 2 CFR 200.101 (b)(2) of the Uniform Guidance, the terms and conditions of federal awards flow down to subawards to subrecipients. Therefore, non-federal entities, as defined in the Uniform Guidance, must comply with the applicable requirements in the Uniform Guidance regardless of whether the non-federal entity is a recipient or subrecipient of a federal award. This includes requirements such as the treatment of eligible uses of funds, procurement, and reporting requirements.

The Uniform Guidance definitions for both subaward and subrecipient specify that payments to individuals or entities that are direct beneficiaries of a federal award are not considered subrecipients. The final rule adopts this definition of a beneficiary and outlines that households, communities, small businesses, nonprofits, and impacted industries are all potential beneficiaries of projects carried out with SLFRF funds. Beneficiaries are not subject to the requirements placed on subrecipients in the Uniform Guidance, including audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F or subrecipient reporting requirements.

The distinction between a subrecipient and a beneficiary, therefore, is contingent upon the rationale for why a recipient is providing funds to the individual or entity. If the recipient is providing funds to the individual or entity for the purpose of carrying out a SLFRF program or project on behalf of the recipient, the individual or entity is acting as a subrecipient. Acting as a subrecipient, the individual or entity is subject to subrecipient monitoring and reporting requirements. Conversely, if the recipient is providing funds to the individual or entity for the purpose of directly benefitting the individual or entity as a result of experiencing a public health impact or negative economic impact of the pandemic, the individual or entity is acting as a beneficiary. Acting as a beneficiary, the individual or entity is not subject to subrecipient monitoring and reporting requirements.

d. Uses Outside the Scope of This Category

Summary of the Interim Final Rule and Final Rule Structure

In the interim final rule, Treasury noted that certain uses of funds are not permissible under the eligible use category of responding to the public health and negative economic impacts of the pandemic. In the final rule, these uses remain impermissible, but Treasury has re-categorized where they are addressed to increase clarity.

Specifically, the interim final rule provided that the following uses of funds are not eligible under this eligible use category: Contributions to rainy day funds, financial reserves, or similar funds; payment of interest or principal on outstanding debt instruments; fees or issuance costs associated with the issuance of new debt; and satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring plan in a judicial, administrative, or regulatory proceeding, except to the extent the judgment or settlement requires the provision of services that would respond to the COVID–19 public health emergency. These uses of funds remain ineligible under the final rule; Treasury has re-categorized these issues to the section Restrictions on Use, which describes restrictions that apply to all eligible use categories, to clarify that these uses are not eligible under any eligible use category of SLFRF. Treasury responds to public comments on this issue in the section Restrictions on Use.

As noted above, the interim final rule also posed several questions on what other types of services or costs Treasury should consider as eligible uses to respond to the public health and negative economic impacts of COVID–19, including in disproportionately impacted communities. In this section, Treasury addresses proposed uses of funds suggested by commenters that Treasury has not included as enumerated eligible uses of funds in this eligible use category.

General Eligible Uses

Public Comment: Commenters proposed a wide variety of additional recommended enumerated eligible uses

[256] In this context, a pass-through entity means a recipient of SLFRF funds.

in all sections of the public health and negative economic impacts eligible use category, including in impacted and disproportionately impacted communities. The proposed additional uses included general categories of services (*e.g.*, legal and social services, long-term investments to remediate long-term disparities, response to natural disasters). Other suggested uses of funds respond to needs widely experienced across the country (*e.g.*, access to and affordability of health insurance). Finally, other suggested uses of funds were highly specific (*e.g.*, healthcare equipment for a specific health condition, fire hydrants, weather alert systems) or most applicable to the particularized needs to certain populations or geographic areas of the United States (*e.g.*, senior citizens, immigrants, formerly incarcerated individuals, responding to environmental issues in certain geographic regions). Other commenters generally requested a high degree of flexibility to respond to the particular needs of their communities.

Treasury Response: Given the large number and diversity of SLFRF recipients, Treasury has aimed to include as enumerated eligible uses programs, services, and capital expenditures that respond to public health and negative economic impacts of the pandemic experienced widely in many jurisdictions across the country, making it clear and simple for recipients to pursue these enumerated eligible uses under the final rule. This provides enumerated eligible uses that many recipients may want to pursue, while including uses that are responsive to the pandemic's impacts across the diverse range of SLFRF recipients. In the final rule, Treasury has clarified several additional uses that generally respond to pandemic impacts experienced broadly across jurisdictions and populations.

Treasury has not chosen to include as enumerated uses all uses proposed by commenters; given the significant range, and in some cases highly specific nature, of the proposed uses Treasury was not able to assess that the proposed uses would respond to negative economic impacts experienced generally across the country, supporting an enumerated eligible use available to all recipients presumptively.

However, Treasury emphasizes that the enumerated eligible uses are non-exhaustive and that other uses, beyond those enumerated, are eligible. Treasury recognizes that the impacts of the pandemic vary over time, by jurisdiction, and by population; as such, the final rule provides flexibility for recipients to identify other public health or negative economic impacts to additional households, small businesses, or nonprofits, including classes of these entities, and pursue programs and services that respond to those impacts. Treasury also notes that some populations are presumed to be impacted or disproportionately impacted by the pandemic, and thus eligible for responsive services; these presumed eligible populations may encompass many individuals in the specific populations for whom commenters recommended services. For details on these issues, see section General Provisions: Structure and Standards.

Infrastructure, Community Development, and General Economic Development

Some potential additions to enumerated eligible uses were also recommended by several commenters each but are not included as enumerated eligible uses in the final rule.

Public Comment: Infrastructure: In the interim final rule, Treasury noted that a "general infrastructure project, for example, typically would not be included [in this eligible use category] unless the project responded to a specific pandemic public health need."

Numerous commenters requested that Treasury permit investments in infrastructure as a response to the public health and negative economic impacts of the pandemic. While these comments most commonly recommended that constructing and maintaining roads and surface transportation infrastructure be eligible, the proposed uses for infrastructure ranged widely and included parking lots, bridges, traffic management infrastructure, solid waste disposal facilities, and utility infrastructure (outside of water, sewer, and broadband).

Many commenters argued that infrastructure development and maintenance is a pressing need in their communities and that their communities had less need for water, sewer, and broadband infrastructure or other eligible uses to respond to the public health and negative economic impacts of the pandemic. Other commenters argued that these uses would stimulate the economy, attract businesses, or allow for tourist movement; these commenters argued that, by generally supporting a stronger economy or facilitating conditions that are more conducive to business activity and tourism, these uses respond to the negative economic impacts of the pandemic.

Treasury Response: In the final rule, Treasury is maintaining the approach under the interim final rule that general infrastructure projects, including roads, streets, and surface transportation infrastructure, would generally not be eligible, unless the project responded to a specific pandemic public health need or a specific negative economic impact.

The ARPA expressly includes infrastructure if it is "necessary" and in water, sewer, or broadband, suggesting that the statute contemplates only those types of infrastructure. Further, responding to the public health and negative economic impacts of the pandemic requires identifying whether, and the extent to which, there has been a harm that resulted from the COVID–19 public health emergency and whether, and the extent to which, the use would respond or address this harm. Uses of funds intended to generally grow the economy and therefore enhance opportunities for workers and businesses would not be an eligible use, because such assistance is not reasonably designed to impact individuals or classes that have been identified as having experienced a negative economic impact. In other words, there is not a reasonable connection between the assistance provided and an impact on the beneficiaries. Such an activity would be attenuated from and thus not reasonably designed to benefit the households that experienced the negative economic impact.

Note, however, that Treasury has clarified that capital expenditures that are related and reasonably proportional to responding to the public health and economic impacts of the pandemic are eligible uses of funds, in addition to programs and services; for details on eligibility criteria for capital expenditures, see section Capital Expenditures in General Provisions: Other.

Public Comment: Community Development Block Grant: Several commenters recommended that Treasury enumerate as eligible uses those eligible under the Department of Housing and Urban Development's Community Development Block Grant (CDBG) or the Housing and Community Development Act of 1974, which established the CDBG program. Commenters requested that these uses be eligible either to respond to the negative economic impacts of the pandemic, or in the alternate the disproportionate negative economic impacts of the pandemic in certain communities. Under the CDBG program, recipient governments may undertake a wide range of community and economic

development services and projects. Commenters reasoned that many state and local governments are familiar with this program, and that aligning to its eligible uses may help recipients easily understand and pursue eligible projects. Commenters also noted that Treasury had chosen to align with existing federal programs in other eligible use categories, namely water infrastructure, in the interim final rule.

Treasury Response: In the final rule, Treasury is not including all categories of projects permissible under CDBG as enumerated eligible uses to respond to the public health and negative economic impacts of the pandemic. Because CDBG permits such a broad range of activities, including services to individual households, communities, small businesses, general economic development activities, and capital expenditures, Treasury determined that it was more appropriate to assess the underlying types of projects eligible within CDBG and whether each type of project responds to the negative economic impacts of the pandemic. In other words, Treasury considered whether various types of community and economic development projects respond to the impacts of the pandemic in different communities and circumstances. In the final rule, Treasury addresses the eligibility of these various types of projects in each relevant eligible use category within public health and negative economic impacts under SLFRF, including assistance for impacted households, disproportionately impacted households, disproportionately impacted small businesses, and capital expenditures.

Public Comment: General Economic Development: Treasury provided guidance following the interim final rule that general economic development or workforce development would generally not be eligible as it does not respond to a negative economic impact of the COVID–19 public health emergency.

Some commenters recommended that Treasury expand enumerated eligible uses to include general economic development activities, beyond those that respond to negative economic impacts of the pandemic, such as creating an economic development strategy for the jurisdiction's overall economic growth, creating a general workforce development strategy, or providing funds to businesses that did not experience negative economic impacts to carry out economic development activities or to incentivize the addition or retention of jobs. Commenters supportive of assistance to businesses for general economic development activities argued that subsidies to businesses increase job growth and that, in some cases, assistance to companies that excelled during the public health emergency would help create more job opportunities for workers or expand the jurisdiction's tax base and produce funds to support government services. In contrast, other commenters argued that academic research consistently finds that economic development subsidies have a negligible, or even negative, economic effect, citing research findings to this effect.[257]

Treasury Response: In the final rule, Treasury maintains the interim final rule's approach that general economic development or workforce development, meaning activities that do not respond to negative economic impacts of the pandemic and rather seek to more generally enhance the jurisdiction's business climate, would generally not be eligible under this eligible use category. As noted above, to identify an eligible use of funds under this category, a recipient must identify a beneficiary or class of beneficiaries that experienced a harm or impact due to the pandemic, and eligible uses of funds must be reasonably designed to respond to the harm, benefit the beneficiaries that experienced it, and be related and reasonably proportional to that harm or impact.

As noted above, recipients should analyze eligible uses based on the beneficiary of the assistance, and recipients may not provide assistance to small businesses or impacted industries that did not experience a negative economic impact. Provision of assistance to a business that did not experience a negative economic impact, under the theory that such assistance would generally grow the economy and therefore enhance opportunities for workers, would not be an eligible use, because such assistance is not reasonably designed to impact individuals or classes that have been identified as having experienced a negative economic impact. In other words, there is not a reasonable connection between the assistance provided and an impact on the beneficiaries. Such an activity would be attenuated from and thus not reasonably designed to benefit the households that experienced the negative economic impact. Research cited by some commenters finding that business subsidies have limited or negative economic impact also suggests that such a response may not be reasonably designed to benefit households and other entities impacted by the pandemic. Similarly, planning activities for an economic development or workforce strategy regarding general future economic growth do not provide a program, service, or capital expenditure that responds to negative economic impacts of the pandemic.

However, Treasury notes that the final rule includes as enumerated eligible uses many types of assistance that respond to negative economic impacts of the pandemic and may produce economic development benefits. For example, see sections Assistance to Unemployed Workers, Assistance to Small Businesses, and Capital Expenditures.

B. Premium Pay

Background and Summary of the Interim Final Rule

Sections 602(c)(1)(B) and 603(c)(1)(B) of the Social Security Act, as added by the ARPA, provide that SLFRF funds may be used "to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the . . . government that are performing such essential work, or by providing grants to eligible employers

[257] See, *e.g.*, Matthew D. Mitchell et al., The Economics of a Targeted Economic Development Subsidy (Arlington, VA: Mercatus Center at George Mason University, 2019), 5, available at *https://www.mercatus.org/publications/government-spending/economics-targeted-economic-development-subsidy*; Timothy J. Bartik, Who Benefits from Economic Development Incentives? How Incentive Effects on Local Incomes and the Income Distribution Vary with Different Assumptions about Incentive Policy and the Local Economy (Upjohn Institute Technical Report No. 13–034, W.E. Upjohn Institute for Employment Research, March 1, 2018), available at: *https://research.upjohn.org/up_technicalreports/34/*; Cailin Slattery and Owen Zidar, Evaluating State and Local Business Tax Incentives, Journal of Economic Perspectives 34, no. 2 (2020): 90–118, available at: *https://www.aeaweb.org/articles?id=10.1257/jep.34.2.90*; Kenneth Thomas, The State of State and Local Subsidies to Business (Mercatus Policy Brief, Mercatus Center at George Mason University, Arlington, VA, October 2019), available at: *https://www.mercotus.org/system/files/thomas_-_policy_brief_-_the_state_of_state_and_local_subsidies_to_business_-_v1.pdf*; Dennis Coates, Growth Effects of Sports Franchises, Stadiums, and Arenas: 15 Years Later (Mercatus Working Paper, Mercatus Center at George Mason University, Arlington, VA, September 2015), available at: *https://www.mercatus.org/system/files/Coates-Sports-Franchises.pdf*; Dennis Coates and Brad R. Humphreys, Do Economists Reach a Conclusion on Subsidies for Sports Franchises, Stadiums, and Mega-Events?, Econ Journal Watch 5, no. 3 (2008): 294–315, available at: *https://econjwatch.org/articles/do-economists-reach-a-conclusion-on-subsidies-for-sports-franchises-stadiums-and-mega-events*; Matthew D. Mitchell, Daniel Sutter, and Scott Eastman, The Political Economy of Targeted Economic Development Incentives, Review of Regional Studies 48, no. 1 (2018): 1–9, available at: *https://www.mercatus.org/publications/corporate-welfare/political-economy-targeted-economic-development-incentives.*

that have eligible workers who perform essential work."

Premium pay is designed to compensate workers that, by virtue of their employment, were forced to take on additional burdens and make great personal sacrifices as a result of the COVID–19 pandemic. Premium pay can be thought of as hazard pay by another name.[258]

During the public health emergency, employers' policies on COVID–19-related premium pay or hazard pay have varied widely, with many essential workers not yet compensated for the heightened risks they have faced and continue to face.[259] Many of these workers earn lower wages on average and live in socioeconomically underserved communities as compared to the general population.[260] A recent study found that 25 percent of essential workers were estimated to have low household income, with 13 percent in high-risk households.[261] The low pay of many essential workers makes them less able to cope with the financial consequences of the pandemic or their work-related health risks. As Americans return to work and governments relax certain rules, essential workers will continue to bear the brunt of the risk of maintaining the ongoing operation of vital facilities and services. The added health risk to essential workers is one prominent way in which the pandemic has amplified pre-existing socioeconomic inequities. Premium pay is designed to address the disparity between the critical services provided by and the risks taken by essential workers and the relatively low compensation they tend to receive.

The interim final rule established a three-part framework for recipients seeking to use SLFRF funds for premium pay. First, to receive premium pay one must be an eligible worker. Second, an eligible worker must also perform essential work. Finally, premium pay must respond to workers performing essential work during the COVID–19 public health emergency. Most of the comments received by Treasury pertaining to premium pay related to these three requirements. Comments also addressed the definition of premium pay generally and posed questions regarding premium pay program structuring. This section responds to the comments by addressing the three requirements in turn, then the overall definition of premium pay and, finally, program structure.

Eligible Workers

The ARPA defines "eligible workers" as "those workers needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as each . . . [government] may designate as critical to protect the health and wellbeing of [its] residents." The interim final rule supplemented this definition by identifying a list of "essential critical infrastructure sectors" whose workers are eligible workers, based on the list of sectors in the HEROES Act, a bill introduced in the House of Representatives in 2020 that would have provided premium pay to essential workers.[262] In addition to the critical infrastructure sectors defined in the interim final rule, the chief executive (or equivalent) of a recipient government may designate additional non-public[263] sectors as critical so long as doing so is necessary to protecting the health and wellbeing of the residents of such jurisdiction.

Public Comment: Treasury received multiple comments on the definition of "eligible worker" included in the interim final rule. Many commenters agreed with the definition of eligible worker adopted by Treasury. Other commenters sought clarification about or changes to the definition of eligible worker, including the definition of eligible sectors, the inclusion of government workers in the definition of eligible workers, and the process for designating additional non-public sectors as eligible.

Some commenters asked Treasury to change how it identifies eligible sectors, including suggestions to add to or subtract from the list of eligible sectors. For example, some commenters asked Treasury to consider using Bureau of Labor Statistics (BLS)-Standard Occupational Classifications to identify specific sectors or occupations, in contrast to the approach taken in the interim final rule, which included a mixture of economic sectors, industries, and occupations. Many commenters asked Treasury to explicitly clarify that a particular industry or occupation is covered by the definition of "essential critical infrastructure sector." Some of these commenters represented public employees, *e.g.*, employees of facilities and public works; public utilities; courthouse employees; police, fire, and emergency medical services; and waste and wastewater services. Others were a mixture of public and private sector employees, *e.g.*, coroners and medical examiners; transportation infrastructure (specifically electric vehicle infrastructure and supply equipment); electric utilities, natural gas, and steam supply; and grocery employees. Other commenters requested that Treasury prohibit certain occupations currently included in the eligible workers definition (*e.g.*, police and corrections officers) from receiving premium pay for performance of regular duties.

Commenters also asked Treasury to clarify which government workers are included in the definition of eligible workers. The interim final rule included as an essential critical infrastructure sector, "any work performed by an employee of a State, local, or Tribal government." Some commenters requested that Treasury adopt a definition of eligible worker that includes all employees of the recipient government; however, all public employees of state, local, and Tribal governments are already included in the interim final rule definition of "eligible worker." Commenters asked whether this includes governments that did not receive SLFRF funds (*i.e.*, "non recipient governments"). Many commenters from Tribal governments requested that the definition of eligible worker, which includes "any work performed by an employee of a . . . Tribal government," also include an employee of a "Tribal enterprise" to remove uncertainty regarding which employees are included.

Finally, commenters made suggestions for the process by which the chief executive (or equivalent) of a recipient government may designate additional non-public sectors as critical. Commenters asked that Treasury adopt a requirement that Treasury must approve or deny any additional non-public sector identified by the chief executive of a recipient government prior to implementation of the recipient's program.

Some commenters asked Treasury to clarify whether their chief executive (or equivalent) could designate particular, and in some cases *all*, employees of the recipient government as eligible for premium pay.

Treasury Response: In the final rule, Treasury will preserve the definition of "eligible worker" as it was defined in the interim final rule with minor modifications to clarify that all public

[258] *See* U.S. Department of Labor, *Hazard Pay, https://www.dol.gov/general/topic/wages/hazardpay* (last visited October 18, 2021).

[259] Economic Policy Institute, Only 30% of those working outside their home are receiving hazard pay (June 16, 2020), *https://www.epi.org/press/only-30-of-those-working-outside-their-home-are-receiving-hazard-pay-black-and-hispanic-workers-are-most-concerned-about-bringing-the-coronavirus-home/.*

[260] McCormack, *supra* note 65.

[261] *Id.*

[262] *See* H.R. 6800, 116th Cong. (2020).

[263] Note that the sectors defined in the interim final rule already include all state, local, and Tribal government employees.

employees of recipient governments are already included in the interim final rule definition of "eligible worker." A more specific eligibility system (*e.g.*, linking eligibility to specific occupational or industry codes) would have provided more certainty but would have been much more rigid. In contrast, the current definition is flexible enough to give recipients the ability to tailor their premium pay programs to meet their needs while ensuring that programs focus on sectors where workers were forced to shoulder substantial risk as a result of the COVID–19 pandemic. Furthermore, the critical infrastructure sectors defined in the interim final rule already include many of the occupations that commenters requested be added. For example, Treasury received many comments from public workers asking to be included in the definition of "eligible worker" even though these workers already fall within the scope of "any work performed by an employee of a State, local, or Tribal government." Treasury has clarified in the final rule that the chief executive's discretion to designate additional sectors as critical relates only to "non-public" sectors, since all public employees of recipient governments are already included in the definition of "eligible worker." While all such public employees are "eligible workers" and the chief executive (or equivalent) of a recipient government may designate additional non-public sectors as critical, in order to receive premium pay, these workers must still meet the other premium pay requirements (*e.g.*, performing essential work).

Treasury recognizes that the list of "essential critical infrastructure sectors" includes both occupations and sectors. Recipients, if uncertain which occupations are included in a critical infrastructure sector, may consult government occupational classifications if helpful but are not required to do so.[264] Furthermore, a recipient government does not need to submit to Treasury for approval its designation of a sector as essential critical infrastructure; rather, Treasury will defer to the reasonable interpretation of the recipient government and the discretion of the recipient's chief executive in making such designations. If a recipient is unsure if a non-public sector is covered by the definition in the final rule,[265] the chief executive (or equivalent) of a recipient government may also identify the non-public sector as critical so long as the chief executive deems the non-public sector necessary to protecting the health and wellbeing of residents. Treasury has, where possible, clarified the definition of "essential critical infrastructure sectors." For instance, Treasury has clarified in the final rule that work performed by an employee of a Tribal government includes an employee of a Tribal enterprise and discussed in this Supplementary Information how a recipient may qualify other non-public sectors as essential critical infrastructure.

Essential Work

The interim final rule defined "essential work" as work that (1) is not performed while teleworking from a residence and (2) involves either (i) regular, in-person interactions with patients, the public, or coworkers of the individual that is performing the work or (ii) regular physical handling of items that were handled by, or are to be handled by, patients, the public, or coworkers of the individual that is performing the work. Treasury adopted this definition of essential work to ensure that premium pay is targeted to workers that faced or face heightened risks due to the character of their work during a pandemic.

Public Comment: Some commenters found the definition unclear and asked Treasury to clarify what constitutes "essential work." Others disagreed with the essential work test altogether, arguing that it forces recipients to distinguish between essential and non-essential employees, which may be difficult to do. Accordingly, these commenters asked Treasury to allow recipients to determine which workers qualify as essential. Treasury also received several requests that specific occupations be explicitly deemed essential, including all public employees, veterinarians, election administrators, detention staff and sheriff's deputies, and employees of utilities, such as electric power, natural gas, steam supply, water supply, and sewage removal.

Several commenters requested that Treasury not distinguish between remote and in-person work or amend the standard so that employees providing essential services would still be eligible even if they worked remotely. Finally, a few commenters requested clarification as to the definition of "regular" in-person interactions and whether Treasury could clarify which job functions merit more (or less) premium pay.

Treasury Response: Treasury is maintaining the definition of "essential work" in the final rule without modification. The test adopted in the interim final rule was designed to compensate workers facing disproportionate risk due to the pandemic. COVID–19 is transmitted through person-to-person interactions, and therefore, workers with regular in-person interactions are the primary group facing increased health risks. Although COVID–19 is not transmitted primarily by people handling items, such work may present increased risk in certain cases, and the final rule maintains the interim final rule's inclusion of such work in order to give recipient governments the flexibility to include workers performing such work as they determine appropriate. Changing the test as some commenters suggested, *e.g.*, by eliminating the in-person work requirement or allowing recipients to designate which employees are essential, even if not working in person, would no longer focus the program on workers taking on additional health risks and instead allow premium pay to be awarded to individuals who experienced relatively little risk of exposure to COVID–19. To maintain flexibility, Treasury is not defining the term "regular" with regard to in-person interactions, allowing recipients to develop programs based on the specific workforce to be served and local circumstances. Generally speaking, however, recipients are encouraged to consider an eligible worker's risk of exposure in designing premium pay programs.

Respond To

As required by the ARPA, the interim final rule required that premium pay programs "respond to" eligible workers performing essential work during the COVID–19 public health emergency. Premium pay responds to eligible workers performing essential work if it prioritizes low- and moderate-income persons, given the significant share of essential workers that are low- and moderate-income and may be least able to bear added costs associated with illness. The level of the award limit—up to $13 per hour not to exceed $25,000 in aggregate—in the ARPA supports this reasoning.

Accordingly, the interim final rule required written justification for how premium pay to certain higher-income workers responds to eligible workers performing essential work: If a recipient

[264] *See, e.g.*, sources such as Bureau of Labor Statistics, Occupational Outlook Handbook, which provide information on which professions or occupations are typically included in interpretations of a sector, *https://www.bls.gov/ooh/*.

[265] Public sector workers are "eligible workers" under the interim final rule and final rule.

(or grantee) uses SLFRF funds to provide premium pay to an employee and the pay or grant would increase a worker's total pay above 150 percent of their residing state or county's average annual wage for all occupations, as defined by the BLS Occupational Employment and Wage Statistics, whichever is higher, on an annual basis, then the recipient must provide, whether for themselves or on behalf of a grantee, written justification to Treasury detailing how the award responds to eligible workers performing essential work.

Public Comment: Treasury received numerous comments on the wage threshold and the written justification requirement. Several commenters supported the threshold as a way to encourage recipients to target premium pay to lower-income, eligible workers. Some commenters even asked Treasury to make the wage threshold a firm restriction, above which an eligible worker could not receive premium pay. Others agreed with the threshold but also requested flexibility to use existing worker classifications as an administratively simple way to identify workers for whom premium pay would be responsive. For instance, a few commenters asked Treasury to allow recipients or grantees to presume that premium pay "responds to" eligible workers performing essential work when it is provided to employees who are not exempt from the Fair Labor Standards Act (FLSA) overtime provisions—a test that employers are routinely required to apply.[266]

In contrast, several commenters disagreed with the threshold and the requirement for written justification. A few commenters thought the threshold was too low to capture employees in certain critical infrastructure sectors (*e.g.*, public safety, waste collection) and that it did not sufficiently account for the variance in economic need across different geographic areas and family structures. Some smaller communities argued that the threshold was difficult to calculate and apply.

Other commenters proposed revisions for how the threshold is calculated. For instance, a few commenters asked Treasury to consider using alternative earnings measures such as median income. Similarly, another commenter asked Treasury to consider the incomes of workers with different levels of seniority in developing any income thresholds for permitting or reporting on premium pay.

Finally, there was also some uncertainty as to the threshold and the requirement for written justification. Some commenters interpreted the threshold as a hard cap on who was eligible for premium pay, which is not the case. Relatedly, some commenters also requested further guidance on what recipients should include in the written justification submitted to the Secretary.

Treasury Response: The final rule makes some modifications to the determination of when premium pay "responds to" eligible workers performing essential work during the public health emergency. Under the interim final rule, premium pay was responsive if either the workers' pay was below a wage threshold or, if the pay was above a wage threshold, the recipient submitted written justification to Treasury explaining how the premium pay was responsive. The final rule retains these two means of establishing premium pay in response to workers performing essential work and adds an additional means of demonstrating that premium pay is responsive. Under the final rule, a recipient may also show that premium pay is responsive by demonstrating that the eligible worker receiving premium pay is not exempt from the FLSA overtime provisions.[267] This change will expand the number of workers eligible to receive premium pay[268] and does not require recipients to provide written justification to Treasury regarding the workers who are not exempt from the FLSA overtime provisions, making the program easier to administer for recipients. Incorporating this change further simplifies application of the final rule for recipients because Treasury understands that most employers, public and private, are familiar with and are routinely required to apply the FLSA.

With this addition, the final rule provides that premium pay is responsive to eligible workers performing essential work during the public health emergency if each eligible worker who receives premium pay falls into one of three categories: (1) The worker's pay is below the wage threshold, (2) the worker is not exempt from the FLSA overtime provisions, or (3) the recipient has submitted a written justification to Treasury.

The final rule makes it clear that written justification to Treasury is not necessary with respect to eligible workers whose pay is less than the wage threshold. Nor is written justification necessary with respect to eligible workers who are not exempt from the FLSA overtime provisions. The written justification is only necessary if the worker's pay (with or without the premium) exceeds the threshold, *and* the worker is exempt from the FLSA overtime provisions. The final rule also clarifies that a worker's pay exceeds the threshold if either the premium pay increases the worker's total pay above the wage threshold or the worker's total pay was already above the threshold, before receiving premium pay.

Treasury has also updated the final rule to clarify that written justification means a brief, written narrative justification of how the premium pay or grant is responsive to workers performing essential work during the public health emergency. This could include a description of the essential workers' duties, health or financial risks faced due to COVID–19, and why the recipient determined that the premium pay was responsive despite the workers' higher income.

Recipients should refer to SLFRF program reporting guidance, user guides, and other documentation for further guidance on the form and content of the written justification. Treasury anticipates that recipients will easily be able to satisfy the justification requirement for front-line workers, like nurses and hospital staff.

Definition of Premium Pay

The statute defines premium pay as "an amount of up to $13 per hour . . . , in addition to wages or remuneration the eligible worker otherwise receives, for all work performed by the eligible worker during the COVID–19 public health emergency. Such amount may not exceed $25,000 with respect to any single eligible worker." The interim

[266] *See generally* 29 U.S.C. 207(a); U.S. Department of Labor, Overtime Pay Requirements of the FLSA (Fact Sheet No. 23), *https://www.dol.gov/agencies/whd/fact-sheets/23-flsa-overtime-pay.*

[267] Department of Labor, Overtime Pay, *https://www.dol.gov/agencies/whd/overtime; see also* 29 U.S.C. 207.

[268] Among workers that report working overtime, roughly 41–44 percent of workers earn above $50,000 per year, which is slightly less than the national average annual wage for all employees according to the Bureau of Labor Statistics' Occupational Employment and Wage Statistics, available at *https://www.bls.gov/oes/.* See also U.S. Census Bureau, Basic Monthly CPS, January 2019 through December 2019, available at *https://www.census.gov/data/datasets/time-series/demo/cps/cps-basic.html.* Notes: Annual earnings reflect weekly wages multiplied by 52. Usual weekly earnings are computed by BLS to include earnings from work such as tips, overtime, regular wages, etc., but not non-labor sources of income such as government transfers and capital gains. Pre-overtime earnings are computed by taking the difference of usual weekly earniugs and earnings from overtime last week and multiplying by 52. Note, some sources multiply weekly earnings by 50 instead of 52 to account for unpaid time off and holidays, so these figures may be slightly larger than those reported elsewhere. Either assumption may overestimate earnings if workers do not work year-round.

final rule incorporated this definition and emphasized that premium pay should be in addition to compensation typically received.

Public Comment: Several submitted comments related to the definition of "premium pay." Several commenters asked Treasury to clarify certain aspects of the interim final rule and statutory definition of premium pay. For instance, a few commenters asked whether the $25,000 limit applies to the annual amount of premium pay received or the aggregate amount of premium pay received over the period of performance. A few commenters requested flexibility as to how premium pay may be awarded, including flexibility to make monthly or quarterly payments or lump sum payments. Finally, commenters requested additional clarification as to how premium pay should be calculated. For instance, a commenter asked how to calculate the amount of and account for overtime pay and other incentive pay.[269]

Treasury Response: Treasury has clarified some of these issues in the final rule. For example, Treasury has clarified in the final rule that the $25,000 per employee limit is for the entire period of performance, not an annual cap. Further, recipients have discretion with respect to the way in which premium pay is awarded to eligible workers (*e.g.*, monthly, quarterly, lump sum), provided that the total premium pay awarded to any eligible worker does not exceed $13 per hour or $25,000 over the period of performance. Finally, a recipient may award premium pay to an eligible worker in addition to the overtime pay already earned by the eligible worker but in no instance may the portion of the compensation funded with SLFRF funds exceed $13 per hour, even if strict time-and-a-half calculation requires more.[270] To the extent that an employer is required under the FLSA to make payments to an eligible worker in excess of $13 per hour or $25,000 in the aggregate over the period of performance, the employer must use a source of funding other than the SLFRF funds to satisfy those obligations.

Program Structure

Public Comment: Several commenters also requested elaboration on eligible types of employees and permissible structures for awarding premium pay. A few commenters asked if premium pay could be awarded to volunteers or those in irregular and non-hourly or salaried employment positions. Similarly, various commenters asked if part-time workers were eligible for premium pay.

Some commenters asked Treasury to provide more detail on when premium pay may be paid retroactively or if a government could reimburse its general fund for hazard pay already paid before the start of the period of performance.

Treasury Response: Treasury has also made clear in the final rule that a recipient may award premium pay to non-hourly or salaried workers as well as part-time workers. Premium pay may not, however, be awarded to volunteers. If a recipient is interested in compensating volunteers with SLFRF funds, then it must do so consistent with the requirements set forth in other eligible use categories; for example, see section Public Sector Capacity and Workforce in Public Health and Negative Economic Impacts.

Under the final rule, recipients may award premium pay retroactively; however, SLFRF funds may not be used to reimburse a recipient or eligible employer grantee for premium pay or hazard pay already received by the employee. To make retroactive premium payments funded with SLFRF funds, a recipient or eligible employer grantee must make a new cash outlay for the premium payments and the payments must be in addition to any wages or remuneration the eligible worker already received, subject to the other requirements and limitations set forth in the ARPA and this final rule.

Finally, as part of accepting the Award Terms and Conditions for SLFRF, each recipient agreed to maintain a conflict-of-interest policy consistent with 2 CFR 200.318(c) that is applicable to all activities funded with the SLFRF award. This award term requires recipients and subrecipients to report to Treasury or the pass-through agency, as appropriate, any potential conflict of interest related to the award funds per 2 CFR 200.112. Pursuant to this policy, decisions concerning SLFRF funds must be free of undisclosed personal or organizational conflicts of interest, both in fact and in appearance. Consistent with this policy, elected officials are prohibited from using their official position and control over SLFRF funds for their own private gain. This policy also prohibits, among other things, elected officials from steering funds to projects in which they have a financial interest or using funds to pay themselves premium pay.

C. Revenue Loss

Background

Sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act provide that SLFRF funds may be used "for the provision of government services to the extent of the reduction in revenue of such . . . government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the . . . government prior to the emergency." This provision allows recipients experiencing budget shortfalls to use payments from the SLFRF funds to avoid cuts to government services and, thus, enables state, local, and Tribal governments to continue to provide valuable services and ensures that fiscal austerity measures do not hamper the broader economic recovery.

State and local government budgets experienced stress in fiscal year 2020 as delayed tax filings and pandemic-related business closures caused revenues to decline sharply.[271] Twenty-two state governments took actions to close budget gaps in fiscal year 2020[272] and nearly 80 percent of cities reported being less able to meet the fiscal needs of their communities relative to fiscal year 2019.[273] Surveys of Tribal governments and Tribal enterprises conducted in 2020 found majorities of respondents reporting substantial cost increases and revenue decreases, with Tribal governments reporting reductions in health care, housing, social services, and economic development activities as a result of reduced revenues.[274]

The economic recovery, aided by the broad distribution of COVID–19 vaccines and the deployment of federal stimulus, has led to a strong rebound in total state and local government revenue and is contributing to a brighter fiscal

[269] *See* 29 U.S.C. 207(a) ("[A]t a rate not less than one and one-half times the regular rate at which he is employed.").

[270] All recipients are required to comply with otherwise applicable laws, including any wage and hour requirements in the Fair Labor Standards Act. *See generally,* Department of Labor, *Wages and the Fair Labor Standards Act, https://www.dol.gov/agencies/whd/flsa.*

[271] In the second quarter of 2020, quarterly state and local tax revenues as reported by the U.S. Census Bureau fell 19 percent compared to the second quarter of 2019; U.S. Census Bureau, Quarterly Summary of State and Local Tax Revenue, *https://www.census.gov/programs-surveys/qtax.html.*

[272] National Association of State Budget Officers, Fiscal Survey of the States (Fall 2020), *available at https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/Fiscal%20Survey/NASBO_Fall_2020_Fiscal_Survey_of_States_S.pdf.*

[273] National League of Cities, City Fiscal Conditions (2020), available at *https://www.nlc.org/wp-content/uploads/2020/08/City_Fiscal_Conditions_2020_FINAL.pdf.*

[274] Surveys conducted by the Center for Indian Country Development at the Federal Reserve Bank of Minneapolis in March, April, and September 2020. Elijah Moreno & Heather Sobrepena, Tribal entities remain resilient as COVID–19 batters their finances, Federal Reserve Bank of Minneapolis (Nov. 10, 2020), *https://www.minneapolisfed.org/article/2020/tribal-entities-remain-resilient-as-covid-19-batters-their-finances.*

outlook for most jurisdictions as compared to the earlier months of the public health emergency. For the fiscal year ending June 30, 2021, total state and local government tax revenues increased 21 percent relative to the same period in 2020, reflecting the combined impact of the modified tax filing deadline in 2020 and an improving economy.[275] However, despite a stable budget situation overall, many governments face uncertainty as the COVID–19 pandemic continues to impact commuting patterns, hospitality and tourism, and other drivers of jurisdictions' economies. Thirty-five percent of cities still report being less able to meet financial needs than in fiscal year 2020,[276] and over half of surveyed Tribal governments and Tribal enterprises reported losing at least 40 percent of their revenue since the start of the pandemic.[277] Budget challenges persist as governments work to mitigate and contain COVID–19 and help citizens weather the economic downturn.

State, local, and Tribal government budgets affect the broader economic recovery. During the period following the 2007–2009 recession, state and local government budget pressures led to fiscal austerity that was a significant drag on the overall economic recovery.[278] Inflation-adjusted state and local government revenue did not return to the previous peak until 2013,[279] while employment in the sector returned to the previous peak in August 2019, nearly a decade later.[280] Just months after recouping losses from the previous downturn, the COVID–19 pandemic caused state and local government employment to contract again, but this time more sharply: By May 2020, state and local government payrolls fell 7.7 percent compared to February 2020. Despite improvement, non-federal public sector job growth continues to lag behind the rest of the U.S. labor market recovery.[281]

Summary of Interim Final Rule

As stated above, the Social Security Act provides that SLFRF funds may be used "for the provision of government services to the extent of the reduction in revenue of such . . . government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the . . . government prior to the emergency." The interim final rule provided a formula for calculating revenue loss through a four-step process:

- *Step 1:* Identify revenues collected in the most recent full fiscal year prior to the public health emergency (*i.e.*, last full fiscal year before January 27, 2020), called the *base year revenue.*
- *Step 2:* Estimate *counterfactual revenue,* which is the amount of revenue the recipient would have expected in the absence of the downturn caused by the pandemic. The counterfactual revenue is equal to *base year revenue* * [(1 + *growth adjustment*) ^ (*n*/12)], where *n* is the number of months elapsed since the end of the base year to the calculation date, and *growth adjustment* is the greater of the average annual growth rate across all State and Local Government "General Revenue from Own Sources" in the most recent three years prior to the emergency, 5.2 percent, or the recipient's average annual revenue growth in the three full fiscal years prior to the COVID–19 public health emergency.[282] This approach to the growth rate provides recipients with the option to use a standardized growth adjustment when calculating the counterfactual revenue trend and thus minimizes administrative burden, while not disadvantaging recipients with revenue growth that exceeded the national average prior to the COVID–19 public health emergency by permitting these recipients to use their own revenue growth rate over the preceding three years.
- *Step 3:* Identify *actual revenue,*[283] which equals revenues collected over the twelve months immediately preceding the calculation date.
- *Step 4:* The extent of the reduction in revenue is equal to *counterfactual revenue* less *actual revenue.* If *actual revenue* exceeds *counterfactual revenue,* the extent of the reduction in revenue is set to zero for that calculation date.

For illustration, consider a hypothetical recipient with *base year revenue* equal to 100 (Step 1) that ends on June 30, 2019. In Step 2, the hypothetical recipient finds that the average annual growth across all state and local government "General Revenue from Own Sources" in the most recent three years of available data, 5.2 percent, is greater than the recipient's average annual revenue growth in the three full fiscal years prior to the public health emergency. In this illustration, *n* (months elapsed) and *counterfactual revenue* would be equal to:

As of:	12/31/2020	12/31/2021	12/31/2022	12/31/2023
n (months elapsed)	18	30	42	54
Counterfactual revenue:	107.9	113.5	119.4	125.6

[275] Analysis of Quarterly Summary of State and Local Tax Revenue, U.S. Census Bureau, supra note 271.

[276] National League of Cities, City Fiscal Conditions (2021), *available at https://www.nlc.org/wp-content/uploads/2021/10/2021-City-Fiscal-Conditions-Report-2021.pdf.*

[277] Center for Indian Country Development and Federal Reserve Bank of Minneapolis, One Year Into COVID–19, Pandemic's Negative Effects Persist in Indian Country (May 2021), *available at https://www.minneapolisfed.org/article/2021/one-year-into-covid-19-pandemics-negative-effects-persist-in-indian-country.*

[278] *See, e.g.,* Nora Fitzpatrick et al., Fiscal Drag from the State and Local Sector?, Liberty Street Economics Blog, Federal Reserve Bank of New York (June 27, 2012), *https://libertystreeteconomics.newyorkfed.org/2012/06/fiscal-drag-from-the-state-and-local-sector.html;* Jiri Jonas, Great Recession and Fiscal Squeeze at U.S. Subnational Government Level, IMF Working Paper 12/184, (July 2012), available at *https://www.imf.org/external/pubs/ft/wp/2012/wp12184.pdf;* Gordon, supra note 16.

[279] State and local government general revenue from own sources, adjusted for inflation using the Bureau of Economic Analysis' implicit price deflator for GDP. U.S. Census Bureau, Annual Survey of State Government Finances and U.S. Bureau of Economic Analysis, National Income and Product Accounts, *https://www.census.gov/programs-surveys/gov-finances.html.*

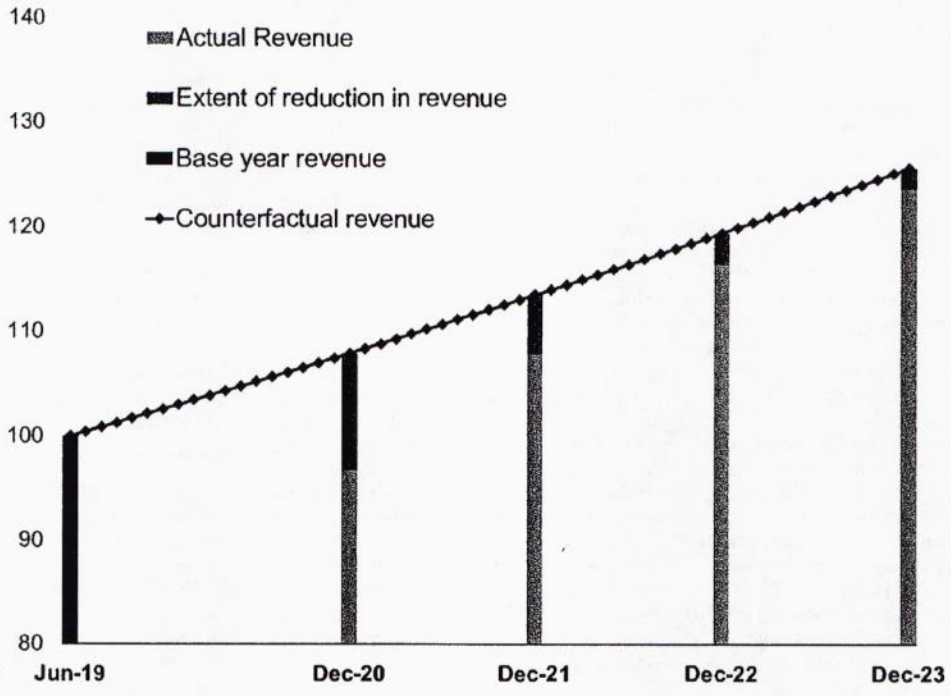
[280] U.S. Bureau of Labor Statistics, All Employees, State Government [CES9092000001] and All Employees, Local Government [CES9093000001], retrieved from FRED, Federal Reserve Bank of St. Louis, *https://fred.stlouisfed.org/series/CES9092000001* and *https://fred.stlouisfed.org/series/CES9093000001.*

[281] Pew Research, State and Local Government Job Growth Lags as Economy Recovers (September 2021), *available at https://www.pewtrusts.org/en/research-and-analysis/articles/2021/09/14/state-and-local-government-job-growth-lags-as-economy-recovers.*

[282] At the time the interim final rule was published, the average annual growth across all state and local government "General Revenue from Own Sources" in the most recent three years of available data (2015–2018) was 4.1%, which was presented as one option for the growth adjustment. Since the interim final rule was published, 2019 data has been made available, which increases this rate to 5.2%. The final rule updates the percentage to 5.2%, as shown in Step 2.

[283] As explained below, in the final rule, recipients must adjust actual revenue amounts based on certain tax policy changes.

The figure below illustrates the reduction in revenue for the hypothetical recipient calculated in accordance with the methodology.



Finally, as explained in greater detail below, the clear meaning of the statutory phrase "due to the COVID–19 public health emergency" is that it is referring to revenue reductions caused by the public health emergency. As such, it does not include revenue reduced for reasons other than the public health emergency. Treasury in the interim final rule presumed that any reduction in revenue relative to the counterfactual estimate would be considered revenue lost due to the pandemic and thereby relieved recipients of the administrative burden of determining the extent to which reduction in revenue was due to the public health emergency. The calculation methodology in the interim final rule implicitly assumed that recipients did not suffer a loss in revenue due to the public health emergency if they did not experience a reduction in aggregate revenue compared to the counterfactual estimate. The interim final rule invited comments on whether Treasury should revise its presumption to "take into account other factors, including actions taken by the recipient as well as the expiration of the COVID–19 public health emergency, in determining whether to presume that revenue losses are 'due to' the COVID–19 public health emergency."

Treasury received a substantial number of comments on the revenue loss provisions set forth in the interim final rule. These comments largely pertained to the following topics: The overall methodology for calculating revenue loss; the definition of "revenue"; whether revenue should be aggregated or calculated on some alternative basis (*e.g.*, source-by-source or fund-by-fund); the appropriate calculation dates (*i.e.*, fiscal year or calendar year); the presumption that all revenue loss is due to the pandemic; the base year; and the definition of "government services."

Overall Methodology for Calculating Revenue Loss

As noted above, the interim final rule provided a formula for recipients to calculate revenue loss by comparing actual revenues received during a given time-period with a counterfactual amount of revenue based on revenues in the base year and an adjustment for expected growth in revenue each year.

Public Comment: Treasury received many public comments on the overall methodology for calculating revenue loss. Some recipients, including smaller governments, have expressed concern regarding the burden associated with the calculation of revenue loss, particularly the burden involved in calculating the amount of general revenue, given that the definition of general revenue in the interim final rule does not always align with the definition of revenue already calculated by recipients for other purposes, and requested clarifications regarding a number of components, including the definition of revenue. Commenters also asked for clarification on the relationship between revenue loss calculations across different calculation dates. Other commenters argued that the revenue loss formula does not precisely capture the nuances of local revenues or their particular situation. For example, some commenters stated that requiring that revenues be aggregated fails to capture decreases in revenue sources that cannot easily be made up for with other revenue sources.

Treasury Response: In the final rule, Treasury is largely maintaining the revenue loss formula as set forth in the interim final rule. To address comments that the formula for calculating revenue loss was difficult to apply, Treasury is including an option for recipients to use a standard allowance for revenue loss. Specifically, in the final rule, recipients will be permitted to elect a fixed amount of loss that can then be used to fund government services. This fixed

amount, referred to as the "standard allowance," is set at up to $10 million total for the entire period of performance not to exceed the recipient's SLFRF award amount. Although Treasury anticipates that this standard allowance will be most helpful to smaller local governments and Tribal governments, any recipient can use this standard allowance instead of calculating revenue loss pursuant to the formula above, so long as recipients employ a consistent methodology across the period of performance (*i.e.*, choose either the standard allowance or the regular formula). Treasury intends to amend its reporting forms to provide a mechanism for recipients to make a one-time, irrevocable election to utilize either the revenue loss formula or the standard allowance.

The $10 million level is based on average revenue loss across state and local governments, taking into consideration potential variation in revenue types and losses and continued uncertainty faced by many recipients regarding revenue shortfalls. To calculate this estimate, Treasury applied a variation of the final rule's revenue loss calculation on available aggregate state and local government tax revenue data as reported by the Census Bureau for the first calculation date of December 31, 2020. This estimate accounts for expected variation across recipient experiences and reflects the fact that the final rule revenue loss calculation provides recipients several options for specific aspects (*e.g.*, calendar year or fiscal year basis; use of average state and local revenue growth rate or specific local rate). Treasury compared actual calendar year 2020 tax revenues, in aggregate for all state and local governments, to several counterfactual trends that vary based on the end date of the fiscal base year.[284] Treasury also assessed counterfactual trends using different revenue growth rates (*e.g.*, the three-year average growth rates of total state and local government general revenue for both fiscal years ending in 2016–2018 and fiscal years ending in 2017–2019; the three-year average growth rates of total state and local government tax revenues for fiscal years ending in 2017–2019; and the one-year growth rate for total state and local government tax revenue in the last full fiscal year before the public health emergency). To account for the fact that the initial estimate, based on tax revenue, only includes a subset of recipient aggregate general revenue, Treasury applied a scaling factor to recognize that tax revenues generally make up just over half of general revenue collected by state and local governments (*i.e.*, Treasury scaled up its estimate based on tax revenue to produce an estimate for total general revenue).[285] The resulting calculation was then extrapolated over the four-year period of performance and divided by a population of interest to arrive at an average loss estimate.

As noted above, Treasury estimated a range of scenarios to account for different values of the variables that would impact average losses. For example, the end date of the fiscal base year and growth rate of counterfactual revenue impact the overall estimate of revenue loss. In addition, this estimate takes into consideration the limitations in the available data. The governments covered by the Census Bureau's survey do not entirely align with SLFRF recipients. The Census Bureau's figures are based on 50 state governments, all local government property tax collectors and local government non-property tax imposers, representing at a minimum the more than 38,000 "General Purpose Governments" defined by Census. However, there are only roughly 32,000 recipients of SLFRF funds. Thus, Treasury considered the difference between the number and type of entities in the Census Bureau data and the SLFRF recipients.

Based on this methodology, Treasury estimates that average revenue loss (determined by comparing the counterfactual revenue to actual revenue) may range from $0 to $11.7 million per recipient over the period of performance.[286] Treasury settled on a point estimate toward the upper end of the range of potential averages, in part, to account for significant variation in the experiences of recipient governments: Some recipients likely experienced losses at the upper end of this range of potential averages. A point estimate toward the upper end of the range errs toward ensuring more recipients' experiences are covered and increases the utility of the standard allowance for SLFRF recipients. Specifically, the program includes a very large number of recipients with relatively smaller awards; these recipients have tended to describe having greater difficulty completing the regular revenue loss calculation. Thus, selecting a point estimate toward the higher end of the expected range not only increases the likelihood that the standard allowance will reflect the experience of a larger number of SLFRF recipients but is more responsive to the comments of those with smaller awards. In addition, using a point estimate toward the upper end of the range accounts for the difficulty and uncertainty in predicting revenue losses years into the future, throughout the period of performance.[287]

Finally, Treasury selected a single allowance level, as opposed to varying levels, to further the goals of simplicity, flexibility, and administrability. Furthermore, data limitations make it difficult to distinguish between types of local governments.[288]

General Revenue

The interim final rule adopted a definition of "general revenue" based largely on the components reported under "General Revenue from Own Sources" in the Census Bureau's Annual Survey of State and Local Government Finances. Under the interim final rule, general revenue included revenue collected by a recipient and generated from its underlying economy, and it would capture a range of different types of tax revenues, as well as other types of revenue that are available to support government services.[289] Specifically, revenue under the interim final rule included money that is received from tax revenue, current charges, and miscellaneous general revenues and excluded refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, revenue from utilities, social insurance trust revenues, and intergovernmental

[284] Because the Census Bureau's state and local government tax revenue data is reported on a quarterly frequency, fiscal base year end dates of March 31, June 30, September 30, and December 31 were used in this assessment.

[285] Annual Survey of State and Local Government Finances (2019).

[286] This is the range of averages that Treasury calculated by varying the aforementioned assumptions.

[287] See, *e.g.*, Government Accountability Office, State and Local Governments: Fiscal Conditions During the COVID–19 Pandemic in Selected States (July 2021) (noting that "[s]tate and local government revenues partly depend on the overall economy, and actions to stem the spread of the virus drastically reduced economic activity."); Board of Governors of the Federal Reserve System, Monetary Policy Report (July 9, 2021) (noting that the pandemic "pushed down state and local government tax collections" and that while some of the drag is "abating" state and local "government payrolls . . . have only edged up from their lows at the onset of the pandemic").

[288] Local government tax revenue data in the Census Bureau's Quarterly Summary of State and Local Tax Revenue, *supra* note 271, is provided on an aggregated basis.

[289] The Department also released guidance clarifying how a recipient may determine whether a particular entity is "part of the recipient's government." *See FAQ 3.14.* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.*

transfers from the federal government, including transfers made pursuant to section 9901 of the ARPA.[290] In the case of Tribal governments, it also included revenue from Tribal business enterprises.

Public Comment: Many commenters asked Treasury to include certain items in the definition of "general revenue." For instance, several commenters that operate their own utilities asked that revenue from utilities be included, arguing that declines in utility revenue directly affect contributions to their general funds. Many of these commenters noted that moratoriums on utility shutoffs and a decline in collections have resulted in significant budgetary pressures.

Some commenters also asked for the exclusion of certain intergovernmental transfers in the definition of general revenue, including transfers of shared revenue from the state.[291] Other commenters asked for the inclusion of certain transfers from the federal government, including fees paid for services and grants that are, in effect, paid for the provision of services.

Treasury also received multiple requests to include revenue from Tribal enterprises in the definition of "general revenue" and that "Tribal enterprise" be defined broadly. Others asked for the ability to choose whether to include revenue from Tribal enterprises.

Finally, some commenters requested that the definition of general revenue exclude certain sources of revenue, such as revenue sources that do not support a general fund (*i.e.*, revenue sources that are restricted in use). Commenters also asked that general revenue exclude revenue from special assessments, settlements that make the recipient whole for past expenditures, and one-time revenues such as revenue from the sale of property.

Treasury Response: In the final rule, Treasury has maintained the definition of "general revenue" from the interim final rule with two exceptions.

Treasury has adjusted the definition to allow recipients that operate utilities that are part of their own government to choose whether to include revenue from these utilities in their revenue loss calculation. This change responds to comments from recipients indicating that revenue from utilities is used to fund other government services and that utility revenues have declined on aggregate.[292] This approach is consistent with other eligible uses, which recognize decreased ability of many households to make utility payments; see section Assistance to Households, which identifies utility assistance as an enumerated eligible use of funds, including through direct or bulk payments to utilities for consumer assistance. Furthermore, for utilities or other entities (*e.g.*, certain service districts) that are not part of the recipient government, a transfer from the utility to the recipient constitutes an intergovernmental transfer and therefore is included in the definition of "general revenue."[293]

Treasury has also added liquor store revenue to the definition of general revenue. The Supplemental Information to the interim final rule stated that the definition of tax revenue would include liquor store revenue, but the text of the rule did not include it. Accordingly, in the final rule, Treasury is clarifying that revenue includes liquor store revenue. However, Treasury believes revenue from government-owned liquor stores is better classified as general revenue than it is as tax revenue, so the final rule includes it as part of general revenue.

In response to requests that the definition of general revenue exclude revenue from special assessments, settlements that make the recipient whole for past expenditures, and one-time revenues such as revenue from the sale of property, Treasury is maintaining its position in the final rule that such revenue is included in general revenue. While such revenues may be less predictable than other sources of revenue (*e.g.*, property taxes), these are not uncommon sources of revenue for recipients, and their inclusion provides a more complete view of the financial health of a recipient government and is consistent with the Census Bureau methodology. Treasury is also maintaining the exclusion of all payments from the federal government (including payments for services) from general revenue in order to avoid substantial dilution of the definition of revenue, particularly in light of extraordinary fiscal support provided during the pandemic. Treasury is maintaining the inclusion of intergovernmental transfers other than from the federal government for the reasons provided in the Supplemental Information to the interim final rule; to do otherwise would be to significantly distort the revenue calculations for local governments that regularly receive revenue sharing payments, for example, from their state governments. Treasury is also maintaining the approach that "general revenue" includes revenue from Tribal enterprises. This approach recognizes that these enterprises often form the revenue base for Tribal governments' budgets.

To ease the burden on recipients and account for anomalous variations in revenue, as mentioned above, Treasury has incorporated a "standard allowance" option into the final rule. A recipient may choose to use the standard allowance, which under the final rule is set at up to $10 million, not to exceed the recipient's SLFRF award amount, as an alternative to calculating revenue loss according to the formula described above. This addition will promote administrative efficiency and simplify the revenue loss calculation for the vast majority of recipients. Treasury intends to amend its reporting forms to provide a mechanism for recipients to elect to utilize either the revenue loss formula or the standard allowance, in addition to other changes made as part of the final rule.

Aggregate Revenue Loss Calculation

Under the interim final rule, revenue loss was calculated based on aggregate revenues and therefore loss in one type of revenue could be offset by gains in another. The amount of SLFRF funds available to provide government services was based on overall net revenue loss. In the Supplementary Information to the interim final rule, Treasury asked commenters to discuss the advantages and disadvantages of, and any potential concerns with, this approach, including circumstances in which it could be necessary or

[290] The interim final rule stated that "general revenue" and "tax revenue" excludes refunds and other correcting transactions. Instead of "excluding" refunds and other correcting transactions, the Census Bureau methodology upon which those definitions are based provides that general revenue and tax revenue are determined "net of" refunds and other correcting transactions. The use of "excluding" in the interim final rule is substantively the same as the Census Bureau methodology. However, to be consistent with the terminology used by the Census Bureau, the final rule uses "net of" instead of "excluding." Current charges are defined as "charges imposed for providing current services or for the sale of products in connection with general government activities." It includes revenues such as public education institution, public hospital, and toll revenues. Miscellaneous general revenue comprises of all other general revenue of governments from their own sources (*i.e.*, other than utility and insurance trust revenue), including rents, royalties, lottery proceeds, and fines.

[291] The interim final rule excluded governmental transfers from the Federal Government, but it did not exclude intergovernmental transfers from other governmental units for purposes of the revenue loss provisions.

[292] U.S. Energy Information Administration, Annual Electric Utility Data (October 2021), *available at https://www.eia.gov/electricity/sales_revenue_price/.*

[293] FAQ 3.14 provides further guidance on how to determine what entities constitute a government for purposes of calculating revenue loss. *See* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.*

appropriate to calculate the reduction in revenue by source.

Public Comment: Treasury received many comments stating that revenue loss should be calculated on a source-by-source basis. Some commenters argued that a source-by-source approach would be administratively simpler. Other commenters argued that calculating revenue loss source-by-source would better reflect the impact of the COVID–19 pandemic on their ability to fund government services because revenue gains in one source cannot always be used to make up for losses in another. For similar reasons, other commenters asked that revenue loss be calculated on a fund basis.

Treasury Response: Treasury considered alternative methods (*e.g.*, source-by-source, fund-by-fund) but ultimately determined to maintain the calculation of revenue loss in the aggregate. The pandemic has had different effects on recipients (and their revenues), and Treasury recognized that one particular type of revenue or one particular source may have experienced a greater amount of loss for some recipients. However, the statute refers only to "*the* reduction in revenue of such State, local government, or Tribal government." The statute is thus clear that Treasury is to refer to the aggregate revenue reduction of the recipient due to the public health emergency. Further, this provision is designed to address declines in the recipients' overall ability to pay for governmental services, and calculating revenue loss on an aggregate basis provides a more accurate representation of the effect of the pandemic on overall revenues and the fiscal health of the recipient. In many circumstances, recipient governments have flexibility to use revenues from an array of sources and offset declines in some sources with gains in others. While the details and configuration of this flexibility vary widely across recipient governments, calculating revenue loss on a source-by-source or fund-by-fund basis would not capture how recipient governments balance their budgets in the regular course of business. Accordingly, the final rule maintains the requirement that revenue loss is to be calculated on an aggregate basis.

Calculation Dates

Public Comment: Under the interim final rule, recipients calculate revenue loss as of the end of the calendar year. Treasury received many comments requesting that recipients be permitted to calculate revenue loss as of the end of their fiscal year. Commenters argued that doing so would be simpler and less burdensome on recipients and that financial data as of the end of the fiscal year is audited and therefore more reliable. Commenters also argued that recipients' fiscal years are structured around the timing of major revenue sources, and that the Census Bureau uses fiscal years in its Annual Survey.

Treasury also received comments about the use of multiple calculation dates. Several Tribal governments stated that they would not see ongoing revenue losses due to the COVID–19 public health emergency and asked to be able to determine revenue loss as of the first calculation date. Several commenters asked whether revenue loss is determined independently for each year, so that a gain in one year does not offset a loss in another, or whether revenue loss is cumulative from the beginning of the pandemic.

Treasury Response: In the final rule, Treasury has made adjustments to give recipients more flexibility with respect to calculation dates and to clarify certain elements. Specifically, the final rule provides recipients the option to choose whether to calculate revenue loss on a fiscal year or calendar year basis, though they must choose a consistent basis for loss calculations throughout the period of performance. Treasury has also clarified in the final rule that revenue loss is calculated separately for each year such that the calculation of revenue lost in one year does not affect the calculation of revenue lost in prior or future years.

Presumption That Revenue Loss Is Due to the Pandemic

As stated above, sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act provide that SLFRF funds may be used "for the provision of government services to the extent of the reduction in revenue of such . . . government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the . . . government prior to the emergency." As discussed in the interim final rule, although revenue may decline for reasons unrelated to COVID–19, in order to minimize the administrative burden on recipients in calculating revenue loss and take into consideration the devastating effects of the COVID–19 public health emergency, any reduction in revenue relative to the counterfactual estimate was presumed in the interim final rule to be considered revenue lost due to the pandemic.

Treasury stated in the Supplementary Information to the interim final rule that it was considering when, if ever, during the period of performance it would be appropriate to reevaluate the presumption that all losses are attributable to the public health emergency. Treasury also sought comment on whether to take into account other factors, including actions taken by the recipient as well as the expiration of the COVID–19 public health emergency, in determining whether to presume that revenue losses are "due to" the COVID–19 public health emergency.

Public Comment: Treasury received many comments in support of the presumption, as well as some opposed. Some commenters argued that the presumption eases the administrative burden on recipients because, without it, it would be difficult to identify which losses are attributable to the COVID–19 public health emergency. Many commenters also argued that Treasury should maintain the presumption because recipients are likely to experience losses due to the public health emergency even after the end of the public health emergency. Treasury also received comments asking that it adjust any revenue loss calculation to account for tax changes enacted by the recipient. In particular, some commenters noted that some recipients had increased taxes in order to meet additional demands for government services or to address declines in revenue due to the pandemic. These tax increases have in some cases offset some or all of the actual revenue loss attributable to the public health emergency. Because the interim final rule calculates revenue loss by reference to actual revenue collected, commenters argued that the calculation of revenue loss "due to" the public health emergency needs to take into consideration the effects of tax increases by deducting the effect of these tax increases from actual revenue collected.

Treasury Response: In the final rule, Treasury has maintained the presumption that a reduction in a recipient's revenue is due to the public health emergency with certain adjustments to respond to comments and to better account for revenue loss "due to the COVID–19 public health emergency." The final rule makes adjustments to the presumption to take into account certain government actions to change tax policy. In particular, Treasury is adjusting the presumption to account for changes to tax policy by providing that changes in revenue that are caused by tax increases or decreases adopted after the issuance of the final rule will not be treated as due to the public health emergency.

Presumption of Revenue Loss "Due To" the Pandemic

In enacting sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act, Congress provided that a state, local government, or Tribal government could use funds to "cover costs . . . for the provision of government services," but only "to the extent of the reduction in revenue . . . due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year . . . prior to the emergency." In doing so, Congress recognized that the pandemic was causing significant disruption to economic activity and sought to minimize the impact of associated revenue losses on the ability of the recipient to provide government services when such services were needed most.[294] The text of the statute itself reinforces this important context: The law specifically limits funds to cover revenue losses that both are "due to the COVID–19 public health emergency" and could impact "the provision of government services."

Courts have recognized that the phrase "due to" can refer to various causal standards.[295] Here, in the context of Congress's addressing economic disruptions caused by the COVID–19 pandemic that could impact both revenues and government services, the key consideration is whether a revenue loss experienced by the recipient resulted from the exogenous impacts of the public health emergency (and were thus "due to" the pandemic) or instead from the recipient's own discretionary actions (and, in this context, were not "due to" the pandemic). Reductions in revenue due to the public health emergency does not cover revenue reductions that resulted from a recipient's own discretionary actions.

In the interim final rule, Treasury included a presumption that all revenue loss is due to the pandemic in order to minimize the administrative burden on recipients discussed above and take into consideration the devastating effects of the COVID–19 public health emergency. Based on comments, Treasury believes that the reasons for the presumption continue to be valid and has determined to maintain the presumption in the final rule with certain modifications. In particular, at this point in the course of the pandemic, with the fiscal pressure on state and local governments having been significantly reduced, it is appropriate for Treasury to reassess aspects of this presumption. As discussed below, the final rule requires recipients to exclude the value of tax policy changes adopted after January 6, 2022.

Recipients of the SLFRF range from states to the smallest local governments. At the time that the interim final rule was adopted, it was important for recipients to be able to calculate with ease and certainty their amount of revenue loss so that they could begin deploying these funds to continue to maintain essential government services. To this end, the presumption in the interim final rule provided a relatively simple formula for all recipients to use, but the exigent need for recipients to immediately deploy funds for the provision of government services has decreased and the benefit of the presumption in reducing administrative burden is less relevant for those governments that are not likely to avail themselves of the standard allowance described above.

Consistent with these considerations, the final rule requires recipients to exclude revenue loss due to tax changes adopted after January 6, 2022. Eliminating revenue loss due to tax changes from the presumption is appropriate given the significance of tax revenue as a portion of all revenue for state and local governments, the direct impact of tax policy decisions on revenue collected, and the relative ease with which recipients can isolate the estimated effect of a tax change on revenue.[296] Most state budgeting processes require a "budget score," often developed through a consensus process with executive and legislative branch experts,[297] and Treasury expects that larger localities, those most likely to utilize the revenue loss formula rather than the standard allowance, also regularly use revenue or budget estimates when considering changes to tax policies. As such, in many cases, recipients already prepare estimates of the impact of tax changes on revenue, and as discussed below, Treasury will generally permit recipients to rely on such estimates in adjusting their revenue loss calculations.

Reductions in revenue that are not attributable to tax changes would continue to be subject to the presumption. A requirement that recipients evaluate the revenue effect of changes in discretionary policy actions other than tax changes would be more difficult for recipients than evaluating the changes attributable to tax changes given that state and local governments do not generally prepare estimates of the revenue effects of other actions. Finally, as noted above, taxes are the single largest source of revenue for state and local government recipients in the aggregate.

Revisions to Presumption To Address Tax Reductions

For these reasons, Treasury is providing in the final rule that changes in general revenue that are caused by tax cuts adopted after the date of adoption of the final rule (January 6, 2022) will not be treated as due to the public health emergency, and the estimated fiscal impact of such tax cuts must be added to the calculation of "actual revenue" for purposes of calculation dates that occur on or after April 1, 2022. Tax cuts include final legislative or regulatory action or a new or changed administrative interpretation that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase and that the recipient assesses has had the effect of reducing tax revenue relative to current law. This includes the phase-in or taking effect of any statute or rule if the phase-in or taking effect was not prescribed prior to the issuance of the final rule.

In assessing whether a tax change has had the effect of reducing tax revenue, recipients may either calculate the actual effect on revenue or rely on estimates prepared at the time the tax change was adopted. More specifically, recipients may rely on information typically prepared in the course of developing the budget (*e.g.*, expected revenues) and/or considering tax changes (*e.g.*, budget scores, revenue notes) to determine the amount of revenue that would have been collected in the absence of the tax cut, as long as those estimates are based on reasonable assumptions and do not use dynamic methodologies that incorporate the projected effects of macroeconomic growth, given that macroeconomic

[294] *See also* sections 602(a)(1) and 603(a) of the Social Security Act (appropriating the funds for payment to recipients in order to "mitigate the fiscal effects stemming from the public health emergency").

[295] *U.S. Postal Service* v. *Postal Regulatory Comm'n*, 640 F.3d 1263 (D.C. Cir. 2011); *see Kimber* v. *Thiokol Corp.*, 196 F.3d 1092, 1100 (10th Cir. 1999); *Adams* v. *Director, OWCP*, 886 F.2d 818, 821 (6th Cir. 1989).

[296] Treasury considered whether to also eliminate the presumption with respect to losses resulting from other changes in policy, such as decreases in user fees or fines. However, the effects of these changes are more minor overall and would be more challenging to accurately identify and quantify, so the administrability benefit of the presumption for recipients outweighs whatever distortion there might be as a result of not reflecting such changes.

[297] *See generally*, National Association of State Budget Officers, Budget Processes in the States, (2021), available at *https://higherlogicdownload.s3.amazonaws.com/NASBO/9d2d2db1-c943-4f1b-b750-0fca152d64c2/UploadedImages/Budget%20Processess/NASBO_2021_Budget_Processes_in_the_States_S.pdf.*

growth is accounted for in the counterfactual growth assumptions. Recipients that choose to calculate the actual effect of a tax change on revenue must similarly base their calculations on reasonable estimates that do not use dynamic methodologies. Recipients should apply this adjustment in determining their actual revenue totals at Step 3 in the revenue loss calculation described above.

Revisions to Presumption To Address Tax Increases

As noted above, the calculation methodology in the interim final rule implicitly assumed that recipients did not experience a reduction in revenue due to the public health emergency if they did not experience a reduction in aggregate revenue relative to the counterfactual estimate. Treasury recognizes that some recipients may have experienced a reduction in revenue due to the public health emergency that was offset by other revenue, particularly in the case of increases to tax revenue resulting from a tax increase. The final rule requires recipients that increased taxes to deduct the amount of increases to revenue attributable to such tax increase. This change is also consistent with the incorporation in the interim final rule and final rule of a counterfactual growth rate, which effectively permits recipients to count revenue losses due to the public health emergency that are offset by increased tax revenue resulting from organic growth.

For these reasons, Treasury is providing in the final rule that recipients must subtract from their calculation of actual revenue the effect of tax increases adopted after the date of adoption of this final rule (January 6, 2022) for purposes of calculation dates that occur on or after April 1, 2022. This change and the change to the final rule described above treat tax changes in a consistent manner: In the case of reduction in revenue resulting from a tax cut, a recipient must add the amount of that reduction to its calculation of actual revenue, and in the case of an increase in revenue resulting from a tax increase, a recipient must subtract the amount of additional revenue collected as a result of the tax increase from its calculation of actual revenue.[298]

As is the case with tax cuts, discussed above, tax increases that must be reflected in the calculation of revenue include final legislative or regulatory action or a new or changed administrative interpretation that increases any tax and that the recipient assesses has had the effect of increasing tax revenue relative to current law. In assessing whether a tax change has had the effect of increasing tax revenue, recipients may either calculate the actual effect on revenue or rely on estimates prepared at the time the tax change was adopted. Recipients may rely on information typically prepared in the course of developing the budget (*e.g.*, expected revenues) and/or considering tax changes (*e.g.*, budget scores, revenue notes) to determine the amount of revenue that was collected as a result of the tax increase as long as those estimates are based on reasonable assumptions and do not use dynamic methodologies that incorporate the projected effects of macroeconomic growth, given that macroeconomic growth is accounted for in the counterfactual growth assumptions. Recipients that choose to calculate the actual effect of a tax change on revenue must similarly base their calculations on reasonable estimates that do not use dynamic methodologies. Recipients should apply this adjustment in determining their actual revenue totals at Step 3 in the revenue loss calculation described above.

Previously Adopted Tax Changes

As discussed above, the final rule will not require recipients to reflect the revenue effects of tax increases or decreases adopted prior to the adoption of the final rule. Recipients that adopted a tax change in a previous period will not be required to recalculate the amount of revenue loss as of prior calculation dates or to reflect the fiscal impacts of such tax changes in calculation dates after the effective date of the final rule. However, the final rule will permit recipients to elect to reflect the revenue effects of their tax changes adopted between the beginning of the public health emergency and the adoption of the final rule.[299] If a recipient elects to do so, it must do so with respect to all of its tax changes adopted between the beginning of the public health emergency and the adoption of the final rule. Treasury intends to revise its reporting requirements to permit recipients to amend their previously reported calculation periods to reflect such changes.

Determination of the Base Year

Under the ARPA and interim final rule, SLFRF funds may be used "for the provision of government services to the extent of the reduction in revenue . . . relative to revenues collected in the most recent full fiscal year" of the recipient. Therefore, the base year for the revenue loss calculation is the most recent full fiscal year prior to the COVID–19 public health emergency.

Public Comment: Treasury received multiple comments asking for flexibility in determining base year revenues. For instance, some commenters asked to use a different base year than the "most recent full fiscal year" prior to the pandemic for calculating revenue loss; others asked to be able to average prior years. Commenters stated that, for various reasons, revenue was artificially low in the last full fiscal year prior to the public health emergency, and, therefore, using revenue in that year as the base year did not accurately reflect expected revenue in a normal year. For example, several Tribes stated that unforeseeable weather events resulted in forced closure of casinos which, in turn, artificially deflated revenues in the base year. Other commenters indicated that one-time anomalies in the timing of tax collection in that year artificially pushed revenue into the following fiscal year. Similarly, a few commenters noted that tax changes that took effect in the middle of the base year may artificially skew the size of the revenue loss experienced by the recipient government.

Treasury Response: Treasury understands that recipients may have experienced events in the base year that led to lower or higher revenues than what they otherwise would have collected. The ARPA provides that revenue loss is to be determined with respect to revenue in the most recent full fiscal year prior to the pandemic, and therefore the final rule maintains its incorporation of the statutory definition.

In calculating revenue loss, recipients may use data on a cash, accrual, or modified accrual basis, provided that recipients are consistent in their choice of methodology throughout the covered period, which might help recipients adjust to certain delays in revenue receipt. Both the standard allowance and elements of the formula (*e.g.*,

[298] The final rule does not permit recipients to reflect the effects of other changes in policy, such as increases in fees adopted after adoption of the final rule. Treasury understands that the main beneficiaries of such a change would be those recipients that will benefit from the standard allowance provided for in the final rule and that for other recipients the administrative burden on recipients needed to calculate these adjustments would outweigh the benefit of having a somewhat larger amount of funds available for government services.

[299] The final rule also addresses the possibility that some recipients may have fiscal years ending during the period between January 6, 2022 and April 1, 2022; such recipients' election to reflect tax changes from prior periods would also apply to changes during this period with respect to the calculation date in this period.

counterfactual growth rate) incorporate generous assumptions to give recipients flexibility and to account for variation among recipients' experiences during the pandemic.

Government Services

The **SUPPLEMENTAL INFORMATION** to the interim final rule provided a non-exhaustive list of examples of services that are government services. The interim final rule also discussed why neither payment of debt service nor replenishing financial reserves constitutes government services, as these expenditures do not provide services but relate to the financing of such services. Similarly, government services under the interim final rule did not include satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding, unless the judgment or settlement required the provision of government services.

Public Comment: Treasury received several comments requesting further clarification regarding the scope of government services, including asking for either a specific definition of government services or that a specific use be expressly deemed to be a government service. Some commenters disagreed with the exclusions from government services in the interim final rule. For instance, many of the comments Treasury received suggested that replenishing reserve funds and at least certain types of debt service should be treated as providing governmental services. Some commenters also suggested that a recipient should be able to use funds for costs incurred before March 3, 2021. Other commenters asked Treasury to maintain the prohibition on using the funds to pay debt service.

Treasury Response: Treasury continues to believe that the lists of activities that either are or are not providing government services are accurate but is clarifying here that, generally speaking, services provided by the recipient governments are "government services" under the interim final rule and final rule, unless Treasury has stated otherwise. Government services include, but are not limited to, maintenance or pay-go funded building [300] of infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.

The aforementioned list of government services is not exclusive. However, recipients should be mindful that other restrictions may apply, including those articulated in the section Restrictions on Use. In the final rule, Treasury is maintaining the limitations on government services included in the interim final rule and has addressed and responded to public commenters on these issues in the section Restrictions on Use.

D. Investments in Water, Sewer, and Broadband Infrastructure

Summary of Interim Final Rule

Under the ARPA, recipients may use funds to make necessary investments in water, sewer, and broadband infrastructure. The interim final rule provided recipients with the ability to use funds for a broad array of uses within these categories.

The interim final rule discussed two general provisions that apply across all water, sewer, and broadband infrastructure investments. First, the interim final rule addressed the meaning of "necessary" investments as meaning those designed to provide an adequate minimum level of service and unlikely to be made using private sources of funds. Second, the interim final rule encouraged recipients to use strong labor standards in water, sewer, and broadband projects, as discussed below.

Necessary Investments

The statute limits investments to those that are necessary. As discussed in more detail below, Treasury determined that the types of water and sewer projects that were authorized under the interim final rule by reference to existing Environmental Protection Agency (EPA) programs would in all cases be necessary investments given the conditions applicable to such EPA programs. Similarly, the interim final rule's definition of eligible broadband projects as those designed to provide a certain standard of service to those households and businesses with limited existing service was based on the statutory requirement that investments in water, sewer, and broadband must be "necessary."

As discussed further below, Treasury has expanded the scope of what is an eligible water and sewer infrastructure project to include additional uses. In particular, the final rule permits use of SLFRF funds for certain dam and reservoir restoration projects and certain drinking water projects to support population growth. The nature of these additional uses is such that additional factors must be considered in determining whether one of these additional uses is a necessary project. In addition, Treasury recognizes that there may be a need for improvements to broadband beyond those households and businesses with limited existing service as defined in the interim final rule. Treasury has replaced this specific requirement based on an understanding that broadband investments may be necessary for a broader set of reasons.

Given this expansion of what is considered in scope as a water, sewer, or broadband infrastructure project, the final rule provides a further elaboration of Treasury's understanding of the conditions under which an infrastructure project will be considered to be a necessary investment. Treasury considers a necessary investment in infrastructure to be one that is (1) responsive to an identified need to achieve or maintain an adequate minimum level of service, which may include a reasonable projection of increased need, whether due to population growth or otherwise and (2) a cost-effective means for meeting that need, taking into account available alternatives. In addition, given that drinking water is a resource that is subject to depletion, in the case of investments in infrastructure that supply drinking water in order to meet projected population growth, the project must be projected to be sustainable over its estimated useful life.

Not included in the list of criteria above is the requirement in the interim final rule that the project be unlikely to be made using private sources of funds. Given that it may be difficult to assess in a particular case what the probability of private investment in a project would be, Treasury has eliminated this standard from the meaning of necessary but still encourages recipients to prioritize projects that would provide the greatest public benefit in their respective jurisdictions.

Strong Labor Standards in Water, Sewer, and Broadband Construction

As stated in the Supplementary Information to the interim final rule, Treasury encourages recipients to carry out investments in water, sewer, or broadband infrastructure in ways that produce high-quality infrastructure, avert disruptive and costly delays, and

[300] Pay-go infrastructure funding refers to the practice of funding capital projects with cash-on-hand from taxes, fees, grants, and other sources, rather than with borrowed sums.

promote efficiency.[301] Treasury encourages recipients to use strong labor standards, including project labor agreements (PLAs) and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also recommends that recipients prioritize in their procurement decisions employers who can demonstrate that their workforce meets high safety and training standards (*e.g.*, professional certification, licensure, and/or robust in-house training), that hire local workers and/or workers from historically underserved communities, and who directly employ their workforce or have policies and practices in place to ensure contractors and subcontractors meet high labor standards. Treasury further encourages recipients to prioritize employers (including contractors and subcontractors) without recent violations of federal and state labor and employment laws.

Treasury believes that such practices will promote effective and efficient delivery of high-quality infrastructure projects and support the economic recovery through strong employment opportunities for workers. Such practices will also reduce the likelihood of potential project challenges like work stoppages or safety accidents, while ensuring a reliable supply of skilled labor and minimizing disruptions, such as those associated with labor disputes or workplace injuries. That will, in turn, promote on-time and on-budget delivery.

Furthermore, among other requirements contained in 2 CFR 200, Appendix II, all contracts made by a recipient or subrecipient in excess of $100,000 with respect to water, sewer, or broadband infrastructure project that involve employment of mechanics or laborers must include a provision for compliance with certain provisions of the Contract Work Hours and Safety Standards Act, 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR part 5).

Treasury will continue to seek information from recipients on their workforce plans and water, sewer, and broadband projects undertaken with SLFRF funds. This reporting will support transparency and competition by enhancing available information on the services being provided. Since publication of the interim final rule, Treasury has provided recipients with additional guidance and instructions on the reporting requirements.[302]

Environmental and Other Generally Applicable Requirements

Treasury cautions that, as is the case with all projects engaged in using the SLFRF funds, all projects must comply with applicable federal, state, and local law. In the case of infrastructure projects in particular, this includes environmental and permitting laws and regulations. Likewise, as with all capital expenditure projects using SLFRF funds, projects must be undertaken and completed in a manner that is technically sound, meaning that they must meet design and construction methods and use materials that are approved, codified, recognized, fall under standard or acceptable levels of practice, or otherwise are determined to be generally acceptable by the design and construction industry.

1. Water and Sewer Infrastructure

Sections 602(c)(1)(D) and Section 603(c)(1)(D) of the Social Security Act provide that recipients may use the SLFRF funds "to make necessary investments in water [and] sewer . . . infrastructure." The interim final rule permitted a broad range of necessary investments in projects that improve access to clean drinking water and improve wastewater and stormwater infrastructure systems. As discussed below, after review of comments received on the interim final rule, Treasury has made changes in the final rule to expand the scope of eligible water and sewer projects.

Summary of Interim Final Rule and Final Rule Structure

Background: In the interim final rule, Treasury aligned eligible uses of the SLFRF with the wide range of types or categories of projects that would be eligible to receive financial assistance through the Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF) administered by the Environmental Protection Agency (EPA). By referring to these existing programs, with which many recipients are already familiar, Treasury intended to provide flexibility to recipients to respond to the needs of their communities while facilitating recipients' identification of eligible projects. Furthermore, by aligning SLFRF eligible uses with these existing programs, Treasury could ensure that projects using the SLFRF are limited to "necessary investments."

Public Comment: Treasury received many comments responding to the water and sewer infrastructure provisions of the interim final rule from state, local, and Tribal governments, industry trade associations, public interest groups, private individuals, and other interested parties. Commenters requested that Treasury provide a wider set of eligible uses for water and sewer infrastructure beyond those uses articulated by the DWSRF and CWSRF, suggesting that Treasury expand the definition of necessary water and sewer infrastructure.

Treasury Response: In response to commenters, Treasury is expanding the eligible use categories for water and sewer infrastructure, discussed in further detail below. Because the interim final rule aligned the definition of necessary water and sewer infrastructure with the eligible uses included in the DWSRF and CWSRF, Treasury is reflecting in the final rule a revised standard for determining a necessary water and sewer infrastructure investment for eligible water and sewer uses beyond those uses that are eligible under the DWSRF and CWSRF.

Interpretation of Necessary Investments and Water and Sewer Infrastructure

Necessary Investments: As discussed above, Treasury considers an investment in infrastructure to be necessary if it is (1) responsive to an identified need to achieve or maintain an adequate minimum level of service, which for some eligible project categories may include a reasonable projection of increased need, whether due to population growth or otherwise and (2) a cost-effective means for meeting that need, taking into account available alternatives. In addition, in the case of investments in drinking water service infrastructure to supply drinking water to satisfy a projected increase in population, the project must also be projected to be sustainable over its estimated useful life. As detailed further below, DWSRF and CWSRF eligible projects continue to be presumed to be necessary investments under the final

[301] Treasury received several comments related to its encouragement of certain wage and labor standards in the Supplementary Information to the interim final rule. Some commenters opposed this encouragement, arguing that even encouragement and reference to PLAs and prevailing wage laws could lead to confusion or make it more likely that recipients would apply labor standards in ways that would discourage competition and raise project costs. Conversely, some commenters supported the encouragement of the use of certain standards, including giving preference to employers that meet certain employment standards (*e.g.*, those that maintain high safety and training standards) because it would support the goal of completing water, sewer, and broadband projects efficiently and safely. As in the interim final rule, this encouragement does not impose a legally binding restriction on recipients.

[302] *See* U.S. Department of the Treasury, *Compliance and Reporting Guidance*, 21 (June 24, 2021), *https://home.treasury.gov/system/files/136/SLFRF-Compliance-ond-Reporting-Guidance.pdf.*

rule, with the exception of projects for the rehabilitation of dams and reservoirs, which the EPA has permitted in certain circumstances under the DWSRF and, as discussed below, are addressed separately in the final rule.

In evaluating whether a project would respond to a need to achieve or maintain an adequate minimum level of service, a recipient should consider whether it would meet the needs of the population to be served and would satisfy applicable standards. For example, a drinking water project must be sized such that it provides an adequate volume of water to households and other customers and must meet applicable standards for drinking water quality under the Safe Drinking Water Act (SDWA). Similarly, a centralized wastewater treatment project should be designed to manage updated estimated flow rates and comply with Clean Water Act requirements. These requirements are already reflected in the eligibility criteria of the DWSRF and CWSRF, respectively.

In evaluating whether a project is a cost-effective means of providing the water or sewer service, the recipient should consider the need for the project, the costs and benefits of the project compared to alternatives, and the effectiveness of the project in meeting the identified need. Recipients are not required to conduct a full cost-benefit analysis; however, they should consider and analyze relevant factors. For example, a recipient may not use funds to pursue a costly dam rehabilitation to provide drinking water to a community if it could provide the same service with a significantly smaller investment by drawing water from another available reservoir, assuming that doing so would meet the other requirements of the final rule. As detailed further below, recipients are only required to assess cost-effectiveness of projects for the creation of new drinking water systems, dam and reservoir rehabilitation projects, or projects for the extension of drinking water service to meet population growth needs.

Certain DWSRF eligibilities are already subject to a cost-effectiveness test. Specifically, projects that create new drinking water systems must be a cost-effective solution to addressing the identified problem.[303] The EPA also imposes a cost-effectiveness condition on dam and reservoir rehabilitation projects undertaken pursuant to its class deviation from the DWSRF rule. These projects are particularly expensive and, unlike in the case of other types of eligible projects, there are often available alternatives to conducting these projects. Projects for the extension of drinking water service to meet population growth needs are also often particularly expensive, and there are often different ways to meet the needs of expanding populations. Treasury will accordingly require that recipients engage in a cost-effectiveness analysis when engaging in projects for the creation of new drinking water systems, dam and reservoir rehabilitation projects, or projects for the extension of drinking water service to meet population growth needs. Other types of eligible water or sewer projects will not be subject to this cost-effectiveness test, including lead line replacement and lead remediation.[304]

In the case of projects that expand drinking water service infrastructure to satisfy a projected increase in population, the project must also be sustainable, meaning that the project can continue providing the adequate minimum level of service for its estimated useful life, taking into account projected impacts of changes to the climate and other expected demands on the source of water. For example, a reservoir rehabilitation project may not be pursued if the reservoir will no longer be able to provide an adequate source of drinking water before the end of the estimated useful life of the improvements to the reservoir. In areas currently impacted by drought or where drought conditions are expected to be more frequent or more severe in the future, sources of drinking water may be diminished more quickly than in prior periods. In considering how much of a source of water will be available in the future for the drinking water project, a recipient must consider that a source of water may be drawn upon or otherwise used for other current and expected uses, including use by fish and other wildlife.

The final rule applies this sustainability condition to projects that expand drinking water service infrastructure to satisfy a projected increase in population but not to other drinking water projects. When a new source of water is required to remedy an existing threat to public health, as in the case of source projects eligible under the DWSRF, sustainability should be a consideration, but in some cases, the need to replace a contaminated source may mean that a less sustainable choice may be made. When faced with such an issue, such as in the case of a contaminated well system, a project to replace the contaminated source can be said to be "necessary" even if the replaced source is not sustainable over the long term. Expediency may dictate that a shorter-term solution is pursued if it is cost-effective and will prevent health issues while a longer-term solution can be found. In contrast, an expansion to accommodate population growth cannot be said to be necessary if it is not sustainable over its estimated useful life.

Not included in the list of criteria above is the requirement in the interim final rule that the project be unlikely to be made using private sources of funds. Given that it may be difficult to assess in a particular case what the probability of private investment in a project would be, Treasury has eliminated this standard from the meaning of necessary but nevertheless encourages recipients to apply funds to projects that would provide the greatest public benefit.

Water and Sewer Infrastructure: As stated above, Congress provided that SLFRF funds are available for "necessary water, sewer, and broadband infrastructure." Treasury interprets the reference to water and sewer uses consistent with the inclusion of broadband uses. Water, sewer, and broadband infrastructure all involve the provision of essential services to residents, businesses, and other consumers. As the pandemic has made clear, access to broadband has itself become essential for individuals and businesses to participate in education, commerce, work, and civic matters and to receive health care and social services.

Water and sewer services provided broadly to the public as essential services include the provision of drinking water and the removal, management, and treatment of wastewater and stormwater.[305] Although governments are engaged in other infrastructure related to water, including irrigation projects, transportation projects, and recreation projects, such projects go beyond the scope of what is provided to all residents as an essential service. Provision of drinking water and removal, management, and treatment of

[303] *See* 40 CFR 35.3520(b)(2)(vi).

[304] In such cases, either the projects are presumptively cost-effective (*e.g.*, lead projects would always be considered cost-effective given the costs imposed by lead poisoning) or a cost-effectiveness test is less relevant given the lack of available alternatives or the relatively low cost of the project.

[305] In many jurisdictions, stormwater flows into the sewer system rather than into a separate stormwater system. The separate inclusion of "water" and "sewer" infrastructure also makes clear that "water" in this context cannot refer to all uses relevant to water. Given that sewer systems carry wastewater (and often stormwater), if water infrastructure were to refer to all water-related infrastructure in this context, it would make the inclusion of sewer infrastructure redundant.

wastewater and stormwater are the typical responsibilities of "water and sewer" authorities throughout the country, and there is a tremendous need for improvements to the ability of state, local, and Tribal governments to provide such services, including to address the consequences of deferred maintenance and additional resiliency needed to adapt to changes to the climate.[306]

Although the meaning of water and sewer infrastructure for purposes of sections 602(c)(1)(D) and 603(c)(1)(D) of the Social Security Act does not include all water-related uses, Treasury has made clear in this final rule that investments to infrastructure include a wide variety of projects. Treasury interprets the word "infrastructure" in this context broadly to mean the underlying framework or system for achieving the given public purpose, whether it be provision of drinking water or management of wastewater or stormwater.[307] As discussed below, this can include not just storm drains and culverts for the management of stormwater, for example, but also bioretention basins and rain barrels implemented across a watershed, including on both public and private property, that together reduce the amount of runoff that needs to be managed by traditional infrastructure.

Further, Treasury understands that investments in infrastructure include improvements that increase the capacity of existing infrastructure and extend the useful life of existing infrastructure. Accordingly, water and sewer infrastructure investment projects include those that conserve water, thereby reducing pressure on infrastructure for the provision of drinking water, and that recycle wastewater and stormwater, thereby reducing pressure on the infrastructure for treating and managing wastewater and stormwater.

As with other infrastructure projects and capital expenditure projects that are permitted as responses to the public health emergency and its negative economic impacts, costs for planning and design and associated pre-project costs are eligible uses of SLFRF funds. Costs for the acquisition of land are also eligible, but only if needed for the purposes of locating eligible project components. Recipients should ensure that they have the technical, financial, and managerial capability to ensure compliance with the requirements of the SDWA, or that the assistance will ensure compliance and the owners or operators of the systems will undertake feasible and appropriate changes in operations to ensure compliance over the long-term.

Drinking Water State Revolving Fund and Clean Water State Revolving Fund

Background: As stated above, in the interim final rule, Treasury included eligible uses of the DWSRF and the CWSRF as eligible uses of the SLFRF in the water and sewer infrastructure category. By providing that projects eligible under the DWSRF and the CWSRF are also eligible uses of SLFRF funds, the interim final rule permitted a broad range of projects that improve drinking water infrastructure, such as building or upgrading facilities and transmission, distribution, and storage systems, including replacement of lead service lines. With respect to clean water and wastewater infrastructure, the interim final rule provided that recipients may use SLFRF funds to construct publicly owned treatment infrastructure, manage and treat stormwater or subsurface drainage water, and facilitate water reuse, among other uses. Consistent with the DWSRF and the CWSRF, the interim final rule provided that SLFRF funds may be used for cybersecurity needs to protect water or sewer infrastructure, such as developing effective cybersecurity practices and measures at drinking water systems and publicly owned treatment works.

Use of DWSRF and CWSRF to Support Climate Change Adaptations. Many of the types of projects eligible under either the DWSRF or CWSRF also support efforts to address climate change. For example, by taking steps to manage potential sources of pollution and preventing these sources from reaching sources of drinking water, projects eligible under the DWSRF and CWSRF may reduce energy required to treat drinking water. Similarly, projects eligible under the DWSRF and CWSRF include measures to conserve and reuse water, for example through projects to reuse or recycle wastewater, stormwater, or subsurface drainage water. Treasury encourages recipients to consider green infrastructure investments and projects to improve resilience to the effects of climate change. For example, more frequent and extreme precipitation events combined with construction and development trends have led to increased instances of stormwater runoff, water pollution, and flooding. Green infrastructure projects that support stormwater system resiliency could include bioretention basins that provide water storage and filtration benefits, and green streets, where vegetation, soil, and engineered systems are combined to direct and filter rainwater from impervious surfaces. In cases of a natural disaster, recipients may also use SLFRF funds for water infrastructure to provide relief, such as interconnecting water systems or rehabilitating existing wells during an extended drought.

Public Comment: Many commenters expressed support for the interim final rule's alignment of the use of funds for water and sewer infrastructure under the SLFRF with the project categories provided through the EPA's DWSRF and CWSRF programs.

Many commenters also provided recommendations about the specific types of water infrastructure projects that should be eligible under the final rule. In many of these cases, commenters recommended that Treasury include project types that are already eligible under the DWSRF and CWSRF and thus eligible under the interim final rule and final rule. For example, several commenters requested that aquifer recharge projects, or other groundwater protection and restoration projects, be included as eligible uses of SLFRF when certain aquifer recharge projects that (1) implement a nonpoint source pollution management program [308] or (2) constitute reuse of

[306] In addition, Treasury interprets the eligible uses of SLFRF funds against the background of the Coronavirus Relief Fund (CRF), for which the SLFRF funds are, in part, a successor. CRF recipients expressed great interest in using the CRF to pursue water infrastructure projects, including provision of drinking water and internal plumbing on Tribal lands and in Alaskan villages, and broadband projects throughout the country; Treasury permitted these projects given the connection to the public health emergency (see Coronavirus Relief Fund for States, Tribal Governments, and Certain Eligible Local Governments, 86 FR 4182, 4190, 4192 (Jan. 15, 2021), but the short deadline for use of funds made it difficult to use CRF funds in this way. Congress' inclusion of the water, sewer, and broadband clause in the ARPA, along with the SLFRF funds' longer eligible use date, is responsive to this unmet need. As discussed below, Congress in the Infrastructure Investment and Jobs Act amended sections 602(c) and 603(c) of the Social Security Act to add a new paragraph as sections 602(c)(4) and 603(c)(5), respectively, providing that SLFRF funds may be used to meet non-federal matching requirements of any authorized Bureau of Reclamation project. This authority was added as a separately enumerated eligible use regardless of whether the underlying project would be an eligible use of SLFRF funds under the water and sewer infrastructure eligible use category.

[307] *See, e.g.*, section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362), defining "green infrastructure" as "the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspirate stormwater and reduce flows to sewer systems or to surface waters."

[308] Specifically, this would include desalination projects that decrease the burden on aquifers where there is causal relationship between aquifer withdrawals and saltwater intrusion if the projects implement a nonpoint source pollution

Continued

wastewater, stormwater, or subsurface drainage water are in fact eligible uses under the CWSRF. Furthermore, under the DWSRF, eligible projects include certain aquifer storage and recovery systems for water storage.

Treasury Response: Eligible projects articulated in the DWSRF and CWSRF continue to be eligible uses of SLFRF funds under the final rule. Recognizing that recipients have faced challenges interpreting eligible use categories under the interim final rule or cross-referencing EPA program materials to interpret eligible project types, Treasury is including in this Supplementary Information additional information on the types of projects eligible under the DWSRF and CWSRF. Treasury emphasizes that this further clarification does not represent a change in eligibility. Treasury encourages recipients to reference EPA handbooks for the DWSRF and CWSRF, which provide further information and detail about the types of projects eligible under those programs and thus under the final rule.

Eligible projects under the DWSRF. Eligibilities under the DWSRF, the interim final rule, and the final rule include projects that address present or prevent future violations of health-based drinking water standards. These include projects needed to maintain compliance with existing national primary drinking water regulations for contaminants with acute and chronic health effects. Projects to replace aging infrastructure are also eligible uses if they are needed to maintain compliance or further the public health protection objectives of section 1452 of the SDWA.[309] The following project categories are eligible under the DWSRF, were eligible under the interim final rule, and continue to be eligible under the final rule:

(i) *Treatment projects,* including installation or upgrade of facilities to improve the quality of drinking water to comply with primary or secondary standards and point of entry or central treatment under section 1401(4)(B)(i)(III) of the SDWA.

(ii) *Transmission and distribution projects,* including installation or replacement of transmission and distribution pipes to improve water pressure to safe levels or to prevent contamination caused by leaks or breaks in the pipes.

(iii) *Source projects,* including rehabilitation of wells or development of eligible sources to replace contaminated sources.

(iv) *Storage projects,* including installation or upgrade of eligible storage facilities, including finished water reservoirs, to prevent microbiological contaminants from entering a public water system.

(v) *Consolidation projects,* including projects needed to consolidate water supplies where, for example, a supply has become contaminated or a system is unable to maintain compliance for technical, financial, or managerial reasons.

(vi) *Creation of new systems,* including those that, upon completion, will create a community water system to address existing public health problems with serious risks caused by unsafe drinking water provided by individual wells or surface water sources. Eligible projects are also those that create a new regional community water system by consolidating existing systems that have technical, financial, or managerial difficulties. Projects to address existing public health problems associated with individual wells or surface water sources must be limited in scope to the specific geographic area affected by contamination. Projects that create new regional community water systems by consolidating existing systems must be limited in scope to the service area of the systems being consolidated.

Ineligible projects under the DWSRF. Federally-owned public water systems and for-profit noncommunity water systems are not eligible to receive DWSRF funds and therefore SLFRF funds.[310] The acquisition of water rights, laboratory fees for routine compliance monitoring, and operation and maintenance expenses are not costs associated with investments in infrastructure and thus would not be eligible under the final rule. [311] Projects needed primarily to serve future population growth are also ineligible under the DWSRF; the treatment of such projects under the final rule is discussed separately below under "Expansion of Drinking Water Service." Projects eligible under the DWSRF must be sized only to accommodate a reasonable amount of population growth expected to occur over the useful life of the project.

Eligible projects under the CWSRF. The final rule continues to allow the use of SLFRF funds for projects eligible under the CWSRF, consistent with the interim final rule. Under the CWSRF, a project must meet the criteria of one of the following CWSRF eligibilities to be eligible for assistance. Section 603(c) of the Clean Water Act (CWA) [312] provides that the CWSRF can provide assistance:

(i) to any municipality, intermunicipal, interstate, or state agency for construction of publicly owned treatment works (as defined in section 212 of the CWA); [313]

(ii) for the implementation of a management program established under section 319 of the CWA; [314]

(iii) for the development and implementation of a conservation and management plan under section 320 of the CWA; [315]

(iv) for the construction, repair, or replacement of decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage. Eligible projects include, but are not limited to, the construction of new decentralized systems (*e.g.,* individual onsite systems and cluster systems), as well as the upgrade, repair, or replacement of existing systems.

(v) for measures to manage, reduce, treat, or recapture stormwater or subsurface drainage water. Publicly and privately owned, permitted and unpermitted projects that manage, reduce, treat, or recapture stormwater or subsurface drainage water are eligible. For example, projects that are specifically required by a Municipal Separate Storm Sewer System (MS4) permit are eligible, regardless of ownership. Projects may include, but are not limited to green roofs, bioretention basins, roadside plantings, porous pavement, and rainwater harvesting.

(vi) to any municipality, intermunicipal, interstate, or state agency for measures to reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse. Eligible projects include, but are not limited to, the installation, replacement, or upgrade of water meters; plumbing fixture retrofits or replacement; and gray water recycling. Water audits and water conservation plans are also eligible.

management program under section 319 of the Clean Water Act. This could include projects in which desalinated seawater is injected into the aquifer to mitigate or prevent salt water intrusion, as well as projects in which brackish water is removed from an aquifer, desalinated, and returned to the aquifer.

[309] *See* 42 U.S.C. 300j–12(a)(2)(B) (limiting financial assistance used by a public water system to expenditures (including expenditures for planning, design, siting, and associated preconstruction activities, or for replacing or rehabilitating aging treatment, storage, or distribution facilities of public water systems, but not including monitoring, operation, and maintenance expenditures of a type or category which the Administrator of the EPA has determined, through guidance, will facilitate compliance with national primary drinking water regulations applicable to the system under 42 U.S.C. 300g–1 or otherwise significantly further the health protection objectives of the SWDA); *See also* 40 CFR 35.3520(b).

[310] *See* 40 CFR 35.3520(d)(1).

[311] *See id at* § 35.3520(e)(2)–(4).

[312] 33 U.S.C. 1383(c).

[313] 33 U.S.C. 1292.

[314] 33 U.S.C. 1329.

[315] 33 U.S.C. 1330.

Equipment to reuse effluent (*e.g.*, gray water, condensate, and wastewater effluent reuse systems) is eligible.

(vii) for the development and implementation of watershed projects meeting the criteria set forth in section 122 of the CWA.[316] Projects that develop or implement a watershed pilot project related to at least one of the six areas identified in section 122 of the CWA are eligible: Watershed management of wet weather discharges, stormwater best management practices, watershed partnerships, integrated water resource planning, municipality-wide stormwater management planning, or increased resilience of treatment works.

(viii) to any municipality, intermunicipal, interstate, or state agency for measures to reduce the energy consumption needs for publicly owned treatment works. Projects may include, but are not limited to, the installation of energy efficient lighting, HVAC, process equipment, and electronic equipment and systems at publicly owned treatment works. Planning activities, such as energy audits and optimization studies are also eligible.

(ix) for reusing or recycling wastewater, stormwater, or subsurface drainage water. Projects involving the reuse or recycling of wastewater, stormwater, or subsurface drainage water are eligible. This includes, as part of a reuse project, the purchase and installation of treatment equipment sufficient to meet reuse standards. Other eligible projects include, but are not limited to, distribution systems to support effluent reuse, including piping the effluent on the property of a private consumer, recharge transmission lines, injection wells, and equipment to reuse effluent (*e.g.*, gray water, condensate, and wastewater effluent reuse systems).

(x) for measures to increase the security of publicly owned treatment works. Security measures for publicly owned treatment works might include, but are not limited to, vulnerability assessments, contingency/emergency response plans, fencing, security cameras/lighting, motion detectors, redundancy (systems and power), secure chemical and fuel storage, laboratory equipment, securing large sanitary sewers, and tamper-proof manholes. The CWSRF cannot fund operations and maintenance activities. Therefore, maintaining a human presence (*i.e.*, security guards) and monitoring activities are not eligible.

[316] 33 U.S.C. 1274.

Other Clarifications of DSWRF and CWSRF Eligible Project Categories

Public Comment: Several commenters requested that Treasury provide clarification of the requirements associated with use of SLFRF funds for necessary investments in water and sewer infrastructure.

Treasury Response: After release of the interim final rule, Treasury clarified in further guidance that, while recipients must ensure that water and sewer infrastructure projects pursued are eligible under the final rule, recipients are not required to obtain project pre-approval from Treasury or any other federal agency when using SLFRF funds for necessary water and sewer infrastructure projects unless otherwise required by federal law. For projects that are being pursued under the eligibility categories provided through the DWSRF or CWSRF programs, project eligibilities are based on federal project categories and definitions for the programs and not on each state's eligibility or definitions. While reference in the final rule to the DWSRF, CWSRF, or other federal water programs is provided to assist recipients in understanding the types of water and sewer infrastructure projects eligible to be funded with SLFRF, recipients do not need to apply for funding from the applicable state programs or through any federal water program. Similarly, besides eligible project categories, the final rule does not incorporate other program requirements or guidance that attach to the DWSRF, CWSRF, or other federal water programs. However, as noted above, recipients should be aware of other federal or state laws or regulations that may apply to construction projects or water and sewer projects, independent of SLFRF funding conditions, and that may require pre-approval from another federal or state agency.

Expanded Eligible Uses for Water and Sewer Infrastructure

Summary

Public Comment: Many commenters requested broader flexibility in the use of SLFRF funds for water and sewer infrastructure projects that are not eligible under the DWSRF and CWSRF. These commenters argued that localities are best situated to identify the highest-need water and sewer projects in their communities. Several Tribal government commenters noted that Tribes have different water and sewer infrastructure needs than states and localities and that additional flexibility in the use of funds would lift current barriers to improving infrastructure on Tribal lands.

To achieve additional flexibility, commenters suggested a range of options for broadening the eligible use of SLFRF funds for necessary water and sewer infrastructure. For example, several commenters suggested Treasury broaden the eligibilities provided under the interim final rule to include project types eligible under other federal water and sewer programs.

Treasury Response: Treasury agrees that additional flexibility for use of SLFRF funds is warranted and is providing expanded eligibilities as described below, several of which address specific areas of need outlined by Tribal and rural communities.

As discussed below, Treasury has incorporated into the final rule projects that are eligible under certain programs established by the EPA under the Water Infrastructure Improvements for the Nation Act (WIIN Act). Other water-related grant programs cited by commenters include projects that are otherwise already covered by the final rule, for example because they are covered as eligible under the DWSRF or the CWSRF, or projects that are ineligible under the final rule because they are beyond the scope of the meaning of water and sewer projects for purposes of ARPA. To minimize the need for recipients of SLFRF funds to cross reference eligibilities across multiple federal programs, which may exacerbate current challenges to understanding eligibility under SLFRF, Treasury is providing detailed information related to expanded eligibilities within the text of this **SUPPLEMENTARY INFORMATION** for the final rule.

Stormwater Infrastructure

Public Comment: Several commenters requested that additional stormwater infrastructure projects be included as eligible uses of SLFRF funds under the final rule. Commenters suggested that culvert repair and resizing and replacement of storm sewers is necessary to address increased rainfall brought about by a changing climate. Other commenters noted that rural communities that do not manage their own sewer systems may rely on this type of water infrastructure.

Treasury Response: The CWSRF includes a broad range of stormwater infrastructure projects, and as such these projects were eligible under the interim final rule and continue to be eligible under the final rule. These projects include gray infrastructure projects, such as traditional pipe, storage, and treatment systems. Projects

that manage, reduce, treat, or recapture stormwater or subsurface drainage water are also eligible, including real-time control systems for combined sewer overflow management, and sediment control. Culvert infrastructure projects are eligible under the CWSRF if they (1) implement a nonpoint source management plan, (2) implement National Estuary Program Comprehensive Conservation and Management Plan, or (3) implement a stormwater management plan with the goal of providing a water quality benefit. Stormwater projects under the CWSRF also encompass a number of eligible green infrastructure categories, such as green roofs, green streets, and green walls, rainwater harvesting collection, storage, management, and distribution systems, real-time control systems for harvested rainwater, infiltration basins, constructed wetlands, including surface flow and subsurface flow (*e.g.*, gravel) wetlands, bioretention/bioswales (*e.g.*, bioretention basins, tree boxes), permeable pavement, wetland, riparian, or shoreline creation, protection, and restoration, establishment or restoration of urban tree canopy, and replacement of gray infrastructure with green infrastructure including purchase and demolition costs.

In addition to the eligible uses under the CWSRF, Treasury is expanding the eligible uses under the final rule to include stormwater system infrastructure projects regardless of whether there is an expected water quality benefit from the project. Treasury anticipates that this eligible use will allow recipients to manage increased volumes of stormwater as a result of changes to the climate. For example, the final rule now permits the use of SLFRF funds for the repair, replacement, or removal of culverts or other road-stream crossing infrastructure to the extent the purpose of the project is to manage stormwater. In addition, Treasury understands that the repair, replacement, or removal of culverts may necessitate the repair or upgrade of roads. As noted in guidance issued after the interim final rule, recipients may use SLFRF funds for road repairs and upgrades that interact directly with an eligible stormwater infrastructure project. All stormwater infrastructure projects undertaken should incorporate updated design features and current best practices.

Private Wells and Septic Systems

Public Comment: Several commenters requested that the scope of eligible projects be expanded to allow for the expenditure of SLFRF funds on private wells or septic systems. Commenters noted that wells may be contaminated with dangerous substances, including arsenic, lead, radon, and PFAS (per- and polyfluoroalkyl). Commenters also suggested that, because rural and underserved communities are often reliant on these infrastructure types for their drinking water or wastewater needs, lack of appropriate funding to maintain these systems could present health and safety issues that disproportionately affect certain communities.

Treasury Response: Consistent with the CWSRF, the installation, repair, or replacement of private septic units continues to be an eligible use of SLFRF funds under the final rule. For example, eligible projects include those that address groundwater contamination resulting from faulty septic units and those that would connect failing septic systems to centralized wastewater treatment. Consistent with the DWSRF, connecting homes served by a private well to a public water system is an eligible use of SLFRF funds.

In addition, Treasury has provided in the final rule that recipients may use SLFRF funds for an expanded set of infrastructure projects that improve access to and provision of safe drinking water for individuals served by residential wells. Eligible projects under this category include rehabilitation of private wells, testing initiatives to identify contaminants in wells, and treatment activities and remediation strategies that address contamination.

Remediating Lead in Water

Public Comment: Several commenters emphasized the need to fully remediate lead contamination, especially in structures that serve the public or populations like children that are particularly vulnerable to the effects of lead exposure, such as schools and daycares. Many American households and an estimated 400,000 schools and childcare centers currently lack safe drinking water.[317]

Treasury Response: The replacement of lead service lines, up to premise plumbing, is an eligible use under the DWSRF and continues to be an eligible use of SLFRF funds. Such projects are eligible regardless of the pipe material of the replacement lines and ownership of the property on which the service line is located. Lead service line replacement projects can serve households, schools, or any other entities. Given the lifelong impacts of lead exposure for children and the widespread prevalence of lead service lines, Treasury encourages recipients to consider projects to replace lead service lines.

In addition, Treasury is providing in the final rule that for lead service line replacement projects, recipients must replace the full length of the service line, and not just a partial portion of the service line. Some water utilities, when replacing service lines, will only replace the "public portion" of the service line and physically slice through the lead service line at the public/private line. This action can result in elevated drinking water lead levels for some period of time after replacement, suggesting the potential for harm, rather than benefit during that time period.[318] Requiring replacement of the full length of the service line is also consistent with the requirements of the EPA's Lead and Copper Rule Revisions for water systems that have an action level exceedance for lead [319] and certain other water systems.[320]

Treasury is expanding eligible uses of SLFRF funds to include infrastructure projects eligible under EPA grant programs authorized by the WIIN Act.[321] Eligible projects under these programs include the installation or re-optimization of corrosion control treatment, replacing lead service lines, replacing galvanized pipes downstream of a lead service line (other than lead pipes within a home as discussed below), and maintaining an inventory of the drinking water system's service lines. Water quality testing, compliance monitoring, and remediation activities in schools and other childcare facilities, as well as activities necessary to respond to a contaminant, are eligible uses of SLFRF funds.[322] Remediation

[317] The White House, Updated Fact Sheet: Bipartisan Infrastructure Investment and Jobs Act (August 2, 2021), *https://www.whitehouse.gov/briefing-room/statements-releases/2021/08/02/updated-fact-sheet-bipartisan-infrastructure-investment-and-jobs-act/.*

[318] *See* EPA Science Advisory Board, Evaluation of the Effectiveness of Partial Lead Service Line Replacements, (September 2011), *https://www.epa.gov/sdwa/science-advisory-board-evaluation-effectiveness-partial-lead-service-line-replacements* (advising against partial lead service line replacement).

[319] Environmental Protection Agency, *supra* note 188.

[320] Environmental Protection Agency, National Primary Drinking Water Regulations: Lead and Copper Rule Revisions, 86 FR 4198. 40 CFR 141.84, and preamble *at* 4215, January 15, 2021, *https://www.federalregister.gov/d/2020-28691;* scheduled to become effective December 16, 2021, Environmental Protection Agency, 86 FR 31939, *https://www.federalregister.gov/d/2021-12600.*

[321] Eligible uses of funds include those eligible under the Small, Underserved, and Disadvantaged Communities Grant (Section 2104), Reduction in Lead Exposure via Drinking Water Grant Program (Section 2105) and Lead Testing in School and Child Care Program Drinking Water Grant Program (Section 2107).

[322] Such testing and remediation programs would be an eligible use of SLFRF funds given that they

activities such as replacement of faucets, internal plumbing, and fixtures in schools and childcare facilities are also an eligible use of SLFRF funds.

Consistent with the EPA programs, replacement of lead pipes within a home is not eligible under the final rule because the vast majority of lead contamination cases can be solved by replacing lead service lines (including on public and private property) and faucets and fixtures themselves. As such, replacement of lead pipes within a home would not be considered a cost-effective means for achieving the desired level of service and thus would not be a "necessary" investment. The provision of bottled water is also not an eligible use of SLFRF funds under this eligible use category, as it is not an investment in infrastructure. However, bottled water in areas with an action level exceedance for lead in water may be an eligible use of SLFRF funds under a separate eligible use category for "remediation of lead paint and other lead hazards;" see Assistance to Households in Public Health and Negative Economic Impacts.

Water filtration systems are eligible under the EPA grant programs and the final rule as long as they are installed as a permanent part of a facility's system and not intended for temporary use. Conducting remediation, follow-up monitoring, and conducting public education and outreach about the availability of infrastructure programs, such as water testing and fixture replacement programs funded with SLFRF funds or otherwise, are also eligible projects. Finally, recipients should note that "remediation of lead paint and other lead hazards" is a separate eligible use category and a broader range of programs and services may be eligible under that section, including investments that are not infrastructure; see the eligible use for "remediation of lead paint and other lead hazards" in section Assistance to Households in Public Health and Negative Economic Impacts.

Dams and Reservoirs

Public Comment: Many commenters requested that Treasury broaden eligibilities to include dams and reservoirs, infrastructure that commenters noted may in its current state be unsafe and could put surrounding communities at risk. Some commenters argued that dams and reservoirs play an important role in providing municipal water supply and water to irrigate farmland, including in areas impacted by recent droughts. Other commenters noted that a large number of dams are currently classified as high-hazard structures, the failure of which would have severe consequences for public safety and the local environment. With respect to reservoirs, commenters articulated that changing climate conditions have necessitated upgrades to reservoir infrastructure to ensure existing facilities can meet the local water needs of a community. Commenters noted that communities facing drought may also need to adjust or enhance reservoirs to maintain adequate water supply.

In contrast, several commenters suggested that infrastructure projects related to dams and reservoirs should not be considered eligible uses of SLFRF funds. These commenters noted that alternate sources of funding exist for dam and reservoir projects and that dams and reservoir infrastructure could result in negative impacts to Tribal communities and negative environmental impacts, including harm to wildlife habitats.

Treasury Response: Treasury understands that many dams and reservoirs in need of rehabilitation are dams and reservoirs whose primary purpose is to provide drinking water. As discussed above, SLFRF funds are available for projects related to the provision of drinking water. Moreover, since issuance of the interim final rule, the EPA has adopted a class deviation from the DWSRF regulations that permits such dam and reservoir rehabilitation projects in certain circumstances.[323] In approving this class deviation, the EPA recognized that many dams used for drinking water are aging and deteriorating and pose a public health risk to communities; that current dam conditions do not meet state safety standards; and that reservoir capacity has diminished and requires dredging to meet drinking water needs of the existing population.

Treasury's final rule provides that funds may be used for rehabilitation of dams and reservoirs if the primary purpose of the dam or reservoir is for drinking water supply and the rehabilitation project is necessary for continued provision of drinking water supply. In considering whether a dam or reservoir project is necessary for the provision of drinking water supply, a recipient may take into consideration future population growth in certain circumstances, as discussed under "Expansion of Drinking Water Service Infrastructure" below, but the project must in any case be designed to support no more than a reasonable level of projected increased need. The recipient must also determine that the project is cost-effective, *i.e.*, that there are not significantly superior alternatives that are available, taking into consideration the relative costs and benefits of the project as compared to those alternatives.

This change to the final rule would permit a wide variety of projects.[324] The limitation in the final rule to rehabilitation of existing dams and reservoirs reflects the scope of the EPA class deviation referenced above and Treasury's understanding of the significant need for investments in rehabilitation to address deterioration of dams and the diminished capacity of reservoirs. Further, Treasury expects that in many cases it would be considerably more difficult to demonstrate that construction of a new dam or reservoir would be necessary for the purpose of the provision of drinking water than is the case for rehabilitation of dams and reservoirs already serving that purpose for a particular population, particularly given opportunities to meet drinking water needs through water reuse and conversation efforts. For these reasons, and given that the relatively short period of availability of the funds makes new dam and reservoir construction with these funds less likely, Treasury has limited the scope of the final rule to dam and reservoir rehabilitation projects.

As discussed above, Treasury has determined that ARPA does not authorize the use of SLFRF funds for uses other than the provision of drinking water and the management of wastewater and storm water. As such, the final rule does not include infrastructure projects related to dams and reservoirs as eligible uses of SLFRF funds unless they meet the conditions discussed above.

would help a recipient determine whether an infrastructure project, such as a lead line replacement, is necessary. In contrast, as mentioned above, the costs of continual testing that is part of a drinking water or wastewater facilities' operating costs would not be considered part of an infrastructure project.

[323] *See* EPA, Approval of Class Exception from the Regulatory Prohibitions on the Use of Drinking Water State Revolving Fund for Rehabilitation of Dams and Reservoirs (July 14, 2021), available at *https://www.epa.gov/system/files/documents/2021-07/dwsrf-class-deviation-dam-reservoir-rehab-2021_0.pdf.*

[324] As noted in the EPA's class deviation, examples of dam rehabilitation projects include spillway reconstruction or repair; dam resurfacing, patching, or other structural repairs, including minimal height increases if needed to maintain the structural integrity of the dam; grouting for seepage control or liquefaction remediation (*e.g.*, epoxy resin, asphalt, or rock); repair or replacement of drainage systems; and seismic stability efforts (*e.g.*, anchors). Examples of reservoir rehabilitation projects include sedimentation dredging and reservoir lining.

Public Comment: Several commenters requested that the removal of dams and associated habitat restoration should be eligible uses of SLFRF funds, noting that in some cases, dam removal will improve water quality while removing long-term operational expenses for the recipient.

Treasury Response: Dam removal projects and associated stream and habitat restoration projects are eligible uses of the CWSRF and continue to be eligible under the final rule when the removal implements either a nonpoint source management program plan or a National Estuary Program Comprehensive Conservation and Management Plan or when the removal will provide a water quality benefit. Habitat restoration projects more generally may also be eligible under the CWSRF and the final rule if they constitute a form of stormwater infrastructure.

Expansion of Drinking Water Service Infrastructure

Public Comment: Commenters asked for the ability to use funds for drinking water projects for the purpose of meeting needs arising from future growth, which, given the restrictions applicable to the DWSRF, was not permitted under the interim final rule.

Treasury Response: As provided for in the SDWA, the DWSRF is meant to serve the public health needs of the existing population. The EPA regulation implementing the DWSRF program provides that projects needed primarily to serve future population growth are not eligible uses of the DWSRF. A project that is intended primarily to address public health or regulatory compliance issues for the existing service population may be sized for a "reasonable" amount of population growth over the useful life of the project.[325]

ARPA does not include the same limitation as the SDWA. Accordingly, the final rule provides that recipients may use SLFRF funds for projects that are needed to support increased population in certain cases. ARPA limits projects to those investments that are "necessary." As discussed above, Treasury interprets this to mean that the investments must be (1) responsive to an identified need to achieve or maintain an adequate minimum level of service, which for some eligible project categories may include a reasonable projection of increased need, whether due to population growth or otherwise and (2) a cost-effective means for meeting that need, taking into account available alternatives. For this eligible use category, expansion of drinking water service infrastructure, the project must also be projected to be sustainable over its estimated useful life.

Investments must be determined to be necessary when they are initiated. Accordingly, Treasury is clarifying in the final rule that the need identified for a water or sewer project may include a need arising from reasonable expectations of future population growth, provided that it is necessary at the time the investment is initiated for the recipient to make the investment to meet this growth. For example, a recipient expecting increased population during the period of performance may install a drinking water treatment plant to meet that growth. In addition, a recipient expecting increased population growth outside the period of performance may install the treatment plant if the planning and construction timeline for the project would require work to begin during the performance period in order to meet the expected population growth. A recipient may install transmission lines as part of the development of new housing occurring during the period of performance. In this case, the housing development must be in progress; a recipient may not use the SLFRF funds to install a water main, for example, to an undeveloped tract in the expectation that in the future that tract will be developed with housing, because there would be no need for that investment to be made at the time it is initiated.

For the reasons discussed above, if a project is undertaken to address expected growth in population, the project must also be sustainable, meaning that the project can continue providing the adequate minimum level of service for its estimated useful life, taking into account projected impacts of changes to the climate and other expected demands on the source of water. In considering how much of a source of water will be available in the future for the drinking water project, a recipient must consider that a source of water may be drawn upon or otherwise used for other current and expected uses, including use by fish and other wildlife. A drinking water project that is designed to address a growing population cannot be considered a necessary investment if the source of drinking water will cease to be available to meet the population's needs before the end of the estimated useful life of the project. In such a case, a recipient should consider alternative sources for drinking water. See "Interpretation of Necessary Investments and Water and Sewer Infrastructure" above for more information.

Non-Federal Matching Requirements for Authorized Bureau of Reclamation Projects

The Infrastructure Investment and Jobs Act amends sections 602(c) and 603(c) of the Social Security Act to add an additional eligible use of SLFRF funds, providing that SLFRF funds "may be used for purposes of satisfying any non-Federal matching requirement required for [an authorized Bureau of Reclamation project]."[326]

This amendment permits the use of SLFRF funds to meet non-federal matching requirements of any authorized Bureau of Reclamation project, regardless of whether the underlying project would be an eligible use of SLFRF funds under the water and sewer infrastructure eligible use category. These amendments are effective as of March 11, 2021, as if included in the ARPA at the time of its enactment.[327] Treasury will provide further guidance to recipients on the scope of Bureau of Reclamation water projects and expenses covered by this provision.

Floodplain Management and Flood Mitigation Projects

Public Comment: Several commenters requested that projects to address floodwater, including floodplain management and flood mitigation projects, be included as an eligible use of SLFRF funds. Within this category of floodplain management and flood mitigation infrastructure, several commenters requested that the installation of levees, flood walls, sea walls, elevation projects, dredging, or nature-based flood mitigation projects be included as eligible projects.

Treasury Response: Treasury notes that some floodplain management and flood mitigation infrastructure projects, including green infrastructure designed to protect treatment works from flood waters and flood impact are currently eligible under the CWSRF and therefore continue to be eligible under the final rule.

Treasury has not included floodplain management and flood mitigation projects more generally as eligible under the final rule. Although floodplain management and flood mitigation are functions of many state and local governments, they are not the sort of generally-provided essential services included within the meaning of water

[325] *See* 40 CFR 35.3520(e)(5).

[326] *See* Public Law 117–58, 40909(a)–(b) (Nov. 15, 2021).

[327] *See* Public Law 117–58 § 40909(c).

and sewer projects under the ARPA, as discussed above.

Irrigation

Public Comment: Some commenters requested that irrigation projects be an eligible use because they consider such projects to be critical infrastructure. Several commenters supported this request by noting that irrigation systems may be used to replenish aquifers and recharge wells, in addition to delivering water for irrigation. One commenter also noted that the national irrigation system is antiquated and in need of repair.

Treasury Response: Some irrigation projects were eligible under the interim final rule and continue to be eligible under the final rule as a result of their inclusion as eligible projects under the CWSRF. For example, water efficient irrigation equipment that reduces the runoff of nutrients and implements a management program established under section 319 of the CWA and/or a conservation and management plan under section 320 of the CWA are eligible uses under the CWSRF and therefore continue to be an eligible use of SLFRF funds under the final rule. Likewise, projects to receive and distribute reclaimed water for irrigation systems or other agricultural use are eligible under the CWSRF and therefore continue to be an eligible use under the final rule. Unlike projects for the improvement of irrigation systems generally, these reclaimed water projects are related to wastewater treatment and stormwater management, which are within the scope of the meaning of water and sewer infrastructure for purposes of ARPA.

Treasury considered commenter requests for inclusion of additional irrigation infrastructure and determined that irrigation projects more generally are not permitted under the final rule. Although these types of projects may be water-related infrastructure, they are not the sort of generally-provided essential services included within the meaning of water and sewer projects under ARPA, as discussed above.

Consumer Incentive Programs

Public Comment: One commenter requested that consumer incentive programs in the areas of water use efficiency, conservation, green infrastructure, reuse, and other distributed solutions be an allowable use of SLFRF.

Treasury Response: The DWSRF and CWSRF eligibilities include the development and implementation of incentive and educational programs that address and promote water conservation, source water protection, and efficiency related to infrastructure improvements, *e.g.*, incentives such as rebates to install green infrastructure such as rain barrels or promote other water conservation activities. Treasury clarifies that such project types were eligible under the interim final rule and continue to be eligible under the final rule.

2. Broadband Infrastructure

Under the ARPA, recipient governments may use SLFRF funds to make "necessary investments in . . . broadband infrastructure." In the Supplementary Information to the interim final rule, Treasury interpreted necessary investments in infrastructure as investments "designed to provide an adequate minimum level of service and [that] are unlikely to be made using private sources of funds." Treasury explained that, with respect to broadband specifically, such necessary investments include projects that "establish [ ] or improve [ ] broadband service to underserved populations to reach an adequate level to permit a household to work or attend school, and that are unlikely to be met with private sources of funds."

Summary of Interim Final Rule, Public Comments, and Treasury Response

Summary of Interim Final Rule: In implementing the ARPA, the interim final rule provided that eligible broadband infrastructure investments are limited to those that are designed to provide service to unserved or underserved households or businesses, defined as those that lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload. The interim final rule also provided that eligible projects under the SLFRF are limited to those that are designed to deliver, upon project completion, service that reliably meets or exceeds symmetrical upload and download speeds of 100 Mbps. In instances where it would not be practicable for a project to deliver such service speeds because of the geography, topography, or excessive costs associated with such a project, the interim final rule provided that the project would be required to be designed to deliver, upon project completion, service that reliably meets or exceeds 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speeds and be scalable to a minimum of 100 Mbps symmetrical for download and upload speeds.

In addition, Treasury, in the Supplementary Information to the interim final rule, encouraged recipients to pursue a number of other objectives. First, Treasury encouraged recipients to prioritize investments in fiber-optic infrastructure wherever feasible and focus on projects that deliver a physical broadband connection by prioritizing projects that achieve last-mile connections. Second, Treasury encouraged recipients to integrate affordability options into their program design. Third, Treasury encouraged recipients to prioritize support for local networks owned, operated, or affiliated with local governments, nonprofits, and cooperatives. Fourth, Treasury encouraged recipients to avoid investing in locations with existing agreements to build reliable wireline service with minimum speeds of 100 Mbps download and 20 Mbps upload by December 31, 2024, in order to avoid duplication of efforts and resources. Finally, following release of the interim final rule, Treasury provided further guidance clarifying some aspects of broadband infrastructure eligibility, specifically on flexibility for recipients to determine eligible areas to be served,[328] middle-mile projects,[329] pre-project development costs,[330] broadband connections to schools or libraries,[331] and the applicability of the National Environmental Policy Act (NEPA) and the Davis-Bacon Act.[332]

Summary of Public Comments: Treasury received several comments on the interim final rule's requirements regarding eligible areas for investment and build-to speed standards, as well as Treasury's encouragements in the Supplementary Information of the interim final rule. Many commenters found the interim final rule's requirement to limit projects to those designed to provide service to unserved or underserved households or businesses to be appropriately focused on hard-to-reach areas. In contrast, other commenters argued that this requirement was too restrictive and that it would limit the ability for some recipients, particularly local governments, to invest in broadband infrastructure.

Separately, some commenters supported the interim final rule's requirement that eligible projects be built to reliable speeds of 100 Mbps symmetrical, with an exception for areas where it was impracticable, and encouragement that projects be built with fiber-optic infrastructure, while a

[328] *See FAQ 6.8, 6.9, 6.11.* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.*

[329] *See FAQ 6.10. Id.*

[330] *See FAQ 6.12. Id.*

[331] *See FAQ 6.16. Id.*

[332] *See FAQ 6.4, 6.17. Id.*

few others argued that the interim final rule should remain technology-neutral and that lower speed standards would be more appropriate for today's usage needs.

Summary of Treasury Response: In response to the comments, the final rule expands eligible areas for investment by requiring recipients to invest in projects designed to provide service to households and businesses with an identified need for additional broadband infrastructure investment, which would include but not be limited to a lack of broadband service reliably delivering certain speeds. In addition, as discussed further below, the final rule further supports the expansion of affordable access to broadband service for households by requiring that recipients use a provider that participates in a qualifying affordability plan. Treasury encourages recipients to prioritize projects that are designed to provide service to locations not currently served by a wireline connection that reliably delivers at least 100 Mbps of download speed and 20 Mbps of upload speed.

The final rule maintains the interim final rule's requirement that eligible projects be designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds. As was the case under the interim final rule, in cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, eligible projects may be designed to reliably meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed. Treasury continues to encourage recipients to prioritize investments in fiber-optic infrastructure wherever feasible and to focus on projects that will achieve last-mile connections, whether by focusing directly on funding last-mile projects or by ensuring that funded middle-mile projects have commitments in place to support new and/or improved last-mile service.

The final rule requires recipients to address the affordability needs of low-income consumers in accessing broadband networks funded by SLFRF, given that such a project cannot be considered a necessary investment in broadband infrastructure if it is not affordable to the population the project would serve. Recipients must require the service provider for a completed broadband infrastructure investment project that provides service to households to either participate in the Federal Communications Commission's (FCC) Affordable Connectivity Program (ACP), or otherwise provide access to a broad-based affordability program to low-income consumers in the proposed service area of the broadband infrastructure that provides benefits to households commensurate with those provided under the ACP.

Treasury also recognizes the importance of affordable broadband access for all consumers beyond those that are low-income. As part of their project selection process, recipients are encouraged to consult with the community on the general affordability needs of the target markets in the proposed service area. Additionally, recipients are encouraged to require that services provided by a broadband infrastructure project include at least one low-cost option offered without data usage caps and at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Recipients will be required to report speed, pricing, and any data allowance information as part of mandatory reporting to Treasury.

The final rule also clarifies that subsidies to households and communities impacted by the pandemic to access the internet, broadband adoption programs, digital literacy programs, and device programs are eligible programs to respond to the public health and negative economic impacts of the pandemic under sections 602(c)(1)(A) and 603(c)(1)(A). See section Assistance to Households in Negative Economic Impacts.

Treasury continues to encourage recipients to prioritize support for broadband networks owned, operated by, or affiliated with local governments, nonprofits, and cooperatives. In addition, to the extent recipients are considering deploying broadband to locations where there are existing enforceable federal or state funding commitments for reliable service at speeds of at least 100 Mbps download speed and 20 Mbps upload speed, recipients must ensure that SLFRF funds are designed to address an identified need for additional broadband investment that is not met by existing federal or state funding commitments. Recipients must also ensure that SLFRF funds will not be used for costs that will be reimbursed by the other federal or state funding streams. Further, Treasury highlights that recipients are subject to the prohibition on use of grant funds to procure or obtain certain telecommunications and video surveillance services or equipment as outlined in 2 CFR 200.216 and 2 CFR 200.471 and clarifies that modernization of cybersecurity for existing and new broadband networks are eligible uses of funds under sections 602(c)(1)(D) and 603(c)(1)(D).

Finally, this Supplementary Information to the final rule incorporates and confirms guidance issued by Treasury following the interim final rule regarding middle-mile projects,[333] pre-project development costs,[334] broadband connections to schools or libraries,[335] and applicability of the National Environmental Policy Act (NEPA) and Davis-Bacon Act.[336]

The remainder of this section provides additional details on the final rule. Specifically, these sections address: (1) Eligible areas for investment; (2) build-to speed standards; (3) affordability; (4) public networks; (5) duplication of efforts and resources; (6) cybersecurity; and (7) use of funds to meet non-federal match under the Infrastructure Investment and Jobs Act.

Eligible Areas for Investment

The interim final rule limited eligible broadband investments to projects focused on delivering service to unserved or underserved locations, defined as households or businesses that lack access to a wireline connection capable of reliably delivering at least minimum speeds of 25 Mbps download and 3 Mbps upload. This targeted approach was generally consistent with certain speed thresholds used in other federal programs to identify eligible areas for federal investment in broadband infrastructure, such as the FCC's Rural Digital Opportunity Fund (RDOF) program and the National Telecommunication and Information Administration's (NTIA's) Broadband Infrastructure Program, and generally aligns with the FCC's benchmark for an "advanced telecommunications capability" for wireline broadband services.

Public Comment: Many commenters discussed the disadvantages of such an approach. Some commenters, including several local government recipients, argued that limiting investments to locations without access to reliable wireline 25/3 Mbps [337] was too

[333] *See FAQ 6.10.* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.*

[334] *See FAQ 6.12. Id.*

[335] *See FAQ 6.16. Id.*

[336] *See FAQ 6.4, 6.17. Id.*

[337] In the remainder of this Supplementary Information, "25/3 Mbps" refers to broadband infrastructure that is designed to reliably meet or exceed at least 25 Mbps download speeds and 3

restrictive because some urban jurisdictions are already mostly or entirely covered by a network with at least 25/3 Mbps speeds yet lack widespread broadband adoption for various reasons. Commenters suggested that recipients would benefit from greater flexibility to provide necessary investments in broadband access in areas that are nominally covered by speeds of at least 25/3 Mbps, such as to provide affordable broadband access in low-income areas or to address service quality and reliability issues. Further, commenters argued that Treasury's requirement that new projects meet minimum reliable speeds of 100 Mbps symmetrical was inconsistent with the requirement that broadband infrastructure projects focus on those with access to significantly lower speeds, and further noted that several states have already expanded the focus of their broadband programs beyond those without reliable access to speeds of 25/3 Mbps. Commenters argued that if the limitation to unserved and underserved households and businesses were maintained, the definition of unserved and underserved households and businesses should be revised to include households and businesses currently served by higher standards. Commenters proposed a number of alternative cutoff speeds, including 25/25 Mbps, 50/10 Mbps, and 100 Mbps symmetrical. Others expressed support for providing flexibility for recipients to make their own determination on eligible areas for investment. These commenters referenced studies indicating that 25/3 Mbps is inadequate for today's modern household or business needs.

Some commenters advocated for unserved and underserved areas to be prioritized while providing flexibility for recipients to serve areas beyond those designated as unserved or underserved. Reflecting the perceived restrictiveness of the interim final rule approach, some commenters asked for assurance that projects conducted under other categories of SLFRF eligible uses, specifically to respond to the public health and negative economic impacts of the pandemic under sections 602(c)(1)(A)–(C) and 603(c)(1)(A)–(C), were not barred by the presence of 25/3 Mbps service, including "gap networks," which are networks designed to offer low-cost or no-cost internet access for lower-income households with low broadband adoption rates.

Commenters suggested additional factors to be incorporated in the consideration of locations that are eligible to be served. Many commenters suggested that affordability should be considered a key factor when determining whether a community has access to broadband, as the presence of 25/3 Mbps service does not necessarily mean the service is financially accessible to the area's residents. Commenters noted that surveys indicate that affordability, not lack of coverage, is the most significant barrier for most Americans who do not have robust broadband service in their households. Some advocated that the final rule allow for investments in areas with existing reliable wireline access at or above 25/3 Mbps as long as existing broadband service has been unaffordable for a certain segment of the population; others advocated that Treasury presume eligibility when investments are made in certain areas, such as Qualified Census Tracts or neighborhoods with persistent poverty, or are made by Tribal governments. Separately, some commenters noted that Treasury should provide more clarification on what constitutes a "reliabl[e]" connection, including providing details as to latency, jitter, and other technical specifications that would meet that standard, and what it means for certain technologies, such as copper and other outdated technologies, to be deemed presumptively unreliable.

Other commenters supported the interim final rule's approach on eligible areas for investment or suggested tightening eligibility even further. They argued that higher speed thresholds beyond 25/3 Mbps would likely lead to investments in or building of new broadband infrastructure in areas already served by broadband at speeds these commenters considered sufficient; these areas, commenters suggested, are less in need of federal assistance and permitting investments here could divert funding away from rural areas to more densely populated areas.

Treasury Response: The final rule expands eligible areas for investment by requiring recipients to invest in projects designed to provide service to households and businesses with an identified need for additional broadband infrastructure investment. Recipients have flexibility to identify a need for additional broadband infrastructure investment: Examples of need include lack of access to a connection that reliably meets or exceeds symmetrical 100 Mbps download and upload speeds, lack of affordable access to broadband service, or lack of reliable broadband service. Recipients are encouraged to prioritize projects that are designed to provide service to locations not currently served by a wireline connection that reliably delivers at least 100 Mbps of download speed and 20 Mbps of upload speed, as many commenters indicated that those without such service constitute hard-to-reach areas in need of subsidized broadband deployment.

Households and businesses with an identified need for additional broadband infrastructure investment do not have to be the only ones in the service area served by an eligible broadband infrastructure project. Indeed, serving these households and businesses may require a holistic approach that provides service to a wider area, for example, in order to make ongoing service of certain households or businesses within the service area economical.

Consistent with further guidance issued by Treasury,[338] in determining areas for investment, recipients may choose to consider any available data, including but not limited to documentation of existing broadband internet service performance, federal and/or state collected broadband data, user speed test results, interviews with community members and business owners, reports from community organizations, and any other information they deem relevant.

In evaluating such data, recipients may take into account a variety of factors, including whether users actually receive internet service at or above the speed thresholds at all hours of the day, whether factors other than speed such as latency, jitter, or deterioration of the existing connections make their user experience unreliable, and whether the existing service is being delivered by legacy technologies, such as copper telephone lines (typically using Digital Subscriber Line technology) or early versions of cable system technology (DOCSIS 2.0 or earlier),[339] and other factors related to

Mbps upload speeds. "100 Mbps" symmetrical refers to broadband infrastructure that is designed to reliably meet or exceed at least 100 Mbps download speeds and 100 Mbps upload speeds.

[338] *See FAQ 6.11.* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.*

[339] Legacy technologies such as copper telephone lines (typically using Digital Subscriber Line technology) and early versions of cable system technology (DOCSIS 2.0 or earlier) typically lag on speeds, latency, and other factors, as compared to more modern technologies like fiber-optic. *See, e.g., https://www.fcc.gov/sites/default/files/tech_transitions_network_upgrades_that_may_affect_your_service.pdf* (comparing copper to fiber and noting that copper wire networks have "limited speeds," are "susceptible to signal interference/loss," and have a "relatively short life"); *https://*

Continued

the services to be provided by the project. In addition, recipients may consider the actual experience of current broadband customers when making their determinations; whether there is a provider serving the area that advertises or otherwise claims to offer broadband at a given speed is not dispositive.

Build-To Speed Standards

The interim final rule provided that a recipient may use funds to make investments in broadband infrastructure that is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds. In cases where it is not practicable, because of the excessive cost of the project or the geography or topography of the area to be served by the project, eligible projects may be designed to reliably meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed, so long as it is scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed. Relatedly, Treasury in the **SUPPLEMENTARY INFORMATION** to the interim final rule encouraged recipients to prioritize investments in fiber-optic infrastructure wherever feasible and to prioritize projects that achieve last-mile connections.

Public Comment: Many commenters discussed the advantages of setting minimum symmetrical download and upload speeds of reliable 100 Mbps as the speed threshold for new projects. Some commenters indicated support for the interim final rule's standard as it takes into account growing demands on internet use resulting from pandemic broadband usage and suggested that such a standard will help to ensure that networks built with SLFRF funds remain valuable for years to come, even as demands continue to accelerate, particularly on upload speeds. Some also indicated that the interim final rule standard has the effect of prioritizing the use of fiber-optic infrastructure to deliver such speeds, which some noted was a "gold standard" future-proof technology, although some commenters noted that other technologies like fixed wireless have been shown to deliver such speeds in certain circumstances.

Other commenters suggested that 100 Mbps symmetrical speeds were unnecessary given current broadband usage needs and that such high standards may have the potential to slow down expansion to unserved or underserved rural areas. Some argued that setting this symmetrical threshold may limit the type of technologies that can be used, thereby decreasing competition and limiting flexibility to recipients whose communities might be better served by technologies such as wireless solutions or inexpensive gap networks. Commenters suggested alternate minimum speeds, ranging from 25/3 Mbps (which some argued best balances reaching all communities and maximizing the impact of federal funds) to 100/20 Mbps (which some argued best serves the typical broadband usage patterns of households and businesses, including new pandemic-driven needs). A few commenters suggested a higher minimum speed, such as gigabit speeds, advocating that such speeds were necessary for a network to last at least a decade.

Many commenters supported the interim final rule's lower speed standards for projects where it is impracticable to meet minimum reliable speeds of 100 Mbps symmetrical, as it provides flexibility for recipients to invest in hard-to-reach areas, such as those in mountainous regions. A few commenters indicated that Treasury should more clearly define the characteristics of a location eligible for this exception. Some indicated that the minimum standard for all new projects should be 100 Mbps symmetrical. In contrast, others argued that scalability to 100 Mbps symmetrical should not be a requirement to meet today's demands, particularly in hard-to-reach areas.

Some commenters requested that Treasury clarify eligibility for middle-mile projects as these projects potentially provide connectivity to far-reaching areas, while other commenters suggested that last-mile projects generally require more capital investment and are therefore most in need of government support.

Treasury Response: The final rule maintains the interim final rule's requirement that eligible projects be designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds, with the interim final rule's exception for projects where it is impracticable to build to such speeds due to excessive cost, geography, or topography of the area to be served by the project. Given the build time associated with broadband infrastructure projects, these standards will enable SLFRF funds to fund lasting infrastructure that will be able to accommodate increased network demand once the network is complete,[340] while providing flexibility for certain locations to meet lower speed standards where 100 Mbps symmetrical speeds are impracticable.

To illustrate the accelerating need for higher upload speeds, by one measure, mean upload speeds as of October 2021 increased to 75.21 Mbps as compared to 62.11 Mbps a year earlier.[341] Jurisdictions are increasingly responding to the growing demands of their communities for high speeds; for example, Illinois requires 100 Mbps symmetrical service as the construction standard for their state broadband grant programs. The 100 Mbps symmetrical standard accounts for increased pandemic internet usage and provides adequate upload speeds for individuals and businesses to accommodate interactive applications such as virtual learning and videoconferencing, while also helping ensure that funding is responsibly used to provide a true and lasting benefit for years to come. Treasury continues to encourage recipients to prioritize investments in fiber-optic infrastructure wherever feasible, as such advanced technology enables the next generation of application solutions for all communities and is capable of delivering superior, reliable performance and is generally most efficiently scalable to meet future needs.[342] In designing these projects, recipients should ensure that the broadband infrastructure provides "reliable" service at required speeds and are not required to rely on providers' advertised speeds in their assessments.

Consistent with further guidance issued by Treasury,[343] while recipients are permitted to make investments in "middle-mile" connections that otherwise satisfy the requirements of the final rule, Treasury continues to encourage recipients to focus on

data.fcc.gov/download/measuring-broadband-america/2020/2020-Fixed-Measuring-Broadband-America-Report.pdf (comparing fiber with DSL and cable technologies on a number of dimensions); *https://www.eff.org/wp/case-fiber-home-today-why-fiber-superior-medium-21st-century-broadband* (providing a technical background comparing fiber technology to other legacy technologies).

[340] Using the Federal Communications Commission (FCC) Broadband Speed Guide, a household with two telecommuters and two to three remote learners today is estimated to need 100 Mbps download to work simultaneously. *See* Federal Communications Commission, Broadband Speed Guide, available at *https://www.fcc.gov/consumers/guides/broadband-speed-guide* (last visited October 28, 2021).

[341] United States' Mobile and Broadband Internet Speeds—Speedtest Global Index, available at *https://www.speedtest.net/global-index/united-states#fixed*.

[342] Bennett Cyphers, The Case for Fiber to the Home, Today: Why Fiber is a Superior Medium for 21st Century Broadband, Electronic Frontier Foundation (October 16, 2019), *https://www.eff.org/wp/case-fiber-home-today-why-fiber-superior-medium-21st-century-broadband*.

[343] *See FAQ 6.10*, Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf*.

projects that will achieve last-mile connections—whether by focusing directly on funding last-mile projects or by ensuring that funded middle-mile projects have commitments in place to support new and/or improved last-mile service.

Affordability

The interim final rule encouraged recipients to consider ways to integrate affordability options into their program design but did not require recipients to take particular actions. The interim final rule also provided that assisting households with internet access and digital literacy is an eligible use of SLFRF funds under sections 602(c)(1)(A) and 603(c)(1)(A) to respond to the negative economic impacts of COVID–19.

Public Comment: Many commenters suggested that Treasury provide recipients with a broader set of tools to tackle what the commenters characterized as an affordability crisis in the broadband sector. As noted above, some commenters proposed that Treasury consider affordability when determining whether an area is unserved or underserved by broadband. Some commenters indicated that the final rule should allow for the construction of broadband networks in low-income neighborhoods including low-cost or no-cost gap networks, even in areas with existing service at the speeds required under the interim final rule. Other commenters voiced support for direct subsidies to low-income communities to afford broadband service, which would provide additional incentives for providers to serve these communities.

Treasury Response: In response to many commenters that highlighted the importance of affordability in providing meaningful access to necessary broadband infrastructure, the final rule provides additional requirements to address the affordability needs of low-income consumers in accessing broadband networks funded by SLFRF. Recipients must require the service provider for a completed broadband infrastructure investment project that provides service to households to:

- Participate in the Federal Communications Commission's (FCC) Affordable Connectivity Program (ACP); or
- Otherwise provide access to a broad-based affordability program to low-income consumers in the proposed service area of the broadband infrastructure that provides benefits to households commensurate with those provided under the ACP.

Recipients must require providers to participate in or provide access to these programs through the life of the ACP. This requirement will no longer apply once the SLFRF-funded broadband infrastructure is no longer in use.

Furthermore, Treasury also recognizes the importance of affordable broadband access for all consumers beyond those that are low income. As part of their project selection process, recipients are encouraged to consult with the community on the general affordability needs of the target markets in the proposed service area. Additionally, recipients are encouraged to require that services provided by a broadband infrastructure project include at least one low-cost option offered without data usage caps at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Treasury will require recipients to report speed, pricing, and any data allowance information as part of their mandatory reporting to Treasury.

Further, Treasury is clarifying that, as a response to the public health and negative economic impacts of the pandemic, recipients may provide households and communities impacted by the pandemic with subsidies to help pay for internet service, digital literacy programs, broadband adoption programs, and device programs that provide discounted or no-cost devices for low-income households to access the internet. For further discussion of this eligible use category, see the section internet Assistance in Assistance to Households in Public Health and Negative Economic Impacts.

Public Networks

The interim final rule encouraged recipients to prioritize support for local networks owned, operated, or affiliated with local governments, nonprofits, and cooperatives.

Public Comment: Many commenters voiced their support for Treasury's encouragement that recipients work with governmental or community entities to establish local networks, arguing that they have been shown to effectively provide broadband access to areas that would otherwise be left with unaffordable or insufficient service. These commenters suggested that, since these entities are less driven by financial returns to investment than private providers, in some circumstances they may be able to provide robust service at a lower price as compared to private providers, along with potentially increasing local competition in a service area.

Other commenters argued against Treasury's encouragement, remarking that private businesses have a robust track record of serving hard-to-reach customers. These commenters argued that commercial providers have greater technical and operational expertise in deploying and operating broadband networks and may be able to construct broadband networks with greater efficiency. Additionally, some commenters argued that providing what they considered an unfair competitive advantage for government- or community-owned or operated networks may hurt consumers over time.

Treasury Response: The final rule maintains the interim final rule's encouragement for recipients to prioritize support for broadband networks owned, operated by, or affiliated with local governments, nonprofits, and cooperatives, given that these networks have less pressure to generate profits and a commitment to serve entire communities.[344] This encouragement provides flexibility for recipients to select providers that best fit their needs, while noting the critical role that networks owned, operated, or affiliated with local governments and community organizations can play in providing sufficient coverage, affordable access, or increased competition in the broadband sector.

Duplication of Efforts and Resources

Public Comment: Some commenters raised concerns that Treasury's encouragement in the interim final rule that recipients avoid funding projects in locations with an existing agreement to provide service that reliably delivers 100/20 Mbps by December 31, 2024 was too restrictive. Commenters noted that many plans do not always lead to a successful and complete deployment, as issues may arise that prevent such infrastructure from deploying on time or at all, and that several existing federal grants were designed and awarded before the onset of the COVID–19 pandemic and do not meet the critical broadband needs highlighted by the pandemic. Other commenters argued that Treasury's encouragement to avoid duplication of resources should be strengthened, as investing in areas with existing agreements would be an inefficient duplication of efforts.

Treasury Response: Given the final rule's revised requirements on eligible areas for investment, this

[344] The Executive Office of the President, Community-Based Broadband Solutions (January 2015), *https://obamawhitehouse.archives.gov/sites/default/files/docs/community-based_broadband_report_by_executive_office_of_the_president.pdf.*

Supplementary Information to the final rule also modifies the interim final rule's requirements around duplication of resources. Since recipients must ensure that the objective of the broadband projects is to serve locations with an identified need for additional broadband investment, the final rule provides that, to the extent recipients are considering deploying broadband to locations where there are existing enforceable federal or state funding commitments for reliable service at speeds of at least 100 Mbps download speed and 20 Mbps upload speed, recipients must ensure that SLFRF funds are designed to address an identified need for additional broadband investment that is not met by existing federal or state funding commitments. Recipients must also ensure that SLFRF funds will not be used for costs that will be reimbursed by the other federal or state funding streams.

Cybersecurity

Public Comment: Several commenters expressed concern about the cybersecurity of new broadband projects funded with SLFRF funds and urged Treasury to prohibit recipients from utilizing SLFRF funds to procure equipment from certain providers from the People's Republic of China that may pose a national security risk. These commenters pointed out that the 2019 National Defense Authorization Act (NDAA) and the FCC's Universal Service Fund have similar prohibitions. Further, several commenters requested that Treasury explicitly include cybersecurity costs as an eligible use for broadband infrastructure investment given the growing threat of cyber-attacks and cyber-intrusions into the nation's infrastructure.

Treasury Response: Treasury highlights that investments in broadband infrastructure must be carried out in ways that comply with applicable federal laws, including the 2019 NDAA. Among other requirements contained in 2 CFR part 200, 2 CFR 200.216 implements certain provisions of the NDAA and contains prohibitions on the use of federal financial assistance to procure or obtain certain telecommunications and video surveillance services or equipment provided or produced by designated entities, including certain entities owned or controlled by the People's Republic of China. In addition, 2 CFR 200.471 provides that certain telecommunications and video surveillance costs associated with 2 CFR 200.216 are unallowable.

Further, the final rule allows for modernization of cybersecurity for existing and new broadband infrastructure as an eligible use under sections 602(c)(1)(D) and 603(c)(1)(D) as such investments are necessary for the reliability and resiliency of broadband infrastructure.[345] Recipients may provide necessary investments in cybersecurity, including modernization of hardware and software, for existing and new broadband infrastructure regardless of their speed delivery standards. The final rule maintains the interim final rule's provision that allows for broader modernization of cybersecurity, including hardware, software, and protection of critical infrastructure as an eligible provision of government services, to the extent of revenue loss due to the pandemic, under sections 602(c)(1)(C) and 603(c)(1)(C).

Use of Funds To Meet Non-Federal Match Under the Infrastructure Investment and Jobs Act

The Infrastructure Investment and Jobs Act specifies that, except as otherwise provided, an entity using funding under section 60102 of the law for broadband deployment "shall provide, or require a subgrantee to provide, a contribution, derived from non-Federal funds (or funds from a Federal regional commission or authority) . . . of not less than 25 percent of project costs." [346] It further states that the matching contribution may include funds provided to an eligible entity or subgrantee under the American Rescue Plan Act for the purpose of deployment of broadband service, which includes funds provided under the SLFRF program.

SLFRF and the program established under section 60102 of the Infrastructure Investment and Jobs Act are separate programs with separate requirements. While section 60102 allows states and other eligible entities to use SLFRF funds as the source of matching funds for broadband deployment, the requirements of the SLFRF program still apply. As such, recipients that use SLFRF funds to meet the section 60102 matching requirement will continue to be subject to the requirements of the SLFRF program.

[345] For more on the importance of cybersecurity to the reliability and resiliency of broadband networks, see: Federal Communications Commission, *https://docs.fcc.gov/public/attachments/FCC-10-63A1.doc;* Brookings Institute, Protecting the Cybersecurity of America's Networks (February 11, 2021), *https://www.brookings.edu/blog/techtank/2021/02/11/protecting-the-cybersecurity-of-americas-networks/.*

[346] *See* Infrastructure Investment and Jobs Act, Public Law 117–58 (2021).

III. Restrictions on Use

While recipients have considerable flexibility to use funds to address the diverse needs of their communities, some restrictions on use of funds apply. The ARPA includes two statutory provisions that further define the boundaries of the statute's eligible uses. First, section 602(c)(2)(A) of the Social Security Act provides that states and territories may not "use the funds . . . to either directly or indirectly offset a reduction in . . . net tax revenue . . . resulting from a change in law, regulation, or administrative interpretation during the covered period that reduces any tax . . . or delays the imposition of any tax or tax increase." Second, sections 602(c)(2)(B) and 603(c)(2) prohibit all recipients, except Tribal governments, from using funds for deposit into any pension fund. These restrictions support use of funds only for the congressionally permitted purposes described in the Eligible Uses section by providing a backstop against the use of funds for purposes outside of the eligible use categories provided for in the statute.

In addition to the restrictions on use of funds provided for in the ARPA statute, the interim final rule noted that several uses of funds would be ineligible under any eligible use category, including as a response to the public health and negative economic impacts of the pandemic or as a "government service" under the revenue loss eligible use category. Specifically, use of funds for debt service, to replenish financial reserves, or to satisfy an obligation arising from a judicial settlement or judgment were ineligible uses of funds under the eligible use categories for public health and negative economic impacts and revenue loss. These restrictions apply to all recipients.

Recipients should note that restrictions on use of funds for debt service, to replenish financial reserves, or to satisfy an obligation arising from a judicial settlement or judgment apply to all eligible use categories, not just the eligible use categories in which they were discussed in the interim final rule.

Recipients are also subject to other restrictions on use of funds in the ARPA, the Award Terms and Conditions, and other federal laws. As discussed further below, uses of funds may not conflict with the overall statutory purpose of the ARPA to reduce the spread of COVID–19. Per the Award Terms and Conditions, recipients must adopt and abide by policies to prevent conflicts of interest. Finally, recipients are reminded that other federal laws

also apply to uses of funds, including environmental and civil rights laws.

To enhance clarity, this **SUPPLEMENTARY INFORMATION** for the final rule consolidates these restrictions on use of funds into one section and makes clear that they apply to all eligible use categories and any use of funds under the program by recipients to whom each specific restriction applies.

This section discusses the aforementioned restrictions, public comments received, and Treasury's response to these comments. For clarity, Treasury has divided the following discussion into (A) statutory restrictions under the ARPA, which include (1) offsetting a reduction in net tax revenue, and (2) deposits into pension funds, and (B) other restrictions on use, which include (1) debt service and replenishing reserves, (2) settlements and judgments, and (3) general restrictions.

A. Ineligible Uses of Funds Under the ARPA Statute

1. Offset a Reduction in Net Tax Revenue

For states and territories (recipient governments [347]), section 602(c)(2)(A)—the offset provision—prohibits the use of SLFRF funds to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation [348] during the covered period. If a state or territory uses SLFRF funds to offset a reduction in net tax revenue resulting from a change in law, regulation, or interpretation, the ARPA provides that the state or territory must repay to Treasury an amount equal to the lesser of (i) the amount of the applicable reduction attributable to the impermissible offset and (ii) the amount of SLFRF funds received by the state or territory. A state or territory that uses SLFRF funds to offset a reduction in net tax revenue does not forfeit its entire allocation of SLFRF funds (unless it misused the full allocation to offset a reduction in net tax revenue) or any non-SLFRF funding.

The interim final rule implements these conditions by establishing a framework for states and territories to determine the cost of changes in law, regulation, or interpretation that reduce tax revenue and to identify and value the sources of funds that will offset—*i.e.*, cover the cost of—any reduction in net tax revenue resulting from such changes. The interim final rule recognizes three sources of funds that may offset a reduction in net tax revenue other than SLFRF funds: Organic revenue growth, increases in revenue due to policy changes (*e.g.*, an increase in a tax rate), and certain cuts in spending.

Specifically, the interim final rule establishes a step-by-step process for determining whether, and the extent to which, SLFRF funds have been used to offset a reduction in net tax revenue, based on information reported by the recipient government:

- First, each year, each recipient government will identify and value the changes in law, regulation, or interpretation that would result in a reduction in net tax revenue, as it would in the ordinary course of its budgeting process. The sum of these values in the year for which the government is reporting is the amount it needs to "pay for" with sources other than SLFRF funds (total value of revenue reducing changes).
- Second, the interim final rule recognizes that it may be difficult to predict how a change would affect net tax revenue in future years and, accordingly, provides that if the total value of the changes in the year for which the recipient government is reporting is below a de minimis level, as discussed below, the recipient government need not identify any sources of funding to pay for revenue reducing changes and will not be subject to recoupment.
- Third, a recipient government will consider the amount of actual tax revenue recorded in the year for which it is reporting. If the recipient government's actual tax revenue is greater than the amount of tax revenue received by the recipient for the fiscal year ending 2019, adjusted annually for inflation, the recipient government will not be considered to have violated the offset provision because there will not have been a reduction in net tax revenue.
- Fourth, if the recipient government's actual tax revenue is less than the amount of tax revenue received by the recipient government for the fiscal year ending 2019, adjusted annually for inflation, in the reporting year the recipient government will identify any sources of funds that have been used to permissibly offset the total value of covered tax changes other than SLFRF funds. These are:
  - State or territory tax changes that would increase any source of general fund revenue, such as a change that would increase a tax rate; and
  - Spending cuts in areas not being replaced by SLFRF funds.

The recipient government will calculate the value of revenue reduction remaining after applying these sources of offsetting funding to the total value of revenue reducing changes—that is, how much of the tax change has not been paid for. The recipient government will then compare that value to the difference between the baseline and actual tax revenue. A recipient government will not be required to repay to Treasury an amount that is greater than the recipient government's actual tax revenue shortfall relative to the baseline (*i.e.*, fiscal year 2019 tax revenue adjusted for inflation). This "revenue reduction cap," together with Step 3, ensures that recipient governments can use organic revenue growth to offset the cost of revenue reductions.

- Finally, if there are any amounts that could be subject to recoupment, Treasury will provide notice to the recipient government of such amounts along with an explanation of such amounts. This process is discussed in greater detail in section Remediation and Recoupment of this Supplementary Information.

Together, these steps allow Treasury to identify the amount of reduction in net tax revenue that both is attributable to covered changes and has been directly or indirectly offset with SLFRF funds.

Overview of Comments: Many commenters supported the framework established under the interim final rule. These commenters argued that the offset provision, and the interim final rule's implementation of the offset provision, was essential to ensuring SLFRF funds are used in a manner consistent with the statute's defined eligible uses and, in particular, to support the use of SLFRF funds to build public sector capacity. Several commenters argued that the framework should be made more restrictive; for example, some comments advocated that the offset provision be applied to local governments.

Other commenters argued that the offset provision and the interim final rule's implementation of the offset provision is too restrictive, with some asserting that the offset provision prohibits states from making changes to reduce taxes. Many of these commenters argued that the offset provision presents constitutional concerns. These commenters asserted that the offset provision is ambiguous and the restriction is unrelated to the purpose of the ARPA. These commenters also

[347] In this sub-section, "recipient governments" refers only to states and territories. In other sections, "recipient governments" refers more broadly to eligible governments receiving funding from the SLFRF.

[348] For brevity, this phrase is referred to as "changes in law, regulation, or interpretation" for the remainder of this **SUPPLEMENTARY INFORMATION.**

argued that the generous amount of SLFRF funds provided to those governments gave recipient governments little choice as to whether to accept the SLFRF funds and, as a result, the offset provision is coercive. In describing these concerns and arguments, several of these commenters referenced litigation regarding the offset provision.[349] Many of these commenters also expressed concern regarding the interim final rule's implementation of the offset provision. Some of these commenters argued that Treasury lacked the authority to implement the provision, asserting that the significance of the provision required Congress to make an explicit delegation of rulemaking authority and provide clearer principles by which Treasury should implement the provision. Finally, one commenter argued that the offset provision should only apply if the recipient expressly and intentionally uses SLFRF funds to offset a reduction in revenue, arguing that the term "offset" implies a deliberate use SLFRF funds to "pay for" a tax cut.

As discussed in the interim final rule, the offset provision does not prevent a recipient government from enacting a broad variety of tax changes. Rather, the offset provision prevents a recipient government from using SLFRF funds to offset a revenue reduction resulting from a tax cut. A recipient government would only be considered to have used SLFRF funds to offset a reduction in net tax revenue resulting from changes in law, regulation, or interpretation if, and to the extent that, the recipient government could not identify sufficient funds from sources other than SLFRF funds to offset the reduction in net tax revenue. Only if sufficient funds from other sources cannot be identified to cover the full cost of the reduction in net tax revenue resulting from changes in law, regulation, or interpretation, will the remaining amount not covered by these sources be considered to have been offset by SLFRF funds, in contravention of the offset provision. Consistent with the statutory text, the approach taken in the interim final rule recognizes that, because money is fungible, even if SLFRF funds are not explicitly or directly used to cover the costs of changes that reduce net tax revenue, those funds may be used in a manner inconsistent with the statute by indirectly being used to substitute for the state's or territory's funds that would otherwise have been needed to cover the costs of the reduction. As discussed below, the scope of changes in law, regulation, or interpretation is further limited to those that the recipient government voluntarily enacted during the covered period.

Congress has the authority under the Spending Clause in Article I, section 8 of the Constitution to specify the permissible and impermissible uses of federal grants. The Supreme Court has repeatedly "upheld Congress's authority to condition the receipt of funds on the States' complying with restrictions on the use of those funds, because that is the means by which Congress ensures that the funds are spent according to its view of the 'general Welfare.'"[350] "The power to keep a watchful eye on expenditures . . . is bound up with congressional authority to spend in the first place."[351] Assertions that the amount of SLFRF funds are sufficiently large to be coercive are inconsistent with the Supreme Court's reasoning in *NFIB*, which distinguished between conditions placed on new federal funds and conditions placed on existing federal funds and not based on the size of funds.[352] Further, the conditions placed on the use of SLFRF funds under the ARPA—both the eligible uses and additional limitations on deposits into pension funds and the offset provision—were well known to recipient governments prior to recipient governments requesting to receive SLFRF funds. Finally, the ARPA provides Treasury with the express authority "to issue such regulations as may be necessary or appropriate to carry out" section 602, which includes the offset provision.

A number of commenters expressed concern regarding the burden associated with complying with the offset provision and the interim final rule. Similarly, other commenters argued that the framework provided in the interim final rule complicated implementation of the offset provision. Treasury took several steps to minimize burden for recipient governments in the interim final rule. For example, the interim final rule incorporates the types of information and modeling already used by states and territories in their own fiscal and budgeting processes. By incorporating existing budgeting processes and capabilities, states and territories will be able to assess and evaluate the relationship of tax and budget decisions to uses of SLFRF funds based on information they likely have or can readily obtain. This approach ensures that recipient governments have the information they need to understand the implications of their decisions regarding the use of SLFRF funds—and, in particular, whether they are using the funds to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or interpretation, making the funds potentially subject to recoupment. To further reduce burden, Treasury is considering whether the scope of reporting requirements can be further tailored.

As described in greater detail below, Treasury is finalizing its implementation of the offset provision largely without change. This approach is consistent with the text of the ARPA. The remainder of this section discusses and responds to comments on specific aspects of the framework.

1. Definitions

Covered change. The offset provision is triggered by a reduction in net tax revenue resulting from "a change in law, regulation, or administrative interpretation." Consistent with this language, the interim final rule defines a "covered change" to include any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute or rule where the phase-in or taking effect was not prescribed prior to the start of the covered period. Thus, the offset provision applies only to actions for which the change in policy occurs during the covered period; it excludes regulations or other actions that implement a change or law substantively enacted prior to March 3, 2021. For example, covered changes do not include a change in rate that is triggered automatically and based on statutory or regulatory criteria in effect prior to the covered period.[353] Changed

[349] *See, e.g., State of West Virginia* v. *U.S. Department of the Treasury*, No. 7:21–cv–00465–LSC, 2021 WL 2952863 (N.D. Ala. Jul. 14, 2021); *State of Ohio* v. *Yellen*, No. 1:21–cv–181, 2021 WL 2712220 (S.D. Ohio Jul. 1, 2021).

[350] *National Fed'n of Indep. Bus.* v. *Sebelius (NFIB)*, 567 U.S. 519, 580 (2012) (plurality opinion); see, *e.g., South Dakota* v. *Dole*, 483 U.S. 203, 206–208 (1987); *Gruver* v. *Louisiana Bd. of Supervisors for Louisiana State Univ. Agric. & Mech. Coll.*, 959 F.3d 178, 183 (5th Cir.), cert. denied, 141 S. Ct. 901 (2020). For additional discussion of these issues, *see, e.g., Brief Reply for Appellants, Ohio* v. *Yellen*, No. 21–3787 (6th Cir. Oct. 26, 2021).

[351] *Sabri* v. *United States*, 541 U.S. 600, 608 (2004).

[352] The new federal funds offered by the Affordable Care Act totaled $100 billion per year. Even the dissenting Justices agreed that "Congress could have made just the new funding provided under the ACA contingent on acceptance of the terms of the Medicaid Expansion," although they disagreed with the majority about whether that funding condition was severable. NFIB at 687–688 (joint dissent).

[353] For example, a state law that sets its earned income tax credit (EITC) at a fixed percentage of the federal EITC will see its EITC payments automatically increase—and thus its tax revenue reduced—because of the federal government's expansion of the EITC in the ARPA *See, e.g.*, Tax

administrative interpretations would not include corrections to replace prior inaccurate interpretations; such corrections would instead be treated as changes implementing legislation enacted or regulations issued prior to the covered period. The operative change in those circumstances is the underlying legislation or regulation that occurred prior to the covered period. Moreover, only changes within the control of the state or territory are considered covered changes. Finally, covered changes do not include changes that simply conform with recent changes in federal law (including those to conform to recent changes in federal taxation of unemployment insurance benefits and taxation of loan forgiveness under the Paycheck Protection Program).

Scope of Covered Changes

Public Comment: Several commenters argued that the definition of covered change, and thus the limitations of the offset provision, should apply to subsidies for businesses. Similarly, other commenters requested that Treasury clarify that the offset provision applies to tax abatements and reductions in corporate taxes, even if administered by a sub-unit of the recipient government. Citing to empirical research and other evidence, these commenters argued that these types of economic development policies were poorly administered, reduced public sector capacity, and were ineffective at achieving stated objectives of creating jobs, increasing income, and increasing economic growth. On the other hand, some commenters argued that, because subsidies were economically similar to some tax cuts, neither action should be considered a covered change and subject to the offset provision. Finally, other commenters requested that Treasury clarify whether covered changes must be broad-based policies or whether administrative decisions applicable to individuals would be considered covered changes.

Treasury Response: Section 602(c)(2)(A) applies to any change that "reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise or delays the imposition of any tax or tax increase." Accordingly, and consistent with this statutory text, the final rule applies to covered changes that reduce any tax, which can include tax abatements, but does not apply to loans, grants, or other types of interventions that do not reduce tax revenue.[354] In addition, by including changes in regulation or administrative interpretation, in addition to changes in law, within the scope of the offset provision, the ARPA recognizes that a recipient government may make a covered change through its legislature or may delegate the authority to make a covered change including, but not limited to, to a sub-unit of government. Treasury has revised the definition of "covered change" in the final rule using the statutory language above to make clear that the offset provision only applies to such changes in law, regulation, or administrative interpretation. With respect to the question of whether covered changes could include administrative decisions applicable to individuals, as discussed above, a covered change includes a change in law, regulation, or administrative interpretation that reduces any tax. Such changes may apply to one or more individuals or entities, provided that—consistent with the statutory text—they result from a change in law, regulation, or administrative interpretation.

Prior Enactment and Phase-In

Public Comment: A number of commenters expressed concern, or requested clarification, regarding changes that were enacted prior to the covered period but take effect or phase-in during the covered period. Several commenters argued that the definition of covered change should include changes that were made prior to the covered period but that phase-in during the covered period.

Treasury Response: As discussed above, the offset provision is triggered by a reduction in net tax revenue resulting from "a change in law, regulation, or administrative interpretation" made during the covered period. Consistent with the statutory text, "covered change" is defined to include any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute or rule where the phase-in or taking effect was not prescribed prior to the start of the covered period.

Conformity

Public Comment: A number of commenters requested clarification on the scope of covered changes. Specifically, several commenters requested clarification on the scope of changes that would be considered as conforming to recent changes in federal law. These commenters requested that Treasury clarify whether actions to selectively conform with federal law would be considered covered changes and requested clarification regarding the extent to which changes would be considered "recent." For example, these commenters requested clarification regarding conformance with the Global Intangible Low-Taxed Income provision of the 2017 Tax Cuts and Jobs Act. Some commenters further argued that changes that selectively conform or decouple from the Internal Revenue Code should be included within scope of covered changes and thus subject to the offset provision.

Treasury Response: The final rule maintains the treatment of changes that simply conform with recent changes in federal law, such as those to conform to recent changes in federal taxation of unemployment insurance benefits and taxation of loan forgiveness under the Paycheck Protection Program[355] and including other changes over the past several years. Regardless of the particular method of conformity and the effect on net tax revenue, Treasury views such changes as permissible under the offset provision.

Accordingly, and for the reasons discussed above, Treasury is maintaining the definition of covered change without change.

Tax revenue. The interim final rule's definition of "tax revenue" is based on the Census Bureau's definition of taxes, used for its Annual Survey of State Government Finances.[356] It provides a consistent, well-established definition with which states and territories will be familiar and is consistent with the approach taken in section Revenue Loss of this **SUPPLEMENTARY INFORMATION** describing the implementation of sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act regarding revenue loss. A number of commenters expressed concern and requested clarification regarding the definition of "tax revenue." These comments and responses are discussed in section Revenue Loss of this Supplemental Information and, for the reasons discussed above, Treasury is finalizing the definition of tax revenue without

Policy Center, How do state earned income tax credits work?, *https://www.taxpolicycenter.org/briefing-book/how-do-state-earned-income-tax-credits-work/* (last visited May 9, 2021).

[354] Assistance must be consistent with eligible uses of SLFRF funds. *See* section Eligible Uses of this **SUPPLEMENTARY INFORMATION.**

[355] *See* Statement on State Fiscal Recovery Funds and Tax Conformity, April 7, 2021, available at *https://home.treasury.gov/news/press-releases/jy0113.*

[356] U.S. Census Bureau, Annual Survey of State and Local Government Finances Glossary, *https://www.census.gov/programs-surveys/state/about/glossary.html* (last visited Apr. 30, 2021).

change and maintaining a consistent definition of "tax revenue." [357]

Baseline. For purposes of measuring a reduction in net tax revenue, the interim final rule measures actual changes in tax revenue relative to a revenue baseline (baseline). The baseline is calculated as fiscal year 2019 (FY 2019) tax revenue indexed for inflation in each year of the covered period, with inflation calculated using the Bureau of Economic Analysis's Implicit Price Deflator.[358]

Public Comment: Some commenters expressed concern regarding the choice of FY 2019 as the baseline, arguing that the choice lacked justification and would make the offset provision more restrictive as applied to recipient governments that experienced a decline in revenue independent of making any covered changes.

Treasury Response: Measuring a "reduction" in net tax revenue requires identification of a baseline. In other words, a "reduction" can be assessed only by comparing two amounts. The Act defines "covered period" to begin on March 3, 2021, and thus the baseline year must end prior to March 3, 2021. As discussed in the interim final rule, FY 2019 is the last full fiscal year prior to the COVID–19 public health emergency, and thus is consistent with the statutory definition and does not include the extraordinary effects of the pandemic that began in 2020. Further, as discussed above, the interim final rule recognizes three potential ways that a recipient government may offset or "pay for" a reduction in net tax revenue due to a covered change: Increases in taxes, decreases in spending, and organic revenue growth. U.S. gross domestic product rebounded to exceed its pre-pandemic level in 2021,[359] suggesting that an FY 2019 pre-pandemic baseline is a reasonable comparator for future revenue levels and provides recipients with flexibility to identify organic growth as a permissible offset. Finally, this baseline year is consistent with the approach directed by sections 602(c)(1)(C) and 603(c)(1)(C), which identify the "most recent full fiscal year of the [state, territory, or Tribal government] prior to the emergency" as the comparator for measuring revenue loss. For these reasons, Treasury is finalizing the definition of "baseline" without change.

The interim final rule includes several other definitions that are applicable to the implementation of the offset provision, such as the term "reporting year." [360] Commenters did not express concern regarding other definitions in the interim final rule.

2. Framework

The interim final rule provides a step-by-step framework, to be used in each reporting year, to determine whether a state or territory used SLFRF funds to offset a reduction in net tax revenue. Consistent with section 602(c)(2) and the interim final rule, the final rule applies to states and territories:

(1) *Covered changes that reduce tax revenue.* Under the interim final rule, a recipient government identifies and values covered changes that the recipient government predicts will have the effect of reducing tax revenue in a given reporting year, similar to the way it would in the ordinary course of its budgeting process. The interim final rule states that the value of these covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient government's existing approach for measuring the effects of fiscal policies, and that measures these effects relative to a current law baseline. If the recipient would prefer, the covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the covered change(s), relative to the current law baseline prior to the change(s).[361] Further, estimation approaches may not use dynamic methodologies that incorporate the projected effects of macroeconomic growth because macroeconomic growth is accounted for separately in the framework.

Estimation

Public Comment: A number of commenters expressed concern that estimating the value of covered changes required a number of assumptions and that the actual effects of covered changes on tax revenue would be difficult to predict. Several commenters expressed support for the interim final rule's approach to dynamic scoring methodologies, and one commenter argued that the final rule should prohibit the use of prior cash balances in calculations of permissible tax cuts.

Treasury Response: Treasury recognizes that estimating the effects of covered changes requires assumptions and that many other factors influence the amount of tax revenue received. The interim final rule addresses these concerns in several ways. First, in general and where possible, reporting should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. This approach offers recipient governments the flexibility to determine their reporting methodology based on their existing budget scoring practices and capabilities. In addition, by relying on scoring methodologies that do not incorporate projected effects of macroeconomic growth, the estimation of the value of covered changes relies on fewer assumptions and thus provide greater consistency among states and territories. Finally, as discussed below, the interim final rule includes a de minimis threshold, below which the sum of covered changes will be deemed not to have any revenue-reducing effects.

Timing of the Impact of Covered Changes

Public Comment: Several commenters expressed concern that recipient governments, to evade the offset provision, may backload the costs of certain covered changes outside of the covered period, and advocated that covered changes be instead evaluated as the net present value in the year that the covered change is enacted. These commenters argued that some tax cuts could have effects on tax revenue for many decades or could be structured to take effect after the end of the covered period.

Treasury Response: As discussed in section Timeline for Use of SLFRF Funds, SLFRF funds must be used to cover costs incurred prior to December 31, 2024. Accordingly, SLFRF funds

[357] As discussed in section Revenue Loss of this Supplementary Information, for purposes of measuring revenue lost due to the pandemic under sections 602(c)(1)(C) and 603(c)(1)(C), recipients must adjust the amount of revenue lost to reflect changes that resulted from a tax increase or decrease. These adjustments do not apply to or affect the definition of tax revenue.

[358] U.S. Department of Commerce, Bureau of Economic Analysis, GDP Price Deflator, *https://www.bea.gov/data/prices-inflation/gdp-price-deflator* (last visited Apr. 30, 2021). The FY 2019 baseline revenue is adjusted annually for inflation to allow for direct comparison of actual tax revenue in each year (reported in nominal terms) to baseline revenue in common units of measurement; without inflation adjustment, each dollar of reported actual tax revenue would be worth less than each dollar of baseline revenue expressed in 2019 terms.

[359] Economy Statement by Catherine Wolfram, Acting Assistant Secretary for Economy Policy, for the Treasury Borrowing Advisory Committee November 1, 2021 (Nov. 1, 2021), *available at https://home.treasury.gov/news/press-releases/jy0453.*

[360] One commenter requested clarification that references to fiscal year refer to the fiscal year of the recipient. "Reporting year" is defined in the interim final rule and final rule to mean "a single year or partial year within the covered period, aligned to the current fiscal year of the State or Territory during the covered period."

[361] By permitting recipient governments to use actual or estimated values, the interim final rule and final rule provide flexibility to recipients and thus minimizes burden.

generally would not be able to offset a reduction in net tax revenue occurring after December 31, 2024.

For these reasons, Treasury is maintaining this element of the interim final rule without change.

(2) *In excess of the de minimis.* Under the framework established in the interim final rule, after establishing that a covered change occurred, the recipient government next calculates the total value of all covered changes in the reporting year resulting in revenue reductions, identified in Step 1. If the total value of the revenue reductions resulting from these changes is below the de minimis level, the recipient government is deemed not to have any revenue-reducing changes for the purpose of determining the recognized net reduction. If the total is above the de minimis level, the recipient government must identify sources of in-year revenue to cover the full costs of changes that reduce tax revenue. Under the interim final rule, the de minimis level is calculated as 1 percent of the reporting year's baseline.

Public Comment: Many commenters supported the inclusion of the de minimis, noting that the de minimis protects recipients from penalty resulting from minor or incidental changes, minimizes administrative burden, and enhances predictability of the application of the offset provision. Some commenters expressed concern that the fixed threshold could result in cliff effects.

Treasury Response: A clear de minimis threshold supports recipient governments' compliance with the offset provision. A de minimis level recognizes the inherent challenges and uncertainties that recipient governments face, and thus allows relatively small reductions in tax revenue without consequence. In other words, states and territories may make many small changes to alter the composition of their tax revenues or implement other policies with marginal effects on tax revenues. They may also make changes based on projected revenue effects that turn out to differ from actual effects, unintentionally resulting in minor revenue changes that are not fairly described as "resulting from" tax law changes. However, a de minimis does not automatically result in consequences under the offset provision, since a recipient government could demonstrate that other, non-SLFRF funds to offset a net reduction in tax revenue. Accordingly, any cliff effects associated with a clear de minimis threshold are mitigated by other aspects of the framework.

Public Comment: Commenters expressed a range of views regarding the amount of the de minimis. Some commenters argued that the de minimis was too generous, noting that the choice of 1 percent could, in some cases, permit reductions in net tax revenue of hundreds of millions of dollars. These commenters advocated that the de minimis be lowered (*e.g.*, to 25 basis points) or be tied to a fixed amount. Other commenters argued that the choice of de minimis was not well supported by the statute, advocated for a larger de minimis and suggested that the amount be tied to the recipient government's total expenditures in the prior fiscal year.

Treasury Response: Treasury adopted a de minimis threshold as an administrative accommodation for the reasons discussed above. As discussed in the interim final rule, Treasury determined that the 1 percent de minimis level reflects the historical reductions in revenue due to minor changes in state fiscal policies and was determined by assessing the historical effects of state-level tax policy changes in state EITCs implemented to effect policy goals other than reducing net tax revenues.[362]

For these reasons, Treasury is adopting the 1 percent de minimis without change.

(3) *Safe harbor.* Next, under the interim final rule, if the revenue reduction caused by the covered changes exceeds the 1 percent de minimis threshold, the recipient government compares the reporting year's actual tax revenue to the baseline. If actual tax revenue is greater than the baseline, Treasury will deem the recipient government not to have any recognized net reduction for the reporting year, and therefore to be in a safe harbor and outside the ambit of the offset provision. This approach is consistent with the ARPA, which contemplates recoupment of SLFRF funds only in the event that such funds are used to offset a reduction in net tax revenue. If net tax revenue has not been reduced, the offset provision does not apply. In the event that actual tax revenue is above the baseline, the organic revenue growth that has occurred, plus any other revenue-raising changes, by definition must have been enough to offset the in-year costs of any covered changes. One commenter argued that the offset for organic growth be adjusted to reflect population growth. To minimize administrative burden, and for the reasons discussed above, Treasury is maintaining the measurement of actual tax revenue without adjustment for population growth.

(4) *Consideration of other sources of funding.* The recipient government will then identify and calculate the total value of changes that could pay for revenue reduction due to covered changes and sum these items. This amount can be used to pay for up to the total value of revenue-reducing changes in the reporting year. These changes consist of two categories:

(a) *Tax and other increases in revenue.* The recipient government must identify and consider covered changes in policy that the recipient government predicts will have the effect of increasing general revenue in a given reporting year. Recipient governments should use the same approach to identify and value covered changes that increase tax revenue as applied to covered changes that reduce tax revenue. For the reasons discussed above, Treasury is adopting these aspects of identifying and valuing covered changes without change.

(b) *Covered spending cuts.* A recipient government also may cut spending in certain areas to pay for covered changes that reduce tax revenue, up to the amount of the recipient government's net reduction in total spending as described below. These changes must be reductions in government outlays in an area where the recipient government has not spent SLFRF funds. To better align with existing reporting and accounting, the interim final rule considers the department, agency, or authority from which spending has been cut and whether the recipient government has spent SLFRF funds on that same department, agency, or authority. If the recipient government has not spent SLFRF funds in a department, agency, or authority, the full amount of the reduction in spending counts as a covered spending cut, up to the recipient government's net reduction in total spending. If they have spent SLFRF funds in such department, agency, or authority, the SLFRF funds generally would be deemed to have replaced the amount of spending cut and only reductions in spending above the amount of SLFRF funds spent on the department, agency, or authority would count. This approach—allowing only spending reductions in areas where the recipient government has not spent SLFRF funds to be used as an offset for a reduction in net tax revenue—aims to prevent recipient governments from using SLFRF funds to supplant state or territory funding in the eligible use

[362] Data provided by the Urban-Brookings Tax Policy Center for state-level EITC changes for 2004–2017.

areas, and then using those state or territory funds to offset tax cuts. Such an approach helps ensure that SLFRF funds are not used to "indirectly" offset revenue reductions due to covered changes.

Department, Agency, or Authority

Public Comment: Several commenters supported the interim final rule's approach to considering spending cuts at the department, agency, or authority level, on the basis that this approach is supported by the statutory language prohibiting SLFRF funds from being used to "directly or indirectly" offset a reduction in net tax revenue. On the other hand, some commenters argued that the methodology for identifying offsetting spending cuts was too restrictive; specifically, that measurement at the agency or department-level may not adequately account for the size and various programs that could occur in one agency or department. One commenter argued that recipient governments should instead be permitted to consider spending cuts on a more granular sub-unit of a department but noted that this additional flexibility would come at the cost of transparency and clarity.

Treasury Comment: Treasury recognizes that some recipients may vary in their budgeting processes, with some budgeting on a department level and others budgeting at more or less granular sub-units of government. Relying on spending at a department, agency, or authority level allows recipient governments to report how SLFRF funds have been spent using reporting units already incorporated into their budgeting process.

Spending Cuts Baseline

Under the interim final rule, to calculate the amount of spending cuts that are available to offset a reduction in tax revenue, the recipient government must first consider whether there has been a reduction in total net spending, excluding SLFRF funds (net reduction in total spending). This approach ensures that reported spending cuts actually create fiscal space, rather than simply offset other spending increases. A net reduction in total spending is measured as the difference between total spending in each reporting year, excluding SLFRF funds spent, relative to total spending for the recipient's fiscal year ending in 2019, adjusted for inflation. Measuring reductions in spending relative to 2019 reflects the fact that the fiscal space created by a spending cut persists so long as spending remains below its original level, even if it does not decline further, relative to the same amount of revenue.

Public Comment: Several commenters expressed concern regarding the measurement of spending cuts relative to the recipient's FY 2019, for example arguing that the choice did not take into account increases in spending in 2020. As one commenter noted, the fiscal year 2020 required extraordinary intervention by recipient governments and the ongoing public health emergency continues to require extraordinary intervention.

Treasury Response: FY 2019 provides a reasonable and relatively generous baseline for considering spending because it is the last full fiscal year prior to the COVID–19 public health emergency and governments' extraordinary efforts to address the impact of the pandemic. This approach also aligns with the FY 2019 baseline for measuring revenue loss. Measuring spending cuts from year to year would, by contrast, not recognize any available funds to offset revenue reductions unless spending continued to decline, failing to reflect the actual availability of funds created by a persistent change and limiting the discretion of states and territories.

For the reasons discussed above, Treasury is adopting the approach taken in the interim final rule without change.

(5) *Identification of amounts subject to recoupment.* If a recipient government (i) reports covered changes that reduce tax revenue (Step 1); (ii) to a degree greater than the de minimis (Step 2); (iii) has experienced a reduction in net tax revenue (Step 3); and (iv) lacks sufficient revenue from other, permissible sources to pay for the entirety of the reduction (Step 4), then the recipient government will be considered to have used SLFRF funds to offset a reduction in net tax revenue, up to the amount that revenue has actually declined. That is, the maximum value of the reduction revenue due to covered changes that a recipient government must cover is capped at the difference between the baseline and actual tax revenue.[363] In the event that the baseline is above actual tax revenue but the difference between them is less than the sum of revenue reducing changes that are not paid for with other, permissible sources, organic revenue growth has implicitly offset a portion of the reduction. The revenue reduction cap implements this approach for permitting organic revenue growth to cover the cost of tax cuts.

Finally, a recipient government may request reconsideration of any amounts identified in a notice from Treasury as subject to recoupment under this framework. Comments and responses to the recoupment process are discussed in section Remediation and Recoupment of this Supplemental Information.

3. Reporting

To facilitate the implementation of the framework above, and in addition to reporting required on eligible uses, recipient governments are required to report certain information. The interim final rule indicated that Treasury would provide additional guidance at a later date and that, on an annual basis, it expected each recipient government would be required to provide the following information:

- Actual net tax revenue for the reporting year;
- Each revenue-reducing change made to date during the covered period and the in-year value of each change;
- Each revenue-raising change made to date during the covered period and the in-year value of each change; and
- Each covered spending cut made to date during the covered period, the in-year value of each cut, and documentation demonstrating that each spending cut is covered as prescribed under the interim final rule.

Since the adoption of the interim final rule, Treasury has provided guidance on reporting regarding eligible uses and has required recipient governments to indicate whether they have made covered changes and the value of such changes.[364]

Reporting Burden

Public Comment: Some commenters argued that the framework for identifying and reporting impermissible offsets was burdensome and that the burdens should be accounted for under Executive Order 13132 (Federalism, August 4, 1999).

Treasury Response: Taking into consideration comments received regarding burden, Treasury is considering a tiered approach to reporting on the offset provision. Specifically, under this approach, a recipient would only be required to report information to the extent needed to determine whether SLFRF funds had been used to offset a reduction in net tax revenue. For example, a recipient government would be required to report

[363] This cap is applied in section 35.8(c) of the final rule, calculating the amount of funds used in violation of the tax offset provision.

[364] *See* Reporting Guidance, Section C.11, available at *https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf.*

information regarding permissible offsets only if it had also reported covered changes that were in excess of the de minimis and had reported a net reduction in tax revenue. Treasury will provide additional guidance and instructions on the reporting requirements at a later date.

As discussed in section Regulatory Analyses of this Supplemental Information, Treasury maintains that the final rule does not have federalism implications within the meaning of Executive Order 13132 (Federalism, August 4, 1999). In the ARPA, Congress requires states and territories to repay the Secretary for amounts used in violation of the prohibition on using SLFRF funds to offset reductions in net tax revenue, and it authorizes the Secretary to issue regulations to carry out this limitation and other requirements of the statute. Section 6(b) of Executive Order 13132 contemplates that certain regulations will be required by statute, as is the case with the interim final rule and the final rule, in which case section 6(b)(2)(B)'s requirement to include a federalism summary impact statement in the Supplementary Information to the regulation does not apply. Notwithstanding the above, Treasury has engaged in efforts to consult and work cooperatively with affected state, local, and Tribal government officials and associations in the process of developing the interim final rule.

Reporting Transparency

Public Comment: Several commenters argued that information supporting the net tax offset calculation should be publicly available. Some of these commenters requested that reporting be made available in a machine-readable format, and others advocated that recipient governments disclose this information on their local budget agency's website. These commenters argued that making information regarding tax changes publicly available would increase transparency and accountability. Further, several commenters suggested that Treasury provide a mechanism for citizens to register their concerns about particular tax actions.

Treasury Response: As discussed in other sections, reporting requirements promote transparency and accountability for the general public and constituents of recipient governments to understand how state, local, and Tribal governments have used SLFRF funds. Since the publication of the interim final rule, Treasury issued supplementary reporting guidance in the Compliance and Reporting Guidance and in the User Guide: Treasury's Portal for Recipient Reporting (User Guide), which addresses the particular content and form of required reporting. Treasury will continue to issue updated guidance prior to each reporting period clarifying any modifications to requested report content and will continue to consider how reporting can best support transparency and accountability while minimizing recipient administrative burden. Further, as discussed in the section Remediation and Recoupment, Treasury may address potential violations of this final rule based on both information submitted from recipients, either through quarterly reports or self-reporting, and from other sources of information (*e.g.*, information submitted from the public).

2. Deposit Into Pension Funds

Background: Subsection 602(c)(2)(B) of the Social Security Act provides that "[n]o State or territory may use funds made available under this section for deposit into any pension fund." Similarly, subsection 603(c)(2) of the Social Security Act provides that "[n]o metropolitan city, nonentitlement unit of local government, or county may use funds made available under this section for deposit into any pension fund."

For purposes of this restriction on pension deposits, the interim final rule defined deposit to mean "an extraordinary payment of an accrued, unfunded liability." The interim final rule also specified that a deposit does not include routine contributions made as part of a payroll obligation, such as the normal cost component of a pension contribution or the component that consists of amortization of unfunded liabilities calculated by reference to the employer's payroll costs. The interim final rule applied the restriction on pension deposits to all recipients.

Public Comment: Several commenters observed that the statutory restriction on deposits into pension funds does not apply to Tribal governments.

Treasury Response: In response, Treasury is clarifying in the final rule that the pension restriction does not apply to Tribal governments.

Public Comment: Treasury also received a comment expressing concern that the interim final rule permitted recipients to make a larger than usual pension contribution, so long as the timing of that contribution aligns with the historical timing of contributions.

Treasury Response: The interim final rule prohibited the use of SLFRF funds from the ARPA to make extraordinary payments, and the **SUPPLEMENTARY INFORMATION** to the interim final rule said that a payment would be an extraordinary payment if it reduces a liability incurred prior to the start of the COVID–19 public health emergency and occurs outside the recipient's regular timing for making the payment. At the same time, however, as suggested by the comment Treasury received, a payment made at the regular time for pension contributions may very well be an extraordinary payment, for example, if it is larger than a regular payment would have been. Such a payment would be a restricted use.

Public Comment: Other commenters asked which pension contributions are permitted.

Treasury Response: To be an eligible use of SLFRF funds, a use must (1) be eligible under one of the eligible use categories and (2) not contravene any of the applicable restrictions on uses of funds. Some pension contributions may be eligible because they both fit within an eligible use category and do not contravene the restriction on deposits into pension funds (*i.e.*, they are not an extraordinary payment of an accrued, unfunded liability). For example, payroll and covered benefits for public health and safety staff responding to COVID–19 are an eligible use of funds to respond to the public health and negative economic impacts of the pandemic; routine pension contributions as part of an employee's regular covered benefits are permissible under that eligible use category.

B. Other Restrictions on Use of Funds

1. Debt Service and Replenishing Financial Reserves

The **SUPPLEMENTARY INFORMATION** to the interim final rule provided that debt service is not an eligible use of funds either to respond to the public health emergency or its negative economic impacts or as a provision of government services to the extent of revenue loss.[365] The interim final rule also provided that replenishing financial reserves (*e.g.*, rainy day funds) is not an eligible use of funds either to respond to the public health emergency or its negative economic impacts or as a provision of

[365] "[G]overnment services would not include interest or principal on any outstanding debt instrument, including, for example, short-term revenue or tax anticipation notes, or fees or issuance costs associated with the issuance of new debt. For the same reasons, government services would not include satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding, except if the judgment or settlement required the provision of government services." 86 FR 26796–97 (May 17, 2021).

government services to the extent of revenue loss.[366]

As explained in greater detail below, Treasury, in the final rule, has retained these restrictions and is clarifying that these restrictions on the use of SLFRF funds apply to all eligible use categories.

Public Comments

Several commenters suggested that debt service and reserve replenishment should qualify as the provision of a government service and be an eligible use of funds, up to the amount of revenue loss due to the pandemic. Many commenters indicated that they had been forced to borrow money or dip into reserve funds to continue providing government services during the public health emergency and that using SLFRF funds for resulting debt service or reserve replenishment costs should therefore be considered a government service.

Many comments from Tribal governments noted that their governments depend on revenue from Tribal enterprises to pay government debts and provide services. The comments suggest that it should be an eligible use of SLFRF to replace lost revenue from these enterprises that would typically be used to pay debt service costs. Other commenters argued that paying the interest or principal on debt should in some cases be considered provision of government services and an eligible use of funds as such expenditures facilitate the provision of government services.

Some commenters argued that debt costs or reserve drawdowns during the public health emergency constitute a negative economic impact to recipient governments, and thus debt service or reserve replenishment should be an eligible use to respond to that negative economic impact. For example, several commenters suggested that there should be a specific carve-out allowing the use of SLFRF funds for debt service on debt incurred for government services after January 27, 2020, the start of the public health emergency, or short-term debt incurred for this purpose. Others suggested that recipient governments should be able to service debt, up to the amount of debt incurred in direct response to the pandemic. These commenters generally reasoned that the cost of responding to the public health emergency and its negative economic impacts prior to APRA's passage constitutes a negative economic impact of the pandemic.

Some commenters argued that the specific impacts of the pandemic on the travel, tourism, and hospitality sector had affected their ability to meet debt service costs. For example, some commenters explained that specific tax streams (*e.g.*, hotel room taxes) or revenue sources (*e.g.*, hospitality generally) are tied to specific debt instruments and that these revenue sources had declined during the public health emergency; commenters argued that this constitutes a negative economic impact that SLFRF funds should be permitted to address.

Finally, some commenters questioned why servicing debt incurred after March 3, 2021 for an otherwise eligible project (*e.g.*, a broadband infrastructure project) would not be an eligible use of funds.

On the other hand, many commenters expressed support for the interim final rule's prohibition on use of funds for debt service and reserve replenishment. These commenters largely argued that SLFRF funds should be used to provide current services to communities in response to the public health emergency and that use of funds for debt service or reserve replenishment represented, respectively, payment for past costs or savings for potential future costs. In addition to the prohibition on debt service and reserve replenishment, some commentors suggested that the final rule should also prevent funds from being used for state UI trust fund replenishment or for paying off debt owed through UI trust funds. One commenter argued that Treasury should further restrict recipient governments, for example by preventing recipients from making cuts to an allowable budget item, filling the budget gap with SLFRF funds, and then using the savings from the initial cut for debt service or reserve replenishment.

Treasury Response

The final rule maintains the restriction on the use of funds for debt service or reserve replenishment for the reasons described below and clarifies that this restriction applies to all eligible use categories.

First, debt service and reserve replenishment costs do not constitute the provision of services to constituents. As noted in the interim final rule, financing expenses—such as issuance of debt or payment of debt service—do not provide services or aid to citizens. Similarly, contributions to rainy day funds and similar financial reserves constitute savings for future spending needs. As such, these expenses do not respond to the current and ongoing public health and negative economic impacts of the pandemic, nor do they provide a government service.

Second, payments from the SLFRF are intended to be used prospectively (see section Timeline for Use of SLFRF Funds). The interim final rule provided that funds may be used for costs incurred beginning on March 3, 2021, which Treasury has maintained in the final rule. Use of funds for debt service on indebtedness issued prior to March 3, 2021 necessarily entails using funds for costs incurred during prior time periods, rather than the present response to the public health emergency and its negative economic impacts or to provide government services.

Third, SLFRF funds provide recipients with substantial latitude to use funds to support the diverse needs in their communities. With SLFRF resources available, recipients have less need to incur debt for otherwise-eligible SLFRF uses.

Finally, given the strong performance of overall revenues and low municipal bond yields, state and local governments generally do not face high levels of fiscal stress. Limits on debt service or replenishment of reserves would not have a substantial impact on recipients' ability to provide services. The ratio of state and local debt-to-GDP, which spiked briefly during the pandemic, has recovered to its pre-pandemic level and remains well below levels seen during the Great Recession.[367]

2. Settlements and Judgments

The interim final rule also provided that satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding would not be an eligible use of funds to respond to the public health and negative economic impacts of the pandemic or as a government service provided under the revenue loss eligible use category. However, if the judgment or settlement requires the recipient to provide services that are otherwise eligible under an SLFRF eligible use category, specifically if the settlement or judgment requires the recipient to provide services to respond to the COVID–19 public health emergency or its negative economic impacts or to provide government services, then those costs are eligible uses of SLFRF funds.

[366] "In addition, replenishing financial reserves (*e.g.*, rainy day or other reserve funds) would not be considered provision of a government service, since such expenses do not directly relate to the provision of government services."

[367] Table Z.1 of the Financial Accounts of the United States, Board of Governors of the Federal Reserve System, and Table 1.1.5 of National Income and Product Accounts, Bureau of Economic Analysis.

In other words, satisfaction of a settlement or judgment itself is not itself an eligible use of funds, unless the settlement requires the recipient to provide services or incur other costs that are eligible uses of SLFRF funds.

In the final rule, Treasury is maintaining the interim final rule approach and clarifying that it applies to all eligible use categories and any use of funds under the SLFRF program.

3. General Restrictions

In addition to the above restrictions, there are three general restrictions that apply to SLFRF funds. These restrictions, which reflect existing laws and regulations, the Award Terms and Conditions, and application of the ARPA statute, applied under the interim final rule, and they continue to apply under the final rule.

A primary purpose of the SLFRF in the ARPA is to support efforts to stop the spread of COVID–19.[368] As discussed above, recipients of SLFRF funds are required to comply with the Award Terms and Conditions established for the use of such funds. The interim final rule and final rule implement this objective by, in part, providing that recipients may use SLFRF funds for COVID–19 mitigation and prevention.[369] See section Public Health in Public Health and Negative Economic Impacts.

The CDC has provided recommendations and guidelines to help mitigate and prevent COVID–19 and has identified vaccines and masks as two of the best tools to prevent the spread of COVID–19. The interim final rule and final rule help support recipients in stopping the spread of COVID–19 through these recommendations and guidelines. Consistent with the purpose of the ARPA and as implemented through the interim final rule and final rule, a recipient may not use SLFRF funds for a program, service, or capital expenditure that includes a term or condition that undermines efforts to stop the spread of COVID–19. A program or service that imposes conditions on participation or acceptance of the service that would undermine efforts to stop the spread of COVID–19 or discourage compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID–19 is not a permissible use of SLFRF funds.

In other words, recipients may not use funds for a program that undermines practices included in the CDC's guidelines and recommendations for stopping the spread of COVID–19. This includes programs that impose a condition to discourage compliance with practices in line with CDC guidance (*e.g.*, paying off fines to businesses incurred for violation of COVID–19 vaccination or safety requirements), as well as programs that require households, businesses, nonprofits, or other entities not to use practices in line with CDC guidance as a condition of receiving funds (*e.g.*, requiring that businesses abstain from requiring mask use or employee vaccination as a condition of receiving SLFRF funds).

Second, a recipient may not use SLFRF funds in violation of the conflict of interest requirements contained in the Award Terms and Conditions or the Office of Management and Budget's Uniform Guidance, including any self-dealing or violation of ethics rules. Recipients are required to establish policies and procedures to manage potential conflicts of interest.[370] Treasury may provide further guidance on the types of activities or conflicts that the recipient's policies and procedures must cover.

Lastly, recipients should also be cognizant that federal, state, and local laws and regulations, outside of SLFRF program requirements, may apply. Recipients may not use revenue loss funds, for instance, to violate other background laws that limit the scope of activities that may be conducted as "government services," including other state and federal laws. State and local procurement, contracting, and conflicts-of-interest laws and regulations may include applicable requirements, including, for example, required procurement processes for contractor selection or competitive price setting. Furthermore, recipients are also required to comply with other federal, state, and local background laws, including environmental laws[371] and federal civil rights and nondiscrimination requirements, which include prohibitions on discrimination on the basis of race, color, national origin, sex, (including sexual orientation and gender identity), religion, disability, or age, or familial status (having children under the age of 18).

IV. Program Administration Provisions

The interim final rule included several sections that described the processes and requirements for administering the program on an ongoing basis, specifically: Distribution of funds, transfer of funds, use of funds for program administration, reporting on the use of funds, and remediation and recoupment of funds used for ineligible purposes.

To enhance clarity, this **SUPPLEMENTARY INFORMATION** for the final rule organizes these issues into one section on Program Administration Provisions. Recipients should also consult Treasury's Compliance and Reporting Guidance for additional information on program administration processes and requirements, including the applicability of the Uniform Guidance.

A. Payments in Tranches to Local Governments and Certain States

Section 602(b)(6)(A)(ii) of the Social Security Act authorizes the Secretary to withhold payment of up to 50 percent of the amount allocated to each state and territory for a period of up to 12 months from the date on which the state or territory provides its statutorily-required certification to the Secretary. The Social Security Act requires any such withholding be based on the unemployment rate in the state or territory as of the date of the certification.

Under the interim final rule, Treasury provided that it would withhold 50 percent of the amount allocated from any state that had an unemployment rate less than two percentage points above its unemployment rate in February 2020 as of the date the state submitted its initial certification for payment of funds pursuant to section 602(d)(1) of the Social Security Act. Based on data available at the time of the issuance of the interim final rule, this threshold was expected to result in a majority of states being paid in two tranches. Treasury did not split the payments of any territories.

Public Comment: One commenter asked Treasury to allow a state to request release of the portion of the state's second tranche payment after the state could demonstrate that it had allocated the entirety of the first tranche, a need to continue ongoing programs, and a desire to avoid borrowing costs. Another commenter asked Treasury to clarify whether states that received half their funding in the

[368] *See* Sec. 602(a)(1); 603(a)(1); 602(c)(1); 603(c)(1).

[369] *See* 35.6(b); Coronavirus State and Local Fiscal Recovery Funds, 86 FR at 26786.

[370] Specifically, the Award Terms and Conditions provide that "[r]ecipient understands and agrees it must maintain a conflict of interest policy consistent with 2 CFR 200.318(c), and that such conflict-of-interest policy is applicable to each activity funded nnder this award. Recipients and subrecipients must disclose in writing to Treasury or the pass-through agency, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 CFR 200.112."

[371] An exception is statutes that do not apply unless explicitly stated, including, *e.g.*, the National Environmental Policy Act and the Davis-Bacon Act.

first payment would receive their second half payment within 12 months. Similarly, some recipients requested clarification on whether they could obligate second tranche funds before receipt or use second tranche funds for costs incurred prior to receipt.

Treasury Response: The final rule maintains the approach in the interim final rule with two modifications. As described in the interim final rule, splitting payments for most states provides consistency with payments to local governments and encourages states to adapt their use of funds to developments that arise in the course of the economic recovery. Moreover, SLFRF funds may be used for costs incurred during the period of performance. Recipients may use their jurisdiction's budgeting and procurement practices and laws to determine how and when second tranche funds may be obligated.

The final rule makes two adjustments for operational purposes. First, the final rule provides that Treasury expects to make all second tranche payments to states available beginning 12 months from the date that funding was first made available by Treasury (May 10, 2021) regardless of when each individual state submitted its initial certification. This should increase clarity and consistency on the timing of second tranche payments for both states and Treasury. Second, also to ease recipient states' administrative burden, the final rule strikes a requirement from the interim final rule that states must certify for their second tranche payments and file all required reports at least 30 days prior to the date on which their second payment is made available. The final rule simply requires that states certify for their second tranche payment and file all required reports before receiving their second tranche payment, with no 30 day wait period required.

B. Payments to Nonentitlement Units of Local Government (NEUs) and Units of Local Government (UGLGs) Within Non-UGLG Counties

The interim final rule established requirements related to distributions of SLFRF funds by states and territories to NEUs and UGLGs within non-UGLG counties. Specifically, the interim final rule provided that the total distribution to an NEU cannot exceed 75 percent of the most recent budget for the NEU (the 75 percent budget cap); a requirement set forth in section 603(b)(2)(C)(iii) of the Social Security Act. The interim final rule **SUPPLEMENTARY INFORMATION** defined the NEU's budget for purposes of calculating the 75 percent budget cap as the NEU's "most recent annual total operating budget, including its general fund and other funds, as of January 27, 2020." The interim final rule further provided that states and territories must permit NEUs without formal budgets as of January 27, 2020 to self-certify their most recent annual expenditures as of January 27, 2020 for the purpose of calculating the 75 percent budget cap. Further, the interim final rule prohibited states and territories from placing additional conditions or requirements on distributions to NEUs beyond those required by the statute, the interim final rule, or Treasury's guidance and from offsetting any debt owed by such NEUs against such distributions.

Commenters predominantly focused on the definition of an NEU's budget for purposes of calculating the 75 percent budget cap, NEU allocations and eligibility, and the prohibition on states and territories imposing additional conditions or requirements in the NEU distribution process.

Definition of NEU Budget

Public Comment: Commenters suggested that Treasury provide greater clarification on the definition of an NEU's "most recent budget" for purposes of the 75 percent budget cap calculation. Treasury provided updated guidance on its interpretation of the 75 percent budget cap on June 30, 2021, and a commenter suggested that Treasury incorporate such updated interpretation into the **SUPPLEMENTARY INFORMATION** of the final rule.

Treasury Response: Consistent with the Update on Interpretation for the 75 Percent Budget Cap Calculation published on June 30, 2021,[372] the **SUPPLEMENTARY INFORMATION** of the final rule defines an NEU's budget for purposes of calculating the 75 percent budget cap as its total annual budget, including both operating and capital expenditure budgets, in effect as of January 27, 2020. The guidance also gives states and territories flexibility to provide further guidance to their NEUs to operationalize the 75 percent budget cap. Given the variance in local financial accounting, this updated definition will better facilitate states' and territories' distribution of SLFRF funds to NEUs.

Allocations and Eligibility

Public Comment: Many commenters provided feedback on specific allocation calculations and eligibility of local governments for NEU funding. Commenters addressed how a locality was classified as an NEU or metropolitan city, deviations between Treasury's allocation calculations and earlier estimates from other sources, treatment of unincorporated areas, sources for population data, and Treasury's allocation of NEU funding to states and territories based on the population of a state and territory outside of its metropolitan cities. Two commenters proposed that Treasury provide an appeal process for localities that were not identified on the List of Local Governments used by states and territories as part of the process in which a state or territory determines the eligibility of an NEU in accordance with Treasury guidance, or for Minor Civil Divisions (MCDs) that were denied funding as part of a facts-and-circumstances test undertaken by a weak-MCD state.

Treasury Response: Neither the interim final rule nor the final rule addresses eligibility or allocations issues, and comments on these topics are outside the scope of this rulemaking. These questions are addressed in other Treasury guidance, including the Guidance on Distribution of Funds to Non-entitlement Units of Local Government and Non-entitlement Unit of Local Government Definitional and Data Methodology guidance documents available on Treasury's website.[373] Because Treasury interpreted the definition of an NEU[374] in accordance with the statute and established an NEU distribution process in May 2021, the final rule does not incorporate an appeals process regarding the definitions or the facts-and-circumstances test used for eligibility determinations.

Prohibition on Additional Conditions or Requirements in the NEU Distribution Process

Public Comment: One commenter expressed support for Treasury's prohibition on states and territories

[372] Treasury's Update on Interpretation for the 75 Percent Budget Cap Calculation can be found at: *https://home.treasury.gov/system/files/136/NEU-Update-75-Percent-Budget-Cap.pdf.*

[373] The Guidance on Distribution of Funds to Nonentitlement Units of Local Government can be found at this link: *https://home.treasury.gov/system/files/136/NEU_Guidance.pdf.* The Nonentitlement Unit of Local Government Definitional and Data Methodology can be found at this link: *https://home.treasury.gov/system/files/136/NEU_Methodology.pdf.*

[374] Treasury has interpreted NEU to generally include both incorporated places and MCDs with active functioning governments, subject to the state determining, in the case of weak-MCD States, that a weak MCD has the legal and operational capacity to accept SLFRF funds and provides a broad range of services that would constitute eligible uses under ARPA. More details can be found in the Nonentitlement Unit of Local Government Definitional and Data Methodology, available at *https://home.treasury.gov/system/files/136/NEU_Methodology.pdf.*

placing additional conditions or requirements on distributions to NEUs. This prohibition restricts states and territories from imposing limitations on NEUs' use of SLFRF funds based on an NEU's proposed spending plan or other policies, offsetting any debt owed by an NEU against the NEU's distribution, or providing funding on a reimbursement model. In particular, the commenter noted that a reimbursement model would lead to inequities in accessing SLFRF funds.

Treasury Response: The final rule maintains and finalizes the prohibition on states and territories placing additional conditions or requirements on distributions to NEUs as well as to any UGLGs within counties that are non-UGLGs. Such conditions or requirements may contravene the statutory requirement that states and territories make distributions based on population and within the statutorily defined timeframe.

Other Provisions

Treasury did not receive substantive comments on the requirement that states and territories permit NEUs without formal budgets as of January 27, 2020 to self-certify their most recent annual expenditures as of January 27, 2020 for the purpose of calculating the 75 percent budget cap, or Treasury's interpretation of the 75 percent budget cap applying only to a consolidated government's NEU allocation under section 603(b)(2) but not to a consolidated government's county allocation under section 603(b)(3). Further, Treasury did not receive substantive comments on the interim final rule's allowance that states and territories be able to use SLFRF funds under section 602(c)(1)(A) to fund expenses related to administering payments to NEUs and units of general local government. As such, the final rule maintains these provisions as written in the interim final rule without modification.

Treasury received some comments that are not addressed because they are beyond the scope of the NEU provision of the interim final rule or not authorized by the statute, including comments related to state accounting practices, re-allocations of NEU allocations that exceed the 75 percent budget cap, and concerns around eligible uses under SLFRF that small local governments may find particularly salient.

C. Timeline for Use of SLFRF Funds

The interim final rule provided that "[a] recipient may only use funds to cover costs incurred during the period beginning March 3, 2021 and ending December 31, 2024." The interim final rule also provides that the period of performance will run until December 31, 2026, which will provide recipients an additional two years during which they may expend funds for costs incurred (*i.e.*, obligated).

As explained in more detail below, in the final rule Treasury is maintaining these time periods. Treasury will retain March 3, 2021 as the first date when costs may be incurred, to provide for forward-looking or prospective use of funds and to align with the start date of the "covered period" as such term is used in section 602(c)(2)(A). The deadline for costs to be incurred—which the final rule clarifies means obligated—December 31, 2024, is specified in the ARPA statute, and Treasury will retain December 31, 2026 as the end of the period of performance to provide a reasonable amount of time for recipients to liquidate obligations incurred by the statutory deadline.

Public Comments. Some commenters expressed concerns about costs incurred before March 3, 2021 not being covered and recommended the "start date" be changed to January 2020 to coincide with the declaration of the public health emergency. These commenters argued that recipient governments began incurring costs to respond to COVID–19 and its economic impacts in January 2020 and that prior federal fiscal relief, such as relief provided in the Coronavirus Aid, Relief, and Economic Security Act, did not fully compensate recipient governments for these costs. These commenters recommended that costs incurred before March 3, 2021 that otherwise fit within eligible use categories for SLFRF should be permissible uses of funds.

Some commenters asked Treasury to clarify whether local governments are subject to the same covered period as states and territories beginning March 3, 2021. Commenters noted that section 603(g) of the Social Security Act does not contain the same definition of "covered period" as section 602(g)(1) of the Social Security Act, which references a statutory provision that only applies to states and territories.

Many commenters requested that the deadline for costs to be incurred and the period of performance be extended due to the longer timeline for completing water and sewer projects. One commenter requested that recipients be able to split projects into different phases so that funds could be expended on larger, longer term projects (*e.g.*, by obligating funds on one portion of the project by the statutory deadline). One commenter recommended that the period of performance be extended for at least two additional years beyond the expenditure deadline set forth in the interim final rule, *i.e.*, until December 31, 2028. One commenter wrote that the final rule should allow for extended projects (*e.g.*, over a time horizon of more than ten years) for recipients working to develop long-term water supplies to prepare for extreme drought.

Treasury Response. In the final rule, Treasury is maintaining March 3, 2021 as the date when recipients may begin to incur costs using SLFRF funds. As described in the interim final rule, use of SLFRF funds is forward looking and the eligible use categories provided by statute are all prospective in nature. While recipients may identify and respond to negative economic impacts that occurred during 2020, the costs incurred to respond to these impacts remain prospective. Further, Treasury considers the beginning of the covered period for purposes of determining compliance with section 602(c)(2)(A) to be a relevant reference point for this purpose that provides some flexibility for recipients that began incurring costs in the anticipation of enactment of the ARPA or in advance of the issuance of the interim final rule and receipt of payment.

Finally, establishing an earlier start date would permit governments to use funds received in 2021 to satisfy obligations incurred in 2020. This use raises a substantial risk of SLFRF funds being used to supplant other recipient funds previously used to pay for such 2020 obligations, freeing funds for recipients to use for any purpose rather than eligible uses of SLFRF funds under the ARPA. Permitting such usage would undermine the provisions setting forth permissible and impermissible uses in the statute. Therefore, a reading of the statute permitting use of funds prior to March 3, 2021 would be inconsistent with the statutory structure.

In the final rule, Treasury is also maintaining the deadlines by which funds must be obligated (*i.e.*, December 31, 2024) and by which such obligations must be liquidated (*i.e.*, December 31, 2026). The December 31, 2024 deadline by which eligible costs must be incurred is established by statute. Treasury is finalizing its interpretation of "incurred" to be equivalent to the definition of "obligation," based on the definition used for purposes of the Uniform Guidance. Treasury is also maintaining the period of performance, which will run through December 31, 2026, and provides the deadline by which recipients must expend obligated funds. Most recipients received SLFRF funds in the spring and summer of 2021,

meaning that they have over three years to obligate and over five years to expend funds. This provides a sufficient amount of time for recipients to plan and execute projects.

D. Transfers of Funds

Under section 602(c)(3) of the Social Security Act, a state, territory, or Tribal government may transfer SLFRF funds to a "private nonprofit organization . . . a Tribal organization . . . a public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of state or local government." Similarly, section 603(c)(3) authorizes a local government to transfer SLFRF funds to the same entities (other than Tribal organizations). Separately, section 603(c)(4) authorizes a local government to transfer SLFRF funds to the state in which it is located.

Entities Eligible for a Transfer Under Sections 602(c)(3) and 603(c)(3)

Regarding transfers permitted under sections 602(c)(3) and 603(c)(3) of the Act, the interim final rule Supplementary Information clarified that the lists of transferees in these sections are not exclusive and that state, local, territorial, and Tribal governments may transfer funds to other constituent units of government or private entities beyond those specified in the statute.

Public Comment: Several commenters supported Treasury's interpretation of eligible transferees in sections 602(c)(3) and 603(c)(3) as nonexclusive. However, many commenters asked for greater clarity as to whether specific entities not listed in Treasury's examples of eligible subrecipients, such as nonprofits and Tribal governments, were eligible transferees. One commenter also asked whether a recipient may transfer SLFRF funds to a higher level of government, such as a locality to the county in which it is located.

Treasury Response: The final rule clarifies that, in addition to the entities enumerated in sections 602(c)(3) and 603(c)(3), recipients may transfer SLFRF funds to any entity to carry out as a subrecipient an eligible use of funds by the transferor, as long as they comply with the Award Terms and Conditions and other applicable requirements, including the Uniform Guidance at 2 CFR 200.331–200.333. Eligible subrecipients include, but are not limited to, other units of government (including Tribal governments), nonprofits and other civil society organizations, and private entities. Further, the final rule clarifies that transfers may be made to both constituent or non-constituent units of government. For example, county A may transfer SLFRF funds to county B as long as county B abides by the use restrictions applicable to county A and the transfer would constitute an eligible use of the funds by county A. County A must receive a benefit proportionate to the amount transferred.

As detailed in the interim final rule Supplementary Information, once transfers are received, the transferee must abide by the restrictions on use applicable to the transferor under the ARPA and other applicable law, regulations, and program guidance. Further, the transferor remains responsible for monitoring and overseeing the subrecipient's use of SLFRF funds and other activities related to the award to ensure that the subrecipient complies with the statutory and regulatory requirements and the Award Terms and Conditions. Recipients also remain responsible for reporting to Treasury on their subrecipients' use of payments from the SLFRF for the duration of the award.

Pooling Funds

Public Comment: Several commenters asked for clarification about whether they may pool SLFRF funds for a project with other recipients, including when doing so involves a transfer to another entity, such as a regional organization or government that undertakes projects on behalf of a number of local governments. Commenters also asked for clarification on the oversight and reporting obligations that would result from such transfers.

Treasury Response: Consistent with guidance issued following the interim final rule,[375] the final rule clarifies that recipients may pool SLFRF funds for projects, provided that the project is itself an eligible use of SLFRF funds for each recipient that is contributing to the pool of funds and that recipients are able to track the use of funds in line with the reporting and compliance requirements of the SLFRF. In general, when pooling funds for regional projects, recipients may expend funds directly on the project or transfer funds to another government or other entity that is undertaking the project on behalf of multiple recipients. To the extent recipients undertake regional projects via transfer to another organization or government, recipients would need to comply with the rules on transfers specified in the final rule

SUPPLEMENTARY INFORMATION. A recipient may transfer funds to a government outside its boundaries (*e.g.*, county transfers to a neighboring county), provided that the transferor can document that the transfer constitutes an eligible expense of the transferor government and that its jurisdiction receives a benefit proportionate to the amount transferred.

Blending and Braiding of Funds

Treasury is clarifying in the final rule that, consistent with further guidance issued by Treasury following the interim final rule,[376] recipients may fund a project with both SLFRF funds and other sources of funding, provided that the costs are eligible costs under each source program and are compliant with all other related statutory and regulatory requirements and policies. The recipient must comply with applicable reporting requirements for all sources of funds supporting the SLFRF projects and with any requirements and restrictions on the use of funds from the supplemental funding sources and the SLFRF program. Specifically,

- All funds provided under the SLFRF program must be used for projects, investments, or services that are eligible under the SLFRF program. SLFRF funds may not be used to fund an activity that is not, in its entirety, an eligible use under the SLFRF program. For example:
  - SLFRF funds may be used in conjunction with other sources of funds to make an investment in water infrastructure that is eligible under section 602 or 603 of the Social Security Act and the final rule.
  - SLFRF funds could *not* be used to fund the entirety of a water infrastructure project that was partially, although not entirely, an eligible use under Treasury's final rule. However, the recipient could use SLFRF funds only for a smaller component project that does constitute an eligible use, while using other funds for the remaining portions of the larger planned water infrastructure project that do not constitute an eligible use. In this case, the "project" for SLFRF purposes under this program would be only the eligible use component of the larger project.
- In addition, because SLFRF funds must be obligated by December 31, 2024, and recipients must expend all funds under the award no later than December 31, 2026, recipients must be able to, at a minimum, determine and report to Treasury on the amount of SLFRF funds obligated and expended and when such funds were obligated and expended.

[375] Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.*

[376] *See FAQ 4.10. Id.*

Scope of a 603(c)(4) Transfer

Unlike in the case of a transfer under sections 602(c)(3) or 603(c)(3), the interim final rule **SUPPLEMENTARY INFORMATION** specified that transfers from a local government to the state under section 603(c)(4) will result in a cancellation or termination of the award on the part of the transferor local government and a modification of the award to the transferee state.

Public Comment: Two commenters suggested that Treasury expand section 603(c)(4) beyond transfers from localities to the state to include transfers from counties to their constituent local governments, which would incentivize counties to augment funds to address the needs of local governments. These commenters noted that counties are disincentivized to make transfers under section 603(c)(3), as is currently allowed, as such transfers would require that counties provide oversight and monitoring over its subrecipients.

Treasury Response: Section 603(c)(4), by its terms, applies only to transfers from local governments to states. Accordingly, the final rule must maintain the interim final rule's limitation of section 603(c)(4) transfers as applicable only to transfers from local governments to states. Expansions of section 603(c)(4) transfer authority beyond transfers from local governments to states were not explicitly authorized by Congress. As such, transfers under section 603(c)(4) may only be made by local governments to the state in which they are located.

Congress enumerated two separate transfer provisions for local governments—section 603(c)(3) and section 603(c)(4)—that use different language and were intended to operate differently. Section 603(c)(4) contains prefatory language ("Notwithstanding paragraph (1)"—a reference to the eligible SLFRF uses) that section 603(c)(3) does not. In other words, section 603(c)(4) transfers are not required to constitute an eligible use of the funds from the perspective of the transferor local government, but section 603(c)(3) transfers are required to constitute an eligible use. A transfer to accomplish an eligible use fits within the recipient-subrecipient framework.

Further, treating section 603(c)(3) transfers as leading to a cancellation of the award for the transferor local government would result in scenarios that are inconsistent with the statutory language. An award cancellation pursuant to a section 603(c)(3) transfer would result in either (1) non-governmental entities becoming award recipients under the program, which would contravene the purpose of SLFRF or (2) transfers to governmental and non-governmental entities being treated in a distinct and inconsistent manner. That is, section 603(c)(3) transfers to governmental entities would lead to award cancellation but section 603(c)(3) transfers to non-governmental entities would lead to a recipient-subrecipient relationship. Therefore, in the final rule, Treasury maintains its distinct treatment of a section 603(c)(3) transfer and section 603(c)(4) transfer.

The final rule clarifies that a transfer under section 603(c)(4) will result in a modification, termination, or cancellation of the award on the part of the transferor local government and a modification of the award to the transferee state or territory. As detailed in the **SUPPLEMENTARY INFORMATION** to the interim final rule, the transferor must provide notice of the transfer to Treasury in a format specified by Treasury. Until the local government provides such notice and Treasury provides confirmation of its acceptance of the notice, the local government will remain responsible for ensuring that the SLFRF award is being used in accordance with the Award Terms and Conditions, section 602 or 603 of the Social Security Act, the final rule, and program guidance including reporting on such uses of the award funds to Treasury.

A state that receives a transfer from a local government under section 603(c)(4) will be bound, by statute, by all of the use restrictions set forth in section 602(c) with respect to the use of those SLFRF funds, including the prohibitions on use of such SLFRF funds to offset certain reductions in taxes or to make deposits into pension funds. The state will be responsible as the prime recipient for the use and reporting on any funds transferred under section 603(c)(4) by the local government. Such transferred funds will be subject to the Award Terms and Conditions previously accepted by the state in connection with its SLFRF award.

Subrecipient Transfers

Public Comment: Commenters sought clarification as to how funds may be transferred from a recipient to another entity. For instance, one commenter requested that recipients be able to advance funds to subrecipients as opposed to reimbursing subrecipients for expenses incurred.

Treasury Response: Treasury did not specify in the interim final rule whether recipients may advance funds to subrecipients. This omission was not intended to prevent recipients from advancing funds to subrecipients, consistent with the various methods permitted under the Uniform Guidance. Given the broad flexibility that recipients have in selecting eligible uses and the broad variety of potential subrecipients, Treasury believes that specifying a single method of advancement or reimbursement would add unnecessary administrative difficulty to program administration. Recipients may determine the optimal payment structure for the transfer of funds (*e.g.*, advance payments, reimbursement basis, etc.) from recipients to subrecipients. Ultimately, recipients must comply with the eligible use requirements and any other applicable laws or requirements and are responsible for the actions of their subrecipients.

E. Administrative Expenses

The interim final rule permitted, under the heading "[e]xpenses to improve efficacy of public health or economic relief programs," use of funds for "[a]dministrative costs associated with the recipient's COVID–19 public health emergency assistance programs, including services responding to the COVID–19 public health emergency or its negative economic impacts, that are not federally funded."

Following release of the interim final rule, Treasury issued Compliance and Reporting Guidance that provided that "recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the SLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the SLFRF program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are [sic] allocable to the SLFRF award such as the cost of facilities or administrative functions like a director's office." [377] Several commenters

[377] U.S. Department of the Treasury, Recipient Compliance and Reporting Responsibilities, as of November 5, 2021; *https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-*

Continued

requested clarity on which administrative expenses are permissible uses of funds and how recipients should structure administrative costs.

In the final rule, Treasury is clarifying that direct and indirect administrative expenses are permissible uses of SLFRF funds and are a separate eligible use category from "[e]xpenses to improve efficacy of public health or economic relief programs," which refers to efforts to improve the effectiveness of public health and economic programs through use of data, evidence, and targeted consumer outreach. For details on permissible direct and indirect administrative costs, recipients should refer to Treasury's Compliance and Reporting Guidance.[378] Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs.

F. Treatment of Loans

The interim final rule allowed recipients to use SLFRF funds to make loans for uses that are otherwise eligible (for example, for small business assistance). Subsequent guidance clarified how recipients must track and dispose of program income from loans, consistent with the statutory requirements for the timing of SLFRF expenditures.

SLFRF funds must be used to cover "costs incurred" by the recipient between March 3, 2021 and December 31, 2024. The interim final rule provided that SLFRF funds must be obligated by December 31, 2024 and expended by December 31, 2026. In using SLFRF funds to make loans, recipients must be able to determine the amount of funds used to make a loan and must comply with restrictions on the timing of the use of funds and with restrictions in the Uniform Guidance.

When SLFRF funds are used as the principal for loans, there is an expectation that a significant share of the loaned funds will be repaid. Thus, recipients may not simply consider the full amount of loaned funds to be permanently expended and must appropriately account for the return of loaned funds.

For loans that mature or are forgiven on or before December 31, 2026, the recipient must account for the use of funds on a cash flow basis, consistent with Treasury's guidance regarding loans made by recipients using payments from the Coronavirus Relief Fund.[379] Recipients may use SLFRF funds to fund the principal of the loan and in that case must track repayment of principal and interest (*i.e.*, "program income," as defined under 2 CFR 200). When the loan is made, recipients must report the principal of the loan as an expense.

Repayment of principal may be re-used only for eligible uses and is subject to restrictions on the timing of the use of funds. Interest payments received prior to the end of the period of performance will be considered an addition to the total award and may be used for any purpose that is an eligible use of funds under the statute and final rule. Recipients are not subject to restrictions under 2 CFR 200.307(e)(1) with respect to such payments.

For loans with maturities longer than December 31, 2026, the recipient must estimate the cost to the recipient of extending the loan over the life of the loan. In other words, at origination, the recipient must measure the projected cost of the loan and may use SLFRF funds for the projected cost of the loan. Recipients have two options for estimating this amount: They may estimate the subsidy cost (*i.e.*, net present value of estimated cash flows) or the discounted cash flow under current expected credit losses (*i.e.*, CECL method). See further guidance issued by Treasury for further explanation.[380]

Public Comment: Many commenters asked for further clarification on the treatment of loans and the calculation of "costs incurred." Some commenters requested that grants made for eligible activities prior to December 31, 2024 to a revolving loan fund, an economic development corporation, a land bank, or a similar facility should be considered obligated and expended at the time of the grant. This would allow funds to be expended by the grantee beyond the covered period and for funds returned to the grantee to be re-invested in further uses outside of the covered period.

Treasury Response: The final rule maintains the treatment of loans from the interim final rule and subsequent guidance, as discussed above. This approach is consistent with the statutory requirement that funds be used for costs incurred for eligible purposes by December 31, 2024 and is consistent with standard accounting practices and the Uniform Guidance.

G. Use of Funds for Match or Cost-Share Requirements

As a general matter and as referenced in the **SUPPLEMENTARY INFORMATION** to the interim final rule, funds provided under one federal program may not be used by a recipient to meet the non-federal match or cost-share requirements of another federal program.

However, Treasury has since determined that, consistent with this general principle and the requirements of the Uniform Guidance at 2 CFR 200.306(b)(5), the funds available under sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act for the provision of government services, up to the amount of the recipient's reduction in revenue due to the public health emergency, generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. Federal funds that constitute revenue sharing to state and local governments may generally be used to meet non-federal match requirements.[381] The broad eligible uses of the SLFRF funds available under sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act, combined with the purpose of these provisions (which is to provide general fiscal assistance to governments facing revenue losses due to the public health emergency), demonstrate that these funds are revenue sharing. They thus should generally be permitted to be used to meet the non-federal match and cost-share requirements of other federal programs. As such, the SLFRF funds available for the provision of government services, up to the amount of the recipient's reduction in revenue due to the public health emergency, may be used to meet the non-federal match requirements of the Drinking Water State Revolving Fund and Clean Water State Revolving Fund programs administered by the EPA, for example.

Pursuant to 2 CFR 200.306(b) of the Uniform Guidance, if funds are legally available to meet the match or cost-share requirements of an agency's federal program, such awarding agency is required to accept such funds for the purpose of that program's match or cost-share requirements except in the circumstances enumerated in that section. The Office of Management and Budget has authority under 2 CFR

recovery-funds/recipient-compliance-and-reporting-responsibilities.

[378] *Id.*

[379] Coronavirus Relief Fund for States, Tribal Governments, and Certain Eligible Local Governments, 86 FR at 4192.

[380] *See FAQ 4.11.* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.*

[381] See U.S. Government Accountability Office, *Principles of Federal Appropriations Law, Third Edition, Volume II,* p. 10–99, GAO–06–382SP (February 2006), *https://www.gao.gov/assets/gao-06-382sp.pdf.*

200.102 of the Uniform Guidance to issue waivers of this requirement on request of the relevant awarding agency. Analogous requirements and waiver authorities may be present in other regulations. If a recipient seeks to use SLFRF funds to satisfy match or cost-share requirements for a federal grant program, it should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 CFR 200.306(b) would limit the use of SLFRF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the SLFRF funds for the match or cost-share requirement. Note that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the Office of Management and Budget has approved a waiver as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations.

SLFRF funds beyond those that are available under sections 602(c)(1)(C) or 603(c)(1)(C) of the Social Security Act for the provision of government services may not be used to meet the non-federal match or cost-share requirements of other federal programs other than as specifically provided for by statute. For example, as discussed in other sections of this final rule, section 40909 of the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of any authorized Bureau of Reclamation project, and section 60102 of the Infrastructure Investment and Jobs Act provides that the SLFRF may be used to meet the non-federal match requirements of the broadband infrastructure program authorized under that section (see sections Water and Sewer Infrastructure and Broadband Infrastructure).

H. Reporting

The interim final rule established Treasury's authority to collect information from recipients through requested reports and any additional requests for information. The interim final rule also provided Treasury flexibility to extend or accelerate reporting deadlines and to modify requested content for the Interim Report, Project and Expenditure reports, and Recovery Plan Performance reports.

The **SUPPLEMENTARY INFORMATION** of the interim final rule provided initial guidance on the reporting requirements for the SLFRF funds. States (defined to include the District of Columbia), territories, metropolitan cities, counties, and Tribal governments were required to submit one interim report and quarterly Project and Expenditure reports thereafter. Non-entitlement units of local government were not required to submit an interim report. States, territories, and metropolitan cities and counties with a population greater than 250,000 residents were also required to submit an annual Recovery Plan Performance report to Treasury. The Supplementary Information of the interim final rule provided guidance on the deadlines and content required for each type of report.

Public Comment: Treasury received many comments on the content and specific data elements required of program reporting. Some commenters expressed enthusiasm for including particular details in reporting to promote transparency. Other commenters requested that Treasury streamline reporting requirements to avoid imposing undue administrative burdens and compliance costs. Many commenters requested further clarification on or amendments to particular elements of reporting content. Some commenters requested that reports and specific reporting elements be public, including a request for a public website with a number of programmatic data metrics about the use of SLFRF funds. Some commenters sought clarification and guidance for using the reporting portal, which allows recipients to upload the required information, or requested user modifications to the portal. Finally, some commenters requested that Treasury provide example materials and reporting metrics to aid recipient understanding.

Treasury Response: Since the publication of the interim final rule, Treasury issued supplementary reporting guidance in the Compliance and Reporting Guidance and in the User Guide: Treasury's Portal for Recipient Reporting (User Guide).[382] Treasury has addressed many of these comments in the Compliance and Reporting Guidance and User Guide and will continue to issue updated guidance prior to each reporting period clarifying any modifications to requested report content. Treasury notes that the interim final rule did not address the specific content and data elements required in reporting, the reporting portal or submission process, and the specific form of reporting (*e.g.*, example templates, machine readability); comments on these topics are outside the scope of the final rule and, as noted, are addressed instead in Compliance and Reporting Guidance.

Reporting Deadlines

Public Comment: Treasury received comments requesting various changes to reporting deadlines to ease compliance burdens. For example, Treasury received several comments requesting that Treasury delay early reporting deadlines for various reasons, including to align with the timeline for issuing a final rule and to allow for more time for recipients to determine SLFRF allocations. Commenters also requested changes to the immediacy of reporting, for example requesting that Treasury allow expenses to be reported with a lag instead of the quarter in which they were accrued or that reports be due 90 days after period close instead of 30 days after the close of a reporting period. Some commenters requested changes to the reporting frequency, for example to report biannually rather than quarterly.

Treasury Response: Treasury has clarified reporting deadlines in the Compliance and Reporting guidance.[383] Treasury is retaining the reporting deadline of 30 days after the close of the reporting period to ensure timely accounting of the use of SLFRF funds; this timeline also aligns with practices in many other federal programs. The final rule maintains Treasury's discretion to extend or delay reporting deadlines.

Administrative Costs for Reporting and Compliance

Public Comment: Many commenters sought clarification about whether various administrative costs related to reporting and compliance were eligible uses of funds and asked for clarification on the limits of such use.

Treasury Response: Treasury notes that administrative costs are generally allowable uses of SLFRF funds, including for reporting. For additional information on administrative expenses, please see section Administrative Expenses under Program Administration Provisions.

Uniform Guidance

Public Comment: The **SUPPLEMENTARY INFORMATION** of the interim final rule clarified that SLFRF funds were generally subject to the provisions of the Uniform Administrative Requirements, Cost Principles, and Audit

[382] U.S. Department of the Treasury, Recipient Compliance and Reporting Responsibilities, as of November 5, 2021; *https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds/recipient-compliance-and-reporting-responsibilities.*

[383] *Id.*

Requirements for Federal Awards (2 CFR part 200) (the Uniform Guidance), including the cost principles and restrictions on general provisions for selected items of cost. Treasury received many comments requesting clarification about or modifications to the applicability of the Uniform Guidance on various issues.

For example, one commenter requested that Treasury remove requirements that expenditures of funds be made in conformance with the Uniform Guidance, particularly in case of expenditures made during period from March 3, 2021 to the release of the interim final rule, while other comments requested that Treasury raise the single-audit threshold from $750,000 to $5 million. Commenters sought clarification on items such as: The applicability of the Uniform Guidance for funds that are used for the provision of government services, the applicability of particular sections of the cost principles provided in subpart E of the Uniform Guidance, the applicability of the procurement provisions of the Uniform Guidance, and requirements for subrecipient reporting.

Treasury Response: Recipients of SLFRF funds are subject to the provisions of the Uniform Guidance (2 CFR part 200) from the date of award to the end of the period of performance on December 31, 2026 unless otherwise specified in this rule or program-specific guidance. Costs must follow the requirements in 2 CFR 200 Subpart E, Cost Principles, including procurement standards. Recipients that receive an aggregate amount of federal financial assistance in a given fiscal year that exceeds the Single Audit threshold are subject to the requirements in 2 CFR 200 Subpart F, Audit Requirements, unless otherwise specified in program-specific guidance.

SLFRF funds transferred to subrecipients are also subject to reporting and Uniform Guidance requirements. Additional information about the definition of subrecipients is available in the section Distinguishing Subrecipients versus Beneficiaries.

Recipients should refer to the Assistance Listing for details on the specific provisions of the Uniform Guidance that do not apply to this program. The Assistance Listing is available on SAM.gov. Additional changes to compliance and reporting guidelines, including any clarifications on Uniform Guidance requirements, will be addressed in Compliance and Reporting Guidance and the User Guide.[384]

[384] *Id.*

I. Remediation and Recoupment

Sections 602(e) and 603(e) of the Social Security Act provide the Secretary with the power to recoup "funds used in violation" of the Social Security Act. The interim final rule implemented these provisions by establishing a process for recoupment. Treasury may identify funds used in violation of the Social Security Act based on information submitted by recipients, including as part of reporting requirements, as well as information from other sources.[385] If a potential violation is identified, Treasury will provide the recipient an initial written notice of the amount subject to recoupment along with an explanation of such amounts. A recipient then has 60 calendar days following receipt of a recoupment notice to submit a request for reconsideration containing any information it believes supports its use of funds. Within 60 calendar days of receipt of the request for reconsideration, the interim final rule provided that a recipient will receive a final notice of the Secretary's decision to affirm, withdraw, or modify the recoupment notice. If the recipient did not submit a request for reconsideration, the initial notice of recoupment would be deemed a final notice. A recipient would then be required to repay any amounts subject to recoupment within 120 calendar days of either the initial recoupment notice, if the recipient does not request reconsideration, or the final recoupment notice, if the recipient does request reconsideration.

Public Comments

Treasury received several comments on the process for recoupment. For instance, some commenters, including many Tribal governments, requested additional time to file a request for reconsideration and submit repayment to ensure that small entities have the time necessary to carry out any logistical steps and consult with counsel. Treasury was also asked to align its recoupment process with that of the Office of the Inspector General and other departmental administrative processes to resolve findings, agency decisions, and related timelines. One commenter asked if the 120-calendar-day time limit for repayment was based on the initial notice, rather than a final decision issued by the Secretary. Several commenters expressed concern regarding the recoupment process, arguing that consideration of "all relevant facts and circumstances" provided Treasury with too much authority and created ambiguity. Other commenters urged Treasury to establish a robust enforcement and compliance program and process and advocated for the creation of a whistleblower mechanism or public complaint process to allow public and private entities to report suspected misuses of funds. Finally, some commenters requested clarification regarding the process after a violation is identified and becomes final. One commenter also asked to allow recipients to amend reports deemed to contain ineligible expenses and inform recipients how the agency intends to resolve instances where a use was later deemed unacceptable. Another commenter asked if recouped funds could be released back to the recipient.

Commenters also expressed concern about Treasury's authority to recoup funds used in violation of the tax offset provision. Some commenters requested additional clarity around when tax cuts would trigger Treasury's recoupment authority and the duration of Treasury's authority to seek recoupment of such funds.

Treasury Response

The final rule largely preserves the process established in the interim final rule but includes several adjustments to clarify certain elements.

Like the interim final rule, the final rule provides that, after an initial determination is made that a recipient has used SLFRF funds in violation of the law, a recipient may submit a request for reconsideration concerning any amounts identified in a notice provided by Treasury. If a recipient chooses to seek reconsideration of the initial notice, the recipient must submit a request for reconsideration as provided under the final rule. If a recipient does not request reconsideration, the initial notice that the recipient received will be deemed the final notice.[386] Treasury has clarified that a recipient must invoke and exhaust the procedures available under section 35.10 of the final rule prior to seeking judicial review of a recoupment decision. Consistent with Section 602(b)(6)(A)(ii)(III) of the Social Security Act, if a state or territory is required to repay funds pursuant to the Secretary's recoupment authority, the Secretary may reduce the amount payable to the state or territory in a second tranche payment by the amount that the state or territory would be required to repay as recoupment.

In the final rule, Treasury has clarified that, if it identifies a potential

[385] Treasury will also consider the tax offset provision on an annual basis.

[386] Funds subject to recoupment cannot later be returned.

violation,[387] it may request additional information from a recipient before initiating the recoupment process and, where necessary, provide written notice to the recipient along with an explanation of such amounts potentially subject to recoupment. Furthermore, Treasury has also made clear that it retains the ability to expedite or extend timelines in any adjudication or pre-adjudication process pursuant to section 35.4(b) of the final rule, although the general timelines set forth in the interim final rule are maintained in the final rule.

This process is intended to provide the recipient with an adequate opportunity to present additional information regarding its uses of funds and provides flexibility for recipients to determine the information relevant to the particular facts and circumstances. It is also flexible enough to align with other adjudication procedures in other ARPA recovery programs administered by the Office of Recovery Programs at Treasury. As discussed above, the initial notice will provide recipients with an explanation of the identified potential violation in order to provide recipients with a meaningful opportunity to respond. Such initial notice will generally include information regarding the specific use of SLFRF funds and the source of such information.[388] This process also will allow the Secretary to take into consideration the information provided by recipients, along with other relevant information, to ensure SLFRF funds are used in a manner consistent with the Social Security Act.

Finally, Treasury expects to work with recipients to support the use of SLFRF funds consistent with the law. For example, Treasury may request additional information from a recipient before initiating the recoupment process. In addition, Treasury may pursue other forms of remediation and monitoring in conjunction with, or as an alternative to, recoupment.[389] These efforts may include working with recipients to identify and substitute permissible uses of SLFRF funds or amending uses of SLFRF funds to comply with applicable restrictions.

In response to comments regarding the amount of time provided to respond to an initial notice, the final rule clarifies that Treasury retains the ability to expedite or extend timelines in any adjudication or pre-adjudication process pursuant to section 35.4(b) of the final rule, although the general timelines set forth in the interim final rule are maintained in the final rule.

V. Regulatory Analyses

Executive Orders 12866 and 13563

Regulatory Impact Assessment

This final rule is a "significant regulatory action" under section 3(f) of Executive Order 12866 for the purposes of Executive Orders 12866 and 13563 because it is likely to have an annual effect on the economy of $100 million or more.

As explained below, this regulation meets a substantial need: ensuring that recipients—states, territories, Tribal governments, and local governments—of SLFRF funds fully understand the requirements and parameters of the program as set forth in the statute and deploy funds in a manner that best reflects Congress' intent to provide necessary relief to recipient governments adversely impacted by the COVID–19 public health emergency. Furthermore, as required by Executive Orders 12866 and 13563, Treasury has weighed the costs and benefits of this final rule and varying alternatives and has reasonably determined that the benefits of the final rule to recipients and their communities far outweigh any costs.

The rule has been reviewed by the Office of Management and Budget (OMB) in accordance with Executive Order 12866.

Executive Orders 12866 and 13563

Under Executive Order 12866, OMB must determine whether this regulatory action is "significant," and therefore, subject to the requirements of the Executive Order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a significant regulatory action as an action likely to result in a rule that may, among other things, have an annual effect on the economy of $100 million or more. This rule is likely to have an annual effect on the economy of $100 million or more, and therefore, it is subject to review by OMB under section 3(f) of Executive Order 12866.

Treasury has also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, section 1(b) of Executive Order 13563 requires that an agency: (1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify); (2) tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives taking into account, among other things, and to the extent practicable, the costs of cumulative regulations; (3) select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity); (4) to the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and (5) identify and assess available alternatives to direct regulation, including providing economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or providing information that enables the public to make choices. Executive Order 13563 also requires an agency "to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible." OMB's Office of Information and Regulatory Affairs (OIRA) has emphasized that these techniques may include "identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes."

Based on the analysis that follows and the reasons stated elsewhere in this document, Treasury believes that this final rule is consistent with the principles set forth in Executive Orders 12866 and 13563. This Regulatory Impact Analysis discusses the need for regulatory action, the potential benefits, and the potential costs. Treasury has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action, and is issuing this final rule only on a reasoned determination that the benefits exceed the costs. In choosing among alternative regulatory approaches, Treasury selected those approaches that would maximize net benefits.

Need for Regulatory Action

This final rule implements the $350 billion SLFRF program of the ARPA, which Congress passed to help states, territories, Tribal governments, and localities respond to the ongoing COVID–19 public health emergency and its economic impacts. As the agency charged with execution of these programs, Treasury has concluded that this final rule is needed to ensure that recipients of SLFRF funds fully

[388] Treasury may address potential violations based on information submitted from recipients, either through quarterly reports or self-reported information, and from other sources of information as Treasury deems necessary and appropriate (*e.g.*, press, information submitted from the public).

[389] Treasury intends to work with recipients to support the use of SLFRF funds consistent with the law.

understand the requirements and parameters of the program as set forth in the statute and deploy funds in a manner that best reflects Congress' mandate for targeted fiscal relief. This final rule governs the use of $350 billion in grant funds from the federal government to states, territories, Tribal governments, and localities, generating a significant macroeconomic effect on the U.S. economy. Treasury has sought to implement the program in ways that maximize its potential benefits while minimizing its costs. It has done so by: aiming to target relief in key areas according to the congressional mandate; offering clarity to states, territories, Tribal governments, and localities while maintaining their flexibility to respond to local needs; and limiting administrative burdens.

Analysis of Benefits

Relative to a pre-statutory baseline, the SLFRF funds provide a combined $350 billion to state, local, and Tribal governments for fiscal relief and support for costs incurred responding to the COVID–19 pandemic. Treasury believes that this transfer will generate substantial additional economic activity, although given the flexibility accorded to recipients in the use of funds, it is not possible to precisely estimate the extent to which this will occur and the timing with which it will occur. Economic research has demonstrated that state fiscal relief is an efficient and effective way to mitigate declines in jobs and output during an economic downturn.[390] Absent such fiscal relief, fiscal austerity among state, local, and Tribal governments could exert a prolonged drag on the overall economic recovery, as occurred following the 2007–2009 recession.[391]

This final rule provides benefits across several areas by implementing the four eligible use categories, as defined in statute: strengthening the response to the COVID–19 public health emergency and its negative economic impacts; replacing lost revenue to ease fiscal pressure on state, local, and Tribal governments that might otherwise lead to harmful cutbacks in employment or government services; providing premium pay to essential workers; and making necessary investments in water, sewer, and broadband infrastructure.

These benefits are achieved in the final rule through a broadly flexible approach that sets clear guidelines on eligible uses of SLFRF funds and provides state, local, and Tribal government officials discretion within those eligible uses to direct SLFRF funds to areas of greatest need within their jurisdiction. While preserving recipients' overall flexibility, the final rule includes several provisions that implement statutory requirements and will help support use of SLFRF funds to achieve the intended benefits. Preserving flexibility for recipients not only serves an important public policy goal by allowing them to meet particularized and diverse needs of their local communities but also enhances the economic benefits of the final rule by allowing recipients to choose eligible uses of funds that provide the highest utility in their jurisdictions.

In implementing the ARPA, Treasury has also prioritized supporting underserved communities that have been disproportionately impacted by the pandemic. The SLFRF program as implemented by the final rule provides even greater flexibility to recipients for uses of funds in underserved communities, recognizing that pre-existing health and economic disparities in these communities amplified the impact of the pandemic there. In general, investments in improving health outcomes and economic opportunities provide high economic returns, so this approach is likely to achieve substantial near-term economic and public health benefits, in addition to the longer-term benefits arising from the allowable investments in water, sewer, and broadband infrastructure.

The remainder of this section clarifies how Treasury's approach to key provisions in the final rule will contribute to greater realization of benefits from the program.

Public Health and Negative Economic Impacts

The eligible use category for responding to the public health and negative economic impacts of the pandemic covers a wide range of eligible uses of funds. Treasury addresses several key uses of funds in this analysis, as well as ways that Treasury has structured this eligible use to minimize recipient administrative burden while also maintaining targeting of the funding to entities that experienced negative impacts from the pandemic.

Government Employment: In order to bolster the government's ability to effectively administer services, the final rule allows for a broader set of eligible uses to restore and support public sector employment relative to the interim final rule. In particular, eligible uses include hiring up to a pre-pandemic baseline that is adjusted for historic underinvestment in the public sector by allowing funds to be used to pay for payroll and covered benefits associated with the recipient increasing its number of employees up to 7.5 percent above its pre-pandemic baseline. Eligible uses also include providing additional funds for employees who experienced pay cuts or were furloughed, avoiding layoffs, providing worker retention incentives, and paying for ancillary administrative costs related to hiring.

Treasury believes this expanded approach, relative to the interim final rule, provides useful flexibility to recipients, which may increase a state or local government's ability to effectively deliver services to its residents. While the interim final rule already explicitly permitted using funds to restore recipients' workforces up to pre-pandemic levels, the final rule's inclusion of an upward adjustment factor recognizes that, as the population or economy of a jurisdiction grows over time, more workers are generally needed to effectively meet responsibilities. It also provides recipients greater room to employ funds toward building back the public sector workforce after years of chronic underinvestment since the Great Recession. Treasury arrived at the 7.5 percent adjustment factor through an analysis of data from the Bureau of Labor Statistics on state and local government employment and data from the Census Bureau on population to estimate the extent of underinvestment in the public sector since the onset of the Great Recession. While Treasury considered a range of methodologies and point estimates to set the adjustment factor, a 7.5 percent factor errs on the side of recipient flexibility. Treasury believes this adjustment enhances recipients' ability to identify and meet the particularized needs of their communities. Treasury also believes that the additional enumerated eligible uses for supporting the workforce provide recipients several means to help retain current workers, decreasing turnover costs.

Identifying Eligible Populations

Treasury has provided several methods for recipients to identify households, populations, and communities eligible for services that respond to the public health and negative economic impacts of the pandemic. In general, these methods seek to provide recipients options to identify eligible populations with minimal administrative burden, while also maintaining targeting of the funds

[390] *See, e.g.*, Gabriel Chodorow-Reich et al., *Does state Fiscal Relief During Recessions Increase Employment? Evidence from the American Recovery and Reinvestment Act*, 4 American Economic Journal 118–145 (2012) *http://dx.doi.org/10.1257/pol.4.3.118*.

[391] See, *e.g.*, Fitzpatrick, *supra* note 278.

to entities impacted by the pandemic. Recipients also retain flexibility to identify and serve other populations and entities that experienced pandemic impacts, ensuring that recipients can meet the particularized needs of their local communities.

Defining Low and Moderate Income: To streamline the provision of funds relating to negative economic impacts resulting from the pandemic, Treasury has created an eligibility standard making it easier for recipients to provide assistance to low- and moderate-income populations without needing to identify and document a specific negative economic impact. Populations falling under the definition of low income are presumed to have been disproportionately impacted by the pandemic, while those falling under the definition of moderate income are presumed to have been impacted by the pandemic. In addition, the final rule recognizes categorical eligibility for certain enumerated programs and populations if a recipient chooses to implement categorical eligibility when identifying impacted and disproportionately impacted populations. Treasury considered several options for eligibility standards that would reduce administrative burdens for recipients when determining who qualifies as low and moderate income.

One option involved defining a household as low income or moderate income based only on FPG thresholds and could use levels lower than those selected. This option involved setting uniform thresholds throughout the country.

A second option took a broader approach, defining a household as low income if it has (i) income at or below 185 percent of the FPG for the size of its household or (ii) income at or below 40 percent of the AMI for its county and size of household. The option defined a household as moderate income if it has (i) income at or below 300 percent of the FPG for the size of its household or (ii) income at or below 65 percent of the AMI for its county and size of household. The combination of an FPG floor with AMI allows for a regional adjustment in areas with substantially higher costs and incomes. Finally, Treasury also considered a range of FPG and AMI thresholds above and below these levels.

Treasury chose the second option. Treasury believes that the higher FPG floor will ease administrative burdens by making more households presumptively eligible for funds meant to address negative economic impacts in a targeted manner. With respect to the low-income cutoff, 185 percent of the FPG for a family of four is $49,025, which is approximately the wage earnings for a two-earner household where both earners receive the median wage in occupations, such as waiters and waitresses and hotel clerks, that were heavily impacted by COVID–19. As such, this cutoff is likely to include more workers in industries heavily impacted by COVID–19, who may be most likely to face disproportionate impacts of the pandemic, than a lower threshold.[392] With respect to the moderate-income cutoff, many households with incomes between 200 percent and 300 percent of the FPG struggle with a lack of economic security, suggesting that 300 percent of the FPG was an appropriate cutoff for moderate income.

Treasury also considered relatively higher thresholds for both an FPG and AMI approach; however, increasing income thresholds for presumed eligibility increases the likelihood that higher-income workers, who generally experienced fewer economic impacts from the pandemic, would become presumed eligible for responsive services. Providing services to households that did not experience a negative economic impact, or experienced a relatively minimal impact, would provide much less benefit than serving households that experienced more severe impacts, diluting the benefits of the SLFRF funds.

In all, Treasury anticipates that these selected thresholds, combined with the regional adjustment, will allow resources to be targeted toward individuals and households with the greatest need while also reducing administrative burdens on recipients.

Disproportionately Impacted Populations: In the interim final rule, Treasury enumerated a broader set of eligible uses for disproportionately impacted communities, in recognition of the pre-existing health, economic, and social disparities that contributed to disproportionate pandemic impacts in certain communities and that addressing root causes of those disparities constitutes responding to the public health and negative economic impacts of the pandemic. To identify these communities and reduce administrative burden, Treasury allowed recipients to presume that certain populations—those in QCTs and those being served by Tribal governments—were disproportionately impacted. In the final rule, to further decrease administrative burden and enhance recipient flexibility, Treasury is allowing recipients to also presume that low-income households were disproportionately impacted. Treasury anticipates that adding low-income households as a presumed eligible population will maintain targeting of funds to populations and communities most likely to have experienced severe pandemic impacts, while providing a more flexible approach for recipients.

Identifying Impacted Classes: In the final rule, Treasury reiterated its stance in the interim final rule allowing recipients to designate a class of households or other entities as impacted or disproportionately impacted and provide responsive services. After designating a class, recipients can serve a household or entity by simply identifying that the household or entity is a member of the class. Relative to restricting services to only presumed eligible populations identified by Treasury, this decision provides vital administrative flexibility for recipients that may identify particular impacted classes in the context of their jurisdiction. Treasury anticipates that SLFRF funds will be targeted to impacted or disproportionately impacted communities, as recipients must demonstrate that the designated class experienced negative economic impacts or meaningfully more severe negative economic impacts. This approach maintains the requirement that entities served have to have experienced a negative economic impact, while simultaneously minimizing any administrative costs associated with meeting this requirement.

Additional Enumerated Uses

The interim final rule enumerated eligible uses of SLFRF funds to serve both impacted and disproportionately impacted communities. For example, enumerated eligible uses to serve impacted communities included food assistance; rent, mortgage, or utility assistance; and counselling and legal aid to prevent eviction or homelessness. Examples of enumerated eligible uses to serve disproportionately impacted communities included remediation of lead paint or other lead hazards and housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity. In the final rule, Treasury had the option to retain, expand, or reduce enumerated eligible uses, or shift use eligibility between disproportionately impacted and impacted communities. Many

[392] *See* U.S. Bureau of Labor Statistics, Occupational Employment and Wage Estimates, *https://www.bls.gov/oes/current/oes_nat.htm* (last visited November 9, 2021).

public comments suggested potential expansions of uses, including shifting enumerated eligible uses for disproportionately impacted communities to serve a broader population of impacted communities. Taking these comments into account, Treasury generally took this approach, in anticipation that the benefits of the program will increase while recipient administrative costs in identifying and justifying non-enumerated uses of funds will decrease.

Specifically, Treasury added enumerated eligible uses for impacted populations including paid sick, medical, or family leave; health insurance subsidies; and services for the unbanked and underbanked, on the basis that impacts of the pandemic that were broadly experienced by many communities would be addressed by these uses. Treasury also shifted some eligible uses, formerly restricted only to disproportionately impacted communities, to impacted communities. These uses included community violence intervention, assistance accessing or applying to public benefits and services, affordable housing development, and services to promote healthy childhood environments like childcare and early learning. These uses were shifted on the basis that the associated impacts of the pandemic were experienced by a broader population, and responses are, accordingly, eligible to benefit a broader population.

Additionally, the final rule clarified that investments in parks and other public outdoor recreation spaces are enumerated eligible uses for disproportionately impacted communities. In including these uses, Treasury took into account evidence on the social determinants of health, or the ways that social context, like the neighborhood built environment, impacts health outcomes. By taking a more holistic approach to public health, the final rule allows recipients to respond more broadly to factors that contributed to the pandemic's health impacts and more fully mitigate those health impacts.

To balance administrative flexibility with a maintenance of focus on impacts of the pandemic, Treasury considered, but did not include, other proposed enumerated uses that did not respond to the impacts of the pandemic or responded to impacts that were not experienced generally across the country by many jurisdictions and populations. For example, Treasury did not include pollution remediation broadly, a proposed enumerated eligible use for disproportionately impacted communities, on the basis that associated projects would only respond to disproportionate impacts of the pandemic depending on the specific issue addressed. In sum, Treasury expanded enumerated eligible uses while retaining a focus on broadly experienced impacts of the pandemic. Treasury anticipates that this will give recipients further flexibility to presume eligibility and respond to pandemic impacts without increasing administrative burden.

Capital Expenditures: In the interim final rule, Treasury permitted funds to be used for a limited number of capital expenditures mostly related to the COVID–19 public health response. This decision granted recipients some discretion to use SLFRF funds to address COVID–19 prevention and mitigation through certain investments in equipment, real property, and facilities, which Treasury recognized as critical components of the public health response. In the final rule, Treasury considered maintaining the provisions in the interim final rule or expanding allowable capital expenditures to provide recipients greater flexibility to pursue other capital investments that are responsive to the public health emergency and its negative economic impacts. While expanding allowable capital expenditures may increase the risk that recipients will undertake large expenditures that do not sufficiently address intended harms, or address harms in a less cost-efficient manner than an alternative investment (*e.g.*, a program or service), expanding allowable capital expenditures would likely help fill critical gaps in recipients' response to the pandemic and provide equipment and facilities that generate benefits beyond SLFRF's period of performance. To preserve flexibility while mitigating risks, the final rule allows recipients to undertake an expanded set of capital expenditures while requiring additional written justifications for projects with an expected total cost at or over $1 million. Treasury believes this approach balances the implementation of appropriate risk-based compliance requirements and the provision of administrative convenience for smaller capital expenditures, while generally allowing recipients the flexibility to undertake a greater variety of responsive capital expenditures.

Revenue Loss

Revenue Loss Formula: In this final rule, Treasury's approach to revenue loss allows recipients to compute the extent of reduction in revenue by comparing actual revenue to a counterfactual trend representing what could have plausibly been expected to occur in the absence of the pandemic. The counterfactual trend begins with the last full fiscal year prior to the public health emergency (as required by statute) and projects forward with an annualized growth adjustment. Treasury has made several adjustments in the final rule to decrease administrative burden, reducing costs for recipients, while still accurately capturing reductions in revenue due to the pandemic.

Under the interim final rule, Treasury specified that recipients calculate revenue loss on a calendar year basis. In this final rule, Treasury is providing recipients the option to calculate revenue loss on a calendar year or fiscal year basis, which will allow recipients the administrative flexibility to minimize administrative burdens based on the data available to them.

Treasury's decision to incorporate a growth adjustment into the calculation of revenue loss ensures that the formula more fully captures revenue shortfalls relative to recipients' pre-pandemic expectations. Recipients will have the opportunity to calculate revenue loss at several points throughout the program, recognizing that some recipients may experience revenue effects with a lag. This option to re-calculate revenue loss on an ongoing basis is intended to result in more support for recipients to avoid harmful cutbacks in future years. In calculating revenue loss, recipients will look at general revenue in the aggregate, rather than on a source-by-source basis, given that recipients may have experienced offsetting changes in revenues across sources. The final rule also provides for removing the impact of tax increasing or decreasing changes, which affect the amount of revenue collected but are not "due to" the pandemic, from the calculation of revenue loss due to the public health emergency. Both of these components of Treasury's approach provide a more accurate representation of the effect of the pandemic on overall revenues.

Revenue Loss Standard Allowance: In addition to largely preserving the formula to calculate revenue loss from the interim final rule, Treasury also added an alternative "standard allowance" option for the revenue loss calculation to this final rule. Treasury's decision to elect to allow a fixed amount of loss that can be used to fund "government services" allows recipients the flexibility to use minimal administrative capacity on the calculation if desired. The decision also benefits recipients by allowing them to avoid expending administrative

resources to determine how unique variations in revenue interact with the revenue loss formula.

Premium Pay

Per the ARPA statute, recipients have broad latitude to designate critical infrastructure sectors and make grants to third-party employers for the purpose of providing premium pay. While the final rule provides significant flexibility to implement the statutory requirement that premium pay respond to essential workers, it requires recipients give written justification in the case that premium pay would increase a worker's annual pay above a certain threshold or is awarded to an individual whose annual pay is already above that threshold. To set this threshold, Treasury analyzed data from the Bureau of Labor Statistics to determine a level that would not require further justification for premium pay to the vast majority of essential workers, while requiring higher scrutiny for provision of premium pay to higher earners who, even without premium pay, would likely have greater personal financial resources to cope with the effects of the pandemic. Alternatively, a recipient need not submit written justification to Treasury if the worker receiving premium pay is eligible for overtime under the FLSA. Treasury believes this alternative, which is an addition to the final rule, will give recipients more flexibility and will simplify application of the final rule as employers, public and private, are already legally required to determine whether an employee is eligible for overtime pay under the FLSA. Treasury believes the threshold and overtime eligibility provision in the final rule strike the appropriate balance between preserving flexibility and helping encourage use of these resources to help those in greatest need. The final rule also requires that workers eligible for premium pay have regular in-person interactions or regular physical handling of items that were also handled by others. This requirement will help encourage use of financial resources for those who have endured the heightened risk of performing essential work.

Water and Sewer Infrastructure

In the interim final rule, Treasury aligned eligible uses of funds for water and sewer infrastructure to those projects eligible to receive financial assistance through the DWSRF and CWSRF administered by the EPA.

The benefits of this approach included giving recipients an existing list that would provide them clarity as well as flexibility in identifying eligible projects, particularly given the broad range of projects eligible under the CWSRF and DWSRF. The approach also ensured that projects would conform to vetted project types from a widely used program. Treasury received comments from recipients requesting additional project categories to be considered eligible, indicating a potential cost to maintaining alignment with the CWSRF and DWSRF.

For the final rule, Treasury has expanded eligibility to include several additional project types beyond those covered by the CWSRF and DWSRF.

Treasury believes that expanded eligibility will benefit recipients by allowing them additional flexibility to pursue beneficial projects, including project categories that support the provision of drinking water and the removal, management, and treatment of wastewater and stormwater: Additional stormwater management projects, private well infrastructure, additional projects that address lead in water, and certain dam and reservoir rehabilitation projects undertaken to address the provision of drinking water. A potential cost of this approach is that uses beyond the CSWRF and DWSRF may have less public guidance available to understand project eligibilities. However, Treasury anticipates that this eligibility expansion will provide a net benefit to recipients by allowing them to pursue projects relevant to their goals that were ineligible under the interim final rule.

The expansion to allow private well infrastructure may also affect the distributional impact of SLFRF. Private wells disproportionately serve rural Americans, including low-income households, and expanding eligibility to include this use may allow SLFRF funds to benefit such households. While distributional impacts are uncertain, Treasury believes that the potential for benefits to accrue to rural and low-income households makes it important to clarify that these types of projects are eligible.

Broadband Infrastructure

In the final rule, Treasury expands eligible areas for broadband investment by requiring that recipients invest in projects designed to provide service to households and businesses with an identified need for additional broadband investment, including increasing access to high-speed broadband, increasing the affordability of broadband services, and improving the reliability of broadband service.[393]

Treasury considered multiple alternatives when selecting this standard. The threshold for the interim final rule allowed benefits to accrue in a more targeted manner to the approximately 9 percent of the country with access to speeds under the 25/3 Mbps threshold.[394] However, since SLFRF funds are distributed to tens of thousands of governments across the country with a variety of broadband needs, Treasury believes that allowing recipients greater flexibility to determine locations to serve in their jurisdictions—including considering affordability and competition barriers—will lead to greater long-term public benefit. Further, given that many federal broadband grant programs are focused solely on unserved and underserved areas, Treasury believes that the final rule's flexibility enables these funds to fill an important role in the overall federal broadband landscape.

In the final rule, Treasury also requires that broadband projects must meet a standard of reliably delivering at least 100 Mbps download speeds and upload speeds, or in cases where it is not practicable to do so, reliably delivering at least 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed while being scalable to 100 Mbps upload and download speeds. Treasury expects that this threshold will yield long-term benefits and allow networks to meet both pandemic-related and future needs. The Federal Communications Commission (FCC) estimates that currently a household with two to three remote learners using the internet simultaneously needs a connection supporting 100 Mbps download speeds.[395] While a lower threshold may have resulted in lower near-term costs to build, it would have potentially constrained future utility from the infrastructure by producing infrastructure that would more quickly—potentially in the near-term—become obsolete and no longer meet household needs, potentially requiring sooner replacement and generally decreasing the return on investment. As

[393] Further, the final rule encourages, but does not require, that recipients pursue broadband infrastructure projects in locations not currently served by a wireline connection that reliably delivers at least 100 Mbps of download speed and 20 Mbps of upload speed.

[394] Data from the Federal Communications Commission shows that as of June 2020, 9.07 percent of the U.S. population had no available cable or fiber broadband providers providing greater than 25 Mbps download speeds and 3 Mbps upload speeds. Federal Communications Commission, Fixed Broadband Deployment, *https://broadbandmap.fcc.gov/#/* (last visited May 9, 2021).

[395] *See* Federal Communications Commission, Broadband Speed Guide, available at *https://www.fcc.gov/consumers/guides/broadband-speed-guide* (last visited October 28, 2021).

such, projects meeting a lower threshold could not be considered "necessary" investments in broadband infrastructure, so Treasury has retained the threshold from the interim final rule.

Further, the final rule adds a requirement that recipients address the affordability needs of low-income consumers in accessing broadband networks funded by SLFRF, either by requiring service providers that provide service to households to either participate in the FCC's Affordable Connectivity Program (ACP), or a broad-based affordability program with commensurate benefits. Treasury believes that this requirement will increase the number of customers that are able to take advantage of broadband infrastructure funded by SLFRF, increasing the effectiveness of funds in connecting households and businesses to high-speed internet that is critical to work, health, and education. There is a potential that this requirement may marginally increase project costs for recipients and providers, but this impact is uncertain, given the varying business models and pricing structures of broadband projects and providers.

Labor Standards

In this Supplementary Information for the final rule, Treasury encourages recipients to ensure that capital expenditures to respond to the public health and negative economic impacts of the pandemic and water, sewer, and broadband projects use strong labor standards, including, for example, project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury believes that its encouragement of labor standards carries benefits because it will ensure that workers have access to strong employment opportunities associated with infrastructure projects, which will in turn aid the economic recovery. Treasury believes that infrastructure projects may also benefit from stronger labor standards due to the potential of these standards to ensure a stronger skilled labor supply and minimize labor disputes and workplace injuries, which can result in costly disruptions to projects. Treasury assesses that these benefits will increase the economy and efficiency of infrastructure projects undertaken through SLFRF and will outweigh the potential for a marginal increase in labor costs.

Splitting Payments to Recipients

Treasury is required by statute to deliver funds to local governments in two payments separated by at least twelve months, and the interim final rule provided for split payments to a majority of states as well. As discussed above, splitting payments ensures that recipients can adapt spending plans to evolving economic conditions and that at least some of the economic benefits will be realized in 2022 or later. However, consistent with authorities granted to Treasury in the statute, Treasury recognizes that a subset of states with significant remaining elevation in the unemployment rate could face heightened additional near term needs to aid unemployed workers and stimulate the recovery. Therefore, for a subset of state governments, Treasury has provided funds in one payment. Treasury believes that this approach strikes an appropriate balance between the general reasons to provide funds in two payments and the heightened additional near-term needs in specific states. As discussed above, Treasury set a threshold based on historical analysis of unemployment rates in recessions.

Reaching Underserved Communities

Finally, the final rule aims to promote and streamline the provision of assistance to individuals and communities in greatest need, particularly communities that have been historically underserved and have experienced disproportionate impacts of the COVID–19 crisis. Targeting relief is in line with Executive Order 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," which laid out an Administration-wide priority to support "equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality." To this end, the final rule enumerates a list of services that may be provided using SLFRF funds in disproportionately impacted communities, including low-income areas, to address the more severe impacts of the pandemic in these communities; establishes the characteristics of essential workers eligible for premium pay and encouragement to serve workers based on financial need; provides that recipients may use SLFRF funds to restore state and local workforces, where women and people of color are disproportionately represented; and requires that broadband infrastructure projects participate in programs to support affordability of broadband service. Collectively, these provisions will promote use of resources to facilitate the provision of assistance to individuals and communities with the greatest need.

Analysis of Costs

This regulatory action will generate administrative costs relative to a pre-statutory baseline. This includes, chiefly, costs required to administer SLFRF funds, oversee subrecipients and beneficiaries, and file periodic reports with Treasury. It also requires states to allocate SLFRF funds to nonentitlement units, which are smaller units of local government that are statutorily required to receive their funds through states. Treasury expects that the administrative burden associated with this program will be moderate for a grant program of its size. Treasury expects that many recipients receive direct or indirect funding from federal government programs and that many have familiarity with how to administer and report on federal funds or grant funding provided by other entities. In particular, states, territories, and large localities will have received funds from the Coronavirus Relief Fund (CRF) and Treasury expects them to rely heavily on established processes developed through that program or other prior grant funding, mitigating burden on these governments. Treasury has enhanced the level of recipient reporting as compared to the CRF, incorporating feedback from the Government Accountability Office and others that additions would improve the oversight of recipients' use of funds. To balance the oversight benefits with the costs of added reporting burdens, Treasury has incorporated other mechanisms to mitigate burden. For example, Treasury is "tiering" reporting requirements so that recipients that receive relatively lesser amounts of SLFRF funds are required to submit less frequent reports than recipients receiving greater amounts of funds. Treasury is noting administrative costs as a generally allowable use of SLFRF funds, which defrays administrative expenses to recipients that may be needed to comply with reporting requirements. Treasury has also provided options for recipients to use eligibility thresholds they are already familiar with during administration of SLFRF funds, which will enable recipients to avoid the costs of setting up new programs and reporting mechanisms to meet reporting and compliance requirements. For example, Treasury has permitted recipients to use "categorical eligibility" when delivering assistance to particular groups, such as impacted or disproportionately impacted households.

In making implementation choices, Treasury has hosted numerous consultations with a diverse range of direct recipients—states, cities, counties, and Tribal governments—along with various communities across the United States, including those that are underserved. Furthermore, Treasury has made clear in guidance that SLFRF funds may be used to cover certain expenses related to administering programs established using SLFRF funds.[396]

Executive Order 13132

Executive Order 13132 (entitled Federalism) prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial, direct compliance costs on state, local, and Tribal governments, and is not required by statute, or preempts state law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This final rule does not have federalism implications within the meaning of the Executive Order and does not impose substantial, direct compliance costs on state, local, and Tribal governments or preempt state law within the meaning of the Executive Order. The compliance costs are imposed on state, local, and Tribal governments by sections 602 and 603 of the Social Security Act, as enacted by the ARPA. Notwithstanding the above, Treasury has engaged in efforts to consult and work cooperatively with affected state, local, and Tribal government officials and associations in the process of developing the interim final rule and this final rule. Pursuant to the requirements set forth in section 8(a) of Executive Order 13132, Treasury certifies that it has complied with the requirements of Executive Order 13132.

Administrative Procedure Act

The Administrative Procedure Act (APA), 5 U.S.C. 551 *et seq.*, generally requires public notice and an opportunity for comment before a rule becomes effective. However, the APA provides that the requirements of 5 U.S.C. 553 do not apply "to the extent that there is involved . . . a matter relating to agency . . . grants." The APA also provides an exception to ordinary notice-and-comment procedures "when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. 553(b)(B). The interim final rule was issued without prior notice and comment procedures because it implemented statutory conditions on the eligible uses of SLFRF funds, and addressed the payment of those funds, the reporting on uses of funds, and potential consequences of ineligible uses to help address the economic and public health emergency. See the **SUPPLEMENTARY INFORMATION** section of the May 17, 2021 interim final rule for the applicability of the requirements of 5 U.S.C. 553. In addition, under the exception discussed in that section for matters relating to agency grants, the requirements of 5 U.S.C. 553 also do not apply to this final rule. After careful consideration of the comments received, this final rule adopts the May 17, 2021 interim final rule with the revisions discussed in this **SUPPLEMENTARY INFORMATION.**

Congressional Review Act

The Administrator of OIRA has determined that this is a major rule for purposes of Subtitle E of the Small Business Regulatory Enforcement and Fairness Act of 1996 (also known as the Congressional Review Act or CRA) (5 U.S.C. 804(2) *et seq.*). Under the CRA, a major rule generally may take effect no earlier than 60 days after the rule is published in the **Federal Register**. 5 U.S.C. 801(a)(3).

Paperwork Reduction Act

The information collections associated with the SLFRF program have been reviewed and approved by OMB pursuant to the Paperwork Reduction Act (44 U.S.C. Chapter 35) (PRA) and assigned control number 1505–0271. Under the PRA, an agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a valid OMB control number.

Estimates of hourly burden under this program are set forth in the table below.

Reporting	Number respondents	Number responses per respondent	Total responses	Hours per response	Total burden in hours	Cost to respondents ($48.80 per hour*)
Recipient Payment Form	5,050	1	5,050	.25 (15 minutes)	1,262.5	$61,610
Acceptance of Award Terms	5,050	1	5,050	.25 (15 minutes)	1,262.5	61,610
Title VI Assurances	5,050	1	5,050	.50 (30 minutes)	2,525	123,220
Tribal Employment Information Form	584	1	584	.75 (45 minutes)	438	21,374
Request for Extension Form	96	1	96	1	96	4,685
Annual Recovery Plan Performance Report	430	1	430	100	43,000	2,098,400
NEU Distribution Template	55	2	110	10	1,100	53,680
Non-UGLG Distribution Template	55	2	110	5	550	26,840
Transfer Forms	1,500	1	1,500	1	1,500	73,200
Project and Expenditure Report	37,000	1	37,000	5	185,000	9,028,000
Total	54,870		54,980		236,735	11,552,619

*Bureau of Labor Statistics, U.S. Department of Labor, Occupational Outlook Handbook, Accountants and Auditors, on the internet at *https://www.bls.gov/ooh/business-and-financial/accountants-and-auditors.htm* (visited March 28, 2020). Base wage of $33.89/hour increased by 44 percent to account for fully loaded employer cost of employee compensation (benefits, etc.) for a fully loaded wage rate of $48.80.

Regulatory Flexibility Analysis

The Regulatory Flexibility Act (RFA) generally requires that when an agency issues a proposed rule, or a final rule pursuant to section 553(b) of the Administrative Procedure Act or another law, the agency must prepare a regulatory flexibility analysis that meets the requirements of the RFA and publish such analysis in the **Federal Register**. 5 U.S.C. 603, 604.

Rules that are exempt from notice and comment under the APA or any other law are also exempt from the RFA

[396] *See* Coronavirus State and Local Fiscal Recovery Funds, Frequently Asked Questions, 10.2, as of July 19, 2021; *https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf.*

requirements, including the requirement to conduct a regulatory flexibility analysis, when among other things the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. Because this rule is exempt from the notice and comment requirements of the APA, Treasury is not required to conduct a regulatory flexibility analysis.

Rule Text

List of Subjects in 31 CFR Part 35

Executive compensation, State and Local Governments, Tribal Governments, Public health emergency.

For the reasons stated in the preamble, the United States Department of the Treasury amends 31 CFR part 35 as follows:

PART 35—PANDEMIC RELIEF PROGRAMS

■ 1. Revise Subpart A to read as follows:

Subpart A—Coronavirus State and Local Fiscal Recovery Funds

Sec.

35.1 Purpose.
35.2 Applicability.
35.3 Definitions.
35.4 Reservation of authority, reporting.
35.5 Use of funds.
35.6 Eligible uses.
35.7 Pensions.
35.8 Tax.
35.9. Compliance with applicable laws.
35.10. Recoupment.
35.11 Payments to States.
35.12. Distributions to nonentitlement units of local government and units of general local government.

Authority: 42 U.S.C. 802(f); 42 U.S.C. 803(f).

§ 35.1 Purpose.

This part implements section 9901 of the American Rescue Plan Act (Subtitle M of Title IX of Pub. L. 117–2), which amends Title VI of the Social Security Act (42 U.S.C. 801 *et seq.*) by adding sections 602 and 603 to establish the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund.

§ 35.2 Applicability.

This part applies to states, territories, Tribal governments, metropolitan cities, nonentitlement units of local government, counties, and units of general local government that accept a payment or transfer of funds made under section 602 or 603 of the Social Security Act.

§ 35.3 Definitions.

Baseline means tax revenue of the recipient for its fiscal year ending in 2019, adjusted for inflation in each reporting year using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States.

Capital expenditures has the same meaning given in 2 CFR 200.1.

County means a county, parish, or other equivalent county division (as defined by the Census Bureau).

Covered benefits include, but are not limited to, the costs of all types of leave (vacation, family-related, sick, military, bereavement, sabbatical, jury duty), employee insurance (health, life, dental, vision), retirement (pensions, 401(k)), unemployment benefit plans (Federal and State), workers' compensation insurance, and Federal Insurance Contributions Act taxes (which includes Social Security and Medicare taxes).

Covered change means a change in law, regulation, or administrative interpretation that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase. A change in law includes any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute or rule if the phase-in or taking effect was not prescribed prior to the start of the covered period.

Covered period means, with respect to a state or territory, the period that:

(1) Begins on March 3, 2021; and

(2) Ends on the last day of the fiscal year of such State or territory in which all funds received by the State or territory from a payment made under section 602 or 603 of the Social Security Act have been expended or returned to, or recovered by, the Secretary.

COVID–19 means the Coronavirus Disease 2019.

COVID–19 public health emergency means the period beginning on January 27, 2020 and lasting until the termination of the national emergency concerning the COVID–19 outbreak declared pursuant to the National Emergencies Act (50 U.S.C. 1601 *et seq.*).

Deposit means an extraordinary payment of an accrued, unfunded liability. The term deposit does not refer to routine contributions made by an employer to pension funds as part of the employer's obligations related to payroll, such as either a pension contribution consisting of a normal cost component related to current employees or a component addressing the amortization of unfunded liabilities calculated by reference to the employer's payroll costs.

Eligible employer means an employer of an eligible worker who performs essential work.

Eligible workers means workers needed to maintain continuity of operations of essential critical infrastructure sectors, including health care; emergency response; sanitation, disinfection, and cleaning work; maintenance work; grocery stores, restaurants, food production, and food delivery; pharmacy; biomedical research; behavioral health work; medical testing and diagnostics; home- and community-based health care or assistance with activities of daily living; family or childcare; social services work; public health work; vital services to Tribes; any work performed by an employee of a State, local, or Tribal government; educational work, school nutrition work, and other work required to operate a school facility; laundry work; elections work; solid waste or hazardous materials management, response, and cleanup work; work requiring physical interaction with patients; dental care work; transportation and warehousing; work at hotel and commercial lodging facilities that are used for COVID–19 mitigation and containment; work in a mortuary; and work in critical clinical research, development, and testing necessary for COVID–19 response.

(1) With respect to a recipient that is a metropolitan city, nonentitlement unit of local government, or county, workers in any additional non-public sectors as each chief executive officer of such recipient may designate as critical to protect the health and well-being of the residents of their metropolitan city, nonentitlement unit of local government, or county; or

(2) With respect to a State, territory, or Tribal government, workers in any additional non-public sectors as each Governor of a State or territory, or each Tribal government, may designate as critical to protect the health and well-being of the residents of their State, territory, or Tribal government.

Essential work means work that:

(1) Is not performed while teleworking from a residence; and

(2) Involves:

(i) Regular in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or

(ii) Regular physical handling of items that were handled by, or are to be handled by patients, the public, or coworkers of the individual that is performing the work.

Funds means, with respect to a recipient, amounts provided to the recipient pursuant to a payment made under section 602(b) or 603(b) of the Social Security Act or transferred to the recipient pursuant to section 603(c)(4) of the Social Security Act.

General revenue means money that is received from tax revenue, current charges, and miscellaneous general revenue, excluding refunds and other correcting transactions and proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and intergovernmental transfers from the Federal Government, including transfers made pursuant to section 9901 of the American Rescue Plan Act. General revenue also includes revenue from liquor stores that are owned and operated by state and local governments. General revenue does not include revenues from utilities, except recipients may choose to include revenue from utilities that are part of their own government as general revenue provided the recipient does so consistently over the remainder of the period of performance. Revenue from Tribal business enterprises must be included in general revenue.

Intergovernmental transfers means money received from other governments, including grants and shared taxes.

Low-income household means a household with:

(1) Income at or below 185 percent of the Federal Poverty Guidelines for the size of its household based on the poverty guidelines published most recently by the Department of Health and Human Services; or

(2) Income at or below 40 percent of the Area Median Income for its county and size of household based on data published most recently by the Department of Housing and Urban Development.

Micro-business means a small business that has five or fewer employees, one or more of whom owns the small business.

Moderate-income household means a household with:

(1) Income at or below 300 percent of the Federal Poverty Guidelines for the size of its household based on poverty guidelines published most recently by the Department of Health and Human Services; or

(2) Income at or below 65 percent of the Area Median Income for its county and size of household based on data published most recently by the Department of Housing and Urban Development.

Metropolitan city has the meaning given that term in section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) and includes cities that relinquish or defer their status as a metropolitan city for purposes of receiving allocations under section 106 of such Act (42 U.S.C. 5306) for fiscal year 2021.

Net reduction in total spending is measured as the State or territory's total spending for a given reporting year excluding its spending of funds, subtracted from its total spending for its fiscal year ending in 2019, adjusted for inflation using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States for that reporting year.

Nonentitlement unit of local government means a "city," as that term is defined in section 102(a)(5) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(5)), that is not a metropolitan city.

Nonprofit means a nonprofit organization that is exempt from Federal income taxation and that is described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code.

Obligation means an order placed for property and services and entering into contracts, subawards, and similar transactions that require payment.

Pension fund means a defined benefit plan and does not include a defined contribution plan.

Period of performance means the time period described in § 35.5 during which a recipient may obligate and expend funds in accordance with sections 602(c)(1) and 603(c)(1) of the Social Security Act and this subpart.

Premium pay means an amount of up to $13 per hour that is paid to an eligible worker, in addition to wages or remuneration the eligible worker otherwise receives, for all work performed by the eligible worker during the COVID–19 public health emergency. Such amount may not exceed $25,000 in total over the period of performance with respect to any single eligible worker. Premium pay may be awarded to non-hourly and part-time eligible workers performing essential work. Premium pay will be considered to be in addition to wages or remuneration the eligible worker otherwise receives if, as measured on an hourly rate, the premium pay is:

(1) With regard to work that the eligible worker previously performed, pay and remuneration equal to the sum of all wages and remuneration previously received plus up to $13 per hour with no reduction, substitution, offset, or other diminishment of the eligible worker's previous, current, or prospective wages or remuneration; or

(2) With regard to work that the eligible worker continues to perform, pay of up to $13 per hour that is in addition to the eligible worker's regular rate of wages or remuneration, with no reduction, substitution, offset, or other diminishment of the worker's current and prospective wages or remuneration.

Qualified census tract has the same meaning given in 26 U.S.C. 42(d)(5)(B)(ii)(I).

Recipient means a State, territory, Tribal government, metropolitan city, nonentitlement unit of local government, county, or unit of general local government that receives a payment made under section 602(b) or 603(b) of the Social Security Act or transfer pursuant to section 603(c)(4) of the Social Security Act.

Reporting year means a single year or partial year within the covered period, aligned to the current fiscal year of the State or territory during the covered period.

Secretary means the Secretary of the Treasury.

State means each of the 50 States and the District of Columbia.

Small business means a business concern or other organization that:

(1) Has no more than 500 employees or, if applicable, the size standard in number of employees established by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates, and

(2) Is a small business concern as defined in section 3 of the Small Business Act (15 U.S.C. 632).

Tax revenue means revenue received from a compulsory contribution that is exacted by a government for public purposes excluding refunds and corrections and, for purposes of § 35.8, intergovernmental transfers. Tax revenue does not include payments for a special privilege granted or service rendered, employee or employer assessments and contributions to finance retirement and social insurance trust systems, or special assessments to pay for capital improvements.

Territory means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or American Samoa.

Title I eligible schools means schools eligible to receive services under section 1113 of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6313), including schools served under section 1113(b)(1)(C) of that Act.

Tribal enterprise means a business concern:

(1) That is wholly owned by one or more Tribal governments, or by a corporation that is wholly owned by one or more Tribal governments; or

(2) That is owned in part by one or more Tribal governments, or by a corporation that is wholly owned by one or more Tribal governments, if all other owners are either United States citizens or small business concerns, as these terms are used and consistent with the definitions in 15 U.S.C. 657a(b)(2)(D).

Tribal government means the recognized governing body of any Indian or Alaska Native Tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published on January 29, 2021, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

Unemployment rate means the U–3 unemployment rate provided by the Bureau of Labor Statistics as part of the Local Area Unemployment Statistics program, measured as total unemployment as a percentage of the civilian labor force.

Unemployment trust fund means an unemployment trust fund established under section 904 of the Social Security Act (42 U.S.C. 1104).

Unit of general local government has the meaning given to that term in section 102(a)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(1)).

§ 35.4 Reservation of authority, reporting.

(a) *Reservation of authority.* Nothing in this part shall limit the authority of the Secretary to take action to enforce conditions or violations of law, including actions necessary to prevent evasions of this subpart.

(b) *Extensions or accelerations of timing.* The Secretary may extend or accelerate any deadline or compliance date of this part, including reporting requirements that implement this subpart, if the Secretary determines that such extension or acceleration is appropriate. In determining whether an extension or acceleration is appropriate, the Secretary will consider the period of time that would be extended or accelerated and how the modified timeline would facilitate compliance with this subpart.

(c) *Reporting and requests for other information.* During the period of performance, recipients shall provide to the Secretary periodic reports providing detailed accounting of the uses of funds, modifications to a State or Territory's tax revenue sources, and such other information as the Secretary may require for the administration of this section. In addition to regular reporting requirements, the Secretary may request other additional information as may be necessary or appropriate, including as may be necessary to prevent evasions of the requirements of this subpart. False statements or claims made to the Secretary may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in Federal awards or contracts, and/or any other remedy available by law.

§ 35.5 Use of funds.

(a) *In general.* A recipient may only use funds to cover costs incurred during the period beginning March 3, 2021, and ending December 31, 2024, for one or more of the purposes enumerated in sections 602(c)(1) and 603(c)(1) of the Social Security Act, as applicable, including those enumerated in § 35.6, subject to the restrictions set forth in sections 602(c)(2) and 603(c)(2) of the Social Security Act, as applicable.

(b) *Costs incurred.* A cost shall be considered to have been incurred for purposes of paragraph (a) of this section if the recipient has incurred an obligation with respect to such cost by December 31, 2024.

(c) *Return of funds.* A recipient must return any funds not obligated by December 31, 2024. A recipient must also return funds obligated by December 31, 2024 but not expended by December 31, 2026.

§ 35.6 Eligible uses.

(a) *In general.* Subject to §§ 35.7 and 35.8, a recipient may use funds for one or more of the purposes described in paragraphs (b) through (f) of this section.

(b) *Responding to the public health emergency or its negative economic impacts.* A recipient may use funds to respond to the public health emergency or its negative economic impacts if the use meets the criteria provided in paragraph (b)(1) of this section or is enumerated in paragraph (b)(3) of this section; provided that, in the case of a use of funds for a capital expenditure under paragraphs (b)(1) or (b)(3) of this section, the use of funds must also meet the criteria provided in paragraph (b)(4) of this section. Treasury may also articulate additional eligible programs, services, or capital expenditures from time to time that satisfy the eligibility criteria of this paragraph (b), which shall be eligible under this paragraph (b).

(1) *Identifying eligible responses to the public health emergency or its negative economic impacts.* (i) A program, service, or capital expenditure is eligible under this paragraph (b)(1) if a recipient identifies a harm or impact to a beneficiary or class of beneficiaries caused or exacerbated by the public health emergency or its negative economic impacts and the program, service, or capital expenditure responds to such harm.

(ii) A program, service, or capital expenditure responds to a harm or impact experienced by an identified beneficiary or class of beneficiaries if it is reasonably designed to benefit the beneficiary or class of beneficiaries that experienced the harm or impact and is related and reasonably proportional to the extent and type of harm or impact experienced.

(2) *Identified harms: Presumptions of impacted and disproportionately impacted beneficiaries.* A recipient may rely on the following presumptions to identify beneficiaries presumptively impacted or disproportionately impacted by the public health emergency or its negative economic impacts for the purpose of providing a response under paragraph (b)(1) or (b)(3) of this section:

(i) Households or populations that experienced unemployment; experienced increased food or housing insecurity; qualify for the Children's Health Insurance Program (42 U.S.C. 1397aa *et seq.*), Childcare Subsidies through the Child Care and Development Fund Program (42 U.S.C. 9857 *et seq.* and 42 U.S.C. 618), or Medicaid (42 U.S.C. 1396 *et seq.*); if funds are to be used for affordable housing programs, qualify for the National Housing Trust Fund (12 U.S.C. 4568) or the Home Investment Partnerships Program (42 U.S.C. 12721 *et seq.*); if funds are to be used to address impacts of lost instructional time for students in kindergarten through twelfth grade, any student who did not have access to in-person instruction for a significant period of time; and low- and moderate-income households and populations are presumed to be impacted by the public health emergency or its negative economic impacts;

(ii) The general public is presumed to be impacted by the public health emergency for the purposes of providing the uses set forth in subparagraphs (b)(3)(i)(A) and (b)(3)(i)(C); and

(iii) The following households, communities, small businesses, and nonprofit organizations are presumed to be disproportionately impacted by the public health emergency or its negative economic impacts:

(A) Households and populations residing in a qualified census tract;

households and populations receiving services provided by Tribal governments; households and populations residing in the territories; households and populations receiving services provided by territorial governments; low-income households and populations; households that qualify for Temporary Assistance for Needy Families (42 U.S.C. 601 *et seq.*), the Supplemental Nutrition Assistance Program (7 U.S.C. 2011 *et seq.*), Free and Reduced Price School Lunch and/or Breakfast programs (42 U.S.C. 1751 *et seq.* and 42 U.S.C. 1773), Medicare Part D Low-income Subsidies (42 U.S.C. 1395w–114), Supplemental Security Income (42 U.S.C. 1381 *et seq.*), Head Start (42 U.S.C. 9831 *et seq.*), Early Head Start (42 U.S.C. 9831 *et seq.*), the Special Supplemental Nutrition Program for Women, Infants, and Children (42 U.S.C. 1786), Section 8 Vouchers (42 U.S.C. 1437f), the Low-Income Home Energy Assistance Program (42 U.S.C. 8621 *et seq.*), Pell Grants (20 U.S.C. 1070a), and, if SLFRF funds are to be used for services to address educational disparities, Title I eligible schools;

(B) Small businesses operating in a qualified census tract, operated by Tribal governments or on Tribal lands, or operating in the territories; and

(C) Nonprofit organizations operating in a qualified census tract, operated by Tribal governments or on Tribal lands, or operating in the territories.

(3) *Enumerated eligible uses: Responses presumed reasonably proportional.* A recipient may use funds to respond to the public health emergency or its negative economic impacts on a beneficiary or class of beneficiaries for one or more of the following purposes unless such use is grossly disproportionate to the harm caused or exacerbated by the public health emergency or its negative economic impacts:

(i) Responding to the public health impacts of the public health emergency for purposes including:

(A) COVID–19 mitigation and prevention in a manner that is consistent with recommendations and guidance from the Centers for Disease Control and Prevention, including vaccination programs and incentives; testing programs; contact tracing; isolation and quarantine; mitigation and prevention practices in congregate settings; acquisition and distribution of medical equipment for prevention and treatment of COVID–19, including personal protective equipment; COVID–19 prevention and treatment expenses for public hospitals or health care facilities, including temporary medical facilities; establishing or enhancing public health data systems; installation and improvement of ventilation systems in congregate settings, health facilities, or other public facilities; and assistance to small businesses, nonprofits, or impacted industries to implement mitigation measures;

(B) Medical expenses related to testing and treating COVID–19 that are provided in a manner consistent with recommendations and guidance from the Centers for Disease Control and Prevention, including emergency medical response expenses, treatment of long-term symptoms or effects of COVID–19, and costs to medical providers or to individuals for testing or treating COVID–19;

(C) Behavioral health care, including prevention, treatment, emergency or first-responder programs, harm reduction, supports for long-term recovery, and behavioral health facilities and equipment; and

(D) Preventing and responding to increased violence resulting from the public health emergency, including community violence intervention programs, or responding to increased gun violence resulting from the public health emergency, including payroll and covered benefits associated with community policing strategies; enforcement efforts to reduce gun violence; and investing in technology and equipment;

(ii) Responding to the negative economic impacts of the public health emergency for purposes including:

(A) Assistance to households and individuals, including:

(1) Assistance for food; emergency housing needs; burials, home repairs, or weatherization; internet access or digital literacy; cash assistance; and assistance accessing public benefits;

(2) Paid sick, medical, or family leave programs, or assistance to expand access to health insurance;

(3) Childcare, early learning services, home visiting, or assistance for child welfare-involved families or foster youth;

(4) Programs to address the impacts of lost instructional time for students in kindergarten through twelfth grade;

(5) Development, repair, and operation of affordable housing and services or programs to increase long-term housing security;

(6) Financial services that facilitate the delivery of Federal, State, or local benefits for unbanked and underbanked individuals;

(7) Benefits for the surviving family members of individuals who have died from COVID–19, including cash assistance to surviving spouses or dependents of individuals who died of COVID–19;

(8) Assistance for individuals who want and are available for work, including those who are unemployed, have looked for work sometime in the past 12 months, who are employed part time but who want and are available for full-time work, or who are employed but seeking a position with greater opportunities for economic advancement;

(9) Facilities and equipment related to the provision of services to households provided in subparagraphs (b)(3)(ii)(A)(1)–(8);

(10) The following expenses related to Unemployment Trust Funds:

(i) Contributions to a recipient Unemployment Trust Fund and repayment of principal amounts due on advances received under Title XII of the Social Security Act (42 U.S.C. 1321) up to an amount equal to the difference between the balance in the recipient's Unemployment Trust Fund as of January 27, 2020 and the balance of such account as of May 17, 2021 plus the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021; provided that if a recipient repays principal on Title XII advances or makes a contribution to an Unemployment Trust Fund after April 1, 2022, such recipient shall not reduce average weekly benefit amounts or maximum benefit entitlements prior to December 31, 2024; and

(ii) Any interest due on such advances received under Title XII of the Social Security Act (42 U.S.C. 1321); and

(11) A program, service, capital expenditure, or other assistance that is provided to a disproportionately impacted household, population, or community, including:

(i) Services to address health disparities of the disproportionately impacted household, population, or community;

(ii) Housing vouchers and relocation assistance;

(iii) Investments in communities to promote improved health outcomes and public safety such as parks, recreation facilities, and programs that increase access to healthy foods;

(iv) Capital expenditures and other services to address vacant or abandoned properties;

(v) Services to address educational disparities; and

(vi) Facilities and equipment related to the provision of these services to the disproportionately impacted household, population, or community.

(B) Assistance to small businesses, including:

(1) Programs, services, or capital expenditures that respond to the negative economic impacts of the COVID–19 public health emergency, including loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, or providing technical assistance; and

(2) A program, service, capital expenditure, or other assistance that responds to disproportionately impacted small businesses, including rehabilitation of commercial properties; storefront and façade improvements; technical assistance, business incubators, and grants for start-ups or expansion costs for small businesses; and programs or services to support micro-businesses;

(C) Assistance to nonprofit organizations including programs, services, or capital expenditures, including loans or grants to mitigate financial hardship such as declines in revenues or increased costs, or technical assistance;

(D) Assistance to tourism, travel, hospitality, and other impacted industries for programs, services, or capital expenditures, including support for payroll costs and covered benefits for employees, compensating returning employees, support for operations and maintenance of existing equipment and facilities, and technical assistance; and

(E) Expenses to support public sector capacity and workforce, including:

(1) Payroll and covered benefit expenses for public safety, public health, health care, human services, and similar employees to the extent that the employee's time is spent mitigating or responding to the COVID–19 public health emergency;

(2) Payroll, covered benefit, and other costs associated with programs or services to support the public sector workforce and with the recipient:

(i) Hiring or rehiring staff to fill budgeted full-time equivalent positions that existed on January 27, 2020 but that were unfilled or eliminated as of March 3, 2021; or

(ii) Increasing the number of its budgeted full-time equivalent employees by up to the difference between the number of its budgeted full-time equivalent employees on January 27, 2020, multiplied by 1.075, and the number of its budgeted full-time equivalent employees on March 3, 2021, provided that funds shall only be used for additional budgeted full-time equivalent employees above the recipient's number of budgeted full-time equivalent employees as of March 3, 2021;

(3) Costs to improve the design and execution of programs responding to the COVID–19 pandemic and to administer or improve the efficacy of programs addressing the public health emergency or its negative economic impacts; and

(4) Costs associated with addressing administrative needs of recipient governments that were caused or exacerbated by the pandemic.

(4) *Capital expenditures.* A recipient, other than a Tribal government, must prepare a written justification for certain capital expenditures according to Table 1 to paragraph (b)(4) of this section. Such written justification must include the following elements:

(i) Describe the harm or need to be addressed;

(ii) Explain why a capital expenditure is appropriate; and

(iii) Compare the proposed capital expenditure to at least two alternative capital expenditures and demonstrate why the proposed capital expenditure is superior.

TABLE 1 TO PARAGRAPH (b)(4)

If a project has total expected capital expenditures of	and the use is enumerated in (b)(3), then	and the use is not enumerated in (b)(3), then
Less than $1 million	No Written Justification required	No Written Justification required.
Greater than or equal to $1 million, but less than $10 million.	Written Justification required but recipients are not required to submit as part of regular reporting to Treasury.	Written Justification required and recipients must submit as part of regular reporting to Treasury.
$10 million or more	Written Justification required and recipients must submit as part of regular reporting to Treasury.	

(c) *Providing premium pay to eligible workers.* A recipient may use funds to provide premium pay to eligible workers of the recipient who perform essential work or to provide grants to eligible employers that have eligible workers who perform essential work, provided that any premium pay or grants provided under this paragraph (c) must respond to eligible workers performing essential work during the COVID–19 public health emergency. A recipient uses premium pay or grants provided under this paragraph (c) to respond to eligible workers performing essential work during the COVID–19 public health emergency if:

(1) The eligible worker's total wages and remuneration, including the premium pay, is less than or equal to 150 percent of the greater of such eligible worker's residing State's or county's average annual wage for all occupations as defined by the Bureau of Labor Statistics' Occupational Employment and Wage Statistics;

(2) The eligible worker is not exempt from the Fair Labor Standards Act overtime provisions (29 U.S.C. 207); or

(3) The recipient has submitted to the Secretary a written justification that explains how providing premium pay to the eligible worker is responsive to the eligible worker performing essential work during the COVID–19 public health emergency (such as a description of the eligible workers' duties, health, or financial risks faced due to COVID–19, and why the recipient determined that the premium pay was responsive despite the worker's higher income).

(d) *Providing government services.* A recipient may use funds for the provision of government services to the extent of the reduction in the recipient's general revenue due to the public health emergency, calculated according to this paragraph (d). A recipient must make a one-time election to calculate the amount of the reduction in the recipient's general revenue due to the public health emergency according to either paragraph (d)(1) or (d)(2) of this section:

(1) *Standard allowance.* The reduction in the recipient's general revenue due to the public health emergency over the period of performance will be deemed to be ten million dollars; or

(2) *Formula.* The reduction in the recipient's general revenue due to the public health emergency over the period of performance equals the sum of the reduction in revenue, calculated as of each date identified in paragraph (d)(2)(i) of this section and according to the formula in paragraph (d)(2)(ii) of this section:

(i) A recipient must make a one-time election to calculate the reduction in its general revenue using information as of either:

(A) December 31, 2020, December 31, 2021, December 31, 2022, and December 31, 2023; or

(B) The last day of each of the recipient's fiscal years ending in 2020, 2021, 2022, and 2023.

(ii) A reduction in a recipient's general revenue for each date identified in paragraph (d)(2)(i) of this section equals:

*Max {[Base Year Revenue * (1 + Growth Adjustment)^(n_t/12)] − Actual General Revenue; 0}*

Where:

(A) Base Year Revenue is the recipient's general revenue for the most recent full fiscal year prior to the COVID–19 public health emergency;

(B) Growth Adjustment is equal to the greater of 5.2 percent (or 0.052) and the recipient's average annual revenue growth over the three full fiscal years prior to the COVID–19 public health emergency;

(C) n equals the number of months elapsed from the end of the base year to the calculation date;

(D) Subscript t denotes the specific calculation date; and

(E) Actual General Revenue is a recipient's actual general revenue collected during the 12-month period ending on each calculation date identified in paragraph (d)(2)(i) of this section, except:

(1) For purposes of all calculation dates on or after April 1, 2022, in the case of any change made after January 6, 2022 to any law, regulation, or administrative interpretation that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase and that the recipient assesses has had the effect of decreasing the amount of tax revenue collected during the 12-month period ending on the calculation date relative to the amount of tax revenue that would have been collected in the absence of such change, the recipient must add to actual general revenue the amount of such decrease in tax revenue;

(2) For purposes of any calculation date on or after April 1, 2022, in the case of any change made after January 6, 2022 to any law, regulation, or administrative interpretation that increases any tax (by providing for an increase in a rate, the reduction of a rebate, a deduction, or a credit, or otherwise) or accelerates the imposition of any tax or tax increase and that the recipient assesses has had the effect of increasing the amount of tax revenue collected during the 12-month period ending on the calculation date relative to the amount of tax revenue that would have been collected in the absence of such change, the recipient must subtract from actual general revenue the amount of such increase in tax revenue;

(3) If the recipient makes a one-time election to adjust general revenue to reflect tax changes made during the period beginning on January 27, 2020 and ending on January 6, 2022, for purposes of each calculation date identified in paragraph (d)(2)(i) of this section:

(i) In the case of any change made during such prior period to any law, regulation, or administrative interpretation that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase and that the recipient assesses has had the effect of decreasing the amount of tax revenue collected during the 12-month period ending on the calculation date relative to the amount of tax revenue that would have been collected in the absence of such change, the recipient must add to actual general revenue the amount of such decrease in tax revenue; and

(ii) In the case of any change made during such prior period to any law, regulation, or administrative interpretation that increases any tax (by providing for an increase in a rate, the reduction of a rebate, a deduction, or a credit, or otherwise) or accelerates the imposition of any tax or tax increase and that the recipient assesses has had the effect of increasing the amount of tax revenue collected during the 12-month period ending on the calculation date relative to the amount of tax revenue that would have been collected in the absence of such change, the recipient must subtract from actual general revenue the amount of such increase in tax revenue; and

(4) With respect to any calculation date during the period beginning on January 6, 2022 and ending on March 31, 2022, if the recipient makes the election in paragraph (d)(3) of this section, the recipient must also make the adjustments referenced in paragraph (d)(3) of this section with respect to any such changes in law, regulation, or administrative interpretation during the period beginning on January 6, 2022 and ending on such calculation date.

(e) *Making necessary investments in water, sewer, and broadband infrastructure.* A recipient may use funds to make the following investments in water, sewer, and broadband infrastructure.

(1) *Water and sewer investments*—(i) *Clean Water State Revolving Fund projects.* Projects or activities of the type that meet the eligibility requirements of section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c));

(ii) *Additional stormwater projects.* Projects to manage, reduce, treat, or recapture stormwater or subsurface drainage water regardless of whether such projects would improve water quality if such projects would otherwise meet the eligibility requirements of section 603(c)(5) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c)(5));

(iii) *Drinking Water State Revolving Fund projects.* Projects or activities of the type that meet the eligibility requirements of section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) as implemented by the regulations adopted by the Environmental Protection Agency (EPA) under 40 CFR 35.3520, provided that:

(A) The recipient is not required to comply with the limitation under 40 CFR 35.3520(c)(2) to acquisitions of land from willing sellers or the prohibition under 40 CFR 35.3520(e)(6) on uses of funds for certain Tribal projects; and

(B) In the case of lead service line replacement projects, the recipient must replace the full length of the service line and may not replace only a partial portion of the service line.

(iv) *Additional lead remediation and household water quality testing.* Projects or activities to address lead in drinking water or provide household water quality testing that are within the scope of the programs the EPA is authorized to establish under sections 1459A(b)(2), 1459B(b)(1), 1464(d)(2), and 1465 of the Safe Drinking Water Act (42 U.S.C. 300j–19a(b)(2), 300j–19b(b)(1), 300j–24(d)(2), and 300j–25), provided that:

(A) In the case of lead service line replacement projects, the recipient must replace the full length of the service line and may not replace only a partial portion of the service line; and

(B) In the case of projects within the scope of the program the EPA is authorized to establish under section 1459B(b)(1) of the Safe Drinking Water Act, the recipient may determine the income eligibility of homeowners served by lead service line replacement projects in its discretion.

(v) *Drinking water projects to support increased population.* Projects of the type that meet the eligibility requirements of 40 CFR 35.3520 other than the requirement of subparagraph

(b)(1) of such regulation to address present or prevent future violations of health-based drinking water standards, if the following conditions are met:

(A) The project is needed to support increased population, with need assessed as of the time the project is undertaken;

(B) The project is designed to support no more than a reasonable level of projected increased need, whether due to population growth or otherwise;

(C) The project is a cost-effective means for achieving the desired level of service; and

(D) The project is projected to continue to provide an adequate level of drinking water over its estimated useful life.

(vi) *Dams and reservoirs.* Rehabilitation of dams and reservoirs if the following conditions are met:

(A) The project meets the requirements of 40 CFR 35.3520 other than the following requirements:

(1) The prohibition on the rehabilitation of dams and reservoirs in 40 CFR 35.3520(e)(1) and (3); and

(2) The requirement in 40 CFR 35.3520(b)(1) that the project is needed to address present or prevent future violations of health-based drinking water standards, provided that if the dam or reservoir project does not meet this requirement, the project must be needed to support increased population, with need assessed as of the time the project is undertaken, and the project must be projected to continue to provide an adequate level of drinking water over its estimated useful life;

(B) The primary purpose of the dam or reservoir is for drinking water supply;

(C) The project is needed for the provision of drinking water supply, with need assessed as of the time the project is initiated;

(D) The project is designed to support no more than a reasonable level of projected increased need, whether due to population growth or otherwise; and

(E) The project is a cost-effective means for achieving the desired level of service.

(vii) *Private wells.* Rehabilitation of private wells, testing initiatives to identify contaminants in private wells, and treatment activities and remediation projects that address contamination in private wells, if the project meets the requirements of 40 CFR 35.3520 other than the limitation to certain eligible systems under 40 CFR 35.3520(a).

(2) *Broadband investments*—(i) *General.* Broadband infrastructure if the following conditions are met:

(A) The broadband infrastructure is designed to provide service to households and businesses with an identified need, as determined by the recipient, for such infrastructure;

(B) The broadband infrastructure is designed to, upon completion:

(1) Reliably meet or exceed symmetrical 100 Mbps download speed and upload speeds; or

(2) In cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, to provide service reliably meeting or exceeding symmetrical 100 Mbps download speed and upload speeds:

(i) Reliably meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed; and

(ii) Be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed; and

(C) The service provider for a completed broadband infrastructure investment project that provides service to households is required, for as long as the SLFRF-funded broadband infrastructure is in use, by the recipient to:

(*1*) Participate in the Federal Communications Commission's Affordable Connectivity Program (ACP) through the lifetime of the ACP; or

(*2*) Otherwise provide access to a broad-based affordability program to low-income consumers in the proposed service area of the broadband infrastructure that provides benefits to households commensurate with those provided under the ACP through the lifetime of the ACP.

(ii) *Cybersecurity infrastructure investments.* Cybersecurity infrastructure investments that are designed to improve the reliability and resiliency of new and existing broadband infrastructure. Such investments may include the addition or modernization of network security hardware and software tools designed to strengthen cybersecurity for the end-users of these networks.

(f) *Meeting the non-federal matching requirements for Bureau of Reclamation projects.* A recipient may use funds to meet the non-federal matching requirements of any authorized Bureau of Reclamation project.

§35.7 Pensions.

A recipient (other than a Tribal government) may not use funds for deposit into any pension fund.

§35.8 Tax.

(a) *Restriction.* A State or Territory shall not use funds to either directly or indirectly offset a reduction in the net tax revenue of the State or Territory resulting from a covered change during the covered period.

(b) *Violation.* Treasury will consider a State or Territory to have used funds to offset a reduction in net tax revenue if, during a reporting year:

(1) *Covered change.* The State or Territory has made a covered change that, either based on a reasonable statistical methodology to isolate the impact of the covered change in actual revenue or based on projections that use reasonable assumptions and do not incorporate the effects of macroeconomic growth to reduce or increase the projected impact of the covered change, the State or Territory assesses has had or predicts to have the effect of reducing tax revenue relative to current law;

(2) *Exceeds the de minimis threshold.* The aggregate amount of the measured or predicted reductions in tax revenue caused by covered changes identified under paragraph (b)(1) of this section, in the aggregate, exceeds 1 percent of the State's or Territory's baseline;

(3) *Reduction in net tax revenue.* The State or Territory reports a reduction in net tax revenue, measured as the difference between actual tax revenue and the State's or Territory's baseline, each measured as of the end of the reporting year; and

(4) *Consideration of other changes.* The aggregate amount of measured or predicted reductions in tax revenue caused by covered changes is greater than the sum of the following, in each case, as calculated for the reporting year:

(i) The aggregate amount of the expected increases in tax revenue caused by one or more covered changes that, either based on a reasonable statistical methodology to isolate the impact of the covered change in actual revenue or based on projections that use reasonable assumptions and do not incorporate the effects of macroeconomic growth to reduce or increase the projected impact of the covered change, the State or Territory assesses has had or predicts to have the effect of increasing tax revenue; and

(ii) Reductions in spending, up to the amount of the State's or Territory's net reduction in total spending, that are in:

(A) Departments, agencies, or authorities in which the State or Territory is not using funds; and

(B) Departments, agencies, or authorities in which the State or Territory is using funds, in an amount equal to the value of the spending cuts in those departments, agencies, or authorities, minus funds used.

(c) *Amount and revenue reduction cap.* If a State or Territory is considered to be in violation pursuant to paragraph (b) of this section, the amount used in

violation of paragraph (a) of this section is equal to the lesser of:

(1) The reduction in net tax revenue of the State or Territory for the reporting year, measured as the difference between the State's or Territory's baseline and its actual tax revenue, each measured as of the end of the reporting year; and,

(2) The aggregate amount of the reductions in tax revenues caused by covered changes identified in paragraph (b)(1) of this section, minus the sum of the amounts in identified in paragraphs (b)(4)(i) and (ii) of this section.

§ 35.9 Compliance with applicable laws.

A recipient must comply with all other applicable Federal statutes, regulations, and executive orders, and a recipient shall provide for compliance with the American Rescue Plan Act, this subpart, and any interpretive guidance by other parties in any agreements it enters into with other parties relating to these funds.

§ 35.10 Recoupment.

(a) *Identification of violations*—(1) *In general.* Any amount used in violation of § 35.5, 35.6, or 35.7 may be identified at any time prior to December 31, 2026.

(2) *Annual reporting of amounts of violations.* On an annual basis, a recipient that is a State or territory must calculate and report any amounts used in violation of § 35.8.

(b) *Calculation of amounts subject to recoupment*—(1) *In general.* Except as provided in paragraph (b)(2) of this section, the Secretary will calculate any amounts subject to recoupment resulting from a violation of § 35.5, 35.6 or 35.7 as the amounts used in violation of such restrictions.

(2) *Violations of § 35.8.* The Secretary will calculate any amounts subject to recoupment resulting from a violation of § 35.8, equal to the lesser of:

(i) The amount set forth in § 35.8(c); and,

(ii) The amount of funds received by such recipient.

(c) *Initial notice.* If the Secretary calculates an amount subject to recoupment under paragraph (b) of this section, Treasury will provide the recipient an initial written notice of the amount subject to recoupment along with an explanation of such amounts.

(d) *Request for reconsideration.* Unless the Secretary extends or accelerates the time period, within 60 calendar days of receipt of an initial notice of recoupment provided under paragraph (c) of this section, a recipient may submit a written request to the Secretary requesting reconsideration of any amounts subject to recoupment under paragraph (b) of this section. To request reconsideration of any amounts subject to recoupment, a recipient must submit to the Secretary a written request that includes:

(1) An explanation of why the recipient believes all or some of the amount should not be subject to recoupment; and

(2) A discussion of supporting reasons, along with any additional information.

(e) *Final amount subject to recoupment.* Unless the Secretary extends or accelerates the time period, within 60 calendar days of receipt of the recipient's request for reconsideration provided pursuant to paragraph (d) of this section or the expiration of the period for requesting reconsideration provided under paragraph (d), the recipient will be notified of the Secretary's decision to affirm, withdraw, or modify the notice of recoupment. Such notification will include an explanation of the decision, including responses to the recipient's supporting reasons and consideration of additional information provided. A recipient must invoke and exhaust the procedures available under this subpart prior to seeking judicial review of a decision under § 35.10.

(f) *Repayment of funds.* Unless the Secretary extends or accelerates the time period, a recipient shall repay to the Secretary any amounts subject to recoupment in accordance with instructions provided by the Secretary:

(1) Within 120 calendar days of receipt of the notice of recoupment provided under paragraph (c) of this section, in the case of a recipient that does not submit a request for reconsideration in accordance with the requirements of paragraph (d) of this section; or

(2) Within 120 calendar days of receipt of the Secretary's decision under paragraph (e) of this section, in the case of a recipient that submits a request for reconsideration in accordance with the requirements of paragraph (d) of this section.

(g) *Other remedial actions.* Prior to seeking recoupment or taking other appropriate action pursuant to paragraph (c), (d), (e), or (f) of this section, the Secretary may notify the recipient of potential violations and provide the recipient an opportunity for informal consultation and remediation.

§ 35.11 Payments to States.

(a) *In general.* With respect to any State or Territory that has an unemployment rate as of the date that it submits an initial certification for payment of funds pursuant to section 602(d)(1) of the Social Security Act that is less than two percentage points above its unemployment rate in February 2020, the Secretary will withhold 50 percent of the amount of funds allocated under section 602(b) of the Social Security Act to such State or territory until at least May 10, 2022 and not more than twelve months from the date such initial certification is provided to the Secretary.

(b) *Payment of withheld amount.* In order to receive the amount withheld under paragraph (a) of this section, the State or Territory must submit to the Secretary the following information:

(1) A certification, in the form provided by the Secretary, that such State or Territory requires the payment to carry out the activities specified in section 602(c) of the Social Security Act and will use the payment in compliance with section 602(c) of the Social Security Act; and

(2) Any reports required to be filed by that date pursuant to this part that have not yet been filed.

§ 35.12 Distributions to nonentitlement units of local government and units of general local government.

(a) *Nonentitlement units of local government.* Each State or Territory that receives a payment from the Secretary pursuant to section 603(b)(2)(B) of the Social Security Act shall distribute the amount of the payment to nonentitlement units of local government in such State or Territory in accordance with the requirements set forth in section 603(b)(2)(C) of the Social Security Act and without offsetting any debt owed by such nonentitlement units of local governments against such payments.

(b) *Budget cap.* A State or Territory may not make a payment to a nonentitlement unit of local government pursuant to section 603(b)(2)(C) of the Social Security Act and paragraph (a) of this section in excess of the amount equal to 75 percent of the most recent budget for the nonentitlement unit of local government as of January 27, 2020. For purposes of this section 35.12, a nonentitlement unit of local government's most recent budget shall mean the nonentitlement unit of local government's total annual budget, including both operating and capital expenditure budgets, in effect as of January 27, 2020. A State or Territory shall permit a nonentitlement unit of local government without a formal budget as of January 27, 2020, to provide a certification from an authorized officer of the nonentitlement unit of local government of its most recent annual expenditures as of

January 27, 2020, and a State or Territory may rely on such certification for purposes of complying with this section 35.12.

(c) *Units of general local government.* Each State or Territory that receives a payment from the Secretary pursuant to section 603(b)(3)(B)(ii) of the Social Security Act, in the case of an amount to be paid to a county that is not a unit of general local government, shall distribute the amount of the payment to units of general local government within such county in accordance with the requirements set forth in section 603(b)(3)(B)(ii) of the Social Security Act and without offsetting any debt owed by such units of general local government against such payments.

(d) *Additional conditions.* A State or Territory may not place additional conditions or requirements on distributions to nonentitlement units of local government or units of general local government beyond those required by section 603 of the Social Security Act or this subpart.

Jacob Leibenluft,

Chief Recovery Officer.

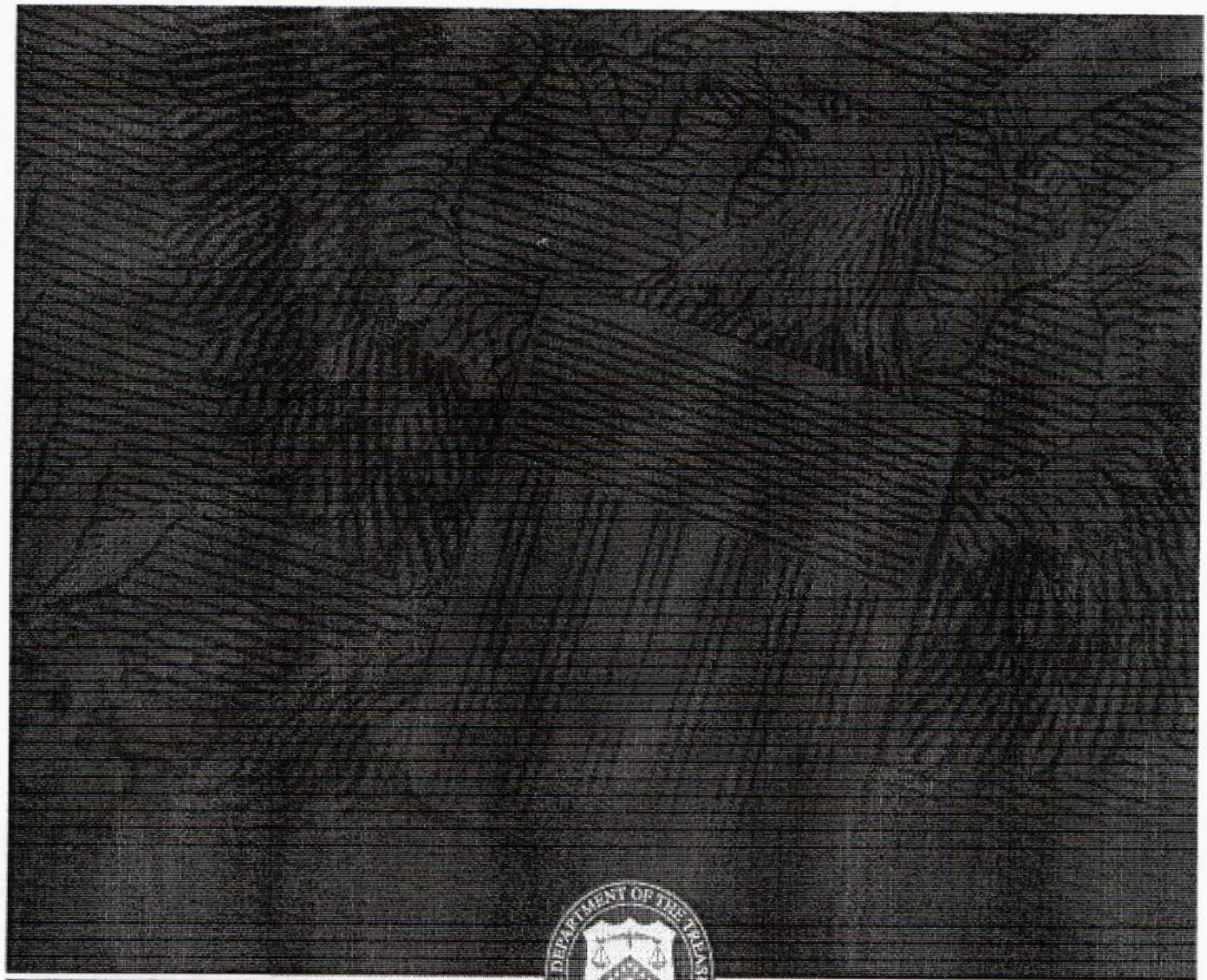
[FR Doc. 2022–00292 Filed 1–26–22; 8:45 am]

BILLING CODE P

Appendix C: Compliance and Reporting Guidance, State and Local Fiscal Recovery Funds

Compliance and Reporting Guidance

State and Local Fiscal Recovery Funds



September 20, 2022
Version: 5.0

Coronavirus State and Local Fiscal Recovery Funds Guidance on Recipient Compliance and Reporting Responsibilities

On March 11, 2021, the American Rescue Plan Act was signed into law, and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program. This program is intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses.

In May 2021, Treasury published the interim final rule ("IFR") describing eligible and ineligible uses of SLFRF, as well as other program requirements. The initial versions of this Compliance and Reporting guidance reflected the IFR and its eligible use categories. On January 6, 2022, the U.S. Department of the Treasury ("Treasury") adopted the final rule implementing the SLFRF program. The final rule became effective on April 1, 2022. Prior to the final rule effective date, the IFR remained in effect; funds used consistently with the IFR while it was in effect were in compliance with the SLFRF program. However, recipients could choose to take advantage of the final rule's flexibilities and simplifications ahead of the effective date. Recipients may consult the *Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule* for more information on compliance with the IFR and the final rule.

To support recipients in complying with the final rule, this reporting guidance reflects the final rule and provides additional detail and clarification for each recipient's compliance and reporting responsibilities under the SLFRF program, and should be read in concert with the Award Terms and Conditions, the authorizing statute, the final rule, other program guidance including the Final Rule FAQs, and other regulatory and statutory requirements, including regulatory requirements under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance" or 2 CRF Part 200), and 2021 SLFRF Compliance Supplement – Technical Update and 2022 SLFRF Compliance Supplement. Please see the Assistance Listing in SAM.gov under assistance listing number (formerly known as CFDA number) 21.027 for more information.

Please Note: This guidance document applies to the SLFRF program only and does not change or impact reporting and compliance requirements for the Coronavirus Relief Fund ("CRF") established by the CARES Act.

This guidance includes two parts:

Part 1: General Guidance

This section provides an orientation to recipients' compliance responsibilities and Treasury's expectations and recommends best practices where appropriate under the SLFRF program.

A. Key Principles..... P. 4
B. Statutory Eligible Uses..... P. 4
C. Treasury's Final Rule..... P. 5
D. Uniform Guidance (2 CFR Part 200)..... P. 7
E. Award Terms and Conditions..... P. 11

Part 2: Reporting Requirements

This section provides information on the reporting requirements for the SLFRF program.

A. Interim Report..... P. 16
B. Project and Expenditure Report..... P. 17
C. Recovery Plan Performance Report..... P. 34

Appendix 1: Expenditure Categories..... P. 42
Appendix 2: Evidenced-Based Intervention Additional Information..... P. 47
Appendix 3: Expenditure Categories under the Interim Final Rule..... P. 48

OMB Control Number: 1505-0271

OMB Expiration Date: 04/30/2025

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden for the collections of information included in this guidance is as follows: 30 minutes for Title VI Assurances, 2 hours per response for the Interim Report, 6 hours per response for the Project and Expenditure Report and 100 hours per response for the Recovery Plan Performance Report (if applicable). Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Part 1: General Guidance

This section provides an orientation on recipients' compliance responsibilities and Treasury's expectations and recommended best practices where appropriate under the SLFRF program.

Recipients under the SLFRF program are the eligible entities identified in sections 602 and 603 of the Social Security Act as added by section 9901 of the American Rescue Plan Act of 2021 (the "SLFRF statute") that receive an SLFRF award. Subrecipients under the SLFRF program are entities that receive a subaward from a recipient to carry out the purposes (program or project) of the SLFRF award on behalf of the recipient.

Recipients are accountable to Treasury for oversight of their subrecipients in accordance with 2 CFR 200.332, including ensuring their subrecipients comply with the SLFRF statute, SLFRF Award Terms and Conditions, Treasury's interim final rule and final rule, applicable federal statutes, regulations, and reporting requirements.

A. Key Principles

There are several guiding principles for developing your own effective compliance regimes:

- Recipients and subrecipients are the first line of defense and responsible for ensuring the SLFRF award funds are not used for ineligible purposes, and there is no fraud, waste, or abuse associated with their SLFRF award;
- Many SLFRF-funded projects respond to the COVID-19 public health emergency and meet urgent community needs. Swift and effective implementation is vital, and recipients must balance facilitating simple and rapid program access widely across the community and maintaining a robust documentation and compliance regime;
- Treasury encourages recipients to use SLFRF-funded projects to advance shared interests and promote equitable delivery of government benefits and opportunities to underserved communities, as outlined in Executive Order 13985, On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; and
- Transparency and public accountability for SLFRF award funds and use of such funds are critical to upholding program integrity and trust in all levels of government, and SLFRF award funds should be managed consistent with Administration guidance per Memorandum M-21-20 and Memorandum M-20-21.

B. Statutory Eligible Uses

As a recipient of an SLFRF award, your organization has substantial discretion to use the award funds in the ways that best suit the needs of your constituents – as long as such use fits into one of the following four statutory categories:

1. To respond to the COVID-19 public health emergency or its negative economic impacts;
2. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the recipient that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
3. For the provision of government services, to the extent of the reduction in revenue of such recipient due to the COVID–19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency; or
4. To make necessary investments in water, sewer, or broadband infrastructure.

Treasury adopted an interim final rule in May 2021 and the final rule on January 6, 2022 to implement these eligible use categories and other restrictions on the use of funds under the SLFRF

program. The final rule took effect on April 1, 2022, and the interim final rule remained in effect until that time, although recipients could choose to take advantage of the final rule's flexibilities and simplifications prior to April 1, 2022. Recipients may consult the Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule for more information on compliance with the interim final rule and the final rule.

It is the recipient's responsibility to ensure all SLFRF award funds are used in compliance with the program's requirements. In addition, recipients should be mindful of any additional compliance obligations that may apply – for example, additional restrictions imposed upon other sources of funds used in conjunction with SLFRF award funds, or statutes and regulations that may independently apply to water, broadband, and sewer infrastructure projects. Recipients should ensure they maintain proper documentation supporting determinations of costs and applicable compliance requirements, and how they have been satisfied as part of their award management, internal controls, and subrecipient oversight and management.

C. Treasury's Final Rule

Treasury's final rule details recipients' compliance responsibilities and provides additional information on eligible and restricted uses of SLFRF award funds and reporting requirements.

1. **Eligible and Restricted Uses of SLFRF Funds.** As described in the SLFRF statute and summarized above, there are four enumerated eligible uses of SLFRF award funds. As a recipient of an award under the SLFRF program, your organization is responsible for complying with requirements for the use of funds. In addition to determining a given project's eligibility, recipients are also responsible for determining subrecipient's or beneficiaries' eligibility, and must monitor subrecipients' use of SLFRF award funds.

   To help recipients build a greater understanding of eligible uses, Treasury's final rule establishes a framework for determining whether a specific project would be eligible under the SLFRF program, including some helpful definitions. For example, Treasury's final rule establishes:

   - A framework for determining whether a project responds to the COVID-19 public health emergency or its negative economic impacts;
   - Definitions of "eligible employers," "essential work," "eligible workers," and "premium pay" for cases where premium pay is an eligible use;
   - The option to select between a standard amount of revenue loss or complete a full revenue loss calculation of revenue lost due to the COVID-19 public health emergency;
   - A framework for necessary water and sewer infrastructure projects that aligns eligible uses with projects that are eligible under the Environmental Protection Agency's Drinking Water and Clean Water State Revolving Funds along with certain additional projects, including a wider set of lead remediation and stormwater infrastructure projects and aid for residential wells; and
   - A framework for necessary broadband projects that allows for projects that are designed to provide service of sufficient speeds to eligible areas, as well as an affordability requirement for providers that provide service to households.

   Treasury's final rule also provides more information on important restrictions on use of SLFRF award funds, including that recipients other than Tribal governments may not deposit SLFRF funds into a pension fund; and recipients that are States or territories may not use SLFRF funds to offset a reduction in net tax revenue resulting from the recipient's change in law, regulation, or administrative interpretation. In addition, recipients may not use SLFRF funds directly to service debt, satisfy a judgment or settlement, or contribute to a "rainy day" fund. Recipients should refer to Treasury's final rule for more information on these restrictions.

Treasury's final rule outlines that funds available under the "revenue loss" eligible use category (sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act) generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. However, the final rule notes that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the Office of Management and Budget ("OMB") has approved a waiver as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations. If a recipient seeks to use SLFRF funds to satisfy match or cost-share requirements for a federal grant program, it should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 CFR 200.306(b) would limit the use of SLFRF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the SLFRF funds for the match or cost-share requirement. SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. For example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects.

2. **Eligible Costs Timeframe.** Your organization, as a recipient of an SLFRF award, may use SLFRF funds to cover eligible costs that your organization incurred during the period that begins on March 3, 2021 and ends on December 31, 2024, as long as the award funds for the obligations incurred by December 31, 2024 are expended by December 31, 2026. Costs for projects incurred by the recipient State, territorial, local, or Tribal government prior to March 3, 2021 are not eligible, as provided for in Treasury's final rule.

   Recipients may, in certain circumstances, use SLFRF award funds for the eligible use categories described in Treasury's final rule for costs incurred prior to March 3, 2021. Specifically,

   a. Public Health/Negative Economic Impacts: Recipients may use SLFRF award funds to provide assistance to households, small businesses, and nonprofits to respond to the public health emergency or negative economic impacts of the pandemic – such as rent, mortgage, or utility assistance – for costs incurred by the beneficiary (e.g., a household) prior to March 3, 2021, provided that the recipient State, territorial, local or Tribal government did not incur the cost of providing such assistance prior to March 3, 2021.
   b. Premium Pay: Recipients may provide premium pay retrospectively for work performed at any time since the start of the COVID-19 public health emergency. Such premium pay must be "in addition to" wages and remuneration already received and the obligation to provide such premium pay must not have been incurred by the recipient prior to March 3, 2021.
   c. Revenue Loss: Recipients have broad discretion to use funds for the provision of government services to the extent of reduction in revenue. While calculation of lost revenue is based on the recipient's revenue in the last full fiscal year prior to the COVID-19 public health emergency, use of funds for government services must be forward looking for costs incurred by the recipient after March 3, 2021.
   d. Investments in Water, Sewer, and Broadband: Recipients may use SLFRF award funds to make necessary investments in water, sewer, and broadband infrastructure. Recipients may use SLFRF award funds to cover costs incurred for eligible projects planned or started prior to March 3, 2021, provided that the project costs covered by the SLFRF award funds were incurred by the recipient after March 3, 2021.

   Any funds not obligated or expended for eligible uses by the timelines above must be returned to Treasury, including any unobligated or unexpended funds that have been provided to subrecipients and contractors as part of the award closeout process pursuant to 2 C.F.R. 200.344(d). For the purposes of determining expenditure eligibility, Treasury's final rule provides

that "incurred" means the recipient has incurred an obligation, which has the same meaning given to "financial obligation" in 2 CFR 200.1.

3. **Reporting.** Generally, recipients must submit one initial Interim Report, quarterly or annual Project and Expenditure reports which include subaward reporting, and in some cases annual Recovery Plan reports. Treasury's final rule and Part 2 of this guidance provide more detail around SLFRF reporting requirements.

4. **Expenditure Categories**. Treasury's final rule provides greater flexibility and simplicity for recipients to fight the pandemic and support families and businesses struggling with its impacts, maintain vital services amid revenue shortfalls, and build a strong, resilient, and equitable recovery. As such, recipients report on a broader set of eligible uses and associated Expenditure Categories ("EC"), which began with the April 2022 Project and Expenditure Report. Appendix 1 includes the new ECs, as well as a reference to previous ECs used for reporting under the interim final rule.

Assistance Listing

The Assistance Listing for the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) was published May 28, 2021 on SAM.gov under Assistance Listing Number ("ALN"), formerly known as CFDA Number, **21.027**.

The assistance listing includes helpful information including program purpose, statutory authority, eligibility requirements, and compliance requirements for recipients. The ALN is the unique 5-digit number assigned to identify a federal assistance listing, and can be used to search for federal assistance program information, including funding opportunities, spending on USASpending.gov, or audit results through the Federal Audit Clearinghouse.

To expedite payments and meet statutory timelines Treasury issued initial payments under an existing ALN, 21.019, assigned to the CRF. If you have already received funds or captured the initial number in your records, please update your systems and reporting to reflect the new ALN 21.027 for the SLFRF program. **Recipients must use ALN 21.027 for all financial accounting, subawards, and associated program reporting requirements for the SLFRF awards.**

D. Uniform Administrative Requirements

The SLFRF awards are generally subject to the requirements set forth in the Uniform Guidance. In all instances, your organization should review the Uniform Guidance requirements applicable to your organization's use of SLFRF funds, and SLFRF-funded projects. Additional details about applicability of certain provisions of the Uniform Guidance may be found in:

- SLFRF final rule;
- SLFRF Assistance Listing; and
- SLFRF Final Rule FAQs, including FAQ 4.9, 10.1, and Section 13.

The following sections provide a general summary of your organization's compliance responsibilities under applicable statutes and regulations, including the Uniform Guidance, as described in the most recent compliance supplement issued by OMB. Note that the descriptions below are only general summaries and all recipients and subrecipients are advised to carefully review the Uniform Guidance requirements and any additional regulatory and statutory requirements applicable to the program.

1. **Allowable Activities.** Each recipient should review program requirements, including Treasury's final rule and the recipient's Award Terms and Conditions, to determine and record eligible uses

of SLFRF funds. Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

2. **Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability. Please note that as outlined in Final Rule FAQ 13.15, only a subset of the Uniform Guidance requirements at 2 CFR Part 200 Subpart E (Cost Principles) applies to recipients' use of funds in the revenue loss eligible use category.

   SLFRF funds may be, but are not required to be, used along with other funding sources for a given project. Recipients should note that SLFRF funds available under the "revenue loss" eligible use category generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. If a recipient seeks to use SLFRF funds to satisfy match or cost-share requirements for a federal grant program, the recipient should first confirm with the relevant awarding agency that no waiver has been granted for that program, that no other circumstances enumerated under 2 CFR 200.306(b) would limit the use of SLFRF funds to meet the match or cost-share requirement, and that there is no other statutory or regulatory impediment to using the SLFRF funds for the match or cost-share requirement. For instance, recipients should note that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the OMB has approved a waiver from this provision as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations.

   SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. As an example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects. Recipients should consult the final rule for further details if they seek to utilize SLFRF funds as a match for these projects.

   Treasury's final rule, program guidance, and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F and the Compliance Supplement are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

   a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements.[1] Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the SLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs as long as they are accorded consistent treatment per 2 CFR 200.403. Direct costs are those that are identified specifically as costs of implementing the SLFRF program objectives, such as

[1] Recipients also may use SLFRF funds directly for administrative costs to improve the design and execution of programs responding to the COVID-19 pandemic and to administer or improve the efficacy of programs addressing the public health emergency or its negative economic impacts. 31 CFR 35.6(b)(3)(ii)(E)(3).

contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the SLFRF award such as the cost of facilities or administrative functions like a director's office.[23] Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement ("NICRA") established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).

b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of SLFRF award funds. Please see Treasury's final rule for details.

3. **Cash Management.** SLFRF payments made to recipients are not subject to the requirements of the Cash Management Improvement Act and Treasury's implementing regulations at 31 CFR Part 205 or 2 CFR 200.305(b)(8)-(9).

   As such, recipients can place funds in interest-bearing accounts, do not need to remit interest to Treasury, and are not limited to using that interest for eligible uses under the SLFRF award.

4. **Eligibility.** Under this program, recipients are responsible for ensuring funds are used for eligible purposes. Generally, recipients must develop and implement policies and procedures, and retain records, to determine and monitor implementation of criteria for determining the eligibility of beneficiaries and/or subrecipients. Your organization, and if applicable, the subrecipient(s) administering a program on behalf of your organization, will need to maintain procedures for obtaining information evidencing a given beneficiary, subrecipient, or contractor's eligibility, including a valid SAM.gov registration (except with respect to individuals or households for which a SAM.gov registration is not required). Implementing risk-based due diligence for eligibility determinations is a best practice to augment your organization's existing controls.

5. **Property Management.** Any purchase of real or personal property with SLFRF funds must be consistent with the Uniform Guidance at 2 CFR Part 200, Subpart D, unless stated otherwise by Treasury. For example, as outlined in Final Rule FAQ 13.15, only a subset of the Uniform Guidance requirements at 2 CFR Part 200 Subpart D (Post Federal Award Requirements) applies to recipients' use of funds in the revenue loss eligible use category. Furthermore, as outlined in Final Rule FAQ 13.16, Treasury has clarified the use and disposition requirements for real and personal property, supplies, and equipment purchased with SLFRF funds.

6. **Matching, Level of Effort, Earmarking.** There are no matching, level of effort, or earmarking compliance responsibilities associated with the SLFRF award. See Section C.1 (Eligible and Restricted Uses of SLFRF Funds) for a discussion of restrictions on use of SLFRF funds. Please see 2. Allowable Costs/Cost Principles above for information on the use of SLFRF funds for non-Federal match or cost-sharing requirements in other Federal programs.

7. **Period of Performance.** Your organization should also develop and implement internal controls related to activities occurring outside the period of performance. All funds remain subject to statutory and regulatory requirements that they must be used for costs incurred by the recipient during the period that begins on March 3, 2021, and ends on December 31, 2024, and that award funds for the financial obligations incurred by December 31, 2024 must be expended by December

[2] 2 CFR 200.413 Direct Costs.
[3] 2 CFR 200.414 Indirect Costs.

31, 2026. Any funds not used must be returned to Treasury as part of the award closeout process pursuant to 2 C.F.R. 200.344(d).

8. **Procurement, Suspension & Debarment.** Recipients are responsible for ensuring that any procurement using SLFRF funds, or payments under procurement contracts using such funds, are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, unless stated otherwise by Treasury. As outlined in Final Rule FAQ 13.15, only a subset of the Uniform Guidance requirements at 2 CFR Part 200 Subpart D (Post Federal Award Requirements) applies to recipients' use of funds in the revenue loss eligible use category. The procurement standards set forth in the Uniform Guidance at 2 CRF 200.317 through 2 CRF 200.327 are not included in Final Rule FAQ 13.15's list of applicable Subpart D requirements that apply to recipients' use of funds in the revenue loss eligible use category.

   The Uniform Guidance establishes in 2 CFR 200.319 that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards outlined in 2 CFR 200.320, which allows for non-competitive procurements only in certain circumstances. Recipients must have and use documented procurement procedures that are consistent with the standards outlined in 2 CFR 200.317 through 2 CFR 200.320. The Uniform Guidance, pursuant to 2 CFR 180, requires an infrastructure for competitive bidding and contractor oversight, including maintaining written standards of conduct and prohibitions on dealing with suspended or debarred parties. Your organization must ensure adherence to all applicable local, State, and federal procurement laws and regulations.

9. **Program Income.** Generally, program income includes, but is not limited to, income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, and principal and interest on loans made with Federal award funds. Program income does not include interest earned on advances of Federal funds, rebates, credits, discounts, or interest on rebates, credits, or discounts. Recipients of SLFRF funds should calculate, document, and record the organization's program income. Additional controls that your organization should implement include written policies that explicitly identify appropriate allocation methods, accounting standards and principles, compliance monitoring checks for program income calculations, and records.

   The Uniform Guidance outlines the requirements that pertain to program income at 2 CFR 200.307. Treasury has clarified in its Final Rule FAQs that recipients may add program income to the Federal award. Any program income generated from SLFRF funds must be used for the purposes and under the conditions of the Federal award. Further, Final Rule FAQ 4.9 provides additional information about program income requirements applicable to certain eligible uses, and Final Rule FAQ 13.15 clarifies that only a subset of the Uniform Guidance requirements at 2 CFR 200 Subpart D (Post Federal Award Requirements) applies to recipients' use of funds in the revenue loss eligible use category. The list of applicable Subpart D requirements in Final Rule FAQ 13.15 does not include the program income requirements in 2 CFR 200.307.

10. **Reporting.** All recipients of federal funds must complete financial, performance, and compliance reporting as required and outlined in Part 2 of this guidance. Expenditures may be reported on a cash or accrual basis, as long as the methodology is disclosed and consistently applied. Reporting must be consistent with the definition of expenditures pursuant to 2 CFR 200.1. Your organization should appropriately maintain accounting records for compiling and reporting accurate, compliant financial data, in accordance with appropriate accounting standards and principles.

    In addition, where appropriate, your organization needs to establish controls to ensure completion and timely submission of all mandatory performance and/or compliance reporting. See Part 2 of this guidance for a full overview of recipient reporting responsibilities.

    Consolidated jurisdictions or other types of jurisdictions that received multiple SLFRF allocations

(e.g., a county and city with a consolidated government) are only required to file once per reporting period, and such reports will cover the total SLFRF allocations received by the jurisdiction. This includes Non-entitlement units of local government ("NEUs") and/or Units of general local government located within counties that are not units of general local government. In addition, the total SLFRF allocations across all sources for a given jurisdiction will be used to identify that jurisdiction's Reporting Tier.

11. **Subrecipient Monitoring.** SLFRF recipients that are pass-through entities as described under 2 CFR 200.1 are required to manage and monitor their subrecipients to ensure compliance with requirements of the SLFRF award pursuant to 2 CFR 200.332 regarding requirements for pass-through entities.

    First, your organization must clearly identify to the subrecipient: (1) that the award is a subaward of SLFRF funds; (2) any and all compliance requirements for use of SLFRF funds; and (3) any and all reporting requirements for expenditures of SLFRF funds.

    Next, your organization will need to evaluate each subrecipient's risk of noncompliance based on a set of common factors. These risk assessments may include factors such as prior experience in managing Federal funds, previous audits, personnel, and policies or procedures for award execution and oversight. Ongoing monitoring of any given subrecipient should reflect its assessed risk and include monitoring, identification of deficiencies, and follow-up to ensure appropriate remediation.

    Accordingly, your organization should develop written policies and procedures for subrecipient monitoring and risk assessment and maintain records of all award agreements identifying or otherwise documenting subrecipients' compliance obligations.

    Recipients should note that NEUs are not subrecipients under the SLFRF program. They are SLFRF recipients that report directly to Treasury.

    Recipients should also note that subrecipients do not include individuals and organizations that received SLFRF funds as end users. Such individuals and organizations are beneficiaries and not subject to audit pursuant to the Single Audit Act and 2 C.F.R. Part 200, Subpart F.

    Many recipients may choose to provide a subaward or contract to other entities to provide services to other end users. For example, a recipient may provide a subaward to a nonprofit to provide homeless services to individuals experiencing homelessness. In this case, the subaward to a nonprofit is based on the services that the recipient intends to provide (assistance to households experiencing homelessness), and the nonprofit is serving as the subrecipient, providing services on behalf of the recipient. Subrecipients are subject to an audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements, whereas contractors are not subject to an audit pursuant to the Single Audit Act and 2 CFR part 200, subpart F regarding audit requirements.

    Please note that as outlined in Final Rule FAQ 13.14, recipients' use of funds in the revenue loss eligible use category does not give rise to subrecipient relationships. As a result, subaward reporting is not required for projects in the revenue loss eligible use category.

12. **Special Tests and Provisions.** From time-to-time, Treasury may issue subregulatory guidance as well as frequently asked questions.

    Across each of the compliance requirements above, Treasury has described some best practices for development of internal controls in **Table 1** below, with an example of each best practice.

Table 1: Internal controls best practices

Best Practice	Description	Example
Written policies and procedures	Formal documentation of recipient policies and procedures	Documented procedure for determining worker eligibility for premium pay
Written standards of conduct	Formal statement of mission, values, principles, and professional standards	Documented code of conduct / ethics for subcontractors
Risk-based due diligence	Pre-payment validations conducted according to an assessed level of risk	Enhanced eligibility review of subrecipient with imperfect performance history
Risk-based compliance monitoring	Ongoing validations conducted according to an assessed level of risk	Higher degree of monitoring for projects that have a higher risk of fraud, given program characteristics
Record maintenance and retention	Creation and storage of financial and non-financial records.	Storage of all subrecipient payment information.

E. Award Terms and Conditions

The Award Terms and Conditions of the SLFRF financial assistance agreement sets forth the compliance obligations for recipients pursuant to the SLFRF statute, the Uniform Guidance, Treasury's final rule, and applicable federal laws and regulations. Recipients should ensure they remain in compliance with all Award Terms and Conditions. These obligations include the following items in addition to those described above:

1. **SAM.gov Requirements.** All eligible recipients are required to have an active registration with the System for Award Management ("SAM") (https://www.sam.gov) pursuant to 2 CFR Part 25. To ensure timely receipt of funding, Treasury has stated that NEUs who have not previously registered with SAM.gov may do so after receipt of the award, but before the submission of mandatory reporting.[4]

2. **Recordkeeping Requirements.** Generally, your organization must maintain records and financial documents for five years after all funds have been expended or returned to Treasury, as outlined in paragraph 4.c. of the Award Terms and Conditions. Treasury may request transfer of records of long-term value at the end of such period. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

   Your organization must agree to provide or make available such records to Treasury upon request, and to the Government Accountability Office ("GAO"), Treasury's Office of Inspector General ("OIG"), and their authorized representative in order to conduct audits or other investigations.

3. **Single Audit Requirements.** Recipients and subrecipients that expend more than $750,000 in Federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F regarding audit requirements.[5] Note that the Compliance Supplement provides information on the existing, important compliance requirements that the federal government expects to be considered as a part of such audit. For example, the SLFRF Compliance Supplement describes an alternative to the Single Audit for

[4] See flexibility provided in https://www.whitehouse.gov/wp-content/uploads/2021/03/M_21_20.pdf.
[5] For-profit entities that receive SLFRF subawards are not subject to Single Audit requirements. However, they are subject to other audits as deemed necessary by authorized governmental entities, including Treasury and Treasury's OIG.

eligible recipients. Recipients should consult the Compliance Supplement for more information about the alternative compliance examination engagement. The Compliance Supplement is routinely updated, and is made available in the Federal Register and on OMB's website: https://www.whitehouse.gov/omb/office-federal-financial-management/ Recipients and subrecipients should consult the Federal Audit Clearinghouse to see examples of Single Audit submissions.

4. **Civil Rights Compliance**. Recipients of Federal financial assistance from the Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

   In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, Treasury will collect and review information from recipients to ascertain their compliance with the applicable requirements before and after providing financial assistance. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice (DOJ) regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from recipients (see 28 CFR 42.406). Treasury may request that non-tribal recipients submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status. As explained in Treasury FAQ 12.1, the award terms and conditions for Treasury's pandemic recovery programs, including the SLFRF program, do not impose antidiscrimination requirements on Tribal governments beyond what would otherwise apply under federal law.

Part 2: Reporting Guidance

There are three types of reporting requirements for the SLFRF program. The report requirements are approved and documented under OMB PRA number - OMB # 1505-0271.

- **Interim Report:** Provide initial overview of status and uses of funding. This is a one-time report. **See Section A, page 16.**

- **Project and Expenditure Report:** Report on projects funded, expenditures, and contracts and subawards equal to or greater than $50,000, and other information. **See Section B, page 17.**

- **Recovery Plan Performance Report:** The Recovery Plan Performance Report (the "Recovery Plan") will provide information on the projects that large recipients are undertaking with program funding and how they plan to ensure program outcomes are achieved in an effective, efficient, and equitable manner. It will include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury. The Recovery Plan will be posted on the website of the recipient as well as provided to Treasury. **See Section C, page 28.**

The reporting threshold is based on the total award amount allocated by Treasury under the SLFRF program, not the funds received by the recipient as of the time of reporting.

States and territories are also required to submit information on their distributions to NEUs. Please refer to Section D for additional details.

Table 2: Reporting requirements by recipient type

Tier	Recipient	Interim Report	Project and Expenditure Report	Recovery Plan Performance Report
1	States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents	By August 31, 2021 or 60 days after receiving funding if funding was received by October 15, with expenditures by category. *Note: NEUs were not required to submit an Interim Report*	By January 31, 2022, and then the last day of the month after the end of each quarter thereafter *Note: NEUs were not required to submit a Project and Expenditure Report on January 31, 2022. The first reporting date for NEUs was April 30, 2022.*	By August 31, 2021 or 60 days after receiving funding, and annually thereafter by July 31
2	Metropolitan cities and counties with a population below 250,000 residents that are allocated more than $10 million in SLFRF funding, and NEUs that are allocated more than $10 million in SLFRF funding			
3	Tribal Governments that are allocated more than $30 million in SLFRF funding			
4	Tribal Governments that are allocated less than $30 million in SLFRF funding		By April 30, 2022, and then annually thereafter	
5	Metropolitan cities and counties with a population below 250,000 residents that are allocated less than $10 million in SLFRF funding, and NEUs that are allocated less than $10 million in SLFRF funding			

Note: Based on the period of performance, reports will be collected through April 30, 2027. See the specific due dates listed in Sections B and C.

As mentioned above, the total SLFRF allocations across all sources for a given jurisdiction will be used to identify that jurisdiction's Reporting Tier, beginning in April of 2022. Treasury may reach out to jurisdictions to update Reporting Tiers.

The remainder of this document describes these reporting requirements. User guides describing how and where to submit required reports are posted at www.treasury.gov/SLFRPReporting and updated on a regular basis.

Comparison to reporting for the CRF

This guidance does not change the reporting or compliance requirements pertaining to the CRF. Reporting and compliance requirements for the SLFRF are separate from CRF reporting requirements. Differences between CRF and SLFRF include:

- **Project, Expenditure, and Subaward Reporting**: The SLFRF reporting requirements leverage the existing reporting regime used for CRF to foster continuity and provide many recipients with a familiar reporting mechanism. The data elements for the Project and Expenditure Report will largely mirror those used for CRF, with some minor exceptions noted in this guidance. The users' guide will describe how reporting for CRF funds will relate to reporting for the SLFRF.
- **Timing of Reports**: CRF reports were due within 10 days of each calendar quarter end. For quarterly reporters, SLFRF reporting will be due the last day of the month following the end of the period covered. For annual reporters, SLFRF reporting will be due on an annual schedule (see table in Section B below).
- **Program and Performance Reporting**: The CRF reporting did not include any program or performance reporting. To build public awareness and accountability and allow Treasury to monitor compliance with eligible uses, some program and performance reporting is required for SLFRF.

A. Interim Report

Note: The Interim Reports were submitted under the interim final rule.

States, U.S. territories, metropolitan cities, counties, and Tribal governments were required to submit a one-time interim report with expenditures[6] by Expenditure Category covering the period from March 3rd to July 31, 2021, by August 31, 2021 or sixty (60) days after first receiving funding if the recipient's date of award was between July 15, 2021 and October 15, 2021. The recipient was required to enter obligations[7] and expenditures and, for each, select the specific expenditure category from the available options. See Appendix 3 for Expenditure Categories applicable for the Interim Report.

1. Required Programmatic Data

Recipients were also required to provide the following information if they had or planned to have expenditures in the following Expenditure Categories.

a. Revenue replacement (EC 6.1[8]): Key inputs into the revenue replacement formula in the Interim Final Rule and estimated revenue loss due to the Covid-19 public health emergency calculated using the formula in the Interim Final Rule as of December 31, 2020.
- Base year general revenue (e.g., revenue in the last full fiscal year prior to the public health emergency)
- Fiscal year end date
- Growth adjustment used (either 4.1 percent or average annual general revenue growth over 3 years prior to pandemic)
- Actual general revenue as of the twelve months ended December 31, 2020

[6] For purposes of reporting in the SLFRF portal, an expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity).
[7] For purposes of reporting in the SLFRF portal, an obligation is an order placed for property and services, contracts and subawards made, and similar transactions that require payment.
[8] See Appendix 3 for the full Expenditure Category (EC) list. Please note that Appendix 3 includes the expenditure categories under the interim final rule, applicable to the Interim Report.

- Estimated revenue loss due to the Covid-19 public health emergency as of December 31, 2020
- An explanation of how revenue replacement funds were allocated to government services (Note: additional instructions was provided in the user guide)

In calculating general revenue and the other items discussed above, recipients should have used audited data if it was available. When audited data was not available, recipients were not required to obtain audited data if substantially accurate figures could be produced on an unaudited basis. Recipients should have used their own data sources to calculate general revenue and did not need to rely on revenue data published by the Census Bureau. Treasury acknowledges that due to differences in timing, data sources, and definitions, recipients' self-reported general revenue figures may differ from those published by the Census Bureau. Recipients were permitted to provide data on a cash, accrual, or modified accrual basis, provided that recipients are consistent in their choice of methodology throughout the covered period and until reporting is no longer required. Recipients' reporting should align with their own financial reporting.

In calculating general revenue, recipients should have excluded all intergovernmental transfers from the federal government. This includes, but is not limited to, federal transfers made via a State to a locality pursuant to the CRF or SLFRF. To the extent federal funds are passed through States or other entities or intermingled with other funds, recipients should have attempted to identify and exclude the federal portion of those funds from the calculation of general revenue on a best-efforts basis.

Consistent with the broad latitude provided to recipients to use funds for government services to the extent of reduction in revenue, recipients were required to submit a description of services provided. This description may be in narrative or in another form, and recipients were encouraged to report based on their existing budget processes and to minimize administrative burden. For example, a recipient with $100 in revenue replacement funds available could indicate that $50 were used for law enforcement operating expenses and $50 were used for pay-go building of sidewalk infrastructure. As discussed in the interim final rule, these services can include a broad range of services but may not be used directly for pension deposits or debt service.

Reporting requirements did not require tracking the indirect effects of Fiscal Recovery Funds, apart from the restrictions on use of Fiscal Recovery Funds to offset a reduction in net tax revenue. In addition, recipients were required to indicate that Fiscal Recovery Funds were not used to make a deposit in a pension fund.

B. Project and Expenditure Report

All recipients are required to submit Project and Expenditure Reports.

Note on NEUs: To facilitate reporting, each NEU will need an NEU Recipient Number. This is a unique identification code for each NEU assigned by the State or territory to the NEU as part of its request for funding.

1. Quarterly Reporting

The following recipients are required to submit quarterly Project and Expenditure Reports:

- States and U.S. territories
- Tribal governments that are allocated more than $30 million in SLFRF funding
- Metropolitan cities and counties with a population that exceeds 250,000 residents

- Metropolitan cities and counties with a population below 250,000 residents that are allocated more than $10 million in SLFRF funding and NEUs that are allocated more than $10 million in SLFRF funding.

For these recipients, the initial quarterly Project and Expenditure Report covers three calendar quarters from March 3, 2021 to December 31, 2021 and was required to be submitted to Treasury by January 31, 2022. The subsequent quarterly reports will cover one calendar quarter and must be submitted to Treasury by the last day of the month following the end of the period covered. Quarterly reports are not due concurrently with applicable annual reports. **Table 3** summarizes the quarterly report timelines:

Table 3: Quarterly Project and Expenditure Report Timeline

Report	Year	Quarter	Period Covered	Due Date
1	2021	2 – 4	March 3 – December 31	January 31, 2022
2	2022	1	January 1 – March 31	April 30, 2022
3	2022	2	April 1 – June 30	July 31, 2022
4	2022	3	July 1 – September 30	October 31, 2022
5	2022	4	October 1 – December 31	January 31, 2023
6	2023	1	January 1 – March 31	April 30, 2023
7	2023	2	April 1 – June 30	July 31, 2023
8	2023	3	July 1 – September 30	October 31, 2023
9	2023	4	October 1 – December 31	January 31, 2024
10	2024	1	January 1 – March 31	April 30, 2024
11	2024	2	April 1 – June 30	July 31, 2024
12	2024	3	July 1 – September 30	October 31, 2024
13	2024	4	October 1 – December 31	January 31, 2025
14	2025	1	January 1 – March 31	April 30, 2025
15	2025	2	April 1 – June 30	July 31, 2025
16	2025	3	July 1 – September 30	October 31, 2025
17	2025	4	October 1 – December 31	January 31, 2026
18	2026	1	January 1 – March 31	April 30, 2026
19	2026	2	April 1 – June 30	July 31, 2026
20	2026	3	July 1 – September 30	October 31, 2026
21	2026	4	October 1 – December 31	April 30, 2027

2. Annual Reporting

The following recipients are required to submit annual Project and Expenditure Reports:

- Tribal governments that are allocated less than $30 million in SLFRF funding
- Metropolitan cities and counties with a population below 250,000 residents that are allocated less than $10 million in SLFRF funding and NEUs that are allocated less than $10 million in SLFRF funding.

For these recipients, the initial Project and Expenditure Report covered from March 3, 2021 to March 31, 2022 and was required to be submitted to Treasury by April 30, 2022. The subsequent annual reports will cover one calendar year and must be submitted to Treasury by April 30. **Table 4** summarizes the annual report timelines:

Table 4: Annual Project and Expenditure Report timeline

Report	Period Covered	Due Date
1	March 3, 2021 – March 31, 2022	April 30, 2022
2	April 1, 2022 – March 31, 2023	April 30, 2023
3	April 1, 2023 – March 31, 2024	April 30, 2024
4	April 1, 2024 – March 31, 2025	April 30, 2025
5	April 1, 2025 – March 31, 2026	April 30, 2026
6	April 1, 2026 – December 31, 2026	April 30, 2027

3. Required Information

The following information is required in Project and Expenditure Reports for both quarterly and annual reporting:

a. Projects: Provide information on all SLFRF funded projects. Projects are defined as a grouping of closely related activities that together are intended to achieve a specific goal or are directed toward a common purpose. These activities can include new or existing eligible government services or investments funded in whole or in part by SLFRF funding. For each project, the recipient is required to enter the project name, identification number (created by the recipient), project expenditure category (see Appendix 1), description, and status of completion. Project descriptions must describe the project in sufficient detail to provide an understanding of the major activities that will occur, and must be between 50 and 250 words. Projects should be defined to include only closely related activities directed toward a common purpose. Recipients should review the Required Programmatic Data described in 3.g. below and define their projects at a sufficient level of granularity.

   Note: For each project, the recipient is asked to select the appropriate Expenditure Category based on the scope of the project (see Appendix 1). Projects should be scoped to align to a single Expenditure Category. For select Expenditure Categories, the recipient also is asked to provide additional programmatic data (described further below).

b. Obligations and Expenditures: Once a project is entered the recipient will be able to report on the project's obligations and expenditures. Recipients will be asked to report:
   - Current period obligation
   - Cumulative obligation
   - Current period expenditure
   - Cumulative expenditure

c. Project Status: Once a project is entered the recipient will be asked to report on project status each reporting period, in four categories:
   - Not Started
   - Completed less than 50 percent
   - Completed 50 percent or more
   - Completed

d. Program Income: Recipients should report the program income earned and expended to cover eligible project costs, if applicable.

e. Adopted Budget *(States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents only)*: Each state, territory and metropolitan city and county with a population that exceeds 250,000 residents will provide the budget adopted for each project by its jurisdiction associated with SLFRF funds. Treasury will use this information to better understand the intended impact, identify opportunities for outreach, and understand the recipient's progress in program implementation. Treasury is not approving or pre-approving projects or budgets.

- Recipients will enter the Adopted Budget based on information that exists currently in the recipient's financial systems and the recipient's established budget process. Treasury understands that recipients may use different budget processes. For example, a recipient may consider a project budgeted once a legislature has appropriated funds; whereas another recipient may consider a project budgeted at the moment when the funds have been obligated.
- Additional information is provided on the differences between Adopted Budget, Obligations, and Expenditures as part of the user guide posted at www.treasury.gov/SLFRPReporting.

f. Project Demographic Distribution (applicable to Public Health and Negative Economic Impact ECs: EC 1.1-2.37)– *Collection began April 2022*

Recognizing the disproportionate public health and negative economic impacts of the pandemic on many households, communities, and other entities, recipients must report whether certain types of projects are targeted to impacted and disproportionately impacted communities. Recipients will be asked to respond to the following:

a. What Impacted and/or Disproportionally Impacted population does this project primarily serve? Please select the population primarily served.
b. If this project primarily serves more than one Impacted and/or Disproportionately Impacted population, please select up to two additional populations served.

Recipients will select from the following options:

	Impacted	Disproportionately Impacted
Public Health	• General Public	
Assistance to Households	• Low- or-moderate income households or populations[9] • Households that experienced unemployment • Households that experienced increased food or housing insecurity • Households that qualify for certain federal programs[10] • For services to address lost instructional time in K-12 schools: any students that lost access to in-person instruction for a significant period of time	• Low-income households and populations[11] • Households and populations residing in Qualified Census Tracts • Households that qualify for certain federal programs[12] • Households receiving services provided by Tribal governments • Households residing in the U.S. territories or receiving services from these governments

[9] Low or moderate-income households and communities are those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines by the Department of Health and Human Services (HHS) or (ii) income at or below 65 percent of the Area Median Income for the county and size of household based on the most recently published data by the Department of Housing and Urban Development (HUD).

[10] For Impacted households, these programs are Children's Health Insurance Program ("CHIP"); Childcare Subsidies through the Child Care and Development Fund ("CCDF") Program; Medicaid; National Housing Trust Fund ("HTF"), for affordable housing programs only; Home Investment Partnerships Program ("HOME"), for affordable housing programs only.

[11] Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines by HHS or (ii) income at or below 40 percent of Area Median Income for its county and size of household based on the most recently published data by HUD.

[12] For Disproportionately Impacted households, these programs are Temporary Assistance for Needy Families ("TANF"), Supplemental Nutrition Assistance Program ("SNAP"), Free- and Reduced-Price Lunch ("NSLP") and/or School Breakfast ("SBP") programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income ("SSI"), Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children ("WIC"), Section 8 Vouchers, Low-Income Home Energy Assistance Program ("LIHEAP"), and Pell Grants.

	Impacted	Disproportionately Impacted
	• Other households or populations that experienced a negative economic impact of the pandemic other than those listed above (please specify)	• For services to address educational disparities, Title I eligible schools[13] • Other households or populations that experienced a disproportionate negative economic impact of the pandemic other than those listed above (please specify)
Assistance to Small Businesses	• Small businesses that experienced a negative economic impact of the pandemic • Classes of small businesses designated as negatively economically impacted by the pandemic (please specify)	• Small businesses operating in Qualified Census Tracts • Small businesses operated by Tribal governments or on Tribal lands • Small businesses operating in the U.S. territories • Other small businesses disproportionately impacted by the pandemic (please specify)
Assistance to Non-Profits	• Non-profits that experienced a negative economic impact of the pandemic (please specify) • Classes of non-profits designated as negatively economically impacted by the pandemic (please specify)	• Non-profits operating in Qualified Census Tracts • Non-profits operated by Tribal governments or on Tribal lands • Non-profits operating in the U.S. territories • Other non-profits disproportionately impacted by the pandemic (please specify)
Aid to Impacted Industries	• Travel, tourism, or hospitality sectors (including Tribal development districts) • Industry outside the travel, tourism, or hospitality sectors that experienced a negative economic impact of the pandemic (please specify)	N/A

g. Subawards, Contracts, Grants, Loans, Transfers, and Direct Payments: Each recipient shall also provide detailed obligation and expenditure information for any contracts and grants awarded, loans issued, transfers made to other government entities, and direct payments made by the recipient that are equal to or greater than $50,000. As noted in Treasury's Project & Expenditure User Guides, subaward reporting for funds spent under the revenue loss eligible use category has not been required in past reporting periods. Please note that as outlined in Final Rule FAQ 13.14, Treasury is not collecting subaward data for projects categorized under the revenue loss eligible use category.

Recipients do not need to submit separate monthly subaward reports to FSRS.gov as required pursuant to the 2 CFR Part 170, Appendix A award term regarding reporting subaward and executive compensation, which is included in the SLFRF Award Terms and Conditions. Treasury

[13] For educational services and other efforts to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school service as eligible. "Title I eligible schools" means schools eligible to receive services under section 1113 of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6313), including schools served under section 1113(b)(1)(C) of that Act.

will submit this reporting on behalf of recipients using the $50,000 reporting threshold, timing, and data elements discussed in this guidance. If recipients choose to continue reporting to FSRS.gov in addition to reporting directly to Treasury on these funds, they may do so and will be asked to notify Treasury as part of their quarterly submission.

In general, recipients will be asked to provide the following information for each Contract, Grant, Loan, Transfer, or Direct Payment equal to or greater than $50,000:

- Subrecipient identifying and demographic information (e.g., UEI/TIN number and location)
- Award number (e.g., Award number, Contract number, Loan number)
- Award date, type, amount, and description
- Award payment method (reimbursable or lump sum payment(s))
- For loans, expiration date (date when loan expected to be paid in full)
- Primary place of performance
- Related project name(s)
- Related project identification number(s) (created by the recipient)
- Period of performance start date
- Period of performance end date
- Quarterly obligation amount
- Quarterly expenditure amount
- Project(s)
- Additional programmatic performance indicators for select Expenditure Categories (see below)

Aggregate reporting is required for contracts, grants, transfers made to other government entities, loans, and direct payments that are below $50,000. This information will be accounted for by Expenditure Category at the project level. Note that all obligations and expenditures made directly to individuals, regardless of dollar amount, should be included in aggregate reporting.

As required by the 2 CFR Part 170, Appendix A award term regarding reporting subaward and executive compensation, recipients must also report the names and total compensation of their five most highly compensated executives and their subrecipients' executives for the preceding completed fiscal year if (1) the recipient received 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as provided by 2 CFR 170.320 (and subawards), and received $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act (and subawards), and (2) if the information is not otherwise public. In general, most SLFRF recipients are governmental entities with executive salaries that are already disclosed, so no additional information would be required to be reported for them. The recipient is responsible for the subrecipients' compliance with registering and maintaining an updated profile on SAM.gov.

h. Civil Rights Compliance: Treasury will request information on recipients' compliance with Title VI of the Civil Rights Act of 1964, as applicable, on an annual basis. This information may include a narrative describing the recipient's compliance with Title VI, along with other questions and assurances. This collection does not apply to Tribal governments[14]

i. Ineligible Activities: Tax Offset Provision (States and territories only): Section 602(c)(2)(A) of the Social Security Act prohibits a State or territory from using SLFRF funds to directly or indirectly offset a reduction in the net tax revenue of the State or territory resulting from a change in law, regulation, or administrative interpretation during the covered period (the "Tax Offset Provision"). The Final Rule implements the Tax Offset Provision at 31 CFR § 35.8. Violations of the Tax

[14] Please note, as explained in Treasury FAQ 12.1, that the award terms and conditions for Treasury's pandemic recovery programs, including the SLFRF, do not impose antidiscrimination requirements on Tribal governments beyond what would otherwise apply under federal law.

Offset Provision may be subject to recoupment. The following information is required for Treasury to ensure SLFRF funding is not used for ineligible activities related to the Tax Offset Provision.

For each reporting year, in the quarterly reporting cycle occurring 90 days after the end of the recipient's fiscal year, States and territories will report certain items related to the Tax Offset Provision, as detailed below. For example, if a recipient's fiscal year ends June 30, 2022, reporting on the Tax Offset Provision for fiscal year 2022 will be due in October 2022. All States and territories reported on the Tax Offset Provision for fiscal year 2021 in July 2022.

As indicated in the final rule, Treasury is implementing a tiered approach to reporting on the Tax Offset Provision, which is described below. Although Treasury is implementing a tiered approach to reporting, recipients should maintain records to support their compliance with the Tax Offset Provision.

The terms "reporting year," "baseline," "covered change," "covered period," "net reduction in total spending," and "tax revenue" are defined in the Final Rule, 31 CFR § 35.3. For purposes of calculating a net reduction in total spending, total spending for the fiscal year ending 2019 should be reported on an inflation-adjusted basis, consistent with the Final Rule. Similarly, for purposes of calculating baseline tax revenue, tax revenue for the fiscal year 2019 should be reported on an inflation-adjusted basis, consistent with the Final Rule.

For purposes of reporting actual tax revenue for the requested fiscal year and baseline tax revenue for the fiscal year ending 2019,[15] (a) if available, recipients should report information using audited financials and (b) recipients may provide data on a cash, accrual, or modified accrual basis, but must be consistent in their approach across all reporting periods. Similarly, for purposes of calculating a net reduction in total spending, recipients should report data using audited financials where available.

Recipients will first answer a series of summary questions to determine the tiering of their tax offset reporting:

Summary Questions

- Do you have revenue-reducing covered change(s) to report for the requested fiscal year and for future fiscal years? Yes/No
    - If no, recipients have no further reporting requirements in the tax offset section. (Remaining summary questions will be greyed out).
    - If yes, recipients will complete part 1 and additional fields.
- Is the aggregate value of your revenue-reducing covered change(s) for the requested fiscal year less than the de minimis? Yes/No.
    - If yes, recipients will complete parts 1 and 2, and no further reporting is required in the tax offset section. (Remaining summary questions will be greyed out).
    - If no, recipients will complete parts 1, 2 and additional fields.
- Do you have a reduction in net tax revenue for the requested fiscal year, meaning that actual tax revenue for the requested fiscal year is less than baseline tax revenue? Yes/No.
    - If yes, recipients will complete parts 1, 2, and 3 and additional fields.
    - If no, recipients will complete parts 1, 2, and 3, and no further reporting is required in the tax offset section. (Remaining summary questions will be greyed out).
- Do you have revenue-increasing covered change(s) and/or covered spending cuts to report for the requested fiscal year? Yes/No
    - If yes, recipients will complete parts 1, 2, 3, and 4.
    - If no, recipients will complete the revenue reduction cap.

Reporting Part 1: Revenue-reducing Covered Changes

[15] Tax revenue for fiscal year ending 2019 is relevant for calculating the recipient's baseline.

- Do you have revenue-reducing covered change(s) to report for the requested fiscal year and for future fiscal years? Yes/No
    - If yes, complete grid or upload spreadsheet with the name of each revenue-reducing covered change and the value of the revenue-reducing covered change for the requested fiscal year and for future fiscal years.
    - If no, a recipient has no revenue-reducing covered changes to report, no additional reporting is required.
- Enter in the aggregate value of all revenue-reducing covered change(s) for the requested fiscal year.[16]

Revenue-reducing Covered Changes: Guidance
For each reporting year, a recipient must report the value of covered changes that the recipient predicts will have the effect of reducing tax revenue in a given reporting year (revenue-reducing covered changes), similar to the way it would in the ordinary course of its budgeting process. The value of these revenue-reducing covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient government's existing approach for measuring the effects of fiscal policies, and that measures relative to a current law baseline. The revenue-reducing covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the covered change(s), relative to the current law baseline prior to the change(s). Estimation approaches should not use dynamic methodologies that incorporate the projected effects of the policies on macroeconomic growth. In general and where possible, reported values should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. Recipients must maintain records regarding the identification and predicted effects of revenue-reducing covered changes.

Reporting Part 2: Baseline Revenue and De Minimis Threshold

- Enter Baseline Revenue:
- Enter in the aggregate value of the revenue-reducing covered change(s) for the requested fiscal year as a percentage of baseline revenue:
- Is the aggregate value of the revenue-reducing covered change(s) for the requested fiscal year less than one percent of baseline revenue? Y/N
    - If yes, a recipient's aggregate value of the revenue-reducing covered changes in the reporting year is less than the *de minimis threshold*, and no additional reporting is required.

Baseline Revenue: Guidance
Baseline has the meaning defined in the Final Rule, 31 CFR 35.3.

Recipients must determine whether the aggregate value of the revenue-reducing covered changes in the reporting year is less than one percent of baseline revenue (the de minimis threshold).

Reporting Part 3: Actual Tax Revenue and Reduction in Net Tax Revenue

- Enter Actual Tax Revenue for the requested fiscal year:
- Enter Reduction in Net Tax Revenue: baseline revenue minus actual tax revenue

[16] The final rule defines covered change. "Covered change means a change in law, regulation, or administrative interpretation that reduces any tax (by providing for a reduction in a rate, a rebate, a deduction, a credit, or otherwise) or delays the imposition of any tax or tax increase. A change in law includes any final legislative or regulatory action, a new or changed administrative interpretation, and the phase-in or taking effect of any statute or rule if the phase-in or taking effect was not prescribed prior to the start of the covered period."

- If the value of the reduction in net tax revenue is zero or negative (meaning that actual tax revenue is equal to or greater than baseline revenue), no additional reporting is required.

Actual Tax Revenue: Guidance
Actual tax revenue means the tax revenue received by the recipient government in the reporting year. Tax revenue has the meaning defined in the Final Rule, 31 CFR 35.3.

Reduction in Net Tax Revenue: Guidance
The reduction in net tax revenue is equal to baseline revenue minus actual tax revenue in each reporting year. If this value is zero or negative, there is no reduction in net tax revenue.

Reporting Part 4: Revenue-increasing Covered Changes and Covered Spending Cuts

- Do you have revenue-increasing covered change(s) and/or covered spending cuts to report for the requested fiscal year? Yes/No.
- If yes, complete grid or upload spreadsheet with the name of each revenue-increasing covered change and the value.
- Enter in the aggregate value of revenue-increasing covered change(s):

- Enter net reduction in total spending for the requested fiscal year:
- Complete grid or upload spreadsheet of specific spending cuts and the corresponding "reporting unit", including the name of the reporting unit, description of the spending cut, the amount of the reduction in spending in the reporting unit for the reporting year relative to its inflation-adjusted FY 2019 level, the amount of any Fiscal Recovery Funds spent in the reporting unit in the reporting year, and the amount by which the reduction in spending in the reporting unit in the reporting year exceeds the Fiscal Recovery Funds spent in the reporting unit in the reporting year, if at all.
- Enter the aggregate value of covered spending cuts.

- Enter the aggregate value of revenue-increasing covered changes + the aggregate value of covered spending cuts.
- Enter the total value of revenue-reducing covered changes minus the total of (aggregate value of revenue-increasing covered changes + aggregate value of covered spending cuts).
- Is the aggregate value of revenue-reducing covered changes minus the total of (aggregate value of revenue-increasing changes + aggregate value of covered spending cuts) negative or equal to zero? (Yes/No)
    - If yes, recipients have no further reporting requirements related to the Tax Offset Provision.
    - If no, recipients must move on to the calculation of the revenue reduction cap.

Revenue-increasing covered changes: Guidance
If a recipient has revenue-reducing covered changes, the aggregate value of which exceed the de minimis threshold, and its actual tax revenue does not exceed baseline tax revenue, a recipient must report the value of covered changes that have had or that the recipient predicts will have the effect of increasing tax revenue in a given reporting year (revenue-increasing covered changes), similar to the way it would in the ordinary course of its budgeting process. The value of these revenue-increasing covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient's existing approach for measuring the effects of fiscal policies, and that measures relative to a current law baseline. The revenue-increasing covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the revenue-increasing covered change(s), relative to the current law baseline prior to the change(s). Estimation approaches should not use dynamic methodologies that incorporate the projected effects of the policies on macroeconomic growth.

In general and where possible, reporting should be produced by the agency of the recipient responsible for estimating the costs and effects of fiscal policy changes. Recipients should maintain records regarding revenue-increasing covered changes and estimates of such changes.

Net reduction in total spending, and tables of specific spending cuts: Guidance
Recipients may cut spending in certain areas to pay for revenue-reducing covered changes, up to the amount of the recipient's net reduction in total spending. To calculate the amount of spending cuts that are available to offset a reduction in tax revenue, the recipient must first consider whether there has been a reduction in total net spending, excluding Fiscal Recovery Funds (net reduction in total spending). As defined in the Final Rule, 35 CFR 35.3, net reduction in total spending is measured as the recipient government's total spending for a given reporting year excluding Fiscal Recovery Funds, subtracted from its total spending for its fiscal year ending in 2019, adjusted for inflation using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States for that reporting year. If that calculation yields a positive value, there has been a net reduction in total spending; if it yields zero or a negative value, there has not been a net reduction in total spending. If there has been no net reduction in total spending, a recipient will have no spending cuts to offset a reduction in net tax revenue.

Next, a recipient must determine and aggregate the value of spending cuts in each "reporting unit." "Reporting units" are departments, agencies, or authorities of the recipient's government. For each reporting unit, the recipient must report (1) the amount of the reduction in spending in the reporting unit for the reporting year relative to its inflation-adjusted FY 2019 level, (2) the amount of any Fiscal Recovery Funds spent in the reporting unit in the reporting year, and (3) the amount by which the reduction in spending in the reporting year exceeds the Fiscal Recovery funds spent in the reporting unit in the reporting year. If a recipient has not spent amounts received from the Fiscal Recovery Funds in a reporting unit, the full amount of the reduction in spending counts as a covered spending cut and may be included in the aggregate value of spending cuts. If the recipient has spent amounts received from the Fiscal Recovery Funds, such amounts generally would be deemed to have replaced the amount of spending cut, and only reductions in spending above the amount of Fiscal Recovery Funds spent on the reporting unit would be eligible to offset a reduction in net tax revenue. Only such amounts above the amount of Fiscal Recovery Funds spent on the reporting unit should be included in the aggregate value of spending cuts.

To align with existing reporting and accounting, the Final Rule considers the department, agency, or authority from which spending has been cut and whether the recipient government has spent amounts received from the Fiscal Recovery Funds on that same department, agency, or authority. Some commenters on the interim final rule argued that the methodology for identifying offsetting spending cuts at the department, agency, or authority level was too restrictive, but as discussed in the final rule, Treasury maintained the approach of requiring this reporting at the department, agency, or authority level. Recipients are encouraged to define reporting units in a manner consistent with their existing budget process and should, to the extent possible, report using the same reporting unit in each reporting year. Spending cuts must be reported relative to FY 2019 spending levels, adjusted for inflation, and excluding Fiscal Recovery Funds from reporting year spending levels.

Recipients should maintain records regarding spending cuts.

Reporting Part 5: Revenue Reduction Cap
The "revenue reduction cap," together with Part 3, ensures that recipient governments can use organic revenue growth to offset the cost of revenue-reducing covered changes. If, based on the calculations completed so far, a recipient has not yet demonstrated how its revenue-reducing

covered changes were offset by non-SLFRF sources, the reporting portal will auto-calculate the revenue reduction cap, which will be the lesser of the following two amounts:

- Reduction in Net Tax Revenue (baseline tax revenue minus actual tax revenue) [pre-populated from Part 3] and
- Aggregate Value of revenue-reducing covered changes minus (total of (aggregate value of revenue-increasing changes + aggregate value of covered spending cuts) [pre-populated from Part 4].

j. Required Programmatic Data (other than infrastructure projects): For all projects listed under the following Expenditure Categories (see Appendix 1), the information listed must be provided in each report.

1. Public Health and Negative Economic Impact (EC 1.1-3.5) - *Collection began in April 2022*
   - Brief description of structure and objectives of assistance program(s), including public health or negative economic impact experienced
   - Brief description of how a recipient's response is related and reasonably proportional to a public health or negative economic impact of COVID-19.[17]

     Note: The final rule presumes that all enumerated eligible uses for programs and services, including COVID-19 mitigation and prevention programs and services, are reasonably proportional responses to the harm identified unless a response is grossly disproportionate to the type or extent of harm experienced. Many of the Eligibility Categories encompass multiple specific enumerated eligible uses and may be provided to a variety of populations. For example, EC 2.13 *Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System* includes a wide array of financial, educational, child development, or health supports, or other supports necessary, including supports for kinship care, and may be provided to foster youth and/or families involved in the child welfare system. Between these two fields above, recipients should provide enough information to identify the type of enumerated eligible use being provided within the EC (e.g., kinship care support services), the public health or economic impact experienced, who the program and/or service is being provided to, and what services are being provided (e.g., respite resources). For enumerated eligible uses, recipients are not required to provide substantive documentation that the response is related and reasonably proportional in the Project and Expenditure Report.

2. Capital Expenditures (EC 1.1-3.5) - *Collection began in January 2022, with additional fields required starting in July 2022*
   - Does this project include a capital expenditure? *(Collection began in January 2022)*
   - Total expected capital expenditure, including pre-development costs, if applicable *(Collection began in January 2022)*
   - Type of capital expenditure, based on the following enumerated uses (*Collection began in July 2022*):
     - COVID-19 testing sites and laboratories, and acquisition of related equipment
     - COVID-19 vaccination sites
     - Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., emergency rooms, intensive care units, telemedicine capabilities for COVID-19 related treatment)
     - Temporary medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs
     - Acquisition of equipment for COVID-19 prevention and treatment, including ventilators, ambulances, and other medical or emergency services equipment

[17] Please note that capital expenditures are not considered "programs and services" and are not presumed to be reasonably proportional responses to an identified harm except as provided in the final rule.

- Emergency operations centers and acquisition of emergency response equipment (e.g., emergency response radio systems)
- Installation and improvement of ventilation systems in congregate settings, health facilities, or other public facilities
- Public health data systems, including technology infrastructure
- Adaptations to congregate living facilities, including skilled nursing facilities, other long-term care facilities, incarceration settings, homeless shelters, residential foster care facilities, residential behavioral health treatment, and other group living facilities, as well as public facilities and schools (excluding construction of new facilities for the purpose of mitigating spread of COVID-19 in the facility)
- Mitigation measures in small businesses, nonprofits, and impacted industries (e.g., developing outdoor spaces)
- Behavioral health facilities and equipment (e.g., inpatient or outpatient mental health or substance use treatment facilities, crisis centers, diversion centers)
- Technology and equipment to allow law enforcement to efficiently and effectively respond to the rise in gun violence resulting from the pandemic
- Affordable housing, supportive housing, or recovery housing development
- Food banks and other facilities primarily dedicated to addressing food insecurity
- Transitional shelters (e.g., temporary residences for people experiencing homelessness)
- Devices and equipment that assist households in accessing the internet (e.g., tablets, computers, or routers)
- Childcare, daycare, and early learning facilities
- Job and workforce training centers
- Improvements to existing facilities to remediate lead contaminants (e.g., removal of lead paint)
- Medical equipment and facilities designed to address disparities in public health outcomes (includes primary care clinics, hospitals, or integrations of health services into other settings)
- Parks, green spaces, recreational facilities, sidewalks, pedestrian safety features like crosswalks, streetlights, neighborhood cleanup, and other projects to revitalize public spaces
- Rehabilitations, renovation, remediation, cleanup, or conversions of vacant or abandoned properties
- Schools and other educational facilities or equipment to address educational disparities
- Technology and tools to effectively develop, execute, and evaluate government programs
- Technology infrastructure to adapt government operations to the pandemic (e.g., video-conferencing software, improvements to case management systems or data sharing resources), reduce government backlogs, or meet increased maintenance needs
- Other (please specify)

- For recipients (other than Tribal governments) investing in projects with total expected capital expenditures for an enumerated eligible use of $10 million or more, as well as projects with total expected capital expenditures for an "other" use of $1 million or more, provide a written justification (*Collection began in July 2022)*
- For projects with total expected capital expenditures of over $10 million, provide labor reporting as outlined for infrastructure projects on pages 26 and 27 (*Collection began July 2022*)

3. Household Assistance (EC 2.1-2.8) – *Collection began January 2022*:
   - Number of households served (by program if recipient establishes multiple separate household assistance programs)

4. Small Business Economic Assistance (EC 1.8, 2.29-2.33) – *Collection began April 2022*
   - Number of small businesses served (by program if recipient establishes multiple separate small business assistance programs)

5. Assistance to Non-Profits (EC 1.9, 2.34)- *Collection began April 2022*
   - Number of Non-Profits served (by program if recipient establishes multiple separate non-profit assistance programs)

6. Aid to Travel, Tourism, and Hospitality or Other Impacted Industries (EC 1.10, 2.35-2.36) – *Collection began April 2022*:
   - If aid is provided to industries other than travel, tourism, and hospitality (EC 2.36), describe if the industry experienced at least 8 percent employment loss from pre-pandemic levels, or the industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries as of the date of the final rule, and rationale for providing aid to the industry
   - For each subaward:
     - Sector of employer (Note: additional detail, including list of sectors, to be provided in the user guide posted to www.treasury.gov/SLFRP)
     - Purpose of funds (e.g., payroll support, safety measure implementation)

7. Education Assistance (EC 2.14, 2.24-.2.27) – *Collection began in January 2022*:
   - The National Center for Education Statistics ("NCES") School ID or NCES District ID. List the School District if all schools within the school district received some funds. If not all schools within the school district received funds, list the School ID of the schools that received funds. These can allow evaluators to link data from the NCES to look at school-level demographics and, eventually, student performance.[18]

8. Payroll for Public Health and Safety Employees (EC 3.1) – *Collection began in January 2022*:
   - Number of government FTEs responding to COVID-19 supported under this authority

9. Rehiring Public Sector Staff (EC 3.2) – *Collection began in January 2022*:
   - Number of FTEs rehired by governments under this authority

10. Premium Pay (both Public Sector EC 4.1 and Private Sector EC 4.2) – *Collection began in January 2022; additional field began in April 2022*
    - List of sectors designated as critical to protecting the health and well-being of residents by the chief executive of the jurisdiction, if beyond those included in the final rule *(Collection began January 2022)*
    - Number of workers to be served (*Collection began January 2022)*
    - Employer sector for all subawards to third-party employers (i.e., employers other than the State, local, or Tribal government) (*Collection began January 2022)*
    - For groups of workers (e.g., an operating unit, a classification of worker, etc.) or, to the extent applicable, individual workers, other than those where the eligible worker receiving premium pay is earning (with the premium pay included) below 150 percent of their residing state or county's average annual wage for all occupations, as defined by the Bureau of Labor Statistics Occupational Employment and Wage Statistics, whichever is

[18] For more information on NCES identification numbers see https://nces.ed.gov/ccd/districtsearch/ (districts) and https://nces.ed.gov/ccd/schoolsearch/ (schools).

higher, on an annual basis; OR the eligible worker receiving premium pay is not exempt from the Fair Labor Standards Act overtime provisions:
    - A brief written narrative justification of how the premium pay or grant is responsive to workers performing essential work during the public health emergency. This could include a description of the essential workers' duties, health or financial risks faced due to COVID-19, and why the recipient government determined that the premium pay was responsive to workers performing essential work during the pandemic. This description should not include personally identifiable information; when addressing individual workers, recipients should be careful not to include this information. Recipients may consider describing the workers' occupations and duties in a general manner as necessary to protect privacy (*Collection began January 2022)*
- Number of workers to be served with premium pay in K-12 schools (*Collection began April 2022)*

11. Revenue replacement (EC 6.1) – *Collection began in August 2021*:
As outlined in the final rule, recipients have the option to make a one-time decision to calculate revenue loss according to the formula outlined in the final rule or elect a "Standard Allowance" of up to $10 million, not to exceed the award allocation, to spend on government services throughout the period of performance. The option to make this one-time decision was provided during the April 30, 2022 reporting deadline.

    For recipients electing the "Standard Allowance," Treasury will presume that up to $10 million, not to exceed the award allocation, in revenue has been lost due to the public health emergency. Recipients are permitted to use that amount to fund "government services." Please note that electing the standard allowance does not change a recipient's total allocation. Recipients that elect to use this standard allowance will make this election instead of calculating lost revenue using the formula.

    For recipients calculating revenue loss according to the formula, the final rule permits recipients to choose whether to use calendar or fiscal year calculation dates. Recipients must use the same calculation time frame (calendar or fiscal year) throughout the award period.

    Recipients calculating lost revenue using the formula should report the following:

    - Choice of fiscal or calendar year revenue loss (choice must remain consistent throughout award period)
    - General revenue collected over the past 12 months as of the most recent calculation date, as outlined in the final rule.
    - Calculated revenue loss due to the Covid-19 public health emergency; and
    - An explanation of how the revenue replacement funds were allocated to government services (note: additional instructions and/or template provided in the user guide posted at www.treasury.gov/SLFRPReporting).

    For information on treatment of future tax changes, please see the *Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule*.

k. Required Programmatic Data for Infrastructure Projects (EC 5): For all projects listed under the Water, Sewer, and Broadband Expenditure Categories (see Appendix 1), more detailed project-level information is required. Each project will be required to report expenditure data as described above, but will also report the following information:

    1. All infrastructure projects (EC 5) – *Collection began in January 2022:*

- Projected/actual construction start date (month/year)
- Projected/actual initiation of operations date (month/year)
- Location
- For projects over $10 million (based on expected total cost):
  a. A recipient may provide a certification that, for the relevant project, all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as "baby Davis-Bacon Acts"). If such certification is not provided, a recipient must provide a project employment and local impact report detailing:
     - The number of employees of contractors and sub-contractors working on the project;
     - The number of employees on the project hired directly and hired through a third party;
     - The wages and benefits of workers on the project by classification; and
     - Whether those wages are at rates less than those prevailing.[19]

     Recipients must maintain sufficient records to substantiate this information upon request.
  b. A recipient may provide a certification that a project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)). If the recipient does not provide such certification, the recipient must provide a project workforce continuity plan, detailing:
     - How the recipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project, including a description of any required professional certifications and/or in-house training;
     - How the recipient will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project;
     - How the recipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g., OSHA 10, OSHA 30);
     - Whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market; and
     - Whether the project has completed a project labor agreement.
  c. Whether the project prioritizes local hires.
  d. Whether the project has a Community Benefit Agreement, with a description of any such agreement.

2. Water and sewer projects (EC 5.1-5.18) *Required once the project starts:*
   - National Pollutant Discharge Elimination System (NPDES) Permit Number (if applicable; for projects aligned with the Clean Water State Revolving Fund) (*Collection began in January 2022)*

[19] As determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed.

- Public Water System (PWS) ID number (if applicable; for projects aligned with the Drinking Water State Revolving Fund) *(Collection began January 2022)*
- Median Household Income of service area *(Collection began in April 2022)*
- Lowest Quintile Income of the service area *(Collection began in April 2022)*

3. Broadband projects (EC 5.19-5.21) *Collection includes new fields that began in July 2022. Additional fields will be phased in through future reporting periods, as noted below.*

Overall Project Information

- Confirm that the project is designed to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds.
  - If the project is not designed to reliably meet or exceed symmetrical 100 Mbps download and upload speeds, explain why not, and
  - Confirm that the project is designed to, upon completion, meet or exceed 100 Mbps download speed and between at least 20 Mbps and 100 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.
- Confirm that the service provider for the project has, or will upon completion of the project, either participated in the Federal Communications Commission (FCC)'s Affordable Connectivity Program (ACP) or otherwise provided access to a broad-based affordability program that provides benefits to households commensurate with those provided under the ACP to low-income consumers in the proposed service area of the broadband infrastructure *(applicable only to projects that provide service to households).*

Detailed Project Information

- Project technology type(s) (Planned/Actual)
  - Fiber
  - Coaxial Cable
  - Terrestrial Fixed Wireless
  - Other (specify)
- Total miles of fiber deployed (Planned/Actual)
- Total number of funded locations served (Planned/Actual)
  - Total number of funded locations served, broken out by speeds:
    - Pre-SLFRF Investment:
      - Number receiving 25/3 Mbps or below
      - Number receiving between 25/3 Mbps and 100/20 Mbps
    - Post-SLFRF Investment (Planned/Actual):
      - Number receiving minimum 100/100 Mbps
      - Number receiving minimum 100/20 Mbps and scalable to minimum 100/100 Mbps
  - Total number of funded locations served, broken out by type (Planned/Actual):
    - Residential
      - Total Housing Units
    - Business
    - Community anchor institution
- Speed tiers offered, corresponding non-promotional prices, including associated fees, and data allowance for each speed tier of broadband service (*collection to be phased in a future reporting period)*

Location-by-Location Project Information

For each location served by a Project, the recipient must collect from the subrecipient or contractor and submit the following information to Treasury using a predetermined file format that will be provided by Treasury (*collection of certain fields will begin in October 2022, as specified below*):

- Latitude/longitude at the structure where service will be installed (*required starting October 2022)*
- Technology used to offer service at the location (*required starting October 2022)*
- Location type (*required starting October 2022)*
  - Residential
    - If Residential, Number of Housing Units
  - Business
  - Community anchor institution
- Speed tier at the location pre-SLFRF investment (*collection to be phased in)*
  - 25/3 Mbps or below
  - Between 25/3 Mbps and 100/20 Mbps
- Speed and latency at the location post-SLFRF investment (*collection to be phased in)*
  - Maximum download speed offered
  - Maximum download speed delivered
  - Maximum upload speed offered
  - Maximum upload speed delivered
  - Latency

I. Additional Required Programmatic Data for States, U.S. territories, and metropolitan cities and counties with a population that exceeds 250,000 residents only: As noted in the Recovery Plan section of this guidance, states, U.S. territories, and metropolitan cities and counties with a population over 250,000 are required to provide additional data in the Project and Expenditure report for projects in the following expenditure categories:

1. Use of Evidence (for relevant ECs noted in Appendix 1)—*Collection began April 2022*
   - The dollar amount of the total project spending that is allocated towards evidence-based interventions
   - Whether a program evaluation of the project is being conducted

2. Household Assistance (EC 2.2, Long-Term Housing Security (EC 2.15-2.16) and Housing Support (EC 2.17-2.18):
   - Number of households receiving eviction prevention services (including legal representation)
   - Number of affordable housing units preserved or developed

3. Assistance to Unemployed or Underemployed Workers (EC 2.10) and Community Violence Interventions (EC 1.11):
   - Number of workers enrolled in sectoral job training programs
   - Number of workers completing sectoral job training programs
   - Number of people participating in summer youth employment programs

4. Addressing Educational Disparities (EC 2.24-2.26) and Addressing Impacts of Lost Instructional Time (EC 2.27):
   - Number of students participating in evidence-based tutoring programs[20]

5. Healthy Childhood Environments (EC 2.11-2.14):
   - Number of children served by childcare and early learning services (pre-school/pre-K/ages 3-5)
   - Number of families served by home visiting

[20] For more information on evidence-based tutoring programs, refer to the U.S. Department of Education's 2021 ED COVID-19 Handbook (Volume 2), which summarizes research on evidence-based tutoring programs (see the bottom of page 20.

m. NEU Documentation (NEUs only): Each NEU is also required to provide the following information once its accounts are established in Treasury's Reporting Portal and prior to the due date for their first Project and Expenditure Report (due April 30, 2022):
   - Copy of the signed award terms and conditions agreement (which was signed and submitted to the State as part of the request for funding)
   - Copy of the signed assurances of compliance with Title VI of the Civil Rights Act of 1964 (which was signed and submitted to the State as part of the request for funding)
   - Copy of actual budget documents validating the top-line budget total provided to the State as part of the request for funding

   NEU accounts are established in Treasury's Portal based on information provided by the States or territories, as further described in Section Part 2 D below.

C. Recovery Plan Performance Report

States, territories, and metropolitan cities and counties with a population that exceeds 250,000 residents (i.e., Tier 1 recipients) will also be required to publish and submit to Treasury a Recovery Plan performance report ("Recovery Plan"). Each Recovery Plan must be posted on an easily discoverable webpage on the public-facing website of the recipient by the same date the recipient submits the report to Treasury. Treasury recommends that Recovery Plans be accessible within three clicks or fewer from the homepage of the recipient's website. Within Treasury's reporting portal, recipients must upload a link to the publicly available Recovery Plan and provide required data.

The Recovery Plan provides the public and Treasury both retrospective and prospective information on the projects recipients are undertaking or planning to undertake with program funding and how they are planning to ensure program outcomes are achieved in an effective, efficient, and equitable manner. While this guidance outlines some minimum requirements for the Recovery Plan, each recipient is encouraged to add information to the plan that they feel is appropriate to provide information to their constituents on efforts they are taking to respond to the pandemic and promote economic recovery. Each jurisdiction may determine the general form and content of the Recovery Plan, as long as it includes the minimum information required by Treasury. Treasury provided a template (located at www.treasury.gov/SLFRP) but recipients may modify this template as appropriate for their jurisdiction, provided the modified template meets Treasury's requirements, outlined below. Through the Recovery Plan, recipients may link to public documents, including, but not limited to, legislation, dashboards, survey results, community engagement reports, and equity frameworks to support the Recovery Plan narrative. The Recovery Plan should include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury, as noted below.

The initial Recovery Plan covered the period from the date of award to July 31, 2021 and was required to be submitted to Treasury by August 31, 2021, or 60 days after receiving funding. Thereafter, the Recovery Plan will cover a 12-month period and recipients are required to submit the report to Treasury after the end of the 12-month period by July 31. The Recovery Plan should include both retrospective information covering the time period of the Recovery Plan along with prospective information on future work to be undertaken with SLFRF funds or on the planning that has been undertaken during the covered period. **Table 5** summarizes the report timelines:

Table 5 Recovery Plan Timeline

Annual Report	Period Covered	Due Date
1	Award Date – July 31, 2021	August 31, 2021 or 60 days after receiving funding
2	July 1, 2021 – June 30, 2022	July 31, 2022

Annual Report	Period Covered	Due Date
3	July 1, 2022 – June 30, 2023	July 31, 2023
4	July 1, 2023 – June 30, 2024	July 31, 2024
5	July 1, 2024 – June 30, 2025	July 31, 2025
6	July 1, 2025 – June 30, 2026	July 31, 2026
7	July 1, 2026 – December 31, 2026	April 30, 2027

Recovery Plans submitted as part of reporting are used by Treasury, third party organizations, the public, and other stakeholders to obtain a comprehensive understanding of SLFRF's largest recipients' planned and actual usage of SLFRF funding, including the jurisdiction's policy goals, its strategy for achieving them, and specific projects or initiatives underway. Alignment of data reported in Project and Expenditure reports and Recovery Plans is expected by both Treasury and SLFRF's many stakeholders. Finally, Recovery Plans will be posted publicly by Treasury to provide transparency about how program funds are being used by recipient governments.

The Recovery Plan must include, at a minimum, the following information:

1. Executive Summary

In this section, recipients should provide a high-level overview of the jurisdiction's intended and actual uses of funding including, but not limited to: the jurisdiction's strategy, goals, and plan for using Fiscal Recovery Funds to respond to the pandemic and promote economic recovery, key outcome goals, progress to date on those outcomes, and any noteworthy challenges or opportunities identified during the reporting period.

2. Uses of Funds

In this section, recipients should describe in further detail the strategy and goals of their jurisdiction's SLFRF program, such as how their jurisdiction's approach would help support a strong and equitable recovery from the COVID-19 pandemic and economic downturn. Recipients should describe how their intended and actual uses of funds will achieve their goals. Given the broad eligible uses of funds established by the final rule and the specific needs of different jurisdictions, recipients should also explain how the funds would support the communities, populations, or individuals in their jurisdiction. Recipients should describe how their use of funds supports their overall strategy and goals in the following areas:

a. Public Health (EC 1): As relevant, describe how funds are being used to respond to COVID-19, the broader health impacts of COVID-19, and the COVID-19 public health emergency, including community violence interventions and behavioral health.
b. Negative Economic Impacts (EC 2): As relevant, describe how funds are being used to respond to negative economic impacts of the COVID-19 public health emergency, including services to households (such as affordable housing, job training, and childcare), small businesses, non-profits, and impacted industries.
c. Public Health-Negative Economic Impact: Public Sector Capacity (EC 3): As relevant, describe how funds are being used to support public sector workforce and capacity, including public sector payroll, rehiring of public sector workers, and building of public sector capacity.
d. Premium Pay (EC 4): As relevant, describe the approach, goals, and sectors or occupations served in any premium pay program. Describe how the approach prioritizes low-income workers and/or any particular group of eligible workers.
e. Water, sewer, and broadband infrastructure (EC 5): As relevant, describe the approach, goals, and types of projects being pursued. Where relevant, recipients should note how projects contribute to addressing climate change and/or how projects benefit disadvantaged communities in line with the Justice40 Initiative.[21]

[21] See Executive Order 14008, On Tackling the Climate Crisis at Home and Abroad and the Interim Implementation Guidance for the Justice40 Initiative, OMB M-21-28.

f. Revenue Replacement (EC 6): Describe the loss in revenue, including if electing the standard allowance, due to the COVID-19 public health emergency, and how funds have been used to provide government services, including any funds used under revenue loss for non-federal cost-share or matching requirements of other federal programs.

If appropriate, recipients may also include information on their jurisdiction's use (or planned use) of other federal recovery funds, including other programs under the American Rescue Plan such as Emergency Rental Assistance, the Homeowner Assistance Fund, the Capital Projects Fund, the State Small Business Credit Initiative, and so forth, to provide broader context on the overall approach for pandemic recovery. Jurisdictions may also address use of SLFRF funds in coordination with, or in preparation for, funding available through the Infrastructure Investment and Jobs Act.

3. Promoting equitable outcomes

Treasury encourages uses of funds that advance strong, equitable growth, including economic and racial equity. For the purposes of the SLFRF, equity is described in the Executive Order 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, as issued on January 20, 2021.

In this section, recipients should describe, as applicable, their efforts to promote equitable outcomes, including economic and racial equity, and their efforts to design, implement, and measure their SLFRF program and projects with equity in mind.

In describing their efforts to **design** their SLFRF program and projects with equity in mind, recipients may consider the following:

a. Goals: Are there particular historically underserved, marginalized, or adversely affected groups that recipients intend to serve within their jurisdiction?
b. Awareness: How equitable and practical is the ability for residents or businesses to become aware of the services funded by SLFRF?
c. Access and Distribution: Are there differences in levels of access to benefits and services across groups? Are there administrative requirements that result in disparities in ability to complete applications or meet eligibility criteria?
d. Outcomes: How are intended outcomes focused on closing gaps and/or reaching universal levels of service? How is the considering disaggregating outcomes by race, ethnicity, and other equity dimensions where relevant for the policy objective?

In describing their efforts to **implement** their SLFRF program and projects with equity in mind, recipients may consider the following:

a. Goals and Targets: Please describe how planned or current uses of funds prioritize economic and racial equity as a goal, name specific targets intended to produce meaningful equity results at scale, and include initiatives to achieve those targets.
b. Project Implementation: In addition, please explain how the jurisdiction's overall equity strategy translates into focus areas for SLFRF projects and the specific services or programs offered by the jurisdiction in the following Expenditure Category, as indicated in the final rule.

    Negative Economic Impacts (EC 2): assistance to households, small businesses, and non-profits to address impacts of the pandemic, which have been most severe among low-income populations. This includes assistance with food, housing, and other needs; employment programs for people with barriers to employment who faced negative economic impacts from the pandemic (such as residents of low-income neighborhoods, minorities, disconnected youth, the unemployed, formerly incarcerated people, veterans, and people with disabilities); services to provide long-term housing security and housing supports, address educational disparities, or provide child care and early learning services; and other strategies that provide

impacted and disproportionately impacted communities with services to address the negative economic impacts of the pandemic

The first annual Recovery Plan, due in 2021, was required to describe initial efforts and intended outcomes to promote equity, as applicable. Beginning in 2022, each annual Recovery Plan must provide an update, using qualitative and quantitative data, on how the recipients' approach achieved or promoted equitable outcomes or progressed against equity goals during the performance period, as applicable. Each jurisdiction should describe any constraints or challenges that impacted project success in terms of increasing equity. In particular, this section should describe the geographic and demographic distribution of funding, including whether it is targeted toward traditionally marginalized communities (recipients may reference the demographic data information in their Project and Expenditure Reports as relevant).

4. Community Engagement

In this section, recipients should describe how their jurisdiction's planned or current use of funds incorporates community engagement strategies including written feedback through surveys, project proposals, and related documents; oral feedback through community meetings, issue-specific listening sessions, stakeholder interviews, focus groups, and additional public engagement; as well as other forms of input, such as steering committees, taskforces, and digital campaigns that capture diverse feedback from the community. Recipients may describe completed or planned community engagement strategies specifically focused on their SLFRF program and projects or community engagement strategies that included SLFRF among other government programs. Recipients should also describe how community engagement strategies support their equity goals, including engagement with communities that have historically faced significant barriers to services, such as people of color, people with low incomes, limited English proficient populations, and other traditionally underserved groups.

5. Labor Practices

In this section, recipients should describe workforce practices on any infrastructure projects or capital expenditures being pursued. How are projects using strong labor standards to promote effective and efficient delivery of high-quality infrastructure projects while also supporting the economic recovery through strong employment opportunities for workers? For example, report whether any of the following practices are being utilized: project labor agreements, community benefits agreements, prevailing wage requirements, and local hiring.

6. **Use of Evidence**

In this section of the Recovery Plan, recipients should describe whether and how evidence-based interventions and/or program evaluation are incorporated into their SLFRF program. Recipients may include links to evidence standards, evidence dashboards, evaluation policies, and other public facing tools that are used to track and communicate the use of evidence and evaluation for Fiscal Recovery Funds. Recipients are encouraged to consider how a learning agenda, either narrowly focused on SLFRF or broadly focused on the recipient's broader policy agenda, could support their overarching evaluation efforts in order to create an evidence-building strategy for their jurisdiction.[22]

In the Project Inventory section of the Recovery Plan (see Section 8 below), recipients should identify whether SLFRF funds are being used for evidence-based interventions[23] and/or if projects are being evaluated through rigorous program evaluations that are designed to build evidence. In the Project Inventory, recipients must briefly describe the goals of the project and the evidence base for the interventions funded by the project. As part of the Project Inventory section, recipients must also specifically identify the dollar amount of the total project spending that is allocated towards evidence-based interventions for each project in the Expenditure Categories noted with an asterisk in Appendix 1. Please note that to increase consistency, the Project and Expenditure report now also includes

[22] For more information on learning agendas, please see OMB M-19-23

[23] As noted in Appendix 2, evidence-based refers to interventions with strong or moderate levels of evidence.

fields for recipients to identify the dollar amount of the total project spending that is allocated to evidence-based interventions and to indicate if a program evaluation of the project is being conducted.

Recipients are encouraged to reference relevant evidence clearinghouses, among other sources, to assess the level of evidence for their interventions and identify evidence-based models that could be applied in their jurisdiction; such evidence clearinghouses include the U.S. Department of Education's What Works Clearinghouse, the U.S. Department of Labor's CLEAR, and the Childcare & Early Education Research Connections and the Home Visiting Evidence of Effectiveness clearinghouses from Administration for Children and Families, as well as other clearinghouses relevant to particular projects conducted by the recipient.

Recipients are exempt from reporting on evidence-based interventions in cases where a program evaluation is being conducted. In such cases where a recipient is conducting a program evaluation, recipients must describe the evaluation design, including whether it is a randomized or quasi-experimental design; the key research questions being evaluated; whether the study has sufficient statistical power to disaggregate outcomes by demographics; and the timeframe for the completion of the evaluation (including a link to the completed evaluation if relevant).[24] Once the evaluation has been completed, recipients must post the evaluation publicly and link to the completed evaluation in the Recovery Plan. Once an evaluation has been completed (or has sufficient interim findings to determine the efficacy of the intervention), recipients should determine whether the spending for the evaluated interventions should be counted towards the dollar amount categorized as evidence-based for the relevant project.

For all projects, recipients may be selected to participate in a national evaluation, which might, for example, study their project along with similar projects in other jurisdictions that are focused on the same set of outcomes. In such cases, recipients may be asked to share information and data that is needed for the national evaluation.

Appendix 2 contains additional information on evidence-based interventions for the purposes of the Recovery Plan.

7. Performance Report

In this section, recipients should describe how performance management is incorporated into their SLFRF program, including how they are tracking their overarching jurisdictional goals for these funds as well as measuring results for individual projects. The recipient has flexibility in terms of how this information is presented in the Recovery Plan, and may report key performance indicators for each project, or may group projects with substantially similar goals and the same outcome measures. In some cases, the recipient may choose to include some indicators for each individual project as well as crosscutting indicators. Recipients may include links to performance management dashboards, performance management policies, and other public facing tools that are used to track and communicate the performance of Fiscal Recovery Funds. In addition to outlining in this section their high-level approach to performance management, recipients must also include key performance indicators for each SLFRF project in the Project Inventory section (described below in #8).

Performance indicators should include both output and outcome measures. Output measures, such as the number of students enrolled in an early learning program, provide valuable information about the early implementation stages of a project. Outcome measures, such as the percent of students reading on grade level, provide information about whether a project is achieving its overall goals. Recipients are encouraged to use logic models[25] to identify their output and outcome measures.

[24] For more information on the required standards for program evaluation, see OMB M-20-12.

[25] A logic model is a tool that depicts the intended links between program investments and outcomes, specifically the relationships among the resources, activities, outputs, outcomes, and impact of a program.

While the initial Recovery Plan focused heavily on early output goals, recipients should include the related outcome goal for each project and provide updated information on achieving these outcome goals in subsequent annual reports. In cases where recipients are conducting a program evaluation for a project (as described above), the outcome measures in the performance report should be aligned with those being evaluated in the program. As described in the final rule, to support their performance measurement and program improvement efforts, recipients are permitted to use funds to make improvements to data or technology infrastructure and data analytics, as well as perform program evaluations.

While recipients have discretion on the full suite of performance indicators to include, a number of mandatory performance indicators and programmatic data must be included. These are necessary to allow Treasury to conduct oversight as well as understand and aggregate program outcomes across recipients. This section provides an overview of the mandatory performance indicators and programmatic data. This information should be included in the Project Inventory, but this data will also need to be entered directly into the Treasury reporting portal as part of the Project and Expenditure report, as Treasury has added these fields (for Tier 1 recipients only) to the Project and Expenditure report. Below is a list of required data for each Expenditure Category, where relevant.

a. Household Assistance (EC 2.2), Long-Term Housing Security (EC 2.15-2.16) and Housing Support (EC 2.17-2.18):
   - Number of households receiving eviction prevention services (including legal representation)
   - Number of affordable housing units preserved or developed

b. Assistance to Unemployed or Underemployed Workers (EC 2.10) and Community Violence Interventions (EC 1.11):
   - Number of workers enrolled in sectoral job training programs
   - Number of workers completing sectoral job training programs
   - Number of people participating in summer youth employment programs

c. Addressing Educational Disparities (EC 2.24-2.26) and Addressing Impacts of Lost Instructional Time (EC 2.27):
   - Number of students participating in evidence-based tutoring programs[26]

d. Healthy Childhood Environments (EC 2.11-2.14):
   - Number of children served by childcare and early learning services (pre-school/pre-K/ages 3-5)
   - Number of families served by home visiting

The initial report should have included the key indicators above. Each annual report thereafter should include updated data for the performance period as well as prior period data, and a brief narrative adding any additional context to help the reader interpret the results and understand any changes in performance indicators over time. To the extent possible, Treasury also encourages recipients to provide data disaggregated by race, ethnicity, gender, income, and other relevant factors.

8. Project Inventory

In this section, recipients should list the name and provide a brief description of each SLFRF funded project. Projects are defined as a grouping of closely related activities that together are intended to achieve a specific goal or are directed toward a common purpose. These activities can include new or existing eligible government services or investments funded in whole or in part by SLFRF funding.

[26] For more information on evidence-based tutoring programs, refer to the U.S. Department of Education's 2021 ED COVID-19 Handbook (Volume 2), which summarizes research on evidence-based tutoring programs (see the bottom of page 20.).

For each project, recipients should include the project name, funding amount, identification number (the same identification number created by the recipient that matches the identification number used in the quarterly Project and Expenditure Report), project Expenditure Category (see Appendix 1), and a description of the project that includes an overview of the main activities of the project, approximate timeline, primary delivery mechanisms and partners, and intended outcomes. Each jurisdiction should also include a link to the website of the project if available. This information will provide context and additional detail for the information reported quarterly in the Project and Expenditure Report.

For infrastructure projects, where relevant, recipients should describe how the project contributes to addressing climate change and/or advances the Justice40 initiative[27], which sets a target of providing 40 percent of the benefits of certain federal investments, including climate and clean energy investments to disadvantaged communities.

As noted above in section 6, the Project Inventory must also include information about the dollar amount of the total project spending that is allocated towards evidence-based interventions (or describe how projects are being evaluated as noted above). As described above in section 7, the Project Inventory must also contain information about the performance indicators for each project, including both those measures that recipients have defined for each project as well as the mandatory performance indicators defined by Treasury.

Recipients have flexibility in the presentation and format of their Project Inventory, provided it includes the minimum required information. Recipients have the option of downloading a spreadsheet of the information entered into their Project and Expenditure Report to assist them in creating the Project Inventory in their Recovery Plan. However, recipients must ensure that their Project Inventory contains the additional information required by this guidance, including but not limited to information about performance measures and evidence/evaluation for each project. In all cases, recipients must post publicly (and submit to Treasury) a single PDF file of their Recovery Plan, which includes the Project Inventory.

D. Distributions to NEUs

Each state and territory is required to provide regular updates on their NEU distributions as well as their distributions to units of general local government within counties that are not units of general local government. The distribution template generally requests information on whether the local government has (1) received funding; (2) declined funding and requested a transfer to the state under Section 603(c)(4) of the Act; or (3) not taken action on its funding or declined funding.

For NEUs, states and territories should be prepared to report on their information, including the following:

- NEU name
- NEU UEI number
- NEU Taxpayer Identification Number (TIN)
- NEU Recipient Number (a unique identification code for each NEU assigned by the State or territory to the NEU as part of the request for funding)
- NEU contact information (e.g., address, point of contact name, point of contact email address, and point of contact phone number)
- NEU authorized representative name and email address
- Initial allocation and, if applicable, subsequent allocation to the NEU (before application of the 75 percent cap)

[27] See Executive Order 14008, On Tackling the Climate Crisis at Home and Abroad and the Interim Implementation Guidance for the Justice40 Initiative, OMB M-21-28.

- Total NEU reference budget (as submitted by the NEU to the State or territory as part of the request for funding)
- Amount of the initial and, if applicable, subsequent allocation above 75 percent of the NEU's reference budget which will be returned to Treasury
- Payment amount(s)
- Payment date(s)

States with "weak" minor civil divisions (i.e., Illinois, Indiana, Kansas, Missouri, Nebraska, North Dakota, Ohio, and South Dakota) should also list any minor civil divisions that the state deemed ineligible.

For each eligible NEU that declined funding and requested a transfer to the state under Section 603(c)(4) of the Social Security Act, the state or territory must also attach a form signed by the NEU, as detailed in the Guidance on Distributions of Funds to Non-Entitlement Units of Local Government

Appendix 1: Expenditure Categories

Treasury's final rule provides greater flexibility and simplicity for recipients to fight the pandemic and support families and businesses struggling with its impacts, maintain vital services amid revenue shortfalls, and build a strong, resilient, and equitable recovery. As such, recipients began reporting on a broader set of eligible uses and associated Expenditure Categories ("EC"), starting with the April 2022 Project and Expenditure Report than they did in their interim reports, initial Recovery Plans, and January Project and Expenditure Report. The table below includes the new Expenditure Categories, as well as a reference to previous Expenditure Categories aligned with the interim final rule and used for reporting before this date.

The Expenditure Categories (EC) listed below must be used to categorize each project as noted in Part 2 above. The term "Expenditure Category" refers to the detailed level (e.g., 1.1 COVID-19 Vaccination). When referred to as a category (e.g., EC 1) it includes all Expenditure Categories within that level.

*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disproportionately impacted communities (see Project Demographic Distribution section above for details)

Expenditure Category	EC[28]	Previous EC[29]
1: Public Health		
COVID-19 Mitigation & Prevention		
COVID-19 Vaccination^	1.1	1.1
COVID-19 Testing^	1.2	1.2
COVID-19 Contact Tracing^	1.3	1.3
Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, Child care facilities, etc.)*^	1.4	1.4
Personal Protective Equipment^	1.5	1.5
Medical Expenses (including Alternative Care Facilities)^	1.6	1.6
Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)^	1.7	1.8
COVID-19 Assistance to Small Businesses^	1.8	-
COVID 19 Assistance to Non-Profits^	1.9	-
COVID-19 Aid to Impacted Industries^	1.10	-
Community Violence Interventions		
Community Violence Interventions*^	1.11	3.16
Behavioral Health		
Mental Health Services*^	1.12	1.10
Substance Use Services*^	1.13	1.11
Other		
Other Public Health Services^	1.14	1.12
Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency	-	1.7
2: Negative Economic Impacts		
Assistance to Households		
Household Assistance: Food Programs*^	2.1	2.1

[28] Under the final rule to be used starting with April 2022 reports

[29] Under the interim final rule to be used in Interim Report and January 2022 Project and Expenditure Report

Expenditure Category	EC[28]	Previous EC[29]
Household Assistance: Rent, Mortgage, and Utility Aid*^	2.2	2.2
Household Assistance: Cash Transfers*^	2.3	2.3
Household Assistance: Internet Access Programs*^	2.4	2.4
Household Assistance: Paid Sick and Medical Leave^	2.5	-
Household Assistance: Health Insurance*^	2.6	-
Household Assistance: Services for Un/Unbanked*^	2.7	-
Household Assistance: Survivor's Benefits^	2.8	-
Unemployment Benefits or Cash Assistance to Unemployed Workers*^	2.9	2.6
Assistance to Unemployed or Underemployed Workers (e.g. job training, subsidized employment, employment supports or incentives)*^	2.10	2.7
Healthy Childhood Environments: Child Care*^	2.11	3.6
Healthy Childhood Environments: Home Visiting*^	2.12	3.7
Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System*^	2.13	3.8
Healthy Childhood Environments: Early Learning*^	2.14	3.1
Long-term Housing Security: Affordable Housing*^	2.15	3.10
Long-term Housing Security: Services for Unhoused Persons*^	2.16	3.11
Housing Support: Housing Vouchers and Relocation Assistance for Disproportionately Impacted Communities*^	2.17	-
Housing Support: Other Housing Assistance*^	2.18	3.12
Social Determinants of Health: Community Health Workers or Benefits Navigators*^	2.19	3.14
Social Determinants of Health: Lead Remediation*^	2.20	3.15
Medical Facilities for Disproportionately Impacted Communities^	2.21	-
Strong Healthy Communities: Neighborhood Features that Promote Health and Safety^	2.22	-
Strong Healthy Communities: Demolition and Rehabilitation of Properties^	2.23	-
Addressing Educational Disparities: Aid to High-Poverty Districts^	2.24	3.2
Addressing Educational Disparities: Academic, Social, and Emotional Services*^	2.25	3.3
Addressing Educational Disparities: Mental Health Services*^	2.26	3.4
Addressing Impacts of Lost Instructional Time^	2.27	-
Contributions to UI Trust Funds^	2.28	2.8
Assistance to Small Businesses		
Loans or Grants to Mitigate Financial Hardship^	2.29	2.9
Technical Assistance, Counseling, or Business Planning*^	2.30	
Rehabilitation of Commercial Properties or Other Improvements^	2.31	-
Business Incubators and Start-Up or Expansion Assistance*^	2.32	
Enhanced Support to Microbusinesses*^	2.33	
Assistance to Non-Profits		
Assistance to Impacted Nonprofit Organizations (Impacted or Disproportionately Impacted)^	2.34	2.10
Aid to Impacted Industries		
Aid to Tourism, Travel, or Hospitality^	2.35	2.11
Aid to Other Impacted Industries^	2.36	2.12
Other		
Economic Impact Assistance: Other*^	2.37	2.13
Household Assistance: Eviction Prevention*^	-	2.5
Education Assistance: Other*^	-	3.5

Expenditure Category	EC[28]	Previous EC[29]
Healthy Childhood Environments: Other*^	-	3.9
Social Determinants of Health: Other*^	-	3.13
3: Public Health-Negative Economic Impact: Public Sector Capacity		
General Provisions		
Public Sector Workforce: Payroll and Benefits for Public Health, Public Safety, or Human Services Workers	3.1	1.9
Public Sector Workforce: Rehiring Public Sector Staff	3.2	2.14
Public Sector Workforce: Other	3.3	-
Public Sector Capacity: Effective Service Delivery	3.4	7.2
Public Sector Capacity: Administrative Needs	3.5	-
4: Premium Pay		
Public Sector Employees	4.1	4.1
Private Sector: Grants to Other Employers	4.2	4.2
5: Infrastructure		
Water and Sewer		
Clean Water: Centralized Wastewater Treatment	5.1	5.1
Clean Water: Centralized Wastewater Collection and Conveyance	5.2	5.2
Clean Water: Decentralized Wastewater	5.3	5.3
Clean Water: Combined Sewer Overflows	5.4	5.4
Clean Water: Other Sewer Infrastructure	5.5	5.5
Clean Water: Stormwater	5.6	5.6
Clean Water: Energy Conservation	5.7	5.7
Clean Water: Water Conservation	5.8	5.8
Clean Water: Nonpoint Source	5.9	5.9
Drinking water: Treatment	5.10	5.10
Drinking water: Transmission & Distribution	5.11	5.11
Drinking water: Lead Remediation, including in Schools and Daycares	5.12	5.12
Drinking water: Source	5.13	5.13
Drinking water: Storage	5.14	5.14
Drinking water: Other water infrastructure	5.15	5.15
Water and Sewer: Private Wells	5.16	-
Water and Sewer: IIJA Bureau of Reclamation Match	5.17	-
Water and Sewer: Other	5.18	-
Broadband		
Broadband: "Last Mile" projects	5.19	5.16
Broadband: IIJA Match	5.20	-
Broadband: Other projects	5.21	5.17
6: Revenue Replacement		
Provision of Government Services	6.1	6.1
Non-federal Match for Other Federal Programs	6.2	-
7: Administrative		
Administrative Expenses	7.1	7.1
Transfers to Other Units of Government	7.2	7.3
Transfers to Non-entitlement Units (States and territories only)	-	7.4

Treasury has prepared the additional guidance below to support recipients in implementing the new expenditure categories. This table includes only those previous expenditure categories that are changing under the new structure, aligned with the final rule.

January 2022 Expenditure Categories		April 2022 Guidance
1: Public Health		
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency	EC removed, capital expenditures can be designated in any relevant PH-NEI EC (e.g., new hospital wing would be tracked under EC 1.4)
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)	EC is 1.7
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19	EC is 3.1
1.10	Mental Health Services*	EC is 1.12
1.11	Substance Use Services*	EC is 1.13
1.12	Other Public Health Services	EC is 1.14
2: Negative Economic Impacts		
2.5	Household Assistance: Eviction Prevention	EC is now included as part of 2.2
2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers*	EC is 2.9
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)*^	EC is 2.10
2.8	Contributions to UI Trust Funds	EC is 2.28
2.9	Small Business Economic Assistance (General)*^	If public-health related (e.g., providing rapid tests for small businesses), EC is 1.8; if related to negative economic impact eligible use (e.g., grants, technical assistance, rehabilitation, incubators, or microbusinesses), EC is 2.29-2.33
2.10	Aid to Nonprofit Organizations*	If public-health related (e.g., providing rapid tests for non-profits), EC is 1.9; if related to negative economic impact (e.g., grants to stabilize non-profit budget), EC is 2.34
2.11	Aid to Tourism, Travel, or Hospitality	EC is 2.35
2.12	Aid to Other Impacted Industries	EC is 2.36
2.13	Other Economic Support*^	EC is 2.37, re-named Other Economic Impact
2.14	Rehiring Public Sector Staff	EC is 3.2
3: Services to Disproportionately Impacted Communities		
3.1	Education Assistance: Early Learning*^	EC is 2.14
3.2	Education Assistance: Aid to High-Poverty Districts ^	EC is 2.24
3.3	Education Assistance: Academic Services*^	EC is 2.25, social and emotional services will now be tracked under this EC
3.4	Education Assistance: Social, Emotional, and Mental Health Services*^	EC is 2.26, if social and emotional services, EC is 2.25;

January 2022 Expenditure Categories		April 2022 Guidance
3.5	Education Assistance: Other*^	EC is 2.37, collected under Other Economic Impact
3.6	Healthy Childhood Environments: Child Care*^	EC is 2.11
3.7	Healthy Childhood Environments: Home Visiting*^	EC is 2.12
3.8	Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System*^	EC is 2.13
3.9	Healthy Childhood Environments: Other*^	EC is 2.37, collected under Other Economic Impact
3.10	Housing Support: Affordable Housing*^	EC is 2.15
3.11	Housing Support: Services for Unhoused Persons*^	EC is 2.16
3.12	Housing Support: Other Housing Assistance*^	EC is 2.18
3.13	Social Determinants of Health: Other*^	EC is 2.37, collected under Other Economic Impact
3.14	Social Determinants of Health: Community Health Workers or Benefits Navigators*^	EC is 2.19
3.15	Social Determinants of Health: Lead Remediation^	EC is 2.20
3.16	Social Determinants of Health: Community Violence Interventions*^	EC is 1.11
5: Infrastructure		
5.16	Broadband: "Last Mile" projects	EC is 5.19
5.17	Broadband: Other projects	EC is 5.20
7: Administrative		
7.2	Evaluation and Data Analysis	EC is 3.4 and has been renamed Effective Service Delivery
7.3	Transfers to Other Units of Government	EC is 7.2
7.4	Transfers to Non-entitlement Units (States and territories only)	To be separately reported as part of NEU/Non-UGLG module. Refer to Part 2 Section D.

Appendix 2: Evidenced-Based Intervention Additional Information

What is evidence-based?
For the purposes of the SLFRF, with the exception of investments in educational services (see additional information below), evidence-based refers to interventions with strong or moderate evidence as defined below:

Strong evidence means that the evidence base can support causal conclusions for the specific program proposed by the applicant with the highest level of confidence. This consists of one or more well-designed and well-implemented experimental studies conducted on the proposed program with positive findings on one or more intended outcomes.

Moderate evidence means that there is a reasonably developed evidence base that can support causal conclusions. The evidence base consists of one or more quasi-experimental studies with positive findings on one or more intended outcomes OR two or more non-experimental studies with positive findings on one or more intended outcomes. Examples of research that meet the standards include: well-designed and well-implemented quasi-experimental studies that compare outcomes between the group receiving the intervention and a matched comparison group (i.e., a similar population that does not receive the intervention).

Preliminary evidence means that the evidence base can support conclusions about the program's contribution to observed outcomes. The evidence base consists of at least one non-experimental study. A study that demonstrates improvement in program beneficiaries over time on one or more intended outcomes OR an implementation (process evaluation) study used to learn about and improve program operations would constitute preliminary evidence. Examples of research that meet the standards include: (1) outcome studies that track program beneficiaries through a service pipeline and measure beneficiaries' responses at the end of the program; and (2) pre- and post-test research that determines whether beneficiaries have improved on an intended outcome.

For investments in educational services, "evidence-based", consistent with the American Rescue Plan Act, has the meaning in section 8101(21) of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6301 *et seq.*). Please see page 16 of this Frequently Asked Questions resource on the Department of Education's Elementary and Secondary School Emergency Relief Programs and Governor's Emergency Education Relief Programs for more information.

Appendix 3: Expenditure Categories aligned with the Interim Final Rule

1: Public Health	
1.1	COVID-19 Vaccination ^
1.2	COVID-19 Testing ^
1.3	COVID-19 Contact Tracing
1.4	Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)*
1.5	Personal Protective Equipment
1.6	Medical Expenses (including Alternative Care Facilities)
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19
1.10	Mental Health Services*
1.11	Substance Use Services*
1.12	Other Public Health Services
2: Negative Economic Impacts	
2.1	Household Assistance: Food Programs* ^
2.2	Household Assistance: Rent, Mortgage, and Utility Aid* ^
2.3	Household Assistance: Cash Transfers* ^
2.4	Household Assistance: Internet Access Programs* ^
2.5	Household Assistance: Eviction Prevention* ^
2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers*
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)* ^
2.8	Contributions to UI Trust Funds
2.9	Small Business Economic Assistance (General)* ^
2.10	Aid to Nonprofit Organizations*
2.11	Aid to Tourism, Travel, or Hospitality
2.12	Aid to Other Impacted Industries
2.13	Other Economic Support* ^
2.14	Rehiring Public Sector Staff
3: Services to Disproportionately Impacted Communities	
3.1	Education Assistance: Early Learning* ^
3.2	Education Assistance: Aid to High-Poverty Districts ^
3.3	Education Assistance: Academic Services* ^
3.4	Education Assistance: Social, Emotional, and Mental Health Services* ^
3.5	Education Assistance: Other* ^
3.6	Healthy Childhood Environments: Child Care* ^
3.7	Healthy Childhood Environments: Home Visiting* ^
3.8	Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System* ^
3.9	Healthy Childhood Environments: Other* ^
3.10	Housing Support: Affordable Housing* ^
3.11	Housing Support: Services for Unhoused Persons* ^

3.12	Housing Support: Other Housing Assistance* ^
3.13	Social Determinants of Health: Other* ^
3.14	Social Determinants of Health: Community Health Workers or Benefits Navigators* ^
3.15	Social Determinants of Health: Lead Remediation ^
3.16	Social Determinants of Health: Community Violence Interventions* ^
4: Premium Pay	
4.1	Public Sector Employees
4.2	Private Sector: Grants to Other Employers
5: Infrastructure	
5.1	Clean Water: Centralized Wastewater Treatment
5.2	Clean Water: Centralized Wastewater Collection and Conveyance
5.3	Clean Water: Decentralized Wastewater
5.4	Clean Water: Combined Sewer Overflows
5.5	Clean Water: Other Sewer Infrastructure
5.6	Clean Water: Stormwater
5.7	Clean Water: Energy Conservation
5.8	Clean Water: Water Conservation
5.9	Clean Water: Nonpoint Source
5.10	Drinking water: Treatment
5.11	Drinking water: Transmission & Distribution
5.12	Drinking water: Transmission & Distribution: Lead Remediation
5.13	Drinking water: Source
5.14	Drinking water: Storage
5.15	Drinking water: Other water infrastructure
5.16	Broadband: "Last Mile" projects
5.17	Broadband: Other projects
6: Revenue Replacement	
6.1	Provision of Government Services
7: Administrative	
7.1	Administrative Expenses
7.2	Evaluation and Data Analysis
7.3	Transfers to Other Units of Government
7.4	Transfers to Non-entitlement Units (States and territories only)

Revision Log

Version	Date Published	Summary of changes
1.0	June 17, 2021	Initial publication
1.1	June 24, 2021	• Pg. 12, removed references to "summary" level with respect to reporting by Expenditure Categories in the Interim Report to avoid confusion. • Pg. 13, revised the coverage period end date for the Interim Report from June 30, 2021 to July 31, 2021 to align with the IFR. • Pg. 13, removed references to "summary" level with respect to reporting by Expenditure Categories in the Interim Report to avoid confusion. • Pg. 31, removed references to "summary level" with respect to Expenditure Categories in Appendix 1 to avoid confusion.
1.1	September 30, 2021	• Announced the extension in the Project and Expenditure Report submission date, originally due on October 31, 2021.
2.0	November 5, 2021	• Updated Subrecipient Monitoring section to clarify beneficiaries and recipients. • Updated references to Interim Final Rule comment period as comment period is closed. • Updated reporting tiers, thresholds and timelines in Part 2 Table 2, Reporting Requirements by recipient type, as well as Part 2 A and Part 2 B. • Updated reporting periods for Interim Report and Project and Expenditure reports. • Added concept of Adopted Budget to Project and Expenditure Report data fields. • Noted phase in of Required Programmatic Data in the Project and Expenditure Report. • Removed certain data fields from the Ineligible Activities: Tax Offset Provision under the Recovery Plan. • Separated reporting of NEU Distributions (for States and territories) from the Interim Report and Project and Expenditure Reports as information will be provided on an ongoing basis.
2.1	November 15, 2021	• Updated pages 9 and 11 to note that civil rights certification is not applicable to Tribal Governments.
3.0	February 28, 2022	• Updated to incorporate reporting updates under the final rule
4.0	June 10, 2022	• Updated Recovery Plan guidance to incorporate minor revisions • Updated language around certain data fields that were required for April 2022 reporting • Updated data fields for Ineligible Activities: Tax Offset Provision for the Project and Expenditure report • Updated Broadband data fields
4.1	June 17, 2022	• Updated clerical errors in Ineligible Activities: Tax Offset Provision
4.2	August 15, 2022	• Updated to clarify resources for Uniform Guidance applicability and add a reference to an alternative to the Single Audit available for eligible recipients
5.0	September 20, 2022	• Updated to note phase in of broadband location by location data fields

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Resolution: 270-22

File Number: 2022-1009

PEACE AT HOME FAMILY SHELTER SUBRECIPIENT AGREEMENT:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER FOR THE EXPANSION OF THE EMERGENCY SHELTER FOR SURVIVORS OF DOMESTIC VIOLENCE UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF $686,500.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the City of Fayetteville has received funding from the American Rescue Plan Act (ARPA) invited non-profit organizations to submit proposals for projects to fund with the available ARPA funding; and

WHEREAS, the Peace at Home Family Shelter submitted an application requesting $686,500.00 in American Rescue Plan Act funds for the expansion of the safety shelter for survivors of domestic violence; and

WHEREAS, the expansion will include 3 additional shelter bedrooms with bathrooms which will allow Peace at Home to provide safe, emergency shelter to approximately 60 additional adults and children fleeing domestic violence each year; and

WHEREAS, the Subrecipient Agreement would provide funding in the amount of $686,500.00 for the rehabilitation and construction costs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a Subrecipient Agreement with Peace at Home Family Shelter to provide the amount of

$686,500.00 in American Rescue Plan Act funds to fund the expansion of the emergency shelter.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

PASSED and APPROVED on 11/15/2022

Approved:

Lioneld Jordan, Mayor

Attest:

Kara Paxton, City Clerk Treasurer

CITY CLERK / TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Text File

File Number: 2022-1009

Agenda Date: 11/15/2022 **Version:** 1 **Status:** Passed

In Control: City Council Meeting **File Type:** Resolution

Agenda Number: C.5

PEACE AT HOME FAMILY SHELTER SUBRECIPIENT AGREEMENT:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER FOR THE EXPANSION OF THE EMERGENCY SHELTER FOR SURVIVORS OF DOMESTIC VIOLENCE UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF $686,500.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the City of Fayetteville has received funding from the American Rescue Plan Act (ARPA) invited non-profit organizations to submit proposals for projects to fund with the available ARPA funding; and

WHEREAS, the Peace at Home Family Shelter submitted an application requesting $686,500.00 in American Rescue Plan Act funds for the expansion of the safety shelter for survivors of domestic violence; and

WHEREAS, the expansion will include 3 additional shelter bedrooms with bathrooms which will allow Peace at Home to provide safe, emergency shelter to approximately 60 additional adults and children fleeing domestic violence each year; and

WHEREAS, the Subrecipient Agreement would provide funding in the amount of $686,500.00 for the rehabilitation and construction costs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a Subrecipient Agreement with Peace at Home Family Shelter to provide the amount of $686,500.00 in American Rescue Plan Act funds to fund the expansion of the emergency shelter.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

Legistar ID No.: 2022- 1009

AGENDA REQUEST FORM

FOR: Council Meeting of November 15, 2022

FROM: Council Member Sarah Bunch

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER FOR THE EXPANSION OF THE EMERGENCY SHELTER FOR SURVIVORS OF DOMESTIC VIOLENCE UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF $686,500.00, AND TO APPROVE A BUDGET ADJUSTMENT

APPROVED FOR AGENDA:

Approved by email
City Council Member
Sarah Bunch

11/01/2022
Date

City Attorney Kit Williams
Approved as to form

November 1, 2020
Date

Batker, Jodi

From: Bunch, Sarah
Sent: Tuesday, November 01, 2022 11:21 AM
To: Batker, Jodi; Williams, Kit; Blake Pennington; Paxton, Kara
Subject: Re: Resolution

Jodi,

Sorry, I am just now getting back to you on this. Please consider this email my approval of the Resolution as attached, and see that it gets added to our agenda. Call me if you need anything else.

Sarah Bunch

From: Batker, Jodi <jbatker@fayetteville-ar.gov>
Sent: Thursday, October 27, 2022 4:03 PM
To: Bunch, Sarah <sarah.bunch@fayetteville-ar.gov>
Cc: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Resolution

Sarah,

Attached the requested Resolution for the Peace at Home Shelter for your review. If there are no changes needed, I've attached the Agenda Request for your signature.

Thank you.

Jodi Batker
Paralegal
113 W. Mountain St., Suite 302
Fayetteville, Arkansas 72701
Telephone: (479) 575-8313
jbatker@fayetteville-ar.gov

OFFICE OF THE CITY ATTORNEY

Facebook | Twitter | Instagram | YouTube

RESOLUTION NO. _____

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER FOR THE EXPANSION OF THE EMERGENCY SHELTER FOR SURVIVORS OF DOMESTIC VIOLENCE UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF $686,500.00, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the City of Fayetteville has received funding from the American Rescue Plan Act (ARPA) invited non-profit organizations to submit proposals for projects to fund with the available ARPA funding; and

WHEREAS, the Peace at Home Family Shelter submitted an application requesting $686,500.00 in American Rescue Plan Act funds for the expansion of the safety shelter for survivors of domestic violence; and

WHEREAS, the expansion will include 3 additional shelter bedrooms with bathrooms which will allow Peace at Home to provide safe, emergency shelter to approximately 60 additional adults and children fleeing domestic violence each year; and

WHEREAS, the Subrecipient Agreement would provide funding in the amount of $686,500.00 for the rehabilitation and construction costs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a Subrecipient Agreement with Peace at Home Family Shelter to provide the amount of $686,500.00 in American Rescue Plan Act funds to fund the expansion of the emergency shelter.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

PASSED and **APPROVED** this 15th day of November, 2022.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
KARA PAXTON, City Clerk/Treasurer

City of Fayetteville, Arkansas - Budget Adjustment Form (Legistar) *1 Errors*

Budget Year	Division /Org2	Adjustment Number
2022	Non-Departmental (800)	
	Requestor: Council Member Sarah Bunch	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER FOR THE EXPANSION OF THE EMERGENCY SHELTER FOR SURVIVORS OF DOMESTIC VIOLENCE UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF $686,500.00, AND TO APPROVE A BUDGET ADJUSTMENT.

RESOLUTION/ORDINANCE

COUNCIL DATE: 11/15/2022

LEGISTAR FILE ID#: **2022-1009**

Kevin Springer
10/27/2022 4:31 PM

Budget Director Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

CHKD/POSTED: /

v.20221019

TOTAL	686,500	686,500				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
2246.800.9719-5315.00	686,500	-	***20023***	***2021***	EX	**Contract Services
2246.800.9246-4309.01	-	686,500	20023	2021	RE	Federal Grants - Operational
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

CITY OF FAYETTEVILLE ARKANSAS

CITY OF FAYETTEVILLE
AMERICAN RESCUE PLAN ACT
2022 SUBRECIPIENT GRANT APPLICATION

NOTE: Submission of a Subrecipient Grant Application provides no guarantee that the applicant will receive funding. All organizations selected to receive funds will be subject to entering into a contract with the City of Fayetteville and subject to the rules and regulations pertaining to the American Rescue Plan Act.

Please review the City of Fayetteville American Rescue Plan Act 2022 Subrecipient Grant Application Guide for more information on the required items listed in this application.

PART 1 APPLICANT IDENTIFICATION	
Total Amount of Funding Requested (whole dollar) [Minimum $50,000]	$686,500
Applicant/Organization Name	Peace at Home Family Shelter
Mailing Address (street, city, zip)	PO Box 10946, Fayetteville, AR 72703
Organization Website	www.peaceathomeshelter.org
DUNS Number	029494593
Organization FEIN/SSN	71-0552563
PART 2 APPLICANT CONTACT INFORMATION	
Contact for Project (name & title)	Teresa Mills, CEO
Contact Phone Number	479-444-8310
Contact Email	tmills@peaceathomeshelter.com
Signature Authority (name, title & email address)	Teresa Mills, CEO tmills@peaceathomeshelter.com
PART 3 PROJECT INFORMATION	
Project Name	Expanding Safe Shelter for Survivors of Domestic Violence
Project Address (street, city, zip)	3045 E Ivey Ln, Fayetteville, AR 72764

PART 3 PROJECT INFORMATION continued	
Is anyone with control over the Organization (i.e. owner, manager, director, board member, or other) or any member of that person's immediate family, an employee or elected official of the City of Fayetteville	◉ Yes ○ No
If Yes, above, please identify person and position with the City	Blake Pennington, Assistant City Attorney (Peace at Home board member)
Project Summary (**brief** synopsis of proposed project)	The ongoing COVID-19 pandemic has made it more difficult and dangerous for victims of domestic violence seeking to flee abusive homes. Peace at Home Family Shelter proposes a renovation project to create 3 additional shelter bedrooms with bathrooms. This will allow Peace at Home to provide safe, emergency shelter to approximately 60 additional adults and children fleeing domestic violence each year.
Describe previous experience in providing similar services	As the first domestic violence shelter in the state of Arkansas, Peace at Home Family Shelter has been providing safe, emergency shelter to survivors of domestic violence and their children since 1979. In addition to safe shelter, Peace at Home also provides housing assistance, counseling, legal services exclusively to survivors of domestic violence and their children. In total, we serve over 1,000 individuals each year.
Programs will typically be funded for a time period not to exceed 12 months from the signed date of the subrecipient agreement. Please describe your organization's ability to plan and utilized requested funds within that timeframe.	The requested project will be for rehabilitation and construction costs in order to increase the physical capacity of our emergency shelter for survivors of domestic violence. We are already working with an architect for this and other projects and would be able to quickly begin construction to meet the limited time frame required.

PART 4 PROJECT BENEFICIARIES	
Projected number of **Fayetteville** beneficiaries	60 per year

Because the federal rules vary depending on the type of project for which funds are being requested, the city has grouped project requests in 3 focus categories: Social Services, Economic, and Environmental. Please choose the corresponding category below that most closely identifies your project.

PART 4A **SOCIAL SERVICES APPLICATIONS ONLY**	
Will **ALL** beneficiaries live, work and/or go to school in Fayetteville	◉ Yes ○ No
Will **ALL** beneficiaries meet US Treasury Low to Moderate Income (LMI) Guidelines (please see Application Guide, Exhibit A).	◉ Yes ○ No
Will **ALL** beneficiaries have been negatively impacted by COVID-19	◉ Yes ○ No
Does this request respond to a **negative COVID-19 impact**?	◉ Yes ○ No
If answering Yes to the **question above**, please describe the COVID-19 impact and how this proposal will aid in responding to the impact	COVID-19 has made it more dangerous for victims of domestic violence to flee abusive homes and avoid homelessness. The Final Rule lists victims of domestic violence as a population disproportionately negatively impacted by COVID-19 (page 19). This proposal will increase our community's capacity to provide safe emergency housing for a vulnerable population.
Please indicate how the proposed project meets eligibility standards and requirements described in the Department of Treasury's Final Rule for Coronavirus State and Local Fiscal Recovery Funds	As a project providing emergency housing assistance, this project is enumerated in the Final Rule as eligible to respond to the impacts of the pandemic on households and communities.

PART 4B **ENVIRONMENTAL APPLICATIONS ONLY**	
Please describe the effect of the proposed environmental impact or benefit. Please indicate how the proposed project meets eligibility standards under the EPA's Clean Water State Revolving Fund (CWSRF), Drinking Water State Revolving Fund (DWSRF), or eligible projects as described in Department of Treasury's Final Rule for Coronavirus State and Local Fiscal Recovery Funds. See Subrecipient Application Guide for more information.	
PART 4C **ECONOMIC APPLICATIONS ONLY**	
Please describe the residents or industry sector this grant request is intended to serve or benefit. Please indicate how the proposed project meets eligibility standards and requirements described in the Department of Treasury's Final Rule for Coronavirus State and Local Fiscal Recovery Funds.	This project will exclusively serve survivors of domestic violence and their children in our community. As a project providing emergency housing assistance, this project is enumerated in the Final Rule as eligible to respond to the impacts of the pandemic on households and communities.
Does this request respond to a negative COVID-19 impact	(●) Yes ( ) No
If yes, please describe the COVID-19 impact and how this proposal will aid in the City's economic recovery	COVID-19 has made it more dangerous for victims of domestic violence to flee abusive homes and avoid homelessness. The Final Rule lists victims of domestic violence as a population disproportionately negatively impacted by COVID-19 (page 19). This proposal will aid in the City's economic recovery by meeting temporary housing needs for a vulnerable population so they have the stability to find or maintain employment and permanent housing in our community and achieve self-sufficiency.

PART 5 FAYETTEVILLE BUSINESS LICENSE

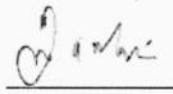
City Code Chapter 118 Business Registry and Licenses delineates what businesses are required to have a Fayetteville Business License. Submission of this grant application indicates that, if required, a current business license is in place.

PART 6 SIGNATURE OF SIGNATURE AUTHORITY AND DATE

I am an authorized employee/agent of the applicant organization and I am authorized to submit this application.

I have read and reviewed the American Rescue Plan Act documentation. I understand that as a subrecipient of the City of Fayetteville's American Rescue Plan Act funds, I will be responsible for maintaining records, complying with provisions of the subrecipient agreement, and providing any/all records and information necessary for the City of Fayetteville to report on this award.

All applications and documentation are subject to disclosure pursuant to the Arkansas Freedom of Information Act. All documentation may be provided to Federal and/or State government agencies for accounting and auditing purposes.



Teresa A. Mills CEO 3/29/2022

Name/Title/Date

PART 7 ORGANIZATION DESCRIPTION Provide a brief description of your organization and the services offered.	
Year of Incorporation	1977
Philosophy, Purpose and/or Mission Statement	The mission of Peace at Home Family Shelter is to empower victims of domestic violence to survive and thrive by nurturing their self-determination and courage and to promote healthy relationships and compassionate communities through education, outreach, and advocacy. Peace at Home Family Shelter believes that everyone deserves to feel safe in their own homes. We operate with an empowerment philosophy centered on the rights of survivors of domestic violence to be the decision makers of their own lives.

Provide a brief description of your organization including information about programs and/or services other than the proposed project.

Peace at Home Family Shelter helps survivors of domestic violence and their children safely escape abusive homes and rebuild their lives. In addition to providing immediate safe shelter, our program connects survivors with the resources they need to transition out of shelter and into long-term safe housing. Our programs have five components working together to help survivors transition from homes of violence to homes of safety.

24 Hour Hotline -- First, Peace at Home operates a 24/7 crisis hotline and email inbox. Our crisis hotline is available in Spanish and English and serves as the entry point for clients. Hotline advocates assist callers with community referrals, safety planning, coming into shelter, and our additional programs. In 2021, we received 1,205 calls from members of our community seeking help.

Emergency Shelter -- The emergency shelter has 14 rooms available for women, men, children, and any person escaping violence. Bilingual staff are available to provide onsite assistance to clients. On average, families stay 45 days in shelter as they work on their individualized goals (90 day maximum stay). Peace at Home was able to provide emergency shelter to 151 individuals in the community in 2021, a reduced capacity due to COVID-19 and renovations to make the shelter safer for families during the on-going pandemic.

Advocacy -- While staying in shelter, clients are offered advocacy services to help them reach their goals. Advocates meet daily with clients to develop and implement self-sufficiency plans.

These plans are built around the current strengths of a survivor and provide steps to achieving long-term goals such as employment or affordable housing.

The purpose is to empower survivors to overcome their unique barriers such as education skill gaps, scarce work histories, unreliable transportation, career planning, affordable child-care, and self-confidence. Peace at Home maintains partnerships with life-skill agencies such as the Credit Counseling of Arkansas and Dress for Success. These agencies provide critical support for the clients to meet the variety of employment and financial goals that they have towards achieving a safe life. The Institute for Women's Policy Research indicates that 73% of respondents said that they had stayed with an abusive partner longer than they wanted or returned to them for economic reasons.

Working together, advocates eliminate barriers that might keep survivors economically or emotionally dependent on a violent partner. These advocacy services are also open to individuals in the community who are not currently living at our shelter but are survivors of domestic violence in need of assistance.

Housing Assistance -- Survivors of domestic violence in our emergency shelter and in our community also have access to support from our Home Restored and SHE housing assistance programs. These program provides direct financial support, landlord advocacy, budgeting skills, and case management to help families find permanent housing in the community that meets their long-term needs. In 2021, Peace at Home was able to provide housing-related assistance to 160 families.

Legal Services -- Peace at Home has an onsite staff attorney and a bilingual advocate to assist shelter residents and outreach clients with legal needs. Our legal services department enables Peace at Home to provide survivors of domestic violence with legal representation for divorce cases, child custody issues, and orders of protection as well as legal advocacy and financial assistance for legal fees. In 2021, Peace at Home provided legal services to 537 clients.

Mental Health/Emotional Support Services - Peace at Home employs a full-time bilingual counselor and partners with the University of Arkansas Doctorate Program in Psychology as a site for doctoral candidates in clinical psychology. These mental health professionals provide one-on-one and parent/child counseling to clients of Peace at Home free of charge. In 2021, Peace at Home provided direct counseling services to 94 individuals in our community.

All of our services are free of charge, personalized to meet individual survivor needs, and voluntary.

PART 8	PROJECT BUDGET Provide a descriptive line-item budget for the entire project including the American Rescue Plan Act (ARPA) funds being requested. **Provide specific information on how American Rescue Plan Act funds will be used and include any necessary supporting documentation. Please indicate whether any American Rescue Plan Act funds have been requested or received from other sources, and if so, provide detailed information on the source and proposed use of those funds.** Please indicate how you will spend all awarded ARPA funding by the project end date.

Peace at Home Family Shelter - Rehabilitation Project to Add Capacity

Budget (based on estimates received from WER Architects):
Construction:
1000 sf ($235 per sf renovation costs) - $235,000
1250 sf ($300 per sf building addition costs) - $375,000
Escalation - $18,000
FF&E - $35,000
Design/Engineering/Surveys/Geotech - $23,500

TOTAL PROJECT BUDGET: $686,500

Spending by Project Date - The requested funds will be for a building rehabilitation project and will be expensed within the project timeline on the above line items.

Other ARPAR Requests - Peace at Home Family Shelter has requested $25,000 in ARPAR funding from the Emergency Food and Shelter Program to support emergency shelter operations.

PART 9	PROJECT DESCRIPTION Describe the proposed project and provide the information requested under PART 9 of the American Rescue Plan Act 2022 Subrecipient Application Guide. Please provide any additional information that will assist in evaluating the project.

What Project Will Do

This project will increase the capacity of the emergency shelter for survivors of domestic violence by renovating and expanding a section of the existing shelter building to add three additional client rooms and bathrooms. This project will involve converting an existing storage space into client rooms while expanding out to replace the lost storage. Currently, Peace at Home Family Shelter has capacity for up to 14 households (survivors and their children) at the emergency shelter (40-55 people). This project would permanently increase that capacity to 17 households. Allowing approximately 60 additional individuals to access emergency shelter every year.

COVID-19 has negatively impacted victims of domestic violence, as many individuals have lost employment and social supports to help them successfully leave abusive relationships. In 2022, Peace at Home received 1,205 calls from individuals seeking support in our community, an increase from pre-pandemic 2019 numbers of 24%.

As more individuals are requesting shelter services, Peace at Home Family Shelter also had to change shelter operations due to COVID-19. Now, clients no longer share rooms or bathrooms to help prevent the spread of illness. While this change was necessary to protect the health of families in shelter, it reduced capacity for emergency shelter. The completion of this project will recover lost capacity and allow Peace at Home to safely shelter more families. Peace at Home operates with a waiting list for emergency shelter due to insufficient capacity and high community need.

This project is in alignment with the City of Fayetteville's Master Plan goals #1 and #6 as it involves the rehabilitation of an existing building and increasing access to housing.

Execution of Project

This is a building rehabilitation project that will involve the addition of three additional family rooms to Peace at Home's emergency shelter. If approved for funding, the construction would take place within the 12-month timeframe and services would continue for families residing in the newly expanded shelter. Peace at Home Family Shelter is already working with WER Architects on this project and, if approved for funding, would be able to complete the rehabilitation within the required time frame.

How Beneficiaries are Selected

Peace at Home Family Shelter advertises and operates a 24-hour crisis hotline, email help address, and limited online chat for individuals in the community to reach out to us for assistance.

PART 9 PROJECT DESCRIPTION continued

When a person contacts us for services, our only requirement is that they are a survivor of domestic violence and have a need for services. For the emergency shelter, someone must be either fleeing intimate partner violence or homeless as a result of recent intimate partner violence. Our emergency shelter program defines 'recent' as within the past three months. Per best practices laid out by the National Network to End Domestic Violence, no additional verifications are required. When a new client arrives at the shelter, they complete intake paperwork with an advocate.

Services Provided

In addition to meeting immediate needs for shelter, each emergency shelter client is assigned to a primary advocate who works with them to identify and work towards individualized goals for self-sufficiency and recovery from domestic violence. These goals can include: acquiring permanent housing, increasing income, rebuilding social support networks, legal needs, and mental wellbeing. Many of these needs can be addressed through Peace at Home's in-house programs, but advocates also offer robust community referrals to help clients connect with the community at large.

Verification of Final Rule Qualification

As a project providing emergency housing, this project is an enumerated in the Final Rule as a qualifying project. While there is no income requirement for emergency shelter services for victims of domestic violence, anyone seeking shelter at a domestic violence organization is considered homeless under Housing and Urban Development (HUD) Category 4 definition and is a presumed benefit clientele population assumed to be Low to Moderate Income according to Community Development Block Grant HUD regulations.

Benefit of Project – Limited Assistance and Creating Self-Sufficiency

This project will enhance Peace at Home Family Shelter's capacity to provide immediate, life-saving emergency shelter to survivors of domestic violence and their children at a time when survivors are more in need of shelter and our capacity has been reduced (both because of the ongoing COVID-19 pandemic). In addition to this immediate assistance, the individualized advocacy provided to all residents of Peace at Home's emergency shelter allows individuals to work towards and obtain self-sufficiency and thrive in our community.

How Project will Further Philosophy and Purpose

This project will further Peace at Home Family Shelter's philosophy and purpose by increasing our capacity to provide client-centered safe shelter and supportive services to survivors of domestic violence and their children in our community. With increased capacity, our emergency shelter can serve more families in need every day and help make our community a safe and thriving place for all of our neighbors.

PART 10	PROJECT TIMELINE Provide a complete and specific timeline for all activities related to proposed project.

Project Timeline

Upon Award Notification (0-3 months) - Finalize design details with WER Architects, receive bids from construction contractors and select a contractor for the project.

3 Months-9 Months into Project - Complete construction and renovation of shelter space to add 3 additional client rooms with bathrooms and replace storage area.

9 Months - 12 Months (if not completed sooner) - Ensure all construction is completed and payments are processed. Acquire and install all necessary furniture, fixtures, and equipment. Complete inspection. Open rooms up to survivors of domestic violence seeking safe shelter.

PART 11 DATA COLLECTION, RECORD MAINTENANCE, AND REPORTING Describe how the organization will collect data and maintain records to track program activities and eligibility verification. Please also describe your organization's ability to produce required documentation including financial reports, performance reports, progress reports, expenditure information, etc.

Data Collection and Maintenance:

Peace at Home Family Shelter utilizes a database system built for victim service organizations by Osnium called WomensShelter for all client and program tracking information, including program activities and client eligibility. This database is used to generate reports for any grant requirements and to assess program effectiveness. Data is collected by advocate staff members of Peace at Home at intake and on an ongoing basis throughout the client's stay.

Organizational Capacity

Peace at Home has extensive experience managing federal grants, including grants as a recipient and sub-recipient from the Department of Justice, Department of Health and Human Services, and the Department of Housing and Urban Development.

Peace at Home employs a full-time Chief Financial Officer (CFO) to oversee all finances, including financial reporting for grants. The CFO is a certified public accountant and successfully manages all necessary reporting for grants and ensure appropriate accounting for all restricted funding.

PART 12 PROJECT EVALUATION | OBJECTIVES AND OUTCOMES List the objectives (not activities) of the proposed project. Describe how each objective will be measured to determine if it has been met.

Use the following format

Objective #:
Outcome(s):
Method of Measurement:

Objective: More survivors of domestic violence and their children have access to safe, emergency housing in order to flee abusive homes.

Outcome: 60 more individuals will receive safe shelter in the 12 months following completion of the rehabilitation than in the 12 months previous, increasing the shelter's capacity by 25%.

Method of Measurement: Shelter stays are logged in our database system and the previous 12 months before the rooms were added can be compared to a period of time after the additional rooms are opened to measure an increase in capacity for safe shelter.

Objective: More survivors of domestic violence will have access to individualized advocacy and support to help them overcome barriers to independence.

Outcome: Peace at Home advocates will provide an average of 14 hours of individualized advocacy services to each household staying in the shelter, providing support in commonly identified needs, including: safety planning, emotional support, resource referrals, legal support, budgeting, and transportation.

Method of Measurement: Hours of advocacy services are logged in the database system and can be pulled in aggregate for all shelter clients.

PART 13 PARTIAL FUNDING Indicate whether the project can proceed with partial funding. If **YES**, indicate the minimum amount the applicant will accept with line items arranged from highest to lowest priority. Describe the impact that partial funding will have on the project. If **NO**, the project will not be considered for partial funding.

Yes, the project could proceed with partial funding. Given the limited 12-month time frame, the project would need to be funded at a minimum of 75% in order to move forward. The impact of partial funding could potentially be redirecting needed funds away from important programs serving survivors of domestic violence in our community in order to fill the budget gap and move forward.

Line Item Breakdown - All line items are equally necessary for funding as all are necessary aspects of the rehabilitation project.

PART 14 ADDITIONAL DOCUMENTATION CHECKLIST

Please provide these items with your application. See page 10 of the 2022 American Rescue Plan Act Subrecipient Application Guide for more information

☑ Accessibility Narrative
☑ Board of Directors
☑ Bylaws
☑ Certificate of Good Standing
☑ Financial Audit (see Application Guide for more information)
☑ Intake Forms
☑ Non-Profit Status Verification [IRS 501(c)(3) letter, IRS form 990 or 990-EZ, etc.]
☑ Resumes
☑ System Award Management (SAM) registration
☑ Status of Funding (if applicable)
☑ Additional Documentation Checklist (this page)
☑ Additional Information

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-769

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff

FROM: Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs

SUBJECT: **Approval of a Conservation Easement**

RECOMMENDATION:
Resolution to approve a conservation easement on 98 acres located on Deadhorse Mountain Road jointly owned by the City and Watershed Conservation Resource Center.

BACKGROUND:
The City Council passed Resolution 97- 19 on April 16, 2019 that approved a Land Purchase, Use and Conservation Contract with the Watershed Conservation Resource Center (WCRC). This contract was for the joint purchase of about 98 acres of land near Dead Horse Mountain Road for the purpose of conservation, restoration, and enhancement to provide water quality improvements and protection of the Beaver Lake Watershed and to provide recreational benefits to the citizens of Fayetteville and requires placing the majority of the property into a conservation easement.

DISCUSSION:
Per the contract requirement, WCRC, the Northwest Arkansas Land Trust, and the City have collaboratively developed conservation easement language that supports the original intent of the land purchase and allows for the use of limited improvements including visitor facilities, boat launch facilities, fences, wildlife viewing structures and indigenous shelters, access drives, one shared-use paved trail connecting to the citywide network, and one shared-use paved trail provide access to a boat launch area, other trail signage and facilities such as benches, picnic tables, etc, and utility improvements. Further, the easement allows for certain actives and uses consistent with conservation purposes such as demonstration gardens, maintenance, invasive removals, etc.

WCRC has reviewed and approved the easement language. The easement will be presented to the NWALT Board for approval on November 21st for signal approval. A signed copy will be included in the final council packet.

BUDGET/STAFF IMPACT:
None

ATTACHMENTS: SRF (#3), Dead Horse Mtn. I Conservation Easement - Final (#4), 97-19 Resolution (#5), Land Purchase, Use and Conservation Contract (#6), Dead Horse Mtn. Conservation Easement - WCRC and NWALT - Final (#7)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-769

Approval of a Conservation Easement

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A GRANT OF CONSERVATION EASEMENT AND DECLARATION OF COVENANTS FOR 98 ACRES LOCATED ON DEAD HORSE MOUNTAIN ROAD

WHEREAS, on April 16, 2019 City Council passed Resolution 97-19 that approved a Land Purchase, Use, and Conservation Contract with the Watershed Conservation Resource Center (WCRC); and

WHEREAS, that contract was for the joint purchase of about 98 acres of land near Dead Horse Mountain Road for the purpose of conservation, restoration, and enhancement to provide water quality improvements and protection of the Beaver Lake Watershed and to provide recreational benefits to the citizens of Fayetteville and requires placing the majority of the property into a conservation easement; and

WHEREAS, pursuant to a requirement of the contract, WCRC, the Northwest Arkansas Land Trust, and the City have collaboratively developed a conservation easement that supports the original intent of the land purchase and allows for the construction of limited improvements including visitor facilities, boat launch facilities, fences, wildlife viewing structures and indigenous shelters, access drives, one shared-use paved trail connecting to the citywide network, and one shared-use paved trail provide access to a boat launch area, other trail signage and facilities such as benches, picnic tables, and utility improvements; and

WHEREAS, the easement also allows for certain activities and uses consistent with conservation purposes such as demonstration gardens, maintenance, and invasive removals.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a Grant of Conservation Easement and Declaration of Covenants, a copy of which is attached to this Resolution, and all other documents necessary for the preservation of 98 acres of environmentally sensitive land located on Deadhorse Mountain Road.

City of Fayetteville Staff Review Form

2024-769

Item ID

12/5/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Alison Jumper	11/15/2024	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Resolution to approve a conservation easement on 98 acres located on Deadhorse Mountain Road jointly owned by the City and Watershed Conservation Resource Center.

Budget Impact:

N/A	N/A
Account Number	Fund
N/A	N/A
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 97-19

Change Order Number:

Approval Date: 4/16/2019

Original Contract Number:

Comments:

Upon recording return to:
Northwest Arkansas Land Trust
1725 Smokehouse Trail
Fayetteville, Arkansas 72701
479-966-4666

GRANT OF CONSERVATION EASEMENT AND DECLARATION OF COVENANTS

THIS GRANT OF CONSERVATION EASEMENT AND DECLARATION OF COVENANTS (the **"Conservation Easement"** or "**Easement**") dated this _____ day of _____, 2024, but effective for all purposes as of the Effective Date (defined herein,) is entered into by and between **WATERSHED CONSERVATION RESOURCE CENTER,** an Arkansas nonprofit corporation ("**WCRC**"); the **CITY OF FAYETTEVILLE, ARKANSAS**, a duly constituted municipality under the laws of the State of Arkansas (the "**City**" and together with WCRC, the "**Owner**"), which shall include any successor in interest to any Owner executing this Easement, and the **NORTHWEST ARKANSAS LAND TRUST**, an Arkansas non-profit corporation ("**Holder**"), and is granted for the Conservation Purposes of the Property (both hereinafter defined). Owner and Holder are sometimes referred to in this Easement as "**Parties**".

ARTICLE I
BACKGROUND

1.01 Defined Terms. Initially capitalized terms not defined in this Article I are defined in Article IX.

1.02 Protected Property. Owner owns in fee simple certain real property, located in Washington County, Arkansas as more particularly described in Exhibit "A" attached hereto (the "**Property**"), and desires to grant and convey to Holder an unconditional and perpetual easement upon the Property for the Conservation Purposes described in Section 1.03. There are two areas included within the outside boundary of the Property that are not included in the Property, which are also described in Exhibit A. The two excluded areas are referred to herein as "**Excluded Areas**."

1.03 Easement; Covenants.

(a) **Easement**. By this Easement, Owner grants and conveys to Holder an unconditional and perpetual easement upon the Property for the Conservation Purposes described below (the "**Conservation Purposes**"). The Conservation Easement authorizes Holder to prevent and terminate activities, uses, and Improvements inconsistent with the Conservation Purposes. Article VI more fully describes the rights this Easement vests in Holder. It is the purpose of the Owner and Holder to avail themselves of the provisions of the Arkansas Conservation Easement Act, Ark. Code Ann. § 15-20-401 *et seq.*, without intending that the existence of this Conservation Easement be dependent on the continuing existence of that law.

(b) **Owner Covenants**. By this Easement, Owner, in furtherance of the Conservation Purposes, establishes covenants binding upon Owner's interest in the Property, which are set forth in Articles II through Article III. Article VII addresses potential violation of these covenants and remedies.

(c) **Holder Covenants**. By this Easement, Holder accepts the Conservation Easement and, in furtherance of the Conservation Purposes, establishes covenants binding upon Holder's easement interest in the Property, which are set forth in Article VI.

1.04 Easement Plan. Exhibit "B" is a graphic depiction of the Property subject to the Easement (the "**Easement Plan**") showing, among other details, the boundaries of the Property, including the boundaries of the Excluded Areas.

1.05 Conservation Purposes. Generally, the Conservation Purposes of this Conservation Easement are (i) to protect the "**Conservation Values**" (hereinafter defined and described), and other significant conservation interests (except to the extent it is necessary to impair such other conservation interests to protect the Conservation Values); (ii) to limit the use of the Property to those uses and activities that are consistent with such Conservation Values and interests; and (iii) to foster compatible educational and Passive Recreational Use of the Property.

In terms of the conservation purposes identified in Code Section 170(h)(4) the Conservation Purposes of this Easement include: (1) the protection of relatively natural habitats of fish, wildlife, and plants; (2) the preservation of Open Space for the scenic enjoyment of the public yielding a significant public benefit; and (3) the preservation of Open Space pursuant to clearly delineated governmental conservation policies yielding a significant public benefit.

More specifically, the Conservation Values and related Conservation Purposes, include the following, and are further detailed in the Baseline Documentation Report described in Article I, Section 1.06.

(a) **Resource-Specific**.

(i) **Water Resources**. The Property includes approximately 2,020 feet of the West Fork White River (WFWR), and numerous feet of unnamed tributary (including over-flow channels along the WFWR) and riparian forest and approximately 36 acres of wetlands including the spring-fed pond. Lands in the WFWR sub watershed are identified as a high priority for land conservation in the Beaver Lake Watershed Protection Strategy approved by the U.S. Environmental Protection Agency (EPA). It is among the Conservation Purposes to maintain and improve these water resources, both surface and groundwater, within, around, and downstream from the Property, particularly the protection of water quality of Beaver Lake, a Corps of Engineers impoundment that is a public source of drinking water and popular for boating, fishing, and swimming.

(ii) **Biological Resources**. It is among the Conservation Purposes to protect and improve the quality of relatively natural habitat of fish, wildlife, or plants, or similar ecosystems, including animals, fungi, other organisms, and particularly Native Species.

(iii) **Soil Resources**. It is among the Conservation Purposes to prevent the loss and depletion of soil on the Property.

(iv) **Local and Regional Conservation Plans.** The Property is identified as a conservation priority in the City of Fayetteville's Enduring Green network and the Northwest Arkansas Open Space Plan.

(v) **Ecosystem Services**. The property contributes to the resiliency and functioning of natural processes important to human systems, to retain, detain, and disperse stormwater runoff, thus mitigating erosion and flooding downstream of the Property, and to sequester carbon in plants and soil to mitigate rising atmospheric carbon levels.

1.06 Baseline Documentation. The specific Conservation Values of the Property and its use and state of Improvement as of the Effective Date are further documented in a Baseline Documentation Report (the "**Baseline Documentation Report**" or "**Report**") prepared by Holder and to be kept at the principal office of Holder. As of the Effective Date, Owner and Holder have signed an acknowledgement that the Report is complete and accurate. The Report includes reports, maps, photographs, and other documentation, to be used by Holder to assure that any future changes in the use of the Property will be consistent with the terms of this Conservation Easement. Notwithstanding the foregoing, the Report shall not be used to preclude the use of other evidence to establish additional Conservation Values or conditions on the Property now or in the future. The Report is incorporated by reference herein as if restated in full.

1.07 Consideration. Owner acknowledges receipt, as of the Effective Date, of good and valuable consideration for this Easement, including, but in no way limited to, the public benefit obtained, the covenants set forth in Article VII, and perpetual satisfaction of the Conservation Purposes. Notwithstanding the foregoing, Owner has received no monetary or other tangible economic benefit from Holder in exchange for the donation of this Conservation Easement.

1.08 Superior to all Liens. Owner warrants to Holder that the Property is, as of the Effective Date, free and clear of Liens or, if it is not, that Owner has obtained and recorded in the Public Records the legally binding subordination of the Liens affecting the Property as of the Effective Date.

ARTICLE II
TRANSFER; SUBDIVISION

2.01 Prohibitions. Owner is prohibited from taking the following actions, except as may be specifically permitted in Section 2.02. Owner may not:

(a) **Transfer of Portion of Property**. Transfer any part of the Property separate from any other part of the Property to any party other than WCRC or the City;

(b) **Subdivision**. Change the boundary of the Property or Subdivide the Property for the benefit of any party other than WCRC or the City;

(c) **Transfer of Density**. Except as necessitated by the Mitigation Activities allowed under Section 3.02(c), use the acreage protected under this Easement to increase allowable density or intensity of development within the Property or outside of the Property;

(d) **Transfer of Rights**. Except as necessitated by the Mitigation Activities allowed under Section 3.02(c), transfer development rights or other rights granted or allocated to the Property in support of development outside the Property;

(e) **Mining Prohibited**. Mine or permit any mining by surface, subsurface, or any other means anywhere on the Property; or

(f) **Compliance with Conservation Purposes.** Exercise any reserved right, or undertake any permitted use, in a manner that is inconsistent with the Conservation Purposes.

2.02 Permitted Changes. Owner is permitted to undertake the following uses and activities:

(a) **Lots within Property**. Merge two (2) or more Lots into one (1), or, subject to Review, reconfigure one (1) or more of the boundaries of such Lots, as long as the boundary of the Property as described in Exhibit "A" remains unchanged;

(b) **Transfer to Qualified Organization**. Subject to Review, create and transfer a Lot to a Qualified Organization for park, nature preserve, public trail, or other conservation purposes approved by Holder;

(c) **Transfer of Rights of Possession or Use**. Transfer of possession or use (but not ownership) of one or more portions of the Property for purposes permitted under, and subject to, compliance with the terms of this Easement. Tenants and lessees must comply with the applicable provisions of this Easement;

(d) **Conveyance of the Property**. To convey or devise the Property as a whole, subject to the provisions of this Easement; and

(e) **New Liens**. To place New Liens on the Property, provided that all such liens are subordinate to the provisions of this Easement.

2.03 Requirements.

(a) **Establishment of Lots for Transfer to a Qualified Organization; Allocations**. Prior to transfer of a Lot following a Subdivision to a Qualified Organization, Owner must (i) furnish Holder with the plan of Subdivision approved under Applicable Law and legal description of each Lot created or reconfigured by the Subdivision; (ii) mark the boundaries of each Lot with permanent markers; and (iii) allocate in a document recorded in the Public Records those limitations applicable to more than one Lot under this Easement. This information will become part of the Baseline Documentation Report incorporated into this Easement.

(b) **Amendment**. Holder may require Owner to execute an Amendment of this Easement to reflect a change to the description of the Property set forth in Exhibit "A," or other changes and allocations resulting from Subdivision, that are not established to the reasonable satisfaction of Holder by recordation in the Public Records of the plan of Subdivision approved under Applicable Law.

ARTICLE III
IMPROVEMENTS; ACTIVITIES AND USES

3.01 Improvements. Improvements are prohibited except as permitted in this Section 3.01.

(a) **Existing Improvements**. Existing Improvements, identified in Exhibit "B" and the Baseline Documentation Report, may be maintained, repaired, and replaced in their existing locations. Existing Improvements may be expanded or relocated if the expanded or relocated Improvement complies with requirements applicable to Additional Improvements of the same type. Existing Access Drives south of the West Fork White River may be expanded and rerouted in the Wet Area (the "Wet Area") identified in Exhibit "B" and described in Exhibit "C" to provide access to the West Fork White River.

(b) **Additional Improvements**. The following Additional Improvements are permitted:

(i) **Visitor Facilities.** The following visitor facilities are permitted provided they are located outside the Wet Area and so long as the size and location of such facilities are consistent with the Conservation Purpose of this Easement.

1) Visitor Exhibit Hall;[1]

2) Bathroom facilities;

3) Parking facilities for members of the public using the Property. Parking facilities must be constructed with Low Impact Design techniques,

[1] Architectural rendering included in Baseline Documentation Report as record of prototype.

4) No more than five (5) mobile food and beverage vendors;

5) One (1) storage structure for recreational equipment; and

6) Other structures and improvements that support education, recreation, or resource management, subject to Holder's approval at the sole discretion of the Holder.

(i) **Boat Launch Facilities**. Subject to Review, boat launch facilities on the pond, one boat launch on the West Fork White River, and accompanying boat houses for non-motorized boats only. Any permitted boat launching area must be designed to prevent erosion.

(ii) **Fences.** New fences and gates may be built on the Property for purposes of reasonable and customary access control and protection of resources, provided fencing does not substantially diminish or impair the Conservation Values. Fencing shall minimize adverse effects of fragmentation of habitat and facilitate the movements of wildlife across the Property;

(iii) **Wildlife Viewing, Habitat Structures, and Indigenous Shelters**. A reasonable number of wildlife viewing platforms, bird blinds, bird viewing towers[1], habitat enhancement devices, such as bat boxes and bird houses, indigenous shelter replicas or mounds;

(iv) **Access Drives**. Subject to Review, Access Drives (i) must not exceed thirty (30) feet in width, (ii) shall be located and constructed to protect the Conservation Purposes, (iii) should utilize existing road beds where possible, and (iv) shall incorporate Best Management Practices to manage erosion and stormwater runoff. Additional Access Drives are prohibited in the Wet Area unless otherwise approved by Holder.

(v) **Trails**. The location and density of trails shall be designed in a manner consistent with the Conservation Purposes. The following trails are permitted:

(1) Trails for pedestrian and non-motorized vehicle use constructed of (a) native, mowed grasses, or (b) wood chips, boardwalks, or other highly porous, natural, noninvasive material.

(2) One (1) shared-use paved trail connecting to the regional multiuse trail provided trail design plans are provided to the Holder prior to Construction.

(3) One (1) shared-use paved trail providing access to the boat launch on the West Fork White River provided trail Construction plans are provided to the Holder prior to Construction.

[1] Architectural rendering included in Baseline Documentation Report as record of prototype.

(4) Subject to Review, paved or pervious walkways approved by the Holder.

(vi) **Trail Signage**. Trails may only include signs to mark the trail, to provide information regarding restrictions, and for educational and interpretive purposes. Signage shall be unobtrusive in nature and designed with the express goal of minimizing impact to the vistas and Open Space nature of the Property.

(vii) **Trail Facilities**. Trails may include benches, picnic tables, wastebaskets, light fixtures, and bicycle racks, as may be deemed necessary. All other trail facilities are subject to Review. The design, location and density of trail facilities shall be architecturally consistent with the natural setting of the Property and designed with the express goal of minimizing impact to ecologically significant areas, including the Wet Area and species of special concern, and ensuring the vistas and Open Space nature of the Property.

(viii) **Utility Improvements**. Utility Improvements are permitted but must be underground or, subject to Review, may be aboveground where it is not reasonably feasible to install them underground.

3.02 Activities and Uses. Activities and uses are prohibited except as permitted below in this Section 3.02 and provided in any case that: (i) the intensity or frequency of the activity or use does not materially and adversely affect maintenance or attainment of Conservation Purposes, and (ii) no Invasive Species are introduced.

(a) **Resource Management and Disturbance**. The following activities and uses are permitted:

(i) Construction or other disturbance of resources, including cutting of trees, only to the extent reasonably prudent to remove, mitigate, or warn against an unreasonable risk of harm to Persons, their belongings, or health of Native Species on or about the Property.

(ii) Removal of Invasive Species;

(iii) Planting, replanting, and maintaining Native Species;

(iv) Construction of permitted Improvements with prompt restoration of soil and vegetation disturbed by such activity;

(v) Stream, wetland, and riparian restoration and habitat enhancement conducted in accordance with the approved WFWR Mitigation Bank Instrument Modification NO. SWL2012-00397-2 or other Resource Management Plan to be provided to the Holder.

(vi) Prescribed burns conducted in accordance with a Resource Management Plan approved by the Holder after Review.

(vii) Owner may use, or permit the use of, service vehicles and motorized equipment on the Property provided that:

(1) The use of such vehicles is reasonable and necessary for maintenance, security and/or emergency access to the Property, or for providing access to people with disabilities.

(2) Vehicles take care to avoid ecologically significant areas and species of special conservation concern on the Property.

(viii) Cutting or removing trees is permitted only as part of a Resource Management Plan and only trees greater than 6-inch diameter need to be approved by the Holder for the purposes of maintaining and improving natural areas and the ecological function of the Property.

(ix) Application of manure and plant material, both well composted, and, subject to compliance with manufacturer's recommendations, other substances to promote the health and growth of vegetation. These permitted substances do not include sewage sludge, industrial sludge, biosolids, septic system sludge or effluent, and related substances;

(x) Piling of brush and other vegetation to the extent reasonably necessary to accommodate permitted activities or uses.

(xi) Maintaining existing open areas in an open and unforested condition, by mowing, brush hogging, grazing, and removal of woody regeneration;

(xii) Design, construct, and maintain demonstration gardens for educational purposes and/or habitat improvement, including but not limited to rice fields, fruit and nut groves, vegetable gardens, and pollinator gardens. Demonstration gardens must contain continuous vegetative cover to protect the soil from erosion.

(xiii) Other activities that Holder, without any obligation to do so, determines are consistent with Conservation Purposes and are conducted in accordance with a Resource Management Plan or other plan approved for that activity after Review.

(c) **Mitigation Activities.** Owner may grant one (1) or more mitigation easements on portions of the Property to be subject to the Mitigation Activities ("Mitigation Areas"), and Owner or agents of Owner may undertake Mitigation Activities within such Mitigation Areas, and allow access to such areas across the Property as necessary to conduct such Mitigation Activities.

(i) Holder grants the right of Owner to conduct stream and wetland Mitigation Activities, including activities in the Existing WFWR Mitigation Bank Instrument Modification NO. SWL2012-00397-2. The Owner shall provide written notice to Holder prior to conducting New Mitigation Activities, including the grant of New mitigation easements or agreements, which notice shall include a copy of the mitigation easement or agreement. Owner also agrees to provide written notice to Holder prior to commencement of any New Mitigation Activities on the Property and to provide Holder with a copy of the mitigation plan or nutrient bank plan, and any amendments thereto, prior to commencement of the Mitigation Activities, or activities provided for in any amendment of the plan.

(ii) Owner retains the exclusive and sole rights to any payment for, or other benefits resulting from, the grant of a mitigation easement or nutrient bank agreement on the Property and for undertaking of any Mitigation Activities as reserved in this Section 3.02(c).

(iii) Holder is not responsible for monitoring any Mitigation Activities and has no obligation to enforce the provisions of any permit(s), restriction(s), or easement(s) therefor, other than the provisions of this Easement.

(d) **Cultural Rights.** Owner retains the right to grant cultural access to Indigenous communities, including but not limited to easements, licenses, and other interests for cultural activities such as harvesting native plants, ceremonies, and educational events.

(e) **Public Use and Access.** Public access and use of the Property for the purpose of passive outdoor recreational activities and educational outreach to enhance quality of life is permitted.

ARTICLE IV
INTENTIONALLY OMITTED

ARTICLE V
INTENTIONALLY OMITTED

ARTICLE VI
RIGHTS AND DUTIES OF HOLDER AND BENEFICIARIES

6.01 Holder Covenants. In support of the Conservation Purposes, Holder declares the following covenants binding upon its easement interest in the Property:

(a) **Exercise of Powers**. Holder must exercise the powers granted to it by this Easement to prevent and terminate activities, uses, and Improvements of the Property inconsistent with the Conservation Purposes;

(b) **Must be Qualified Organization**. Holder must be and remain at all times a Qualified Organization and must not transfer this Conservation Easement or otherwise assign its rights or responsibilities under this Easement to a Person other than a Qualified Organization committed to upholding the Conservation Purposes; and

(c) **Proceeds Used for Conservation Purposes**. Holder must use any funds received on account of the release, termination or extinguishment of this Conservation Easement in whole or in part in furtherance of its charitable conservation purposes;

6.02 Rights and Duties of Holder. The items set forth below are both rights and duties vested in Holder by this Easement:

(a) **Protect in Perpetuity**. To protect the Conservation Purposes of the Property in perpetuity;

(a) **Enforcement**. To enter the Property to investigate a suspected, alleged or threatened violation of the provisions of this Easement and, if found, to enforce the terms of this Easement by exercising Holder's remedies in this Easement. No prior Notice to Owner is required for entry on the Property by Holder when Holder, in good faith, believes such entry is necessary to terminate a violation or prevent a threatened violation which would significantly impair any Conservation Value. However, Holder shall first attempt to reach Owner by phone or email prior to such entry, and then provide a written explanation to Owner of the reason for such entry and a description of any actions taken immediately after such entry.

(b) **Inspection**. To enter and inspect the Property for compliance with the requirements of this Easement in a reasonable manner and at reasonable times;

(c) **Review**. To exercise rights of Review in accordance with the requirements of this Section; and

(d) **Interpretation**. To interpret the terms of this Easement and, at the request of Owner, furnish Holder's explanation of the application of such terms to then-existing, proposed, or reasonably foreseeable conditions within the Property.

6.03 Amendment and Holder's Discretionary Approval Background. Owner and Holder have determined, in good faith, the limitations of any permissible modifications hereto. Owner and Holder recognize that natural conditions, landscapes, uses and technologies change over time. Holder and Owner recognize that unforeseen or changed future circumstances may arise which makes it beneficial or necessary to take certain action in order to ensure the continued protection of the Conservation Purposes of the Property and to guarantee the perpetual nature of this Conservation Easement. Additional proposed activities may require the exercise of discretion by Holder, as further described below. This Section therefore ensures that the Holder protects the Conservation Purposes of the Property in perpetuity.

(a) **Purpose.** If approved by the Holder in its sole discretion, Owner and Holder have the right to modify this Easement. Holder may exercise its discretion in accordance with the

provisions and limitations of this Section. Holder has no obligation to agree to any modification of this Easement. No modification shall adversely affect the perpetual duration of this Easement or the perpetual protection of its Conservation Purposes.

(b) **Amendment Requirements**. Holder shall not consent to any amendment of this Easement unless Owner submits a written request for Amendment pursuant to Holder's existing amendment policy and such proposed Amendment qualifies under Holder's policy then in effect respecting conservation easement amendments. The effect of such Amendment shall enhance, or at least be neutral with respect to the Conservation Purposes of this Easement, shall comply with Code Section 170(h) and any Regulations promulgated pursuant to such section, shall comply with all applicable federal, state and local laws, shall be consistent with Holder's public mission, shall not jeopardize the Holder's tax-exempt status or status as a charitable organization under federal or state law, and shall not result in private inurement or confer impermissible private benefit. Owner and Holder may amend this Easement to be more restrictive to comply with the provisions of Code Section 2031(c). Holder may require subordination of any Lien arising after the Effective Date as a condition of permitting any substantive Amendment to this Easement.

(c) **General**. Holder and Owner shall have no power or right to agree to any activity, use or structure that would (i) result in the extinguishment in full of this Easement; (ii) adversely affect the perpetual nature of this Easement; (iii) adversely affect the qualification of this Easement or the status of Holder under any Applicable Laws, including Code Sections 170(h), 501(c)(3), and the laws of the State of Arkansas; or (iv) result in either impermissible private benefit or inurement to any party. For purposes of this Section, the terms impermissible private benefit and inurement shall have the same meanings ascribed to them in Code Section 501(c)(3) and associated Regulations.

(d) **Discretionary Acts.** Subject to the conditions and circumstances set forth below, Holder may consent to activities, structures or uses, issue waivers or licenses, or otherwise exercise discretion where this Easement is silent or ambiguous. Because of unforeseen or changed circumstances, if an activity, structure or use that is not expressly permitted under this Easement is deemed beneficial or necessary by Owner, Owner may request, and Holder may in its sole discretion grant, permission for such activity, structure or use without resorting to the formalities of Holder's amendment policy and process, subject to the following limitations: (i) such request for Holder's consent shall be made in writing and shall describe the proposed activity, structure or use in sufficient detail to allow Holder to evaluate the consistency of the proposed activity, structure or use with the preservation and protection of the Conservation Purposes; (ii) Holder may grant its consent only if it determines, in its sole discretion, that (A) the performance of such activity or activity or Construction of such structure is, in fact, beneficial or necessary; and (B) such activity, structure or use (x) shall not result in private inurement or confer impermissible private benefit, (y) results in neutral or enhanced Conservation Purposes of this Easement, and (z) does not violate the terms of this Easement. Owner shall not engage in the proposed activity, structure or use unless and until Owner receive Holder's approval in writing.

(e) **Costs**. If Owner is the party requesting an Amendment of, or discretionary approval pursuant to, this Easement, Owner shall be responsible for all reasonable and customary fees and costs related to Holder's evaluation of said request and an Amendment's execution, including

reasonable attorney's fees and costs, staff, contractor, legal, expert, and consultant fees and costs, and any costs associated with any updated Baseline Documentation Report prepared pursuant to the provisions of this Section.

(f) **Updated Baseline Documentation**. In the event Owner and Holder agree to an Amendment or discretionary approval pursuant to this Section that results in alterations to the Property, then the Baseline Documentation Report shall be supplemented appropriately to reflect the scope, scale and intensity of the alterations. The supplement shall be acknowledged by Owner and Holder to memorialize the condition of the Property as of the date of the Amendment or discretionary approval.

(g) **Recording.** Owner and the Holder shall execute any Amendment approved after following the procedures in this Section, and the revised document shall be recorded in the Public Records.

(h) **Form**. Any modification that Holder determines, in its sole discretion, to be beneficial or necessary shall be in the form of either (i) an Amendment, in the case of a permanent modification of this Easement, including but not by way of limitation, a clerical or technical correction or modification of a reserved right; or (ii) a discretionary approval, waiver or consent in the case of a temporary activity or impact relating to the maintenance or management of the Property which does not require a permanent modification of this Easement. All Amendments and discretionary approval, waiver or consent shall be subject to this section. Nothing in this Section, however, shall require Owner or Holder to agree to any Amendment or discretionary approval, consent, or waiver.

6.04 Other Rights of Holder. The items set forth below are also rights vested in Holder by this Easement. However, Holder, in its discretion, may or may not exercise them:

(a) **Signs**. To install one or more signs within the Property identifying the interest of Holder in this Conservation Easement. However, such signs will not reduce the number or size of signs permitted to Owner under this Easement. Signs are to be of the customary size installed by Holder and must be installed in locations readable from the public right-of-way and otherwise reasonably acceptable to Owner.

(b) **Proceedings**. To assert a claim, defend, intervene in, or appeal, any proceeding under Applicable Law that (1) pertains to the impairment of Conservation Values; or (2) may result in a transfer, Improvement or use that violates the terms of this Easement.

6.05 Review. The following provisions are incorporated into any provision of this Easement that is subject to Review:

(a) **Notice to Holder**. Unless advanced Notice is waived by Holder, at least 30 days before Owner intends to begin or allow an Improvement, activity, or use that is subject to Review, Owner must: (1) Notify Holder of the proposed Improvement, activity or use, including with the Notice such information as is reasonably sufficient to comply with

Review Requirements and otherwise describe the proposal and its potential impact on the Conservation Purposes, and (2) receive Holder's approval therefor.

(b) **Notice to Owner**. Upon receipt of Owner's Notice, Holder must review the proposed Improvement, activity or use, and Notify Owner of Holder's determination to (i) accept Owner's proposal in whole or in part; (ii) reject Owner's proposal in whole or in part; (iii) accept Owner's proposal conditioned upon compliance with conditions imposed by Holder; (iv) reject Owner's proposal for insufficient information upon which to base a determination; or (v) reject Owner's proposal for inconsistency with the Conservation Purposes. If Holder gives conditional acceptance under clause (iii), commencement of the proposed Improvement, activity, or use constitutes acceptance by Owner of all conditions set forth in Holder's Notice.

(c) **Time for Review**. If requested by Owner, Holder must furnish its estimate of the time required to review the proposed change and use its best efforts and due diligence to Notify Owner of its determination within this time period. Otherwise, Holder must make its determination within thirty (30) days following receipt of Owner's Notice by Holder.

(d) **Failure to Notify**. If Holder fails to Notify Owner as required in the preceding subsection, the proposal set forth in Owner's Notice is deemed disapproved. Because such disapproval is not a decision on the merits by the Holder, it is not final or binding on the Holder and the Owner can re-submit the same or a similar request for approval. Nevertheless, Owner may not undertake any activity or use for which approval has been requested until approval pursuant to this Section 6.05 has been granted by Holder.

(e) **Reasonableness Standard**. Upon review, the phrase "unless Holder, without any obligation to do so," in relation to an approval or determination by Holder, means that, in that particular case, Holder's approval is wholly discretionary. Holder's approval is not to be unreasonably withheld. It is reasonable for Holder to disapprove a proposal that may adversely affect natural resources described in the Conservation Purposes or that is otherwise inconsistent with maintenance or attainment of Conservation Purposes. Owner and Holder shall act in good faith; shall follow a reasonableness standard; shall use their best efforts to act in a timely manner in any determinations that are necessary or are contemplated to be made (either separately or jointly) under this Conservation Easement; shall cooperate with one another; and shall take all other reasonable action suitable to these ends.

6.06 Costs and Expenses. Owner must pay or reimburse Holder's costs and expenses (including Losses, Litigation Expenses, allocated personnel costs, and reasonably incurred liabilities) in connection with: (a) successful judicial enforcement (including exercise of remedies) under the terms of this Easement; and (b) response to requests by Owner for Amendment of this Easement. Owner may, before commencement of Holder's services, request an estimate of the costs and expenses Holder anticipates to incur in responding to Owner's request for any Amendment of this Easement. Owner is not responsible to reimburse costs and expenses arising from Holder's response to an inquiry or request by a Person other than Owner without Owner's approval.

ARTICLE VII.
VIOLATION; REMEDIES

7.01 Violation. If Holder determines that the terms of this Easement have been violated, or that a violation is threatened or imminent, then the provisions of this Section apply:

(a) **Notice**. Holder must Notify Owner of the violation or threatened violation of which it is aware. Holder's Notice may include its recommendation of measures Owner must take to cure the violation and restore features of the Property damaged or altered as a result of the violation.

(b) **Opportunity to Cure**. Owner's cure period expires thirty (30) days after the date of Holder's Notice to Owner subject to extension for the time reasonably necessary to cure, but only if all of the following conditions are satisfied:

(i) Owner ceases the activity constituting the violation or threatened violation promptly upon receipt of Holder's Notice;

(ii) Owner and Holder agree, within the initial 30-day period, upon the measures Owner will take to cure the violation;

(iii) Owner commences to cure within the initial 30-day period; and

(iv) Owner continues thereafter to use best efforts and due diligence to complete the agreed upon cure within the initial 30-day period.

(c) **Imminent Harm**. No Notice or cure period is required if Holder determines that circumstances require prompt action to prevent or mitigate irreparable harm to or alteration to a natural resource or other feature of the Property described in the Conservation Purposes and Conservation Values.

7.02 Remedies. Upon expiration of the cure period (if any) described in the preceding Section, and failing correction of the violation by Owner as provided above, Holder may do one or more of the following:

(a) **Injunctive Relief**. Seek injunctive relief to specifically enforce the terms of this Easement, to restrain present or future violations of the terms of this Easement, and/or to compel restoration of any Conservation Values destroyed or altered as a result of the violation to the condition that existed on the Effective Date, or to such other condition as may exist consistent with the provisions of this Easement;

(b) **Civil Action**. Recover from Owner or other Persons responsible for the violation all sums owed to Holder under applicable provisions of this Easement together with interest

thereon from the date due at the Default Rate. These monetary obligations include, among others, Losses and Litigation Expenses; and

(c) **Statutory**. Bring a private right of action pursuant to the Arkansas Conservation Easement enforcement provision found at Ark. Code Ann. § 15-20-409, including all remedies available pursuant to that law.

7.03 Modification or Termination. If this Conservation Easement is or is about to be modified or terminated by exercise of the power of eminent domain (condemnation) or adjudication of a court of competent jurisdiction sought by a Person other than Holder, the following provisions apply:

(a) **Compensatory Damages**. Holder is entitled to collect from the Person seeking the modification or termination, compensatory damages in an amount equal to the increase in Market Value of the Property resulting from the modification or termination plus reimbursement of Litigation Expenses as if a violation had occurred. In the event of an extinguishment of the Conservation Easement, Holder is entitled to the greater of the compensation provided under this Section or the compensation provided under any other provision of this Easement; and

(b) **Restitution**. Holder is entitled to recover from the Person seeking the modification or termination: (i) restitution of amounts paid for this Easement (if any) and any other sums invested in the Property for the benefit of the public as a result of rights vested by this Easement, plus (ii) reimbursement of Litigation Expenses.

7.04 Remedies Cumulative. The description of Holder's remedies in this Article VII does not preclude Holder from exercising any other right or remedy that may at any time be available to Holder under this Article or Applicable Law. If Holder chooses to exercise one remedy, Holder may nevertheless choose to exercise one or more of the other rights or remedies available to Holder at the same time or at any other time.

7.05 Waivers. Holder in its discretion may provide a Waiver if Holder determines that the Waiver will have no material effect on the Conservation Purposes. If Holder does not exercise a right or remedy when it is available to Holder, that is not to be interpreted as a Waiver of any non-compliance with the terms of this Easement or a Waiver of Holder's rights to exercise its rights or remedies at another time.

7.06 No Fault of Owner. Holder may waive its right to reimbursement under this Article VII as to Owner (but not other Persons who may be responsible for the violation) if Holder is reasonably satisfied that the violation was not the fault of Owner and could not have been anticipated or prevented by Owner by reasonable means.

7.07 Multiple Owners.

(a) **Liability of Owners of Different Portions of the Property**. If different Persons own portions of the Property, only Owners of the portion with respect to which a violation has occurred, or is threatened, will be held responsible for the violation or threatened violation.

(b) **Liability of Owners of a Single Portion of the Property**. If more than one Person owns of a portion of the Property with respect to which a violation has occurred, or is threatened, then the Owner who has caused the violation, or threatened to violate the terms of this Easement shall be held solely liable. If all of the Persons who are Owners caused the violation, or threatened to violate this Easement, then each Owner may be held liable for the damages resulting from the violation, or threatened violation, in proportion to their ownership interest in the Property. For the avoidance of doubt, an Owner of 50% of a portion of the Property shall not be held liable for more than 50% of the damages resulting from a violation or threatened violation.

ARTICLE VIII
MISCELLANEOUS

8.01 Notices.

(a) **Requirements**. Each Person giving any notice pursuant to this Conservation Easement (each a "**Notice**") must give the Notice in writing and must use one of the following methods of delivery: (i) personal delivery; (ii) certified mail, return receipt requested and postage prepaid; or (iii) nationally recognized overnight courier, with all fees prepaid. Each time the term "Notify" is used herein, it shall be deemed to refer to sending a Notice in accordance with this Article.

(b) **Address for Notices**. Each Person giving a Notice must address the Notice to the appropriate Person as the receiving party at the address listed below or to another address designated by that Person by Notice to the other Person:

If to Owner: Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, AR 72701

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

If to Holder: Northwest Arkansas Land Trust
1725 S. Smokehouse Trail
Fayetteville, Arkansas 72701

8.02 Duty to update. Owner and Holder shall provide Notice to the other within thirty (30) days of a change in address specifying a New address for Notices.

8.03 Governing Law. The laws of the State of Arkansas, and the United States, govern this Easement.

8.04 Assignment and Transfer. Neither Owner nor Holder may assign or otherwise transfer any of their respective rights or duties under this Conservation Easement voluntarily or involuntarily, whether by merger, consolidation, dissolution, operation of law or any other manner except pursuant to the provisions of this Section 8.04. Any purported assignment or transfer in violation of this Section 8.04 is void.

(a) **Notice Required**. Not less than thirty (30) days prior to transfer of the Property or a Lot, or any portion thereof or interest therein, Owner must Notify Holder of the name(s) and address for Notice purposes of the Person who will become Owner following the transfer. At the time Holder is Notified of the transfer, Owner shall pay a $10 transfer fee to Holder.

(b) **Prior to Transfer**. Owner authorizes Holder to (i) contact the Persons to whom the Property or Lot will be transferred and other Persons representing Owner or the prospective transferees to discuss with them this Easement and, if applicable, other pertinent documents; and (ii) enter the Property to assess compliance with this Easement.

(c) **Ending Continuing Liability**. If Holder is not notified per this Section's requirement, it is not the obligation of Holder to determine whether a violation first occurred before or after the date of the transfer. The pre-transfer Owner continues to be liable on a joint and several basis with the post-transfer Owner for the correction of violations under this Easement until such time as Holder is given the opportunity to inspect and all violations noted in Holder's resulting inspection report are cured.

(d) **Subsequent Deeds and Transfers.** This Easement must be incorporated by reference in any deed or other legal instrument by which Owner conveys any interest in the Property, including without limitation, a leasehold or mortgage interest. The failure of Owner to perform any act required by this subsection shall not impair the validity of this Easement or limit its enforceability in any way.

8.05 Burdens; Benefits. This Easement binds and benefits Owner and Holder and their respective personal representatives, successors, and assigns.

(a) **Binding on All Owners**. This Easement vests a servitude running with the land and binding upon Owner and, upon recordation in the Public Records, all subsequent Owners of the Property or any portion of the Property are bound by its terms whether or not Owners had actual Notice of this Easement and whether or not the deed of transfer specifically referred to the transfer being under and subject to this Easement.

(b) **Rights Exclusive to Holder**. Except for rights of Beneficiaries (if any) under this Easement, only Holder has the right to enforce the terms of this Easement and exercise other rights of Holder. Owners of Lots within the Property do not have the right to enforce the terms of this Easement against Owners of other Lots within the Property. Only Owners of the Lot that is the subject of a request for Review, Waiver, Amendment, interpretation, or other decision by Holder have a right to Notice of, or other participation in, such decision.

8.06 Documentation Requirements.

(a) **Between Holder and Owner**. No Amendment, Waiver, approval after Review, interpretation, or other decision by Holder is valid or effective unless it is in writing and signed by an authorized signatory for Holder. This requirement may not be changed by oral agreement. The grant of an Amendment or Waiver in any instance or with respect to any Lot does not imply that an Amendment or Waiver will be granted in any other instance.

(b) **Between Holder and Assignee**. Any assignment of Holder's rights under this Easement, if otherwise permitted under this Easement, must be in a document signed by both the assigning Holder and the assignee Holder. The assignment document must include a covenant by which the assignee Holder assumes the covenants and other obligations of Holder under this Easement. The assigning Holder must deliver to the assignee Holder the Baseline Documentation Report and such other documentation in Holder's possession reasonably needed to uphold the Conservation Purposes.

8.07 Severability. If any provision of this Conservation Easement is determined to be invalid, illegal or unenforceable, the remaining provisions of this Conservation Easement remain valid, binding and enforceable. To the extent permitted by Applicable Law, the parties waive any provision of Applicable Law that renders any provision of this Conservation Easement invalid, illegal or unenforceable in any respect.

8.08 Counterparts. This Conservation Easement may be signed in multiple counterparts, each of which constitutes an original, and all of which, collectively, constitute only one document.

8.09 Guides to Interpretation.

(a) **Captions**. Except for the identification of defined terms in the Glossary, the descriptive headings of this Conservation Easement are for convenience only and do not constitute a part of this Conservation Easement.

(b) **Glossary**. If any term defined in the Glossary is not used in this Conservation Easement, the defined term is to be disregarded as surplus material.

(c) **Other Terms**.

(i) The word "including" means "including but not limited to".

(ii) The words "must" and "shall" are obligatory; the word "may" is permissive and does not imply any obligation.

(d) **Conservation Easement Act**. This Conservation Easement is intended to be interpreted so as to convey to Holder all of the rights and privileges of a Holder of a conservation easement under the Arkansas Conservation Easement Act, Ark. Code. Ann. § 15-20-401 *et seq.*, and any amendments, replacements, or successors to that law.

(e) **Restatement (Third) of the Law of Property: Servitudes**. This Conservation Easement is intended to be interpreted so as to convey to Holder all of the rights and privileges of a Holder of a conservation servitude under the Restatement (Third) of the Law of Property, to the extent that Arkansas law or other Applicable Law does not provide sufficient guidance.

8.10 Entire Agreement. This Easement, and the exhibits attached hereto and made a part hereof, and the Baseline Documentation Report constitute the entire agreement of Owner and Holder pertaining to this Conservation Easement. The terms of this Conservation Easement supersede in full all negotiations, agreements, statements and writings between Owner, Holder and others pertaining to this transaction.

8.11 Incorporation by Reference. Each exhibit attached to this Conservation Easement is incorporated herein by this reference. The Baseline Documentation Report (whether or not attached to this Conservation Easement) is incorporated herein by this reference.

8.12 Jurisdiction; Venue. Holder and Owner submit to the exclusive jurisdiction of the courts of the State of Arkansas located in Washington County and agree that any legal action or proceeding relating to this Easement or the Conservation Easement may be brought only in the courts located in such county.

ARTICLE IX.
GLOSSARY

As used herein, the following terms will have the meanings set out in this Article IX.

Access Drive(s). Roads, drives or lanes providing vehicular access to or located within the Property.

Additional Improvements. All buildings, structures, facilities and other Improvements within the Property, whether temporary or permanent, other than Existing Improvements.

Amendment. An amendment, modification or supplement to this Easement signed by Owner and Holder and recorded in the Public Records. The term "Amendment" includes an amendment and restatement of this Easement.

Applicable Law. Any federal, state or local laws, statutes, codes, ordinances, standards and regulations applicable to the Property, this Conservation Easement as amended through the applicable date of reference. If this Easement is intended to meet the requirements of a qualified conservation contribution, then applicable provisions of the Code and the Regulations are also included in the defined term.

Beneficiary(ies). A Person given rights under the terms of this Conservation Easement (other than Owner and Holder).

Best Management Practices. A series of guidelines or minimum standards (sometimes referred to as BMPs) recommended by federal, state, and/or county resource management agencies for

farming and Forestry operations; for preventing and reducing pollution of water resources and other disturbances of soil, water, and vegetative resources; and for protecting wildlife habitats.

Code. The Internal Revenue Code of 1986, as amended through the applicable date of reference.

Conservation Easement Act. The Arkansas Conservation Easements Act (Ark. Code Ann. § 15-20-401 *et seq*.) as amended through the applicable date of reference.

Construction. Any demolition, construction, re-construction, expansion, exterior alteration, installation or erection of temporary or permanent Improvements. This term does not include dredging, mining, filling or removal of gravel, soil, rock, sand, coal, petroleum or other minerals.

Default Rate. An annual rate of interest equal at all times to two percent (2.0%) above the "prime rate" announced from time to time in The Wall Street Journal; provided, however, that the Default Rate shall never exceed the maximum rate allowed under Applicable Law.

Effective Date. The date and time when this Easement was first put to Public Record.

Environmental Laws. Any and all federal, state, local, or administrative agency statutes, regulations, rules, codes, ordinances or requirements of any governmental authority regulating or imposing standards of liability or standards of conduct (including common law) regarding air, water, solid waste, hazardous materials, petroleum products, worker and community right-to-know, hazard communication, radioactive material, resource protection, wetlands and watercourses, health protection and similar environmental health, safety, building and land use laws and regulations as may now or at any time hereafter be in effect.

Excluded Areas. Land owned by the Owner on the Effective Date and shown on Exhibit "B" as "Excluded Areas".

Existing Improvements. All buildings, structures, facilities and other improvements, whether temporary or permanent, located on, above or under the Property as of the Effective Date as identified in the Baseline Documentation Report.

Forestry. Planting, growing, nurturing, managing and harvesting trees whether for timber and other useful products or for water quality, wildlife habitat and other Conservation Purposes.

Improvement. Any Existing Improvements or Additional Improvements.

Invasive Species. A plant species that is (a) Non-Native Species to the ecosystem under consideration; and (b) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. In cases of uncertainty, published atlases are to be used to identify Invasive Species.

Lien. Any mortgage, lien or other encumbrance securing the payment of money.

Litigation Expense. Any filing fee or cost associated with any court or administrative review body, arbitration fee or cost, witness fee and every other fee and cost of investigating, defending, appealing, or asserting any claim of violation under this Easement including in each case, attorneys' fees, other professionals' fees, and disbursements.

Losses. Any liability, loss, claim, settlement payment, cost, expense, interest, award, judgment, damages (including punitive damages), diminution in value, fines, fees and penalties or other charge other than a Litigation Expense.

Lot. A unit, lot, or parcel of real property separated or transferable for separate ownership or lease under Applicable Law.

Low Impact Design. Design techniques that use or mimic natural processes that result in minimal interference with the Conservation Purposes.

Market Value. The fair value that a willing buyer, under no compulsion to buy, would pay to a willing seller, under no compulsion to sell as established by appraisal in accordance with the then-current edition of Uniform Standards of Professional Appraisal Practice issued by the Appraisal Foundation or, if applicable, a qualified appraisal in conformity with 26 C.F.R. §1.170A-13.

Mitigation Activities. The activities permitted by or required under a mitigation bank instrument approved by all necessary governmental agencies.

Native Species. A plant or animal indigenous to the locality under consideration. In cases of uncertainty, published atlases are to be used to establish whether or not a species is native.

New. Occurring or established after the Effective Date.

Non-Native Species. A plant or animal that is not indigenous (alien) to the locality under consideration. In cases of uncertainty, published atlases are to be used to establish whether or not a species is non-native.

Open Space. Open Space is any open piece of land that is undeveloped and helps enhance the beauty and environmental quality of a community for the benefit of the general public.

Owner/Ownership. Owner and all Persons after them who hold an interest in the Property.

Passive Recreational Use. Recreational uses that involve minimum alteration to vegetation and topography. Uses include but are not limited to non-team sports like hiking, bicycling, bird watching, picnicking, and non-motorized boating.

Person(s). An individual, organization, trust, government or other entity.

Public Records. The public records of the office for the recording of deeds in and for the county in which the Property is located.

Qualified Organization. A governmental or non-profit entity that (a) is established as a public charity for the purpose of preserving and conserving natural resources, natural habitats, environmentally sensitive areas and other charitable, scientific and educational purposes; (b) meets the criteria of a qualified organization under the Regulations; and (c) is duly authorized to acquire and hold conservation easements under Applicable Law.

Regulations. The provisions of 26 C.F.R. §1.170A-14, and any other regulations promulgated under the Code that pertain to qualified conservation contributions, as amended through the applicable date of reference.

Resource Management Plan. A record of the decisions and intentions of Owner prepared by a qualified resource management professional for the purpose of protecting natural resources that the Conservation Purposes aim to protect during certain operations potentially affecting those resources. It includes a resource assessment, identifies appropriate performance standards (based upon Best Management Practices where available and appropriate), and projects a multi-year description of planned activities for operations to be conducted in accordance with the plan.

Review. Review and approval of Holder under the procedure described in Article VI.

Review Requirements. Collectively, any plans, specifications or information required for approval of the activity, use or Construction under Applicable Law (if any) plus (a) the information required under the Review Requirements incorporated into this Conservation Easement either as an exhibit or as part of the Baseline Documentation Report or (b) if the information described in clause (a) is inapplicable, unavailable or insufficient under the circumstances, the guidelines for Review of submissions established by Holder to provide sufficient information to conduct its Review.

Subdivision. Any division of the Property or any Lot within the Property; and any creation of a unit, Lot or parcel of real property, including subsurface portions of the Property, for separate use or Ownership by any means including by lease or by implementing the condominium form of Ownership.

Utility Improvements. Improvements for the reception, storage, or transmission of potable water, storm water, sewage, electricity, gas and telecommunications or other sources of power.

Waiver. A written commitment by which Holder, without any obligation to do so, agrees to refrain from exercising one or more of its rights and remedies for a specific period of time with respect to a specific set of circumstances if Holder is satisfied that the accommodation will have no material effect on Conservation Purposes.

INTENDING TO BE LEGALLY BOUND, each of Owner and Holder, by its duly authorized representative, have signed and delivered this Conservation Easement as of the Effective Date. This Easement may be executed in multiple counterparts, which, when taken together, shall constitute a single instrument.

OWNER:
Watershed Conservation Resource Center

By:_____
Sandi J. Formica, Executive Director

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) ss
COUNTY OF _____)

On this day before me, the undersigned Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named **SANDI FORMICA** (being the person or persons authorized by said entity, to execute such instrument, stating their respective capacities in that behalf), to me personally well known (or satisfactorily proven to be such person), who stated that she was the **President** of the **WATERSHED CONSERVATION RESOURCE CENTER**, and duly authorized in this capacity to execute the foregoing instrument for and in the name and behalf of said entity, and further stated and acknowledged that she had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF I have hereunto set my hand and seal, this the _____ day of _____, 2024.

My Commission Expires:
_____

_____
Notary Public

INTENDING TO BE LEGALLY BOUND, each of Owner and Holder, by its duly authorized representative, have signed and delivered this Conservation Easement as of the Effective Date. This Easement may be executed in multiple counterparts, which, when taken together, shall constitute a single instrument.

OWNER:
City of Fayetteville

By:_____
Mayor Lioneld Jordan

ATTEST:

_____ SEAL
Kara Paxton, City Clerk/Treasurer

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) ss
COUNTY OF _____)

On this day before me, the undersigned Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named **LIONELD JORDAN** and **KARA PAXTON** (being the person or persons authorized by said entity, to execute such instrument, stating their respective capacities in that behalf), to me personally well known (or satisfactorily proven to be such person), who stated that they were the **MAYOR** and **CITY CLERK/TREASURER**, respectively, of the **CITY OF FAYETTEVILLE**, and duly authorized in those capacities to execute the foregoing instrument for and in the name and behalf of said entity, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF I have hereunto set my hand and seal, this the _____ day of _____, 2024.

My Commission Expires:
_____

_____
Notary Public

INTENDING TO BE LEGALLY BOUND, each of Owner and Holder, by its duly authorized representative, have signed and delivered this Conservation Easement as of the Effective Date. This Easement may be executed in multiple counterparts, which, when taken together, shall constitute a single instrument.

HOLDER:

NORTHWEST ARKANSAS LAND TRUST,
an Arkansas non-profit corporation

By: _____
Jenny Burbidge, President

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) ss
COUNTY OF _____)

On this day before me, the undersigned Notary Public within and for the County and State aforesaid, duly commissioned, qualified and acting, appeared the within named **JENNY BURBIDGE**, the President of **NORTHWEST ARKANSAS LAND TRUST**, an Arkansas non-profit corporation, and stated and acknowledged that they were duly authorized as such officers to execute the foregoing instrument for and in the name and behalf of said corporation and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as such Notary Public on this the _____ day of _____, 2024.

My Commission Expires:
_____

_____
Notary Public

INTENDING TO BE LEGALLY BOUND, each of Owner and Holder, by its duly authorized representative, have signed and delivered this Conservation Easement as of the Effective Date. This Easement may be executed in multiple counterparts, which, when taken together, shall constitute a single instrument.

HOLDER:

NORTHWEST ARKANSAS LAND TRUST,
an Arkansas non-profit corporation

_ By: _____
Don Walker, Secretary/Treasurer

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) ss
COUNTY OF _____)

On this day before me, the undersigned Notary Public within and for the County and State aforesaid, duly commissioned, qualified and acting, appeared the within named **DON WALKER**, the Secretary/Treasurer of **NORTHWEST ARKANSAS LAND TRUST**, an Arkansas non-profit corporation, and stated and acknowledged that they were duly authorized as such officers to execute the foregoing instrument for and in the name and behalf of said corporation and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as such Notary Public on this the _____ day of _____, 2024.

My Commission Expires:
_____

_____
Notary Public

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

A PART OF THE NORTH HALF OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 30 WEST, FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, ALSO BEING LOTS 31, 32, 33 AND A PART OF LOT 34 AND THE WEST 150 FEET OF LOT 30 ALL IN W. E. ANDERSON FARM, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF THE NW 1/4 OF SAID SECTION 24, SAID POINT BEING AN EXISTING ARKANSAS STATE LAND SURVEY MONUMENT; THENCE N87°17'32"W 267.56 FEET TO AN EXISTING TREE; THENCE S02°37'58" W 79.99 FEET ALONG AN EXISTING FENCE TO AN EXISTING IRON; THENCE N76°44'53" W 137.32 FEET ALONG SAID FENCE TO AN EXISTING IRON; THENCE N62°45'34" W 71.64 FEET ALONG SAID FENCE TO AN EXISTING IRON; THENCE N41°55'19" W 35.30 FEET ALONG SAID FENCE TO AN EXISTING IRON; THENCE N87°17'27" W 1492.08 FEET TO AN EXISTING IRON; THENCE S03°41'53" W 245.52 FEET TO AN EXISTING IRON; THENCE S43°43'28" W 142.79 FEET TO A SET 1/2" IRON REBAR; THENCE S53°47'21" E 60 FEET TO A SET 1/2" IRON REBAR; THENCE S36°15'07" W 117.47 FEET TO A SET COTTON SPINDLE IN THE CENTER OF DEAD HORSE MOUNTAIN ROAD, SAID POINT BEING ON A 217.66 FOOT RADIUS CURVE CONCAVE TO THE SW; THENCE SOUTHEASTERLY 30.47 FEET ALONG SAID CURVE AND CENTERLINE, THE CHORD FOR WHICH BEING S54°19'28" E 30.45 FEET, TO THE BEGINNING OF A 5423.40 FOOT RADIUS CURVE CONCAVE TO THE SW; THENCE SOUTHEASTERLY 370.56 FEET ALONG SAID CURVE AND CENTERLINE, THE CHORD FOR WHICH BEING S47°46'55"E 370.49, TO THE BEGINNING OF A 694.04 FOOT RADIUS CURVE CONCAVE TO THE SW; THENCE SOUTHEASTERLY 95.89 FEET ALONG SAID CURVE AND CENTERLINE, THE CHORD FOR WHICH BEING S40°26'04" E 95.81 FEET TO THE POINT OF TANGENCY; THENCE S36°06'34" E 76.44 FEET ALONG SAID CENTERLINE TO THE BEGINNING OF A 1247.75 FOOT RADIUS CURVE CONCAVE TO THE SW; THENCE SOUTHEASTERLY 82.07 FEET ALONG SAID CURVE AND CENTERLINE, THE CHORD FOR WHICH BEING S33°35'25" E 82.06 FEET, TO THE BEGINNING OF A 687.25 FOOT RADIUS CURVE CONCAVE TO THE SW; THENCE SOUTHEASTERLY 304.45 FEET ALONG SAID CURVE AND CENTERLINE, THE CHORD FOR WHICH BEING S18°18'49" E 301.96 FEET, TO THE POINT OF TANGENCY; THENCE S07°05'32" E 197.98 FEET ALONG SAID CENTERLINE TO A POINT IN THE CENTER OF THE WEST FORK OF THE WHITE RIVER; THENCE LEAVING THE CENTER OF SAID ROAD AND FOLLOWING THE CENTERLINE OF SAID RIVER, THE FOLLOWING BEARINGS AND DISTANCES: N76°51'46" E 48.71 FEET; N89°04'28" E 46.50 FEET; S81°28'57" E 142.46 FEET; S35°05'52"E 87.27 FEET; S28°02'53"E 47.95 FEET; S37°42'29"E 173.04 FEET; S59°38'36"E 40.93 FEET; S79°54'36"E 14.40 FEET; N89°18'23"E 332.24 FEET; N75°26'52"E 93.24 FEET; S65°57'38"E 190.87 FEET; N82°23'33"E 61.09 FEET; S78°46'21"E 151.61 FEET; S67°37'47"E 30.87 FEET; S47°56'59"E 63.17 FEET; S28°08'49"E 72.72 FEET; S17°50'35"E 146.94 FEET; S21°37'34"E 122.77 FEET;

S32°23'37"E 61.75 FEET; S42°51'39"E 132.74 FEET; TO A POINT FROM WHICH A 1/2" REFERENCE IRON SET ON THE NORTH SIDE OF SAID RIVER BEARS N02°42'07"E 132.73 FEET; THENCE LEAVING THE CENTER OF SAID RIVER, N02°42'07"E 2209.18 FEET TO AN EXISTING IRON; THENCE N87'14'59"W 149.78 TO THE POINT OF BEGINNING, CONTAINING 72.51 ACRES, MORE OR LESS. THE ABOVE DESCRIBED 72.51 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF DEAD HORSE MOUNTAIN ROAD AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY WHETHER OR NOT OF RECORD. AND A PART OF THE SECTION 24, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SW1/4 OF SAID SECTION 24, SAID POINT BEING AN EXISTING FENCE CORNER POST; THENCE N87°07'44"W 1131.73 FEET; THENCE N01°59'36"E 1847.14 FEET TO AN EXISTING COTTON SPINDLE AT THE CENTERLINE INTERSECTION OF DEAD HORSE MOUNTAIN ROAD AND GOFF FARM ROAD FOR THE TRUE POINT OF BEGINNING; THENCE N05°41'47"W 956.78 FEET ALONG THE CENTERLINE OF SAID DEAD HORSE MOUNTAIN ROAD TO A POINT; THENCE N05°35'48"W 451.40 FEET ALONG SAID CENTERLINE TO A POINT; THENCE N07°05'32"W 660.05 FEET ALONG SAID CENTERLINE TO A POINT IN THE CENTER OF THE WEST FORK OF THE WHITE RIVER; THENCE LEAVING THE CENTER OF SAID DEAD HORSE MOUNTAIN ROAD AND FOLLOWING THE CENTERLINE OF SAID RIVER, FOLLOWING BEARINGS AND DISTANCES: N76°51'46"E 48.71 FEET; N89°04'28"E 46.50 FEET; S81°28'57"E 142.46 FEET; S35°05'52"E 87.27 FEET; S28°02'53"E 47.95 FEET; S37°42'29"E 173.04 FEET; S59°38'36"E 40.93 FEET; S79°54'36"E 14.40 FEET; N89°18'23"E 332.24 FEET; N75°26'52"E 93.24 FEET; S65°57'38"E 190.87 FEET; N82°23'33"E 61.09 FEET; S78°46'21"E 151.61 FEET; S67°37'47"E 30.87 FEET; S47°56'59"E 63.17 FEET; S28°08'49"E 72.72 FEET; S17°50'35"E 146.94 FEET; S21°37'34"E 58.02 FEET TO A POINT FROM WHICH AN EXISTING REFERENCE IRON ON THE SOUTH SIDE OF SAID RIVER BEARS S53°00'46"W 87.99 FEET; THENCE LEAVING THE CENTER OF SAID RIVER, S53°00'46"W 389.56 FEET TO AN EXISTING IRON; THENCE N69°51'02"W 506.15 FEET TO AN EXISTING IRON; THENCE S15°24'43"W 1372.71 FEET TO A SET COTTON SPINDLE IN THE CENTER OF GOFF FARM ROAD; THENCE S85°14'52"W 73.69 FEET TO THE POINT OF BEGINNING, CONTAINING 26.13 ACRES, MORE OR LESS. THE ABOVE DESCRIBED 26.13 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF DEAD HORSE MOUNTAIN ROAD, GOFF FARM ROAD AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY WHETHER OR NOT OF RECORD.

LESS AND EXCEPT

A PART OF THE NORTH HALF (N1/2) OF SECTION TWENTY–FOUR (24), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION TWENTY–FOUR (24), SAID POINT BEING AN EXISTING ARKANSAS STATE LAND SURVEY MONUMENT; THENCE N87°17'32"W 267.56 FEET TO AN EXISTING TREE; THENCE S02°37'58"W 79.99 FEET ALONG AN EXISTING FENCE TO AN EXISTING IRON; THENCE N76°44'53"W 137.32 FEET ALONG SAID FENCE TO AN EXISTING IRON; THENCE N62°45'34"W 71.64 FEET ALONG SAID FENCE TO AN EXISTING IRON; THENCE N41°55'19"W 35.30 FEET ALONG SAID FENCE TO AN EXISTING IRON; THENCE N87°17'27"W 314.59 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005 FOR THE TRUE POINT OF BEGINNING; THENCE S05°14'34"E 53.33 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005; THENCE S70°54'56"W 806.55 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005; THENCE N15°19'20"W 214.01 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005; THENCE N64°57'18"E 37.12 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005; THENCE N22°58'53"W 15.01 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005; THENCE N63°03'57"E 238.46 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005 AT THE NORTH LINE OF SAID SECTION TWENTY–FOUR (24); THENCE S87°17'27"E 240.92 FEET ALONG THE NORTH LINE OF SAID SECTION TWENTY–FOUR (24) TO AN EXISTING IRON; THENCE S87°17'27"E 333.25 FEET TO THE POINT OF BEGINNING, CONTAINING 3.49 ACRES, MORE OR LESS. THE ABOVE DESCRIBED 3.49 ACRE TRACT BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS–OF–WAY WHETHER OR NOT OF RECORD.

AND LESS AND EXCEPT

A PART OF SECTION TWENTY–FOUR (24), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION TWENTY–FOUR (24), SAID POINT BEING AN EXISTING FENCE CORNER POST; THENCE N87°07'44"W 1131.73 FEET; THENCE N01°59'36"E 1847.14 FEET TO AN EXISTING COTTON SPINDLE AT THE CENTERLINE INTERSECTION OF DEAD HORSE MOUNTAIN ROAD AND GOFF FARM ROAD; THENCE N85°14'52"E 39.19 FEET ALONG THE CENTERLINE OF GOFF FARM ROAD TO THE TRUE POINT OF BEGINNING; THENCE LEAVING THE CENTERLINE OF SAID GOFF ROAD, N05°43'42"W 697.44 FEET ALONG THE EAST RIGHT–OF–WAY LINE OF DEAD HORSE MOUNTAIN TO A SET 1/2" IRON REBAR W/ PLS CAP 1005; THENCE LEAVING SAID RIGHT–OFPWAY LINE, S73°32'41"E 292.06 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005; THENCE S15°24'43"W 654.22 FEET TO AN EXISTING COTTON SPINDLE IN THE CENTER OF GOFF FARM ROAD; THENCE S85°14'52"W 34.50 FEET TO THE POINT OF BEGINNING, CONTAINING 2.48 ACRES, MORE OR LESS. THE ABOVE DESCRIBED 2.48 ACRE TRACT BEING SUBJECT TO THE RIGHT–OF–WAY OF DEAD HORSE MOUNTAIN ROAD, GOFF FARM ROAD AND ANY OTHER EASEMENTS AND/OR RIGHTS–OF–WAY WHETHER OR NOT OF RECORD.

EXHIBIT B
GRAPHIC DEPICTION OF THE PROPERTY

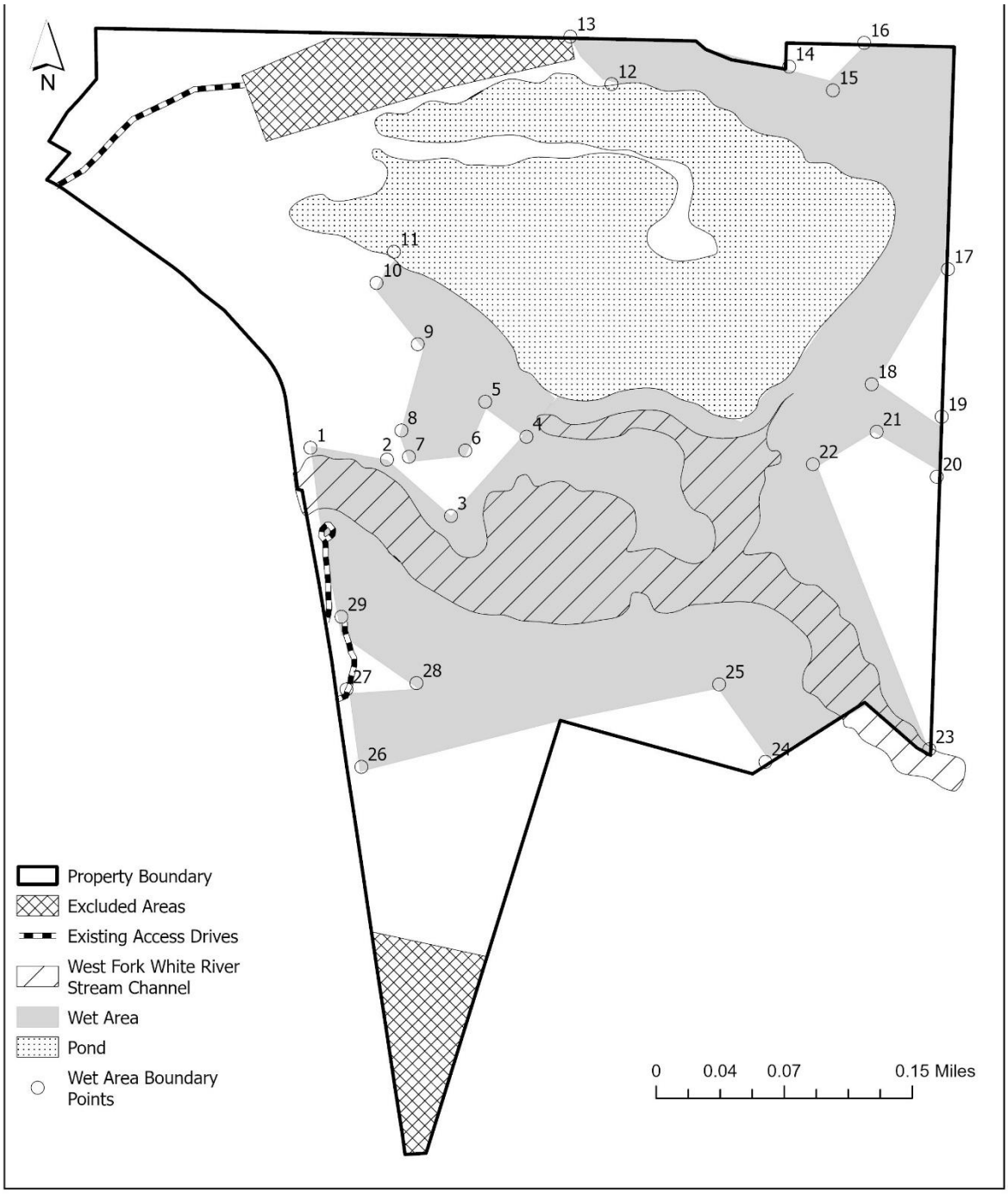


Exhibit B – Graphic Depiction of the Property

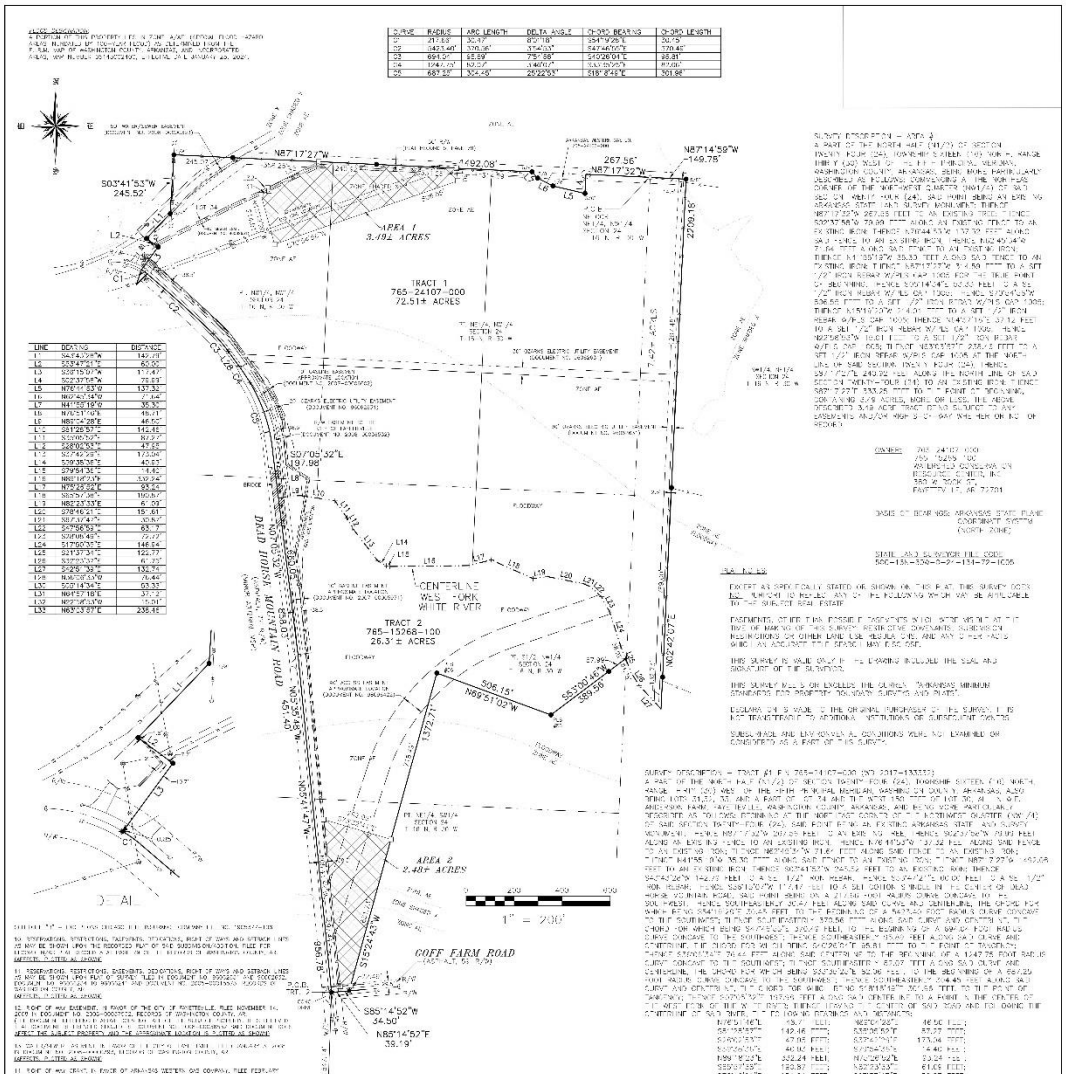


Exhibit B – Graphic Depiction of the Property

EXHIBIT C

WET AREA

Boundary Point	Latitude	Longitude
1	36.051111	-94.118375
2	36.05104	-94.117783
3	36.050639	-94.117221
4	36.051231	-94.116561
5	36.051553	-94.116946
6	36.051203	-94.117154
7	36.051019	-94.117565
8	36.051244	-94.117607
9	36.052026	-94.117435
10	36.052512	-94.117914
11	36.052733	-94.1178951
12	36.054206	-94.115883
13	36.054512	-94.116171
14	36.054306	-94.114327
15	36.054012	-94.114219
16	36.054439	-94.113668
17	36.052564	-94.113096
18	36.051717	-94.113726
19	36.051486	-94.113281
20	36.050879	-94.11313
21	36.051243	-94.113629
22	36.050977	-94.114246
23	36.048911	-94.113132
24	36.048485	-94.11457
25	36.049056	-94.114895
26	36.048453	-94.118012
27	36.049078	-94.118112
28	36.049126	-94.117593
29	36.049646	-94.118162

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Resolution: 97-19

File Number: 2019-0226

JOINT LAND PURCHASE, USE AND CONSERVATION CONTRACT - WCRC:

A RESOLUTION TO APPROVE A LAND PURCHASE, USE AND CONSERVATION CONTRACT WITH THE WATERSHED CONSERVATION RESOURCE CENTER FOR THE JOINT PURCHASE OF ABOUT 98 ACRES OF LAND NEAR DEAD HORSE MOUNTAIN ROAD FOR THE AMOUNT OF $250,000.00 PLUS CLOSING COSTS, WITH THE CITY'S PORTION OF THE COSTS NOT TO EXCEED $160,000.00

WHEREAS, the Watershed Conservation Resource Center and Fayetteville's Utilities Department recommend the joint purchase of about 98 acres of land (most of which is within the West Fork's flood plain) near Dead Horse Mountain Road for the purpose of conservation, restoration, and enhancement to provide water quality improvements and protection of the Beaver Lake Watershed; and

WHEREAS, the purchase of this property will also provide recreational benefits to Fayetteville residents including public access to the West Fork of the White River, a possible future trail along the river, a canoe and kayak access point, and the creation of a bird and butterfly park that supports bird and Monarch butterfly habitat; and

WHEREAS, the contract provides for a City contribution in the amount of $150,000.00 with the Watershed Conservation Resource Center contributing $100,000.00 and both parties paying half of the closing costs which could total $10,000.00 to $20,000.00.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan

to sign the attached Land Purchase, Use and Conservation Contract with the Watershed Conservation Resource Center for the purchase of approximately 98 acres near Dead Horse Mountain Road, and further authorizes Mayor Jordan to execute all other documents necessary to consummate the purchase of the land at a cost to the City of up to $160,000.00 including closing costs.

PASSED and APPROVED on 4/16/2019

Approved:

Lioneld Jordan, Mayor

Attest:

Sondra E. Smith, City Clerk Treasurer

CITY CLERK / TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

LAND PURCHASE, USE AND CONSERVATION CONTRACT BETWEEN THE WATERSHED CONSERVATION RESOURCE CENTER AND CITY OF FAYETTEVILLE

This Contract is entered between the Watershed Conservation Resource Center and the City of Fayetteville. Watershed Conservation Resource Center and the City of Fayetteville agree to purchase a parcel of about 98 acres of land abutting Dead Horse Mountain Road (hereinafter referred to as the "**Property**") within the City of Fayetteville and in Washington County, Arkansas. A map of the Property along with the legal description can be found in **Exhibit A** attached hereto.

(A) PURPOSE

The purpose of this Contract is to establish a general framework for cooperation between Watershed Conservation Resource Center and the City of Fayetteville as co-owners of the Property. Both Watershed Conservation Resource Center and the City of Fayetteville share interest in the Property, which is mostly located within the 100-year floodplain of the West Fork of the White River downstream of Combs Park. Watershed Conservation Resource Center, a 501 (c) (3) nonprofit organization, strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. Watershed Conservation Resource Center and the City of Fayetteville agree that each are mutually interested in conservation of the property, so the floodplain is not filled and developed and that both will work towards restoring the natural resources on the Property. Watershed Conservation Resource Center and the City of Fayetteville agree that the Property offers the following benefits:

(1) **Water quality improvements and the protection of the Beaver Lake watershed:**

- (a) Floodplains are natural filters of sediment, nutrients, and other pollutants. The Property currently provides quality green infrastructure by filtering contaminants from flood waters. Development of the Property would threaten this benefit.
- (b) The existing pond helps to capture and treat storm-water runoff.
- (c) The expansive floodplain of this section of the West Fork of the White River relieves stress on the river banks. Significant development of the site would damage this benefit and could result in increased stress on the river and its streambanks resulting in an increase of streambank erosion. Conservation of the Property will help prevent an increase of pollutant loadings to the Beaver Lake and its watershed.
- (d) The Property is a high priority for conservation in the North West Arkansas Open Space Plan.
- (e) Securing the site enables Watershed Conservation Resource Center to seek funding to restore the West Fork of the White River streambanks and improve the pollutant removal ability of the pond.
- (f) The Property will support needed resources for Watershed Conservation Resource Center's other restoration projects and environmental education programs.

(2) **Public access to West Fork of the White River and birding/butterfly sites:**

(a) The site can provide public access from a city street to the West Fork of the White River and floodplain, an under-utilized natural resource within the City of Fayetteville limits.

(b) The Property supports a proposed water trail along the West Fork of the White River.

(c) The Property can provide a canoe/kayak access point on the West Fork of the White River.

(d) The Property can provide an excellent bird sanctuary site for a 'Bird and Butterfly Park' that supports bird and Monarch Butterfly habitat.

(B) AGREEMENT TO PURCHASE

Watershed Conservation Resource Center has entered into that certain Real Estate Purchase Agreement dated effective October 8, 2018 with SA Holdings, Inc.(the "**Owner**") for the purchase of the Property (as amended, the "**Purchase Agreement**"). Watershed Conservation Resource Center and the City of Fayetteville agree to jointly close on the purchase of, and take fee title to, the Property as tenants in common. In connection therewith, and in consideration of the mutual promises, commitments and cash contributions set forth herein, the parties agree as follows:

(1) Watershed Conservation Resource Center will:

(a) Continue to work with the Owner to complete the purchase of the Property for $250,000.

(b) Provide and pay $100,000 towards the purchase price.

(c) Provide and pay one half of the closing costs (including, without limitation, the cost of environmental site assessments, survey and title policy premiums).

(d) Execute and deliver any and all documents reasonably necessary to complete the purchase of the Property.

(2) The City of Fayetteville will:

(a) Provide and pay $150,000 towards the purchase price.

(b) Provide and pay one half of the closing costs (including, without limitation, the cost of environmental site assessments, survey and title policy premiums).

(c) Execute and deliver any and all documents reasonably necessary to complete the purchase of the Property.

(C) OPERATIONAL AGREEMENT

Watershed Conservation Resource Center and the City of Fayetteville further mutually agree to work together cooperatively as co-owners or tenants-in-common to, among other things, restore and enhance natural condition of the Property as a priority. In connection therewith, the parties will use reasonable efforts to accomplish the following:

(1) Watershed Conservation Resource Center agrees to:

(a) Seek funding for and to the extent funding is secured and available, implement:

- Restoration of natural resources on the Property, which (if feasible) may be

accomplished through the establishment of a wetlands and/or stream mitigation bank;

- Establishment of native plant sources for restoration projects in northwest Arkansas; and
- Development of infrastructure to support public birding and boat access.

(b) In connection with the establishment of a mitigation bank, negotiate and execute a conservation easement covering most of the Property as may be necessary or desirable in order to restore, conserve, and protect the natural resources located on the Property.

(c) Establish facilities on the Property as Watershed Conservation Resource Center reasonably determines will support its mission and environmental activities, such facilities to include, but not be limited to, offices, storage, greenhouse, areas to grow native plants and generate native plant sod, and other needs for restoration projects.

(d) Work with partners to provide workshops to the public on stream and riparian restoration and residential storm-water management.

(e) Consider providing native plants to the community through a bi-annual one-day sale.

(f) Allow Fayetteville citizens to access the birding area and the West Fork of the White River at designated public and boat access locations on public trails which the City of Fayetteville shall be allowed to build across the Property.

(g) To the extent that the City of Fayetteville also provides funding or other financial support for the creation of a wetlands and stream mitigation bank, Watershed Conservation Resource Center agrees to set aside discounted mitigation credits established by such bank for the benefit of the City of Fayetteville in an amount to be determined by the parties in more detail at that time by separate agreement.

(2) The City of Fayetteville will:

(a) Work cooperatively with Watershed Conservation Resource Center to place the majority of the Property in a conservation easement. In connection therewith, the City will review and not unreasonably withhold its approval of the conservation easement, and shall execute and deliver such approved conservation easement for recording in the appropriate real property records.

(b) Support and financially assist with the development of trail access infrastructure and parking for public birding and boat access on the West Fork of the White River.

(c) Allow Watershed Conservation Resource Center to exercise the exclusive right to utilize the Property and engage in such activities as needed to restore and maintain natural resources of the Property (including, without limitation, establishing a mitigation bank as a funding mechanism that supports Watershed Conservation Resource Center's mission and restoration activities) for the benefit of the parties hereto and the general public.

(D) IT IS FURTHER MUTUALLY AGREED BY WATERSHED CONSERVATION RESOURCE CENTER AND CITY OF FAYETTEVILLE:

1. FREEDOM OF INFORMATION ACT (FOIA). Any information furnished to Watershed Conservation Resource Center under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552) and A.C.A. § 25-19-101.

2. MODIFICATION. Modifications of this Contract that would increase the scope or price of this Contract must be approved by the City Council prior any such increase, becoming effective.

3. COMMENCEMENT/DATE. This Contract is effective as of the date of the last signature required.

4. IMPROVEMENTS. All improvements placed on the Property, whether by or on behalf of Watershed Conservation Resource Center or the City of Fayetteville must be consistent with, and not have a substantial adverse impact on, the natural condition of the Property as restored and enhanced. The parties further acknowledge and agree that the design and location of all such improvements (including, without limitation, offices, storage, greenhouses, planting areas, access points, trails, and parking facilities) must not preclude or otherwise unduly interfere with the establishment of a mitigation bank on the Property. Such improvements will be subject to approval by the applicable federal governmental authorities with jurisdiction over any such mitigation bank.

5. RESTRICTIVE COVENANTS. Upon request by either party to the other, the parties will cooperate to prepare, execute, and record in the Washington County Circuit Clerk's records an instrument that further evidences the provisions pertaining to restrictions and use of the Property if required by state or federal authorities.

6. CONTACT. Information:

Sandi J. Formica, Executive Director
Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, Arkansas 72701
Phone: (501) 352-5252
Fax: (928) 396-2546
E-mail: formica@watershedconservation.org

Mayor's Office
City Hall
113 West Mountain
Fayetteville, AR 72701
Phone: (479) 575-8330

WHEREFORE, IN AGREEMENT WITH ALL TERMS AND CONDITIONS WITHIN THIS CONTRACT, the persons below attest that they have proper legal authority to sign for the corporations.

WATERSHED CONSERVATION RESOURCE CENTER

By: Sandi J. Formica

SANDI J. FORMICA
Executive Director of the
Watershed Conservation
Resource Center

April 3, 2019

Date

CITY OF FAYETTEVILLE, ARKANSAS

By:

LIONELD JORDAN
Mayor
City of Fayetteville

Attest

By: Sondra E. Smith

SONDRA SMITH, City Clerk

4-18-19

Date

CITY CLERK / TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

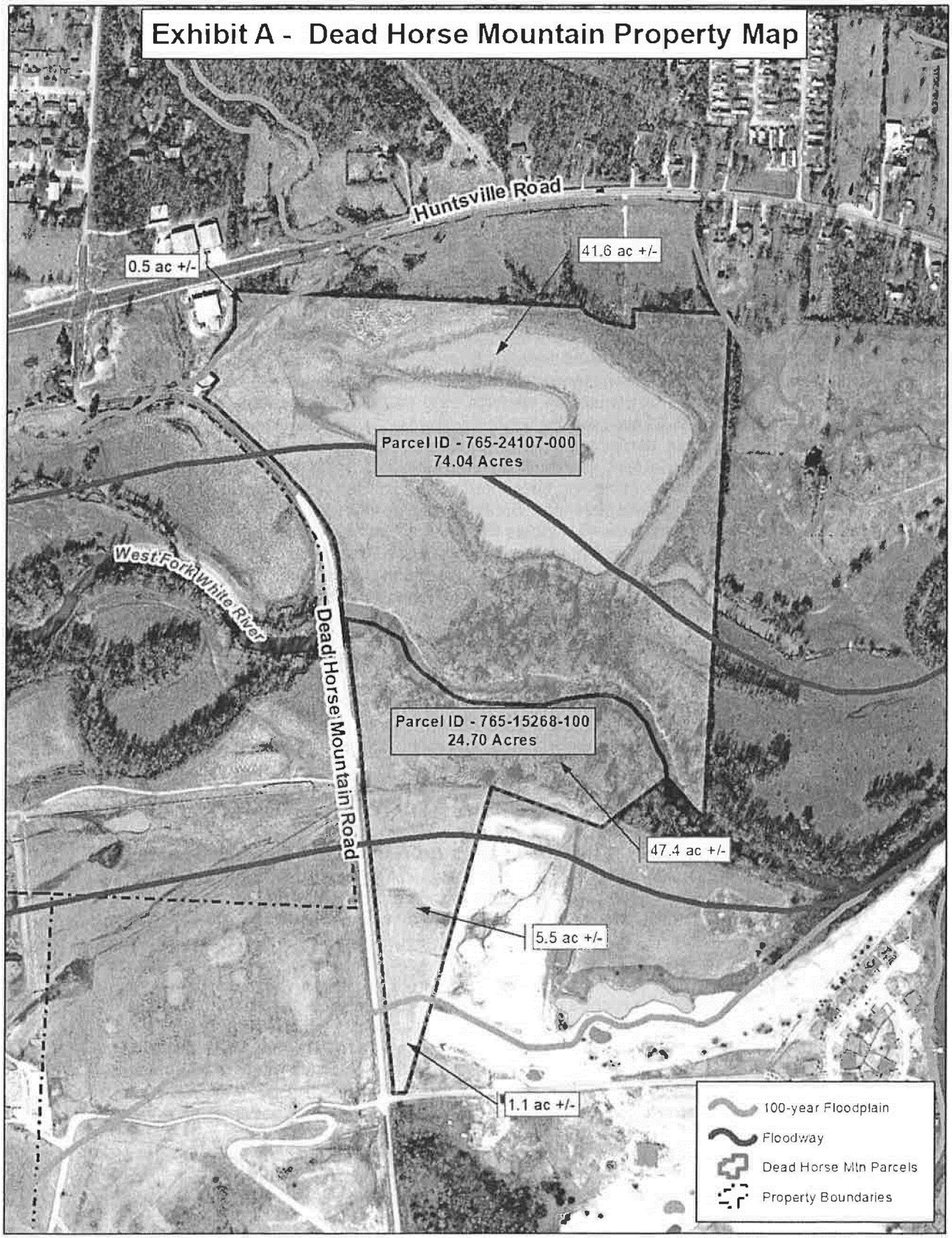

Exhibit A - Dead Horse Mountain Property Map
Huntsville Road
0.5 ac +/-
41.6 ac +/-
Parcel ID - 765-24107-000
74.04 Acres
West Fork White River
Dead Horse Mountain Road
Parcel ID - 765-15268-100
24.70 Acres
47.4 ac +/-
5.5 ac +/-
1.1 ac +/-
100-year Floodplain
Floodway
Dead Horse Mtn Parcels
Property Boundaries

Exhibit A – Legal Description

PARCEL ID – 765-24107-000

Annexed to Fayetteville Ord. #4589 W 150 FT LOT 30, PT LOT 31, ALL LOTS 32 & 33,PT LOT 34 N/2 24-16-30 74.04 A. FURTHER DESCRIBED FROM 2017-13332 AS: Part of the North Half of Section 24, Township 16 North, Range 30 West. Fifth Principal Meridian, also being Lots 31, 32. 33 and a part of Lot 34 and the West 150 feet of Lot 30 of W. E. Anderson Farm, in Washington County, Arkansas, being more particularly described as follows: Beginning at the Northeast corner of the Northwest Quarter of said Section 24 and running West 267.56 feet; thence South 80.00 feet; thence North 79 degrees 30 minutes 31 seconds West 137.50 feet; thence North 65 degrees 13 minutes 29 seconds West 71.59 feet; thence North 45 degrees 00 minutes 00 seconds West 35.36 feet; thence West 1491.80 feel; thence South 01 degrees 00 minutes 00 seconds West 245.50 feet; thence South 41 degrees 00 minutes 49 seconds West 142.79 feet; thence South 56 degrees 30 minutes 00 seconds East 6,0.00 feet; thence South 33 degrees 30 minutes 00 seconds West 116.58 feet to the center of Stone Bridge Road and following the centerline of said road the following bearings and distances South 58 degrees 41 minutes 56 seconds East 29.45 feet; thence South 50 degrees 1 0 minutes 12 seconds East 371.84 feet; thence South 46 degrees 03 minutes 04 seconds East 49.72 feet; thence South 40 degrees 08 minutes 49 seconds East 46.25 feet; thence South 37 degrees 36 minutes 38 seconds East 268.26 feet; thence South 28 degrees 31 minutes 44 seconds East 47.95 feet; thence South 21 degrees 18 minutes 51 seconds East 47.97 feet; thence South 07 degrees 24 minutes 17 seconds East 237.20 feet; thence South 09 degrees 01 minutes 2.7 seconds East 64.26 feet to the canter of the White River leaving the centerline of said road and following the centerline of said river the following bearings and distances, South 80 degrees 43 minutes 29 seconds East 226.17 feet; thence South 42 degrees 40 minutes 54 seconds East 196.50 feet; thence South 45 degrees 08 minutes 26 seconds East 150.16 feet; thence South 80 degrees 16 minutes 01 seconds East 317.16 feet; thence North 67 degrees 41 minutes 31 seconds East 169.45 feet; thence North 89 degrees 30 minutes 36 seconds East 233.02 feet; thence South 66 degrees 33 minutes 34 seconds East 134.20 feet; thence South 18 degrees 38 minutes 27 seconds East 366.84 feet; thence South 66 degrees 17 minutes 51 seconds East 240.26 feet, thence North 2176.58 feet; thence West 150 feet to the point of beginning and containing 74.04 acres, more or less.

PARCEL ID - 765-15268-100

PT S/2 NW 24.70A FURTHER DESCRIBED FROM 2017-13332 AS: Part of the Section 24, Town ship 16 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows, to·wit: Beginning at a point Which is North 02 degrees 19 minutes 47 seconds East 1847.14 feet and North 87 degrees 15 minutes 15 seconds West 1131.73 feet from the Southeast corner of the Southwest Quarter of said Section 24, said point being in the centerline of Dead Horse Mountain Road and Goff Farm Road and running thence along Dead Horse Mountain Road centerline, North 05 degrees 40 minutes 03 seconds West 1645.44 feet, Nor1h 06 degrees minutes 26 seconds West 197.37 feet, North 06 degrees 04 minutes 28 seconds West 231.00 feel, thence leaving said; road centerline to and along the centerline of the West fork of the White River South 80 degrees 20 minutes 03 seconds East 132.33 feet, South 61 degrees 16 minutes 13 seconds East 139.04 feet, South 20 degrees 41 minutes 43 seconds East 83.73 feet, South 42 degrees 19 minutes 24 seconds East 81°44 feet, South 53 degrees 17 minutes 54 seconds East 86.94 feet, South 54 degrees 03 minutes 46 seconds East 92.50 feet, South 77 degrees 04 minutes 16 seconds East 138.76 feet, South 88 degrees 21 minutes 34 seconds East 244.29 feet, North 73 degrees 07 minutes 48 seconds East 77.75 feet, North 81 degrees 12 minutes 29 seconds East 81.88 feet, North 83 degrees 54 minutes 31 seconds East 101.88 feet, South 81 degrees 19 minutes 04 seconds East 44.75feet, South 64 degrees 52 minutes 53 seconds East 82.33 feet, South 41 degrees 55 minutes 44 seconds East 107.58 feet, South .23 degrees 09 minutes 59 seconds East 129.61 feet, South 30 degrees 33 minutes 04 seconds East 78.43 feet, South 05 degrees 52 minutes 39 seconds East 61.03 feet, thence leaving said river centerline South 53 degrees 03 minutes 46 seconds West 354.30 feet, thence North 69 degrees 53 minutes 57 seconds West 505.42 feet, thence South 15 degrees 21 minutes 36 seconds West 1373.22 feet to the centerline of Goff Farm Road, thence along said road centerline South 85 degrees 41 minutes 30 seconds West 73.69 feet to the point of beginning, containing 24.68 acres, more or less

Received From: Alison Jumper 12/04/2024 5:31 PM

Upon recording return to:
Northwest Arkansas Land Trust
1725 Smokehouse Trail
Fayetteville, Arkansas 72701
479-966-4666

GRANT OF CONSERVATION EASEMENT AND DECLARATION OF COVENANTS

THIS GRANT OF CONSERVATION EASEMENT AND DECLARATION OF COVENANTS (the **"Conservation Easement"** or "**Easement**") dated this _____ day of _____, 2024, but effective for all purposes as of the Effective Date (defined herein,) is entered into by and between **WATERSHED CONSERVATION RESOURCE CENTER,** an Arkansas nonprofit corporation ("**WCRC**"); the **CITY OF FAYETTEVILLE, ARKANSAS**, a duly constituted municipality under the laws of the State of Arkansas (the "**City**" and together with WCRC, the "**Owner**"), which shall include any successor in interest to any Owner executing this Easement, and the **NORTHWEST ARKANSAS LAND TRUST**, an Arkansas non-profit corporation ("**Holder**"), and is granted for the Conservation Purposes of the Property (both hereinafter defined). Owner and Holder are sometimes referred to in this Easement as "**Parties**".

ARTICLE I
BACKGROUND

1.01 Defined Terms. Initially capitalized terms not defined in this Article I are defined in Article IX.

1.02 Protected Property. Owner owns in fee simple certain real property, located in Washington County, Arkansas as more particularly described in Exhibit "A" attached hereto (the "**Property**"), and desires to grant and convey to Holder an unconditional and perpetual easement upon the Property for the Conservation Purposes described in Section 1.03. There are two areas included within the outside boundary of the Property that are not included in the Property, which are also described in Exhibit A. The two excluded areas are referred to herein as "**Excluded Areas.**"

1.03 Easement; Covenants.

(a) **Easement**. By this Easement, Owner grants and conveys to Holder an unconditional and perpetual easement upon the Property for the Conservation Purposes described below (the "**Conservation Purposes**"). The Conservation Easement authorizes Holder to prevent and terminate activities, uses, and Improvements inconsistent with the Conservation Purposes. Article VI more fully describes the rights this Easement vests in Holder. It is the purpose of the Owner and Holder to avail themselves of the provisions of the Arkansas Conservation Easement Act, Ark. Code Ann. § 15-20-401 *et seq.*, without intending that the existence of this Conservation Easement be dependent on the continuing existence of that law.

(b) **Owner Covenants**. By this Easement, Owner, in furtherance of the Conservation Purposes, establishes covenants binding upon Owner's interest in the Property, which are set forth in Articles II through Article III. Article VII addresses potential violation of these covenants and remedies.

(c) **Holder Covenants**. By this Easement, Holder accepts the Conservation Easement and, in furtherance of the Conservation Purposes, establishes covenants binding upon Holder's easement interest in the Property, which are set forth in Article VI.

1.04 Easement Plan. Exhibit "B" is a graphic depiction of the Property subject to the Easement (the "**Easement Plan**") showing, among other details, the boundaries of the Property, including the boundaries of the Excluded Areas.

1.05 Conservation Purposes. Generally, the Conservation Purposes of this Conservation Easement are (i) to protect the "**Conservation Values**" (hereinafter defined and described), and other significant conservation interests (except to the extent it is necessary to impair such other conservation interests to protect the Conservation Values); (ii) to limit the use of the Property to those uses and activities that are consistent with such Conservation Values and interests; and (iii) to foster compatible educational and Passive Recreational Use of the Property.

In terms of the conservation purposes identified in Code Section 170(h)(4) the Conservation Purposes of this Easement include: (1) the protection of relatively natural habitats of fish, wildlife, and plants; (2) the preservation of Open Space for the scenic enjoyment of the public yielding a significant public benefit; and (3) the preservation of Open Space pursuant to clearly delineated governmental conservation policies yielding a significant public benefit.

More specifically, the Conservation Values and related Conservation Purposes, include the following, and are further detailed in the Baseline Documentation Report described in Article I, Section 1.06.

(a) **Resource-Specific**.

(i) **Water Resources**. The Property includes approximately 2,020 feet of the West Fork White River (WFWR), and numerous feet of unnamed tributary (including over-flow channels along the WFWR) and riparian forest and approximately 36 acres of wetlands including the spring-fed pond. Lands in the WFWR sub watershed are identified as a high priority for land conservation in the Beaver Lake Watershed Protection Strategy approved by the U.S. Environmental Protection Agency (EPA). It is among the Conservation Purposes to maintain and improve these water resources, both surface and groundwater, within, around, and downstream from the Property, particularly the protection of water quality of Beaver Lake, a Corps of Engineers impoundment that is a public source of drinking water and popular for boating, fishing, and swimming.

(ii) **Biological Resources**. It is among the Conservation Purposes to protect and improve the quality of relatively natural habitat of fish, wildlife, or plants, or similar ecosystems, including animals, fungi, other organisms, and particularly Native Species.

(iii) **Soil Resources**. It is among the Conservation Purposes to prevent the loss and depletion of soil on the Property.

(iv) **Local and Regional Conservation Plans.** The Property is identified as a conservation priority in the City of Fayetteville's Enduring Green network and the Northwest Arkansas Open Space Plan.

(v) **Ecosystem Services**. The property contributes to the resiliency and functioning of natural processes important to human systems, to retain, detain, and disperse stormwater runoff, thus mitigating erosion and flooding downstream of the Property, and to sequester carbon in plants and soil to mitigate rising atmospheric carbon levels.

1.06 Baseline Documentation. The specific Conservation Values of the Property and its use and state of Improvement as of the Effective Date are further documented in a Baseline Documentation Report (the "**Baseline Documentation Report**" or "**Report**") prepared by Holder and to be kept at the principal office of Holder. As of the Effective Date, Owner and Holder have signed an acknowledgement that the Report is complete and accurate. The Report includes reports, maps, photographs, and other documentation, to be used by Holder to assure that any future changes in the use of the Property will be consistent with the terms of this Conservation Easement. Notwithstanding the foregoing, the Report shall not be used to preclude the use of other evidence to establish additional Conservation Values or conditions on the Property now or in the future. The Report is incorporated by reference herein as if restated in full.

1.07 Consideration. Owner acknowledges receipt, as of the Effective Date, of good and valuable consideration for this Easement, including, but in no way limited to, the public benefit obtained, the covenants set forth in Article VII, and perpetual satisfaction of the Conservation Purposes. Notwithstanding the foregoing, Owner has received no monetary or other tangible economic benefit from Holder in exchange for the donation of this Conservation Easement.

1.08 Superior to all Liens. Owner warrants to Holder that the Property is, as of the Effective Date, free and clear of Liens or, if it is not, that Owner has obtained and recorded in the Public Records the legally binding subordination of the Liens affecting the Property as of the Effective Date.

ARTICLE II
TRANSFER; SUBDIVISION

2.01 Prohibitions. Owner is prohibited from taking the following actions, except as may be specifically permitted in Section 2.02. Owner may not:

(a) **Transfer of Portion of Property**. Transfer any part of the Property separate from any other part of the Property to any party other than WCRC or the City;

(b) **Subdivision**. Change the boundary of the Property or Subdivide the Property for the benefit of any party other than WCRC or the City;

(c) **Transfer of Density**. Except as necessitated by the Mitigation Activities allowed under Section 3.02(c), use the acreage protected under this Easement to increase allowable density or intensity of development within the Property or outside of the Property;

(d) **Transfer of Rights**. Except as necessitated by the Mitigation Activities allowed under Section 3.02(c), transfer development rights or other rights granted or allocated to the Property in support of development outside the Property;

(e) **Mining Prohibited**. Mine or permit any mining by surface, subsurface, or any other means anywhere on the Property; or

(f) **Compliance with Conservation Purposes.** Exercise any reserved right, or undertake any permitted use, in a manner that is inconsistent with the Conservation Purposes.

2.02 Permitted Changes. Owner is permitted to undertake the following uses and activities:

(a) **Lots within Property**. Merge two (2) or more Lots into one (1), or, subject to Review, reconfigure one (1) or more of the boundaries of such Lots, as long as the boundary of the Property as described in Exhibit "A" remains unchanged;

(b) **Transfer to Qualified Organization**. Subject to Review, create and transfer a Lot to a Qualified Organization for park, nature preserve, public trail, or other conservation purposes approved by Holder;

(c) **Transfer of Rights of Possession or Use**. Transfer of possession or use (but not ownership) of one or more portions of the Property for purposes permitted under, and subject to, compliance with the terms of this Easement. Tenants and lessees must comply with the applicable provisions of this Easement;

(d) **Conveyance of the Property**. To convey or devise the Property as a whole, subject to the provisions of this Easement; and

(e) **New Liens**. To place New Liens on the Property, provided that all such liens are subordinate to the provisions of this Easement.

2.03 Requirements.

(a) **Establishment of Lots for Transfer to a Qualified Organization; Allocations.** Prior to transfer of a Lot following a Subdivision to a Qualified Organization, Owner must (i) furnish Holder with the plan of Subdivision approved under Applicable Law and legal description of each Lot created or reconfigured by the Subdivision; (ii) mark the boundaries of each Lot with permanent markers; and (iii) allocate in a document recorded in the Public Records those limitations applicable to more than one Lot under this Easement. This information will become part of the Baseline Documentation Report incorporated into this Easement.

(b) **Amendment.** Holder may require Owner to execute an Amendment of this Easement to reflect a change to the description of the Property set forth in Exhibit "A," or other changes and allocations resulting from Subdivision, that are not established to the reasonable satisfaction of Holder by recordation in the Public Records of the plan of Subdivision approved under Applicable Law.

ARTICLE III
IMPROVEMENTS; ACTIVITIES AND USES

3.01 Improvements. Improvements are prohibited except as permitted in this Section 3.01.

(a) **Existing Improvements.** Existing Improvements, identified in Exhibit "B" and the Baseline Documentation Report, may be maintained, repaired, and replaced in their existing locations. Existing Improvements may be expanded or relocated if the expanded or relocated Improvement complies with requirements applicable to Additional Improvements of the same type. Existing Access Drives south of the West Fork White River may be expanded and rerouted in the Wet Area (the "Wet Area") identified in Exhibit "B" and described in Exhibit "C" to provide access to the West Fork White River.

(b) **Additional Improvements.** The following Additional Improvements are permitted:

(i) **Visitor Facilities.** The following visitor facilities are permitted provided they are located outside the Wet Area and so long as the size and location of such facilities are consistent with the Conservation Purpose of this Easement.

1) Visitor Exhibit Hall;[1]

2) Bathroom facilities;

3) Parking facilities for members of the public using the Property. Parking facilities must be constructed with Low Impact Design techniques,

[1] Architectural rendering included in Baseline Documentation Report as record of prototype.

4) No more than five (5) mobile food and beverage vendors;

5) One (1) storage structure for recreational equipment; and

6) Other structures and improvements that support education, recreation, or resource management, subject to Holder's approval at the sole discretion of the Holder.

(i) **Boat Launch Facilities**. Subject to Review, boat launch facilities on the pond, one boat launch on the West Fork White River, and accompanying boat houses for non-motorized boats only. Any permitted boat launching area must be designed to prevent erosion.

(ii) **Fences.** New fences and gates may be built on the Property for purposes of reasonable and customary access control and protection of resources, provided fencing does not substantially diminish or impair the Conservation Values. Fencing shall minimize adverse effects of fragmentation of habitat and facilitate the movements of wildlife across the Property;

(iii) **Wildlife Viewing, Habitat Structures, and Indigenous Shelters**. A reasonable number of wildlife viewing platforms, bird blinds, bird viewing towers[1], habitat enhancement devices, such as bat boxes and bird houses, indigenous shelter replicas or mounds;

(iv) **Access Drives**. Subject to Review, Access Drives (i) must not exceed thirty (30) feet in width, (ii) shall be located and constructed to protect the Conservation Purposes, (iii) should utilize existing road beds where possible, and (iv) shall incorporate Best Management Practices to manage erosion and stormwater runoff. Additional Access Drives are prohibited in the Wet Area unless otherwise approved by Holder.

(v) **Trails**. The location and density of trails shall be designed in a manner consistent with the Conservation Purposes. The following trails are permitted:

(1) Trails for pedestrian and non-motorized vehicle use constructed of (a) native, mowed grasses, or (b) wood chips, boardwalks, or other highly porous, natural, noninvasive material.

(2) One (1) shared-use paved trail connecting to the regional multiuse trail provided trail design plans are provided to the Holder prior to Construction.

(3) One (1) shared-use paved trail providing access to the boat launch on the West Fork White River provided trail Construction plans are provided to the Holder prior to Construction.

[1] Architectural rendering included in Baseline Documentation Report as record of prototype.

(4) Subject to Review, paved or pervious walkways approved by the Holder.

(vi) **Trail Signage**. Trails may only include signs to mark the trail, to provide information regarding restrictions, and for educational and interpretive purposes. Signage shall be unobtrusive in nature and designed with the express goal of minimizing impact to the vistas and Open Space nature of the Property.

(vii) **Trail Facilities**. Trails may include benches, picnic tables, wastebaskets, light fixtures, and bicycle racks, as may be deemed necessary. All other trail facilities are subject to Review. The design, location and density of trail facilities shall be architecturally consistent with the natural setting of the Property and designed with the express goal of minimizing impact to ecologically significant areas, including the Wet Area and species of special concern, and ensuring the vistas and Open Space nature of the Property.

(viii) **Utility Improvements**. Utility Improvements are permitted but must be underground or, subject to Review, may be aboveground where it is not reasonably feasible to install them underground.

3.02 Activities and Uses. Activities and uses are prohibited except as permitted below in this Section 3.02 and provided in any case that: (i) the intensity or frequency of the activity or use does not materially and adversely affect maintenance or attainment of Conservation Purposes, and (ii) no Invasive Species are introduced.

(a) **Resource Management and Disturbance**. The following activities and uses are permitted:

(i) Construction or other disturbance of resources, including cutting of trees, only to the extent reasonably prudent to remove, mitigate, or warn against an unreasonable risk of harm to Persons, their belongings, or health of Native Species on or about the Property.

(ii) Removal of Invasive Species;

(iii) Planting, replanting, and maintaining Native Species;

(iv) Construction of permitted Improvements with prompt restoration of soil and vegetation disturbed by such activity;

(v) Stream, wetland, and riparian restoration and habitat enhancement conducted in accordance with the approved WFWR Mitigation Bank Instrument Modification NO. SWL2012-00397-2 or other Resource Management Plan to be provided to the Holder.

(vi) Prescribed burns conducted in accordance with a Resource Management Plan approved by the Holder after Review.

(vii) Owner may use, or permit the use of, service vehicles and motorized equipment on the Property provided that:

(1) The use of such vehicles is reasonable and necessary for maintenance, security and/or emergency access to the Property, or for providing access to people with disabilities.

(2) Vehicles take care to avoid ecologically significant areas and species of special conservation concern on the Property.

(viii) Cutting or removing trees is permitted only as part of a Resource Management Plan and only trees greater than 6-inch diameter need to be approved by the Holder for the purposes of maintaining and improving natural areas and the ecological function of the Property.

(ix) Application of manure and plant material, both well composted, and, subject to compliance with manufacturer's recommendations, other substances to promote the health and growth of vegetation. These permitted substances do not include sewage sludge, industrial sludge, biosolids, septic system sludge or effluent, and related substances;

(x) Piling of brush and other vegetation to the extent reasonably necessary to accommodate permitted activities or uses.

(xi) Maintaining existing open areas in an open and unforested condition, by mowing, brush hogging, grazing, and removal of woody regeneration;

(xii) Design, construct, and maintain demonstration gardens for educational purposes and/or habitat improvement, including but not limited to rice fields, fruit and nut groves, vegetable gardens, and pollinator gardens. Demonstration gardens must contain continuous vegetative cover to protect the soil from erosion.

(xiii) Other activities that Holder, without any obligation to do so, determines are consistent with Conservation Purposes and are conducted in accordance with a Resource Management Plan or other plan approved for that activity after Review.

(c) **Mitigation Activities.** Owner may grant one (1) or more mitigation easements on portions of the Property to be subject to the Mitigation Activities ("Mitigation Areas"), and Owner or agents of Owner may undertake Mitigation Activities within such Mitigation Areas, and allow access to such areas across the Property as necessary to conduct such Mitigation Activities.

(i) Holder grants the right of Owner to conduct stream and wetland Mitigation Activities, including activities in the Existing WFWR Mitigation Bank Instrument Modification NO. SWL2012-00397-2. The Owner shall provide written notice to Holder prior to conducting New Mitigation Activities, including the grant of New mitigation easements or agreements, which notice shall include a copy of the mitigation easement or agreement. Owner also agrees to provide written notice to Holder prior to commencement of any New Mitigation Activities on the Property and to provide Holder with a copy of the mitigation plan or nutrient bank plan, and any amendments thereto, prior to commencement of the Mitigation Activities, or activities provided for in any amendment of the plan.

(ii) Owner retains the exclusive and sole rights to any payment for, or other benefits resulting from, the grant of a mitigation easement or nutrient bank agreement on the Property and for undertaking of any Mitigation Activities as reserved in this Section 3.02(c).

(iii) Holder is not responsible for monitoring any Mitigation Activities and has no obligation to enforce the provisions of any permit(s), restriction(s), or easement(s) therefor, other than the provisions of this Easement.

(d) **Cultural Rights.** Owner retains the right to grant cultural access to Indigenous communities, including but not limited to easements, licenses, and other interests for cultural activities such as harvesting native plants, ceremonies, and educational events.

(e) **Public Use and Access.** Public access and use of the Property for the purpose of passive outdoor recreational activities and educational outreach to enhance quality of life is permitted.

ARTICLE IV
INTENTIONALLY OMITTED

ARTICLE V
INTENTIONALLY OMITTED

ARTICLE VI
RIGHTS AND DUTIES OF HOLDER AND BENEFICIARIES

6.01 Holder Covenants. In support of the Conservation Purposes, Holder declares the following covenants binding upon its easement interest in the Property:

(a) **Exercise of Powers**. Holder must exercise the powers granted to it by this Easement to prevent and terminate activities, uses, and Improvements of the Property inconsistent with the Conservation Purposes;

(b) **Must be Qualified Organization**. Holder must be and remain at all times a Qualified Organization and must not transfer this Conservation Easement or otherwise assign its rights or responsibilities under this Easement to a Person other than a Qualified Organization committed to upholding the Conservation Purposes; and

(c) **Proceeds Used for Conservation Purposes**. Holder must use any funds received on account of the release, termination or extinguishment of this Conservation Easement in whole or in part in furtherance of its charitable conservation purposes;

6.02 Rights and Duties of Holder. The items set forth below are both rights and duties vested in Holder by this Easement:

(a) **Protect in Perpetuity**. To protect the Conservation Purposes of the Property in perpetuity;

(a) **Enforcement**. To enter the Property to investigate a suspected, alleged or threatened violation of the provisions of this Easement and, if found, to enforce the terms of this Easement by exercising Holder's remedies in this Easement. No prior Notice to Owner is required for entry on the Property by Holder when Holder, in good faith, believes such entry is necessary to terminate a violation or prevent a threatened violation which would significantly impair any Conservation Value. However, Holder shall first attempt to reach Owner by phone or email prior to such entry, and then provide a written explanation to Owner of the reason for such entry and a description of any actions taken immediately after such entry.

(b) **Inspection**. To enter and inspect the Property for compliance with the requirements of this Easement in a reasonable manner and at reasonable times;

(c) **Review**. To exercise rights of Review in accordance with the requirements of this Section; and

(d) **Interpretation**. To interpret the terms of this Easement and, at the request of Owner, furnish Holder's explanation of the application of such terms to then-existing, proposed, or reasonably foreseeable conditions within the Property.

6.03 Amendment and Holder's Discretionary Approval Background. Owner and Holder have determined, in good faith, the limitations of any permissible modifications hereto. Owner and Holder recognize that natural conditions, landscapes, uses and technologies change over time. Holder and Owner recognize that unforeseen or changed future circumstances may arise which makes it beneficial or necessary to take certain action in order to ensure the continued protection of the Conservation Purposes of the Property and to guarantee the perpetual nature of this Conservation Easement. Additional proposed activities may require the exercise of discretion by Holder, as further described below. This Section therefore ensures that the Holder protects the Conservation Purposes of the Property in perpetuity.

(a) **Purpose.** If approved by the Holder in its sole discretion, Owner and Holder have the right to modify this Easement. Holder may exercise its discretion in accordance with the

provisions and limitations of this Section. Holder has no obligation to agree to any modification of this Easement. No modification shall adversely affect the perpetual duration of this Easement or the perpetual protection of its Conservation Purposes.

(b) **Amendment Requirements**. Holder shall not consent to any amendment of this Easement unless Owner submits a written request for Amendment pursuant to Holder's existing amendment policy and such proposed Amendment qualifies under Holder's policy then in effect respecting conservation easement amendments. The effect of such Amendment shall enhance, or at least be neutral with respect to the Conservation Purposes of this Easement, shall comply with Code Section 170(h) and any Regulations promulgated pursuant to such section, shall comply with all applicable federal, state and local laws, shall be consistent with Holder's public mission, shall not jeopardize the Holder's tax-exempt status or status as a charitable organization under federal or state law, and shall not result in private inurement or confer impermissible private benefit. Owner and Holder may amend this Easement to be more restrictive to comply with the provisions of Code Section 2031(c). Holder may require subordination of any Lien arising after the Effective Date as a condition of permitting any substantive Amendment to this Easement.

(c) **General**. Holder and Owner shall have no power or right to agree to any activity, use or structure that would (i) result in the extinguishment in full of this Easement; (ii) adversely affect the perpetual nature of this Easement; (iii) adversely affect the qualification of this Easement or the status of Holder under any Applicable Laws, including Code Sections 170(h), 501(c)(3), and the laws of the State of Arkansas; or (iv) result in either impermissible private benefit or inurement to any party. For purposes of this Section, the terms impermissible private benefit and inurement shall have the same meanings ascribed to them in Code Section 501(c)(3) and associated Regulations.

(d) **Discretionary Acts.** Subject to the conditions and circumstances set forth below, Holder may consent to activities, structures or uses, issue waivers or licenses, or otherwise exercise discretion where this Easement is silent or ambiguous. Because of unforeseen or changed circumstances, if an activity, structure or use that is not expressly permitted under this Easement is deemed beneficial or necessary by Owner, Owner may request, and Holder may in its sole discretion grant, permission for such activity, structure or use without resorting to the formalities of Holder's amendment policy and process, subject to the following limitations: (i) such request for Holder's consent shall be made in writing and shall describe the proposed activity, structure or use in sufficient detail to allow Holder to evaluate the consistency of the proposed activity, structure or use with the preservation and protection of the Conservation Purposes; (ii) Holder may grant its consent only if it determines, in its sole discretion, that (A) the performance of such activity or activity or Construction of such structure is, in fact, beneficial or necessary; and (B) such activity, structure or use (x) shall not result in private inurement or confer impermissible private benefit, (y) results in neutral or enhanced Conservation Purposes of this Easement, and (z) does not violate the terms of this Easement. Owner shall not engage in the proposed activity, structure or use unless and until Owner receive Holder's approval in writing.

(e) **Costs**. If Owner is the party requesting an Amendment of, or discretionary approval pursuant to, this Easement, Owner shall be responsible for all reasonable and customary fees and costs related to Holder's evaluation of said request and an Amendment's execution, including

reasonable attorney's fees and costs, staff, contractor, legal, expert, and consultant fees and costs, and any costs associated with any updated Baseline Documentation Report prepared pursuant to the provisions of this Section.

(f) **Updated Baseline Documentation**. In the event Owner and Holder agree to an Amendment or discretionary approval pursuant to this Section that results in alterations to the Property, then the Baseline Documentation Report shall be supplemented appropriately to reflect the scope, scale and intensity of the alterations. The supplement shall be acknowledged by Owner and Holder to memorialize the condition of the Property as of the date of the Amendment or discretionary approval.

(g) **Recording.** Owner and the Holder shall execute any Amendment approved after following the procedures in this Section, and the revised document shall be recorded in the Public Records.

(h) **Form**. Any modification that Holder determines, in its sole discretion, to be beneficial or necessary shall be in the form of either (i) an Amendment, in the case of a permanent modification of this Easement, including but not by way of limitation, a clerical or technical correction or modification of a reserved right; or (ii) a discretionary approval, waiver or consent in the case of a temporary activity or impact relating to the maintenance or management of the Property which does not require a permanent modification of this Easement. All Amendments and discretionary approval, waiver or consent shall be subject to this section. Nothing in this Section, however, shall require Owner or Holder to agree to any Amendment or discretionary approval, consent, or waiver.

6.04 Other Rights of Holder. The items set forth below are also rights vested in Holder by this Easement. However, Holder, in its discretion, may or may not exercise them:

(a) **Signs**. To install one or more signs within the Property identifying the interest of Holder in this Conservation Easement. However, such signs will not reduce the number or size of signs permitted to Owner under this Easement. Signs are to be of the customary size installed by Holder and must be installed in locations readable from the public right-of-way and otherwise reasonably acceptable to Owner.

(b) **Proceedings**. To assert a claim, defend, intervene in, or appeal, any proceeding under Applicable Law that (1) pertains to the impairment of Conservation Values; or (2) may result in a transfer, Improvement or use that violates the terms of this Easement.

6.05 Review. The following provisions are incorporated into any provision of this Easement that is subject to Review:

(a) **Notice to Holder**. Unless advanced Notice is waived by Holder, at least 30 days before Owner intends to begin or allow an Improvement, activity, or use that is subject to Review, Owner must: (1) Notify Holder of the proposed Improvement, activity or use, including with the Notice such information as is reasonably sufficient to comply with

Review Requirements and otherwise describe the proposal and its potential impact on the Conservation Purposes, and (2) receive Holder's approval therefor.

(b) **Notice to Owner**. Upon receipt of Owner's Notice, Holder must review the proposed Improvement, activity or use, and Notify Owner of Holder's determination to (i) accept Owner's proposal in whole or in part; (ii) reject Owner's proposal in whole or in part; (iii) accept Owner's proposal conditioned upon compliance with conditions imposed by Holder; (iv) reject Owner's proposal for insufficient information upon which to base a determination; or (v) reject Owner's proposal for inconsistency with the Conservation Purposes. If Holder gives conditional acceptance under clause (iii), commencement of the proposed Improvement, activity, or use constitutes acceptance by Owner of all conditions set forth in Holder's Notice.

(c) **Time for Review**. If requested by Owner, Holder must furnish its estimate of the time required to review the proposed change and use its best efforts and due diligence to Notify Owner of its determination within this time period. Otherwise, Holder must make its determination within thirty (30) days following receipt of Owner's Notice by Holder.

(d) **Failure to Notify**. If Holder fails to Notify Owner as required in the preceding subsection, the proposal set forth in Owner's Notice is deemed disapproved. Because such disapproval is not a decision on the merits by the Holder, it is not final or binding on the Holder and the Owner can re-submit the same or a similar request for approval. Nevertheless, Owner may not undertake any activity or use for which approval has been requested until approval pursuant to this Section 6.05 has been granted by Holder.

(e) **Reasonableness Standard**. Upon review, the phrase "unless Holder, without any obligation to do so," in relation to an approval or determination by Holder, means that, in that particular case, Holder's approval is wholly discretionary. Holder's approval is not to be unreasonably withheld. It is reasonable for Holder to disapprove a proposal that may adversely affect natural resources described in the Conservation Purposes or that is otherwise inconsistent with maintenance or attainment of Conservation Purposes. Owner and Holder shall act in good faith; shall follow a reasonableness standard; shall use their best efforts to act in a timely manner in any determinations that are necessary or are contemplated to be made (either separately or jointly) under this Conservation Easement; shall cooperate with one another; and shall take all other reasonable action suitable to these ends.

6.06 Costs and Expenses. Owner must pay or reimburse Holder's costs and expenses (including Losses, Litigation Expenses, allocated personnel costs, and reasonably incurred liabilities) in connection with: (a) successful judicial enforcement (including exercise of remedies) under the terms of this Easement; and (b) response to requests by Owner for Amendment of this Easement. Owner may, before commencement of Holder's services, request an estimate of the costs and expenses Holder anticipates to incur in responding to Owner's request for any Amendment of this Easement. Owner is not responsible to reimburse costs and expenses arising from Holder's response to an inquiry or request by a Person other than Owner without Owner's approval.

ARTICLE VII.
VIOLATION; REMEDIES

7.01 Violation. If Holder determines that the terms of this Easement have been violated, or that a violation is threatened or imminent, then the provisions of this Section apply:

(a) **Notice.** Holder must Notify Owner of the violation or threatened violation of which it is aware. Holder's Notice may include its recommendation of measures Owner must take to cure the violation and restore features of the Property damaged or altered as a result of the violation.

(b) **Opportunity to Cure.** Owner's cure period expires thirty (30) days after the date of Holder's Notice to Owner subject to extension for the time reasonably necessary to cure, but only if all of the following conditions are satisfied:

(i) Owner ceases the activity constituting the violation or threatened violation promptly upon receipt of Holder's Notice;

(ii) Owner and Holder agree, within the initial 30-day period, upon the measures Owner will take to cure the violation;

(iii) Owner commences to cure within the initial 30-day period; and

(iv) Owner continues thereafter to use best efforts and due diligence to complete the agreed upon cure within the initial 30-day period.

(c) **Imminent Harm.** No Notice or cure period is required if Holder determines that circumstances require prompt action to prevent or mitigate irreparable harm to or alteration to a natural resource or other feature of the Property described in the Conservation Purposes and Conservation Values.

7.02 Remedies. Upon expiration of the cure period (if any) described in the preceding Section, and failing correction of the violation by Owner as provided above, Holder may do one or more of the following:

(a) **Injunctive Relief.** Seek injunctive relief to specifically enforce the terms of this Easement, to restrain present or future violations of the terms of this Easement, and/or to compel restoration of any Conservation Values destroyed or altered as a result of the violation to the condition that existed on the Effective Date, or to such other condition as may exist consistent with the provisions of this Easement;

(b) **Civil Action.** Recover from Owner or other Persons responsible for the violation all sums owed to Holder under applicable provisions of this Easement together with interest

thereon from the date due at the Default Rate. These monetary obligations include, among others, Losses and Litigation Expenses; and

(c) **Statutory**. Bring a private right of action pursuant to the Arkansas Conservation Easement enforcement provision found at Ark. Code Ann. § 15-20-409, including all remedies available pursuant to that law.

7.03 Modification or Termination. If this Conservation Easement is or is about to be modified or terminated by exercise of the power of eminent domain (condemnation) or adjudication of a court of competent jurisdiction sought by a Person other than Holder, the following provisions apply:

(a) **Compensatory Damages**. Holder is entitled to collect from the Person seeking the modification or termination, compensatory damages in an amount equal to the increase in Market Value of the Property resulting from the modification or termination plus reimbursement of Litigation Expenses as if a violation had occurred. In the event of an extinguishment of the Conservation Easement, Holder is entitled to the greater of the compensation provided under this Section or the compensation provided under any other provision of this Easement; and

(b) **Restitution**. Holder is entitled to recover from the Person seeking the modification or termination: (i) restitution of amounts paid for this Easement (if any) and any other sums invested in the Property for the benefit of the public as a result of rights vested by this Easement, plus (ii) reimbursement of Litigation Expenses.

7.04 Remedies Cumulative. The description of Holder's remedies in this Article VII does not preclude Holder from exercising any other right or remedy that may at any time be available to Holder under this Article or Applicable Law. If Holder chooses to exercise one remedy, Holder may nevertheless choose to exercise one or more of the other rights or remedies available to Holder at the same time or at any other time.

7.05 Waivers. Holder in its discretion may provide a Waiver if Holder determines that the Waiver will have no material effect on the Conservation Purposes. If Holder does not exercise a right or remedy when it is available to Holder, that is not to be interpreted as a Waiver of any non-compliance with the terms of this Easement or a Waiver of Holder's rights to exercise its rights or remedies at another time.

7.06 No Fault of Owner. Holder may waive its right to reimbursement under this Article VII as to Owner (but not other Persons who may be responsible for the violation) if Holder is reasonably satisfied that the violation was not the fault of Owner and could not have been anticipated or prevented by Owner by reasonable means.

7.07 Multiple Owners.

(a) **Liability of Owners of Different Portions of the Property**. If different Persons own portions of the Property, only Owners of the portion with respect to which a violation has occurred, or is threatened, will be held responsible for the violation or threatened violation.

(b) **Liability of Owners of a Single Portion of the Property**. If more than one Person owns of a portion of the Property with respect to which a violation has occurred, or is threatened, then the Owner who has caused the violation, or threatened to violate the terms of this Easement shall be held solely liable. If all of the Persons who are Owners caused the violation, or threatened to violate this Easement, then each Owner may be held liable for the damages resulting from the violation, or threatened violation, in proportion to their ownership interest in the Property. For the avoidance of doubt, an Owner of 50% of a portion of the Property shall not be held liable for more than 50% of the damages resulting from a violation or threatened violation.

ARTICLE VIII
MISCELLANEOUS

8.01 Notices.

(a) **Requirements**. Each Person giving any notice pursuant to this Conservation Easement (each a "**Notice**") must give the Notice in writing and must use one of the following methods of delivery: (i) personal delivery; (ii) certified mail, return receipt requested and postage prepaid; or (iii) nationally recognized overnight courier, with all fees prepaid. Each time the term "Notify" is used herein, it shall be deemed to refer to sending a Notice in accordance with this Article.

(b) **Address for Notices**. Each Person giving a Notice must address the Notice to the appropriate Person as the receiving party at the address listed below or to another address designated by that Person by Notice to the other Person:

If to Owner: Watershed Conservation Resource Center
380 West Rock Street
Fayetteville, AR 72701

City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

If to Holder: Northwest Arkansas Land Trust
1725 S. Smokehouse Trail
Fayetteville, Arkansas 72701

8.02 Duty to update. Owner and Holder shall provide Notice to the other within thirty (30) days of a change in address specifying a New address for Notices.

8.03 Governing Law. The laws of the State of Arkansas, and the United States, govern this Easement.

8.04 Assignment and Transfer. Neither Owner nor Holder may assign or otherwise transfer any of their respective rights or duties under this Conservation Easement voluntarily or involuntarily, whether by merger, consolidation, dissolution, operation of law or any other manner except pursuant to the provisions of this Section 8.04. Any purported assignment or transfer in violation of this Section 8.04 is void.

(a) **Notice Required**. Not less than thirty (30) days prior to transfer of the Property or a Lot, or any portion thereof or interest therein, Owner must Notify Holder of the name(s) and address for Notice purposes of the Person who will become Owner following the transfer. At the time Holder is Notified of the transfer, Owner shall pay a $10 transfer fee to Holder.

(b) **Prior to Transfer**. Owner authorizes Holder to (i) contact the Persons to whom the Property or Lot will be transferred and other Persons representing Owner or the prospective transferees to discuss with them this Easement and, if applicable, other pertinent documents; and (ii) enter the Property to assess compliance with this Easement.

(c) **Ending Continuing Liability**. If Holder is not notified per this Section's requirement, it is not the obligation of Holder to determine whether a violation first occurred before or after the date of the transfer. The pre-transfer Owner continues to be liable on a joint and several basis with the post-transfer Owner for the correction of violations under this Easement until such time as Holder is given the opportunity to inspect and all violations noted in Holder's resulting inspection report are cured.

(d) **Subsequent Deeds and Transfers.** This Easement must be incorporated by reference in any deed or other legal instrument by which Owner conveys any interest in the Property, including without limitation, a leasehold or mortgage interest. The failure of Owner to perform any act required by this subsection shall not impair the validity of this Easement or limit its enforceability in any way.

8.05 Burdens; Benefits. This Easement binds and benefits Owner and Holder and their respective personal representatives, successors, and assigns.

(a) **Binding on All Owners**. This Easement vests a servitude running with the land and binding upon Owner and, upon recordation in the Public Records, all subsequent Owners of the Property or any portion of the Property are bound by its terms whether or not Owners had actual Notice of this Easement and whether or not the deed of transfer specifically referred to the transfer being under and subject to this Easement.

(b) **Rights Exclusive to Holder**. Except for rights of Beneficiaries (if any) under this Easement, only Holder has the right to enforce the terms of this Easement and exercise other rights of Holder. Owners of Lots within the Property do not have the right to enforce the terms of this Easement against Owners of other Lots within the Property. Only Owners of the Lot that is the subject of a request for Review, Waiver, Amendment, interpretation, or other decision by Holder have a right to Notice of, or other participation in, such decision.

8.06 Documentation Requirements.

(a) **Between Holder and Owner**. No Amendment, Waiver, approval after Review, interpretation, or other decision by Holder is valid or effective unless it is in writing and signed by an authorized signatory for Holder. This requirement may not be changed by oral agreement. The grant of an Amendment or Waiver in any instance or with respect to any Lot does not imply that an Amendment or Waiver will be granted in any other instance.

(b) **Between Holder and Assignee**. Any assignment of Holder's rights under this Easement, if otherwise permitted under this Easement, must be in a document signed by both the assigning Holder and the assignee Holder. The assignment document must include a covenant by which the assignee Holder assumes the covenants and other obligations of Holder under this Easement. The assigning Holder must deliver to the assignee Holder the Baseline Documentation Report and such other documentation in Holder's possession reasonably needed to uphold the Conservation Purposes.

8.07 Severability. If any provision of this Conservation Easement is determined to be invalid, illegal or unenforceable, the remaining provisions of this Conservation Easement remain valid, binding and enforceable. To the extent permitted by Applicable Law, the parties waive any provision of Applicable Law that renders any provision of this Conservation Easement invalid, illegal or unenforceable in any respect.

8.08 Counterparts. This Conservation Easement may be signed in multiple counterparts, each of which constitutes an original, and all of which, collectively, constitute only one document.

8.09 Guides to Interpretation.

(a) **Captions**. Except for the identification of defined terms in the Glossary, the descriptive headings of this Conservation Easement are for convenience only and do not constitute a part of this Conservation Easement.

(b) **Glossary**. If any term defined in the Glossary is not used in this Conservation Easement, the defined term is to be disregarded as surplus material.

(c) **Other Terms**.

(i) The word "including" means "including but not limited to".

(ii) The words "must" and "shall" are obligatory; the word "may" is permissive and does not imply any obligation.

(d) **Conservation Easement Act**. This Conservation Easement is intended to be interpreted so as to convey to Holder all of the rights and privileges of a Holder of a conservation easement under the Arkansas Conservation Easement Act, Ark. Code. Ann. § 15-20-401 *et seq.*, and any amendments, replacements, or successors to that law.

(e) **Restatement (Third) of the Law of Property: Servitudes**. This Conservation Easement is intended to be interpreted so as to convey to Holder all of the rights and privileges of a Holder of a conservation servitude under the Restatement (Third) of the Law of Property, to the extent that Arkansas law or other Applicable Law does not provide sufficient guidance.

8.10 Entire Agreement. This Easement, and the exhibits attached hereto and made a part hereof, and the Baseline Documentation Report constitute the entire agreement of Owner and Holder pertaining to this Conservation Easement. The terms of this Conservation Easement supersede in full all negotiations, agreements, statements and writings between Owner, Holder and others pertaining to this transaction.

8.11 Incorporation by Reference. Each exhibit attached to this Conservation Easement is incorporated herein by this reference. The Baseline Documentation Report (whether or not attached to this Conservation Easement) is incorporated herein by this reference.

8.12 Jurisdiction; Venue. Holder and Owner submit to the exclusive jurisdiction of the courts of the State of Arkansas located in Washington County and agree that any legal action or proceeding relating to this Easement or the Conservation Easement may be brought only in the courts located in such county.

ARTICLE IX.
GLOSSARY

As used herein, the following terms will have the meanings set out in this Article IX.

Access Drive(s). Roads, drives or lanes providing vehicular access to or located within the Property.

Additional Improvements. All buildings, structures, facilities and other Improvements within the Property, whether temporary or permanent, other than Existing Improvements.

Amendment. An amendment, modification or supplement to this Easement signed by Owner and Holder and recorded in the Public Records. The term "Amendment" includes an amendment and restatement of this Easement.

Applicable Law. Any federal, state or local laws, statutes, codes, ordinances, standards and regulations applicable to the Property, this Conservation Easement as amended through the applicable date of reference. If this Easement is intended to meet the requirements of a qualified conservation contribution, then applicable provisions of the Code and the Regulations are also included in the defined term.

Beneficiary(ies). A Person given rights under the terms of this Conservation Easement (other than Owner and Holder).

Best Management Practices. A series of guidelines or minimum standards (sometimes referred to as BMPs) recommended by federal, state, and/or county resource management agencies for

farming and Forestry operations; for preventing and reducing pollution of water resources and other disturbances of soil, water, and vegetative resources; and for protecting wildlife habitats.

Code. The Internal Revenue Code of 1986, as amended through the applicable date of reference.

Conservation Easement Act. The Arkansas Conservation Easements Act (Ark. Code Ann. § 15-20-401 *et seq.*) as amended through the applicable date of reference.

Construction. Any demolition, construction, re-construction, expansion, exterior alteration, installation or erection of temporary or permanent Improvements. This term does not include dredging, mining, filling or removal of gravel, soil, rock, sand, coal, petroleum or other minerals.

Default Rate. An annual rate of interest equal at all times to two percent (2.0%) above the "prime rate" announced from time to time in The Wall Street Journal; provided, however, that the Default Rate shall never exceed the maximum rate allowed under Applicable Law.

Effective Date. The date and time when this Easement was first put to Public Record.

Environmental Laws. Any and all federal, state, local, or administrative agency statutes, regulations, rules, codes, ordinances or requirements of any governmental authority regulating or imposing standards of liability or standards of conduct (including common law) regarding air, water, solid waste, hazardous materials, petroleum products, worker and community right-to-know, hazard communication, radioactive material, resource protection, wetlands and watercourses, health protection and similar environmental health, safety, building and land use laws and regulations as may now or at any time hereafter be in effect.

Excluded Areas. Land owned by the Owner on the Effective Date and shown on Exhibit "B" as "Excluded Areas".

Existing Improvements. All buildings, structures, facilities and other improvements, whether temporary or permanent, located on, above or under the Property as of the Effective Date as identified in the Baseline Documentation Report.

Forestry. Planting, growing, nurturing, managing and harvesting trees whether for timber and other useful products or for water quality, wildlife habitat and other Conservation Purposes.

Improvement. Any Existing Improvements or Additional Improvements.

Invasive Species. A plant species that is (a) Non-Native Species to the ecosystem under consideration; and (b) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. In cases of uncertainty, published atlases are to be used to identify Invasive Species.

Lien. Any mortgage, lien or other encumbrance securing the payment of money.

Litigation Expense. Any filing fee or cost associated with any court or administrative review body, arbitration fee or cost, witness fee and every other fee and cost of investigating, defending, appealing, or asserting any claim of violation under this Easement including in each case, attorneys' fees, other professionals' fees, and disbursements.

Losses. Any liability, loss, claim, settlement payment, cost, expense, interest, award, judgment, damages (including punitive damages), diminution in value, fines, fees and penalties or other charge other than a Litigation Expense.

Lot. A unit, lot, or parcel of real property separated or transferable for separate ownership or lease under Applicable Law.

Low Impact Design. Design techniques that use or mimic natural processes that result in minimal interference with the Conservation Purposes.

Market Value. The fair value that a willing buyer, under no compulsion to buy, would pay to a willing seller, under no compulsion to sell as established by appraisal in accordance with the then-current edition of Uniform Standards of Professional Appraisal Practice issued by the Appraisal Foundation or, if applicable, a qualified appraisal in conformity with 26 C.F.R. §1.170A-13.

Mitigation Activities. The activities permitted by or required under a mitigation bank instrument approved by all necessary governmental agencies.

Native Species. A plant or animal indigenous to the locality under consideration. In cases of uncertainty, published atlases are to be used to establish whether or not a species is native.

New. Occurring or established after the Effective Date.

Non-Native Species. A plant or animal that is not indigenous (alien) to the locality under consideration. In cases of uncertainty, published atlases are to be used to establish whether or not a species is non-native.

Open Space. Open Space is any open piece of land that is undeveloped and helps enhance the beauty and environmental quality of a community for the benefit of the general public.

Owner/Ownership. Owner and all Persons after them who hold an interest in the Property.

Passive Recreational Use. Recreational uses that involve minimum alteration to vegetation and topography. Uses include but are not limited to non-team sports like hiking, bicycling, bird watching, picnicking, and non-motorized boating.

Person(s). An individual, organization, trust, government or other entity.

Public Records. The public records of the office for the recording of deeds in and for the county in which the Property is located.

Qualified Organization. A governmental or non-profit entity that (a) is established as a public charity for the purpose of preserving and conserving natural resources, natural habitats, environmentally sensitive areas and other charitable, scientific and educational purposes; (b) meets the criteria of a qualified organization under the Regulations; and (c) is duly authorized to acquire and hold conservation easements under Applicable Law.

Regulations. The provisions of 26 C.F.R. §1.170A-14, and any other regulations promulgated under the Code that pertain to qualified conservation contributions, as amended through the applicable date of reference.

Resource Management Plan. A record of the decisions and intentions of Owner prepared by a qualified resource management professional for the purpose of protecting natural resources that the Conservation Purposes aim to protect during certain operations potentially affecting those resources. It includes a resource assessment, identifies appropriate performance standards (based upon Best Management Practices where available and appropriate), and projects a multi-year description of planned activities for operations to be conducted in accordance with the plan.

Review. Review and approval of Holder under the procedure described in Article VI.

Review Requirements. Collectively, any plans, specifications or information required for approval of the activity, use or Construction under Applicable Law (if any) plus (a) the information required under the Review Requirements incorporated into this Conservation Easement either as an exhibit or as part of the Baseline Documentation Report or (b) if the information described in clause (a) is inapplicable, unavailable or insufficient under the circumstances, the guidelines for Review of submissions established by Holder to provide sufficient information to conduct its Review.

Subdivision. Any division of the Property or any Lot within the Property; and any creation of a unit, Lot or parcel of real property, including subsurface portions of the Property, for separate use or Ownership by any means including by lease or by implementing the condominium form of Ownership.

Utility Improvements. Improvements for the reception, storage, or transmission of potable water, storm water, sewage, electricity, gas and telecommunications or other sources of power.

Waiver. A written commitment by which Holder, without any obligation to do so, agrees to refrain from exercising one or more of its rights and remedies for a specific period of time with respect to a specific set of circumstances if Holder is satisfied that the accommodation will have no material effect on Conservation Purposes.

INTENDING TO BE LEGALLY BOUND, each of Owner and Holder, by its duly authorized representative, have signed and delivered this Conservation Easement as of the Effective Date. This Easement may be executed in multiple counterparts, which, when taken together, shall constitute a single instrument.

OWNER:
Watershed Conservation Resource Center

By: Sandi J. Formica
Sandi J. Formica, Executive Director

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) ss
COUNTY OF Washington)

On this day before me, the undersigned Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named **SANDI FORMICA** (being the person or persons authorized by said entity, to execute such instrument, stating their respective capacities in that behalf), to me personally well known (or satisfactorily proven to be such person), who stated that she was the **President** of the **WATERSHED CONSERVATION RESOURCE CENTER**, and duly authorized in this capacity to execute the foregoing instrument for and in the name and behalf of said entity, and further stated and acknowledged that she had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF I have hereunto set my hand and seal, this the 2nd day of December, 2024.

My Commission Expires:
4-15-2029

Lori Linn
Notary Public

LORI LINN
Notary Public-Arkansas
Washington County
My Commission Expires 04-15-2029
Commission # 12707395

INTENDING TO BE LEGALLY BOUND, each of Owner and Holder, by its duly authorized representative, have signed and delivered this Conservation Easement as of the Effective Date. This Easement may be executed in multiple counterparts, which, when taken together, shall constitute a single instrument.

OWNER:
City of Fayetteville

By:_____
Mayor Lioneld Jordan

ATTEST:

_____
Kara Paxton, City Clerk/Treasurer

SEAL

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) ss
COUNTY OF _____)

On this day before me, the undersigned Notary Public, duly commissioned, qualified and acting, within and for said County and State, appeared in person the within named **LIONELD JORDAN** and **KARA PAXTON** (being the person or persons authorized by said entity, to execute such instrument, stating their respective capacities in that behalf), to me personally well known (or satisfactorily proven to be such person), who stated that they were the **MAYOR** and **CITY CLERK/TREASURER**, respectively, of the **CITY OF FAYETTEVILLE**, and duly authorized in those capacities to execute the foregoing instrument for and in the name and behalf of said entity, and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF I have hereunto set my hand and seal, this the _____ day of _____, 2024.

My Commission Expires:
_____

_____
Notary Public

INTENDING TO BE LEGALLY BOUND, each of Owner and Holder, by its duly authorized representative, have signed and delivered this Conservation Easement as of the Effective Date. This Easement may be executed in multiple counterparts, which, when taken together, shall constitute a single instrument.

HOLDER:

NORTHWEST ARKANSAS LAND TRUST,
an Arkansas non-profit corporation

By: Jenny Burbidge
Jenny Burbidge, President

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) ss
COUNTY OF Washington)

On this day before me, the undersigned Notary Public within and for the County and State aforesaid, duly commissioned, qualified and acting, appeared the within named **JENNY BURBIDGE**, the President of **NORTHWEST ARKANSAS LAND TRUST**, an Arkansas non-profit corporation, and stated and acknowledged that they were duly authorized as such officers to execute the foregoing instrument for and in the name and behalf of said corporation and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as such Notary Public on this the 3 day of December, 2024.

My Commission Expires:
04/29/2033

Jenni Stoddard
Notary Public

JENNI STODDARD
Notary Public - Arkansas
Washington County
Commission # 12723164
My Commission Expires Apr 29, 2033

INTENDING TO BE LEGALLY BOUND, each of Owner and Holder, by its duly authorized representative, have signed and delivered this Conservation Easement as of the Effective Date. This Easement may be executed in multiple counterparts, which, when taken together, shall constitute a single instrument.

HOLDER:

NORTHWEST ARKANSAS LAND TRUST,
an Arkansas non-profit corporation

By: Eileen Jennings, Sec/Treas.
Eileen Jennings, Secretary/Treasurer

ACKNOWLEDGEMENT

STATE OF ARKANSAS)
) ss
COUNTY OF Washington)

On this day before me, the undersigned Notary Public within and for the County and State aforesaid, duly commissioned, qualified and acting, appeared the within named **EILEEN JENNINGS**, the Secretary/Treasurer of **NORTHWEST ARKANSAS LAND TRUST**, an Arkansas non-profit corporation, and stated and acknowledged that they were duly authorized as such officers to execute the foregoing instrument for and in the name and behalf of said corporation and further stated and acknowledged that they had so signed, executed and delivered said foregoing instrument for the consideration and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal as such Notary Public on this the 3 day of December, 2024.

My Commission Expires:
04/29/2033

Jenni Stoddard
Notary Public

JENNI STODDARD
Notary Public - Arkansas
Washington County
Commission # 12723164
My Commission Expires Apr 29, 2033

EXHIBIT A
LEGAL DESCRIPTION OF THE PROPERTY

A PART OF THE NORTH HALF OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 30 WEST, FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, ALSO BEING LOTS 31, 32, 33 AND A PART OF LOT 34 AND THE WEST 150 FEET OF LOT 30 ALL IN W. E. ANDERSON FARM, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NE CORNER OF THE NW 1/4 OF SAID SECTION 24, SAID POINT BEING AN EXISTING ARKANSAS STATE LAND SURVEY MONUMENT; THENCE N87°17'32"W 267.56 FEET TO AN EXISTING TREE; THENCE S02°37'58" W 79.99 FEET ALONG AN EXISTING FENCE TO AN EXISTING IRON; THENCE N76°44'53" W 137.32 FEET ALONG SAID FENCE TO AN EXISTING IRON; THENCE N62°45'34" W 71.64 FEET ALONG SAID FENCE TO AN EXISTING IRON; THENCE N41°55'19" W 35.30 FEET ALONG SAID FENCE TO AN EXISTING IRON; THENCE N87°17'27" W 1492.08 FEET TO AN EXISTING IRON; THENCE S03°41'53" W 245.52 FEET TO AN EXISTING IRON; THENCE S43°43'28" W 142.79 FEET TO A SET 1/2" IRON REBAR; THENCE S53°47'21" E 60 FEET TO A SET 1/2" IRON REBAR; THENCE S36°15'07" W 117.47 FEET TO A SET COTTON SPINDLE IN THE CENTER OF DEAD HORSE MOUNTAIN ROAD, SAID POINT BEING ON A 217.66 FOOT RADIUS CURVE CONCAVE TO THE SW; THENCE SOUTHEASTERLY 30.47 FEET ALONG SAID CURVE AND CENTERLINE, THE CHORD FOR WHICH BEING S54°19'28" E 30.45 FEET, TO THE BEGINNING OF A 5423.40 FOOT RADIUS CURVE CONCAVE TO THE SW; THENCE SOUTHEASTERLY 370.56 FEET ALONG SAID CURVE AND CENTERLINE, THE CHORD FOR WHICH BEING S47°46'55"E 370.49, TO THE BEGINNING OF A 694.04 FOOT RADIUS CURVE CONCAVE TO THE SW; THENCE SOUTHEASTERLY 95.89 FEET ALONG SAID CURVE AND CENTERLINE, THE CHORD FOR WHICH BEING S40°26'04" E 95.81 FEET TO THE POINT OF TANGENCY; THENCE S36°06'34" E 76.44 FEET ALONG SAID CENTERLINE TO THE BEGINNING OF A 1247.75 FOOT RADIUS CURVE CONCAVE TO THE SW; THENCE SOUTHEASTERLY 82.07 FEET ALONG SAID CURVE AND CENTERLINE, THE CHORD FOR WHICH BEING S33°35'25" E 82.06 FEET, TO THE BEGINNING OF A 687.25 FOOT RADIUS CURVE CONCAVE TO THE SW; THENCE SOUTHEASTERLY 304.45 FEET ALONG SAID CURVE AND CENTERLINE, THE CHORD FOR WHICH BEING S18°18'49" E 301.96 FEET, TO THE POINT OF TANGENCY; THENCE S07°05'32" E 197.98 FEET ALONG SAID CENTERLINE TO A POINT IN THE CENTER OF THE WEST FORK OF THE WHITE RIVER; THENCE LEAVING THE CENTER OF SAID ROAD AND FOLLOWING THE CENTERLINE OF SAID RIVER, THE FOLLOWING BEARINGS AND DISTANCES: N76°51'46" E 48.71 FEET; N89°04'28" E 46.50 FEET; S81°28'57" E 142.46 FEET; S35°05'52"E 87.27 FEET; S28°02'53"E 47.95 FEET; S37°42'29"E 173.04 FEET; S59°38'36"E 40.93 FEET; S79°54'36"E 14.40 FEET; N89°18'23"E 332.24 FEET; N75°26'52"E 93.24 FEET; S65°57'38"E 190.87 FEET; N82°23'33"E 61.09 FEET; S78°46'21"E 151.61 FEET; S67°37'47"E 30.87 FEET; S47°56'59"E 63.17 FEET; S28°08'49"E 72.72 FEET; S17°50'35"E 146.94 FEET; S21°37'34"E 122.77 FEET;

S32°23'37"E 61.75 FEET; S42°51'39"E 132.74 FEET; TO A POINT FROM WHICH A 1/2" REFERENCE IRON SET ON THE NORTH SIDE OF SAID RIVER BEARS N02°42'07"E 132.73 FEET; THENCE LEAVING THE CENTER OF SAID RIVER, N02°42'07"E 2209.18 FEET TO AN EXISTING IRON; THENCE N87'14'59"W 149.78 TO THE POINT OF BEGINNING, CONTAINING 72.51 ACRES, MORE OR LESS. THE ABOVE DESCRIBED 72.51 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF DEAD HORSE MOUNTAIN ROAD AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY WHETHER OR NOT OF RECORD. AND A PART OF THE SECTION 24, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SW1/4 OF SAID SECTION 24, SAID POINT BEING AN EXISTING FENCE CORNER POST; THENCE N87°07'44"W 1131.73 FEET; THENCE N01°59'36"E 1847.14 FEET TO AN EXISTING COTTON SPINDLE AT THE CENTERLINE INTERSECTION OF DEAD HORSE MOUNTAIN ROAD AND GOFF FARM ROAD FOR THE TRUE POINT OF BEGINNING; THENCE N05°41'47"W 956.78 FEET ALONG THE CENTERLINE OF SAID DEAD HORSE MOUNTAIN ROAD TO A POINT; THENCE N05°35'48"W 451.40 FEET ALONG SAID CENTERLINE TO A POINT; THENCE N07°05'32"W 660.05 FEET ALONG SAID CENTERLINE TO A POINT IN THE CENTER OF THE WEST FORK OF THE WHITE RIVER; THENCE LEAVING THE CENTER OF SAID DEAD HORSE MOUNTAIN ROAD AND FOLLOWING THE CENTERLINE OF SAID RIVER, FOLLOWING BEARINGS AND DISTANCES: N76°51'46"E 48.71 FEET; N89°04'28"E 46.50 FEET; S81°28'57"E 142.46 FEET; S35°05'52"E 87.27 FEET; S28°02'53"E 47.95 FEET; S37°42'29"E 173.04 FEET; S59°38'36"E 40.93 FEET; S79°54'36"E 14.40 FEET; N89°18'23"E 332.24 FEET; N75°26'52"E 93.24 FEET; S65°57'38"E 190.87 FEET; N82°23'33"E 61.09 FEET; S78°46'21"E 151.61 FEET; S67°37'47"E 30.87 FEET; S47°56'59"E 63.17 FEET; S28°08'49"E 72.72 FEET; S17°50'35"E 146.94 FEET; S21°37'34"E 58.02 FEET TO A POINT FROM WHICH AN EXISTING REFERENCE IRON ON THE SOUTH SIDE OF SAID RIVER BEARS S53°00'46"W 87.99 FEET; THENCE LEAVING THE CENTER OF SAID RIVER, S53°00'46"W 389.56 FEET TO AN EXISTING IRON; THENCE N69°51'02"W 506.15 FEET TO AN EXISTING IRON; THENCE S15°24'43"W 1372.71 FEET TO A SET COTTON SPINDLE IN THE CENTER OF GOFF FARM ROAD; THENCE S85°14'52"W 73.69 FEET TO THE POINT OF BEGINNING, CONTAINING 26.13 ACRES, MORE OR LESS. THE ABOVE DESCRIBED 26.13 ACRE TRACT BEING SUBJECT TO THE RIGHT-OF-WAY OF DEAD HORSE MOUNTAIN ROAD, GOFF FARM ROAD AND ANY OTHER EASEMENTS AND/OR RIGHTS-OF-WAY WHETHER OR NOT OF RECORD.

LESS AND EXCEPT

A PART OF THE NORTH HALF (N1/2) OF SECTION TWENTY–FOUR (24), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION TWENTY–FOUR (24), SAID POINT BEING AN EXISTING ARKANSAS STATE LAND SURVEY MONUMENT; THENCE N87°17'32"W 267.56 FEET TO AN EXISTING TREE; THENCE S02°37'58"W 79.99 FEET ALONG AN EXISTING FENCE TO AN EXISTING IRON; THENCE N76°44'53"W 137.32 FEET ALONG SAID FENCE TO AN EXISTING IRON; THENCE N62°45'34"W 71.64 FEET ALONG SAID FENCE TO AN EXISTING IRON; THENCE N41°55'19"W 35.30 FEET ALONG SAID FENCE TO AN EXISTING IRON; THENCE N87°17'27"W 314.59 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005 FOR THE TRUE POINT OF BEGINNING; THENCE S05°14'34"E 53.33 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005; THENCE S70°54'56"W 806.55 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005; THENCE N15°19'20"W 214.01 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005; THENCE N64°57'18"E 37.12 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005; THENCE N22°58'53"W 15.01 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005; THENCE N63°03'57"E 238.46 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005 AT THE NORTH LINE OF SAID SECTION TWENTY–FOUR (24); THENCE S87°17'27"E 240.92 FEET ALONG THE NORTH LINE OF SAID SECTION TWENTY–FOUR (24) TO AN EXISTING IRON; THENCE S87°17'27"E 333.25 FEET TO THE POINT OF BEGINNING, CONTAINING 3.49 ACRES, MORE OR LESS. THE ABOVE DESCRIBED 3.49 ACRE TRACT BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS–OF–WAY WHETHER OR NOT OF RECORD.

AND LESS AND EXCEPT

A PART OF SECTION TWENTY–FOUR (24), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION TWENTY–FOUR (24), SAID POINT BEING AN EXISTING FENCE CORNER POST; THENCE N87°07'44"W 1131.73 FEET; THENCE N01°59'36"E 1847.14 FEET TO AN EXISTING COTTON SPINDLE AT THE CENTERLINE INTERSECTION OF DEAD HORSE MOUNTAIN ROAD AND GOFF FARM ROAD; THENCE N85°14'52"E 39.19 FEET ALONG THE CENTERLINE OF GOFF FARM ROAD TO THE TRUE POINT OF BEGINNING; THENCE LEAVING THE CENTERLINE OF SAID GOFF ROAD, N05°43'42"W 697.44 FEET ALONG THE EAST RIGHT–OF–WAY LINE OF DEAD HORSE MOUNTAIN TO A SET 1/2" IRON REBAR W/ PLS CAP 1005; THENCE LEAVING SAID RIGHT–OFPWAY LINE, S73°32'41"E 292.06 FEET TO A SET 1/2" IRON REBAR W/PLS CAP 1005; THENCE S15°24'43"W 654.22 FEET TO AN EXISTING COTTON SPINDLE IN THE CENTER OF GOFF FARM ROAD; THENCE S85°14'52"W 34.50 FEET TO THE POINT OF BEGINNING, CONTAINING 2.48 ACRES, MORE OR LESS. THE ABOVE DESCRIBED 2.48 ACRE TRACT BEING SUBJECT TO THE RIGHT–OF–WAY OF DEAD HORSE MOUNTAIN ROAD, GOFF FARM ROAD AND ANY OTHER EASEMENTS AND/OR RIGHTS–OF–WAY WHETHER OR NOT OF RECORD.

EXHIBIT B
GRAPHIC DEPICTION OF THE PROPERTY

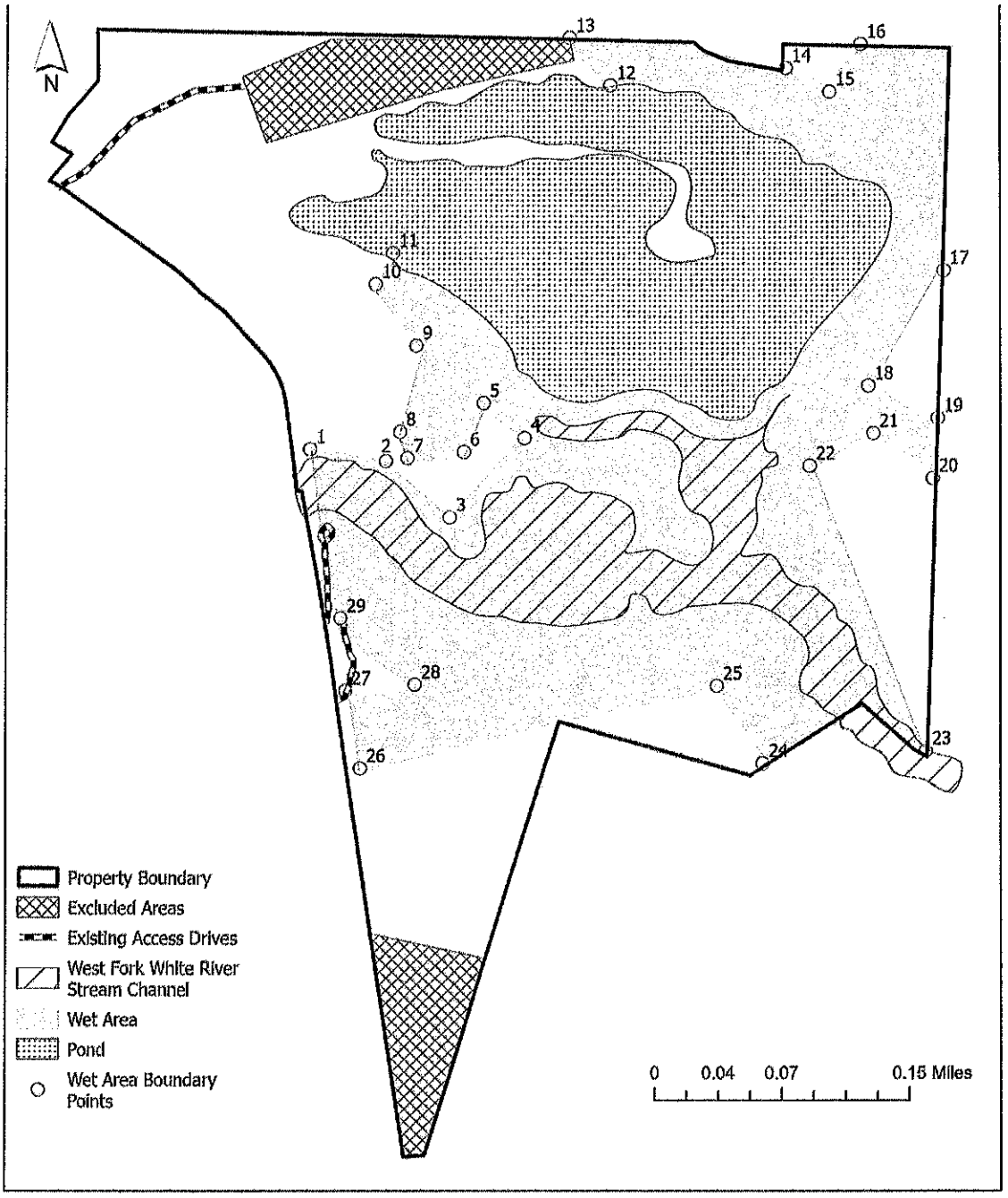


Exhibit B – Graphic Depiction of the Property

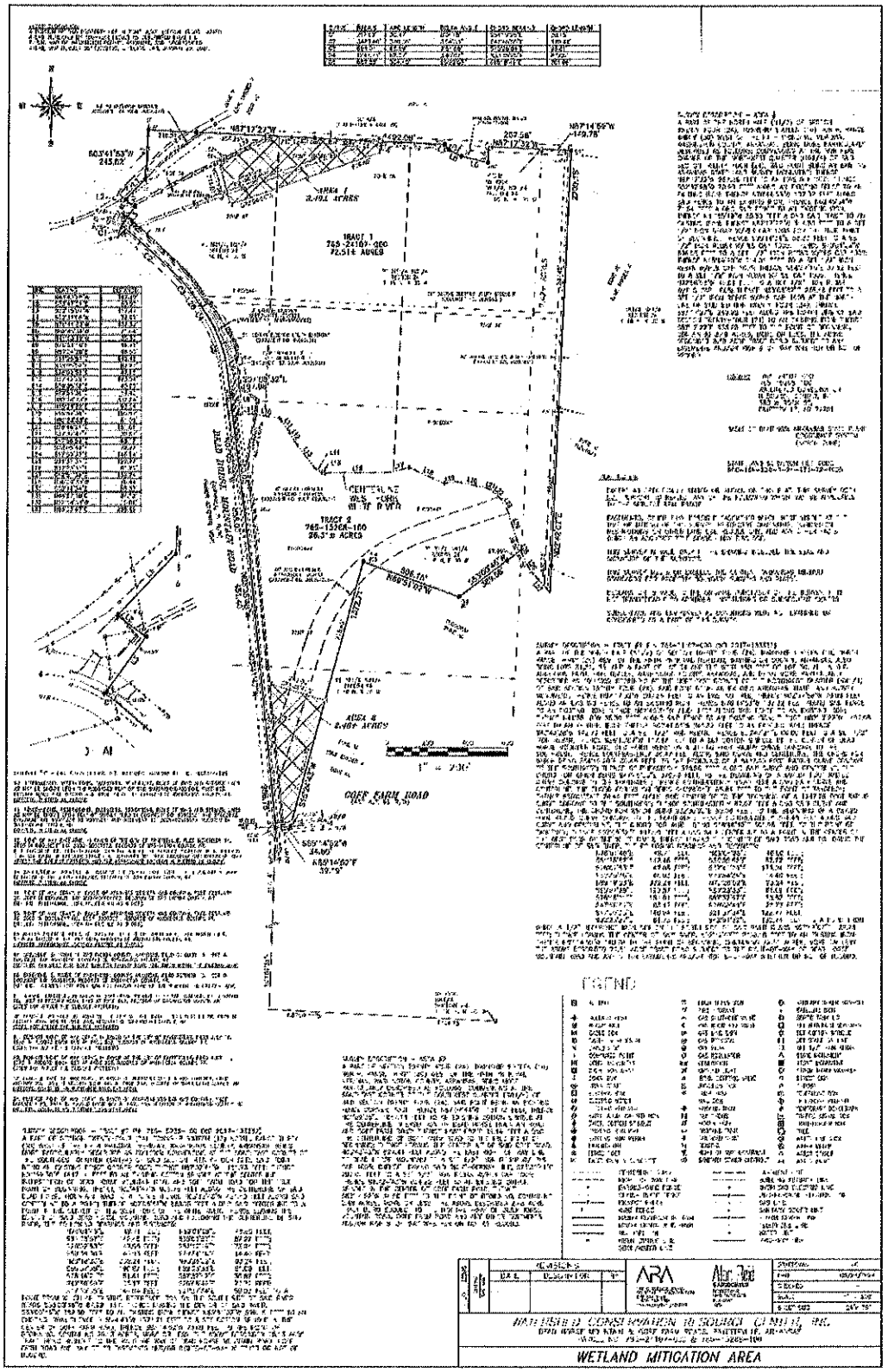


Exhibit B – Graphic Depiction of the Property

EXHIBIT C

WET AREA

Boundary Point	Latitude	Longitude
1	36.051111	-94.118375
2	36.05104	-94.117783
3	36.050639	-94.117221
4	36.051231	-94.116561
5	36.051553	-94.116946
6	36.051203	-94.117154
7	36.051019	-94.117565
8	36.051244	-94.117607
9	36.052026	-94.117435
10	36.052512	-94.117914
11	36.052733	-94.1178951
12	36.054206	-94.115883
13	36.054512	-94.116171
14	36.054306	-94.114327
15	36.054012	-94.114219
16	36.054439	-94.113668
17	36.052564	-94.113096
18	36.051717	-94.113726
19	36.051486	-94.113281
20	36.050879	-94.11313
21	36.051243	-94.113629
22	36.050977	-94.114246
23	36.048911	-94.113132
24	36.048485	-94.11457
25	36.049056	-94.114895
26	36.048453	-94.118012
27	36.049078	-94.118112
28	36.049126	-94.117593
29	36.049646	-94.118162

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-640

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff

FROM: Tim Nyander, Utilities Director

SUBJECT: **ARDOT - Change Order No. 4 for I-49/MLK Water & Sewer Relocations**

RECOMMENDATION:
Staff recommends approval of Change Order #4 to the agreement with the Arkansas Department of Transportation (ARDOT) related to the Interstate-49 MLK Interchange Improvements ARDOT Project 040846, and approval of a budget adjustment.

BACKGROUND:
ARDOT has requested utility relocations to prepare for the widening of Martin Luther King, Jr. Blvd. (Highway-62) from S. Leflar Way to S. Sang Ave. including reconstruction of the interstate overpass and creation of a new overpass at 15th Street. The relocation agreement has had several change orders to-date as the project has completed phasing milestones:

9/5/2023	Original Utility Relocation Agreement	(Res. 190-23)
1/2/2024	Change Order #1&2 for 15th Street Bid Award	(Res. 9-24)
5/7/2024	Change Order #3 for MLK Final Design	(Res. 129-24)

DISCUSSION:
Engineering design and permitting is completed and easement acquisition is underway. Change Order #4 with ARDOT is based on engineering cost estimates for all remaining project expenses for utility relocations along MLK Blvd. This includes construction, easement costs, and engineering inspections for 920 LF of 36-inch, 20 LF of 30-inch, 355 LF of 24-inch, 5,075 LF of 18-inch, 15 LF of 10-inch, 3,931 LF of 8-inch, 20 LF of 6-inch, and 25 LF of 2-inch water mains complete with appurtenances, as well as 253 LF of 24-inch, 593 LF of 15-inch, 345 LF of 10-inch, 641 LF of 8-inch, and 631 LF of 4-inch sewer mains complete with appurtenances.

This change order establishes the reimbursement percentage for the project at 72.54%. The estimated price increase is $17,497,448.28 and will be finalized once all project expenses are complete and reconciled. Based on the reimbursement percentage the City's portion of costs for the remainder of this project will be $4,804,799.30.

BUDGET/STAFF IMPACT:
A budget adjustment is attached to recognize revenue for this water and sewer relocations project.

ATTACHMENTS: 2024-640 SRF ARDOT CO4 for I-49 and MLK Interchange (#3), 2024-640 BA ARDOT CO4 for I-49 and MLK Interchange (#4), Change Order No. 4 (#5)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-640

ARDOT - Change Order No. 4 for I-49/MLK Water & Sewer Relocations

A RESOLUTION TO APPROVE CHANGE ORDER NO. 4 TO THE AGREEMENT WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF $4,804,799.30 FOR INTERSTATE-49 MLK INTERCHANGE IMPROVEMENTS, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, ARDOT has requested utility relocations to prepare for the widening of Martin Luther King, Jr. Blvd. from South Leflar Way to South Sang Avenue including reconstruction of the interstate overpass and creation of a new overpass at 15th Street; and

WHEREAS, on September 5, 2023, City Council passed Resolution 190-23 approving a utility relocation agreement with the Arkansas State Highway Commission; and

WHEREAS, on January 2, 2024, City Council passed Resolution 9-24 authorizing a contract with Brothers Construction, Inc. for construction of the utility relocations; and

WHEREAS, on May 5, 2024, City Council passed Resolution 129-24 approving Amendment No. 3 that increased the scope of engineering services to provide final engineering design on the remaining utility relocations; and

WHEREAS, Change Order No. 4 is based on engineering cost estimates for all remaining project expenses for utility relocations along MLK Blvd. which includes construction, easement costs, and engineering inspections and establishes the reimbursement percentage for the project at 72.54% which will be finalized once all project expenses are complete and reconciled.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign Change Order No. 4 to the agreement with the Arkansas Department of Transportation in the amount of $4,804,799.30 for I-49 MLK Interchange Improvements. A copy of Change Order No. 4 is attached to this Resolution and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-640

Item ID

12/4/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Tim Nyander	10/9/2024	WATER SEWER (720)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approval of Change Order #4 to the agreement with the Arkansas Department of Transportation (ARDOT) related to the Interstate-49 MLK Interchange Improvements ARDOT Project 040846, and approval of a budget adjustment.

Budget Impact:

5400.720.5600-5808.00 / 5400.720.5700-5815.00	Water and Sewer
Account Number	Fund
11011.2301	Water & Sewer Relocations, I-49 & Hwy 62 (MLK) Interchange
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	6,224,435.00
		Expenses (Actual+Encum)	$	5,488,452.00
		Available Budget	$	**735,983.00**
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	3,550,203.00
		Remaining Budget	$	**4,286,186.00**

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year	Division /Org2	Adjustment Number
2024	UTILITIES DIRECTOR (700)	
	Requestor: Tim Nyander	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Staff recommends approval of Change Order #4 to the agreement with the Arkansas Department of Transportation (ARDOT) related to the Interstate-49 MLK Interchange Improvements ARDOT Project 040846, and approval of a budget adjustment.

COUNCIL DATE: 12/4/2024

ITEM ID#: **2024-640**

Holly Black
11/15/2024 10:44 AM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

RESOLUTION/ORDINANCE

CHKD/POSTED: /

v.20241029

TOTAL	4,253,486	4,253,486				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
5400.720.5600-5808.00	2,840,162	-	11011	2301	EX	Improvements - Water Line
5400.720.5700-5815.00	710,041	-	11011	2301	EX	Improvements - Sewer
5400.720.5600-4309.00	-	2,060,254	11011	2301	RE	Federal Grants - Capital
5400.720.5700-4309.00	-	515,064	11011	2301	RE	Federal Grants - Capital
5400.720.5600-6602.30	-	779,908	11011	2301	RE	Transfer from Fund - Impact Fee
5400.720.5700-6602.30	-	194,977	11011	2301	RE	Transfer from Fund - Impact Fee
2300.720.9300-7602.40	779,908	-	07002	1101.2301	EX	Transfers To Funds - Water & Sewer Fund
2300.730.9300-7602.40	194,977	-	07004	1101.2301	EX	Transfers To Funds - Water & Sewer Fund
2300.720.9300-5808.00	(64,002)	-	07002	1	EX	Improvements - Water Line
2300.720.9300-4999.99	-	703,283			RE	Use Fund Balance - Current
2300.730.9300-7602.40	(207,600)	-	07004	2	EX	Transfers To Funds - Water & Sewer Fund
5400.720.5600-4309.00	-	581,100	11011	2301	RE	Federal Grants - Capital
5400.720.5700-4309.00	-	377,352	11011	2301	RE	Federal Grants - Capital
5400.720.5700-6602.30	-	(337,179)	11011	1	RE	Transfer from Fund - Impact Fee
5400.720.5600-6602.30	-	(621,273)	04039	1	RE	Transfer from Fund - Impact Fee

ARKANSAS DEPARTMENT OF TRANSPORTATION
UTILITY CHANGE ORDER

UTILITY City of Fayetteville **CHANGE ORDER NO.** Four

JOB NO. 040846 **FAP NO.** NHPP-9142(51) **JOB NAME** Hwy. 62 Intchng. Impvts.

ROUTE I-49 **SECTION** 28 (Fayetteville)(F)

COUNTY Washington

DESCRIPTION OF CHANGE:
See Exhibit A

REASON FOR CHANGE:
See Exhibit A

Item Description	Present Amount		Revised Amount		Increase / (Decrease)	
	Phase I	Phase II	Phase I	Phase II	Phase I	Phase II
Construction	$3,963,291.00	$0.00	$3,963,291.00	$13,872,001.00	$0.00	$13,872,001.00
Preliminary Engineering	$544,550.00	$646,930.00	$544,550.00	$646,930.00	$0.00	$0.00
Construction Engineering	$294,800.00	$0.00	$294,800.00	$487,140.00	$0.00	$487,140.00
Easement Acquisition	$99,021.00	$0.00	$99,021.00	$3,075,682.28	$0.00	$3,075,682.28
Legal Fees	$0.00	$0.00	$0.00	$155,000.00	$0.00	$155,000.00
Appraisals	$0.00	$0.00	$0.00	$35,000.00	$0.00	$35,000.00
Advertising	$1,000.00	$0.00	$1,000.00	$1,000.00	$0.00	$1,000.00
ADH Review Fee	$500.00	$0.00	$500.00	$500.00	$0.00	$500.00
Betterment	$0.00	$0.00	$0.00	($377,875.00)	$0.00	($377,875.00)
Materials	$0.00	$0.00	$0.00	$249,000.00	$0.00	$249,000.00
SUBTOTAL	**$4,903,162.00**	**$646,930.00**	**$4,903,162.00**	**$18,144,378.28**	**$0.00**	**$17,497,448.28**
TOTALS	**$5,550,092.00**		**$23,047,540.28**		**$17,497,448.28**	

COMPUTATION OF REIMBURSABLE AMOUNT:

Reimbursable Percentage (Phase I): 100.00%
Reimbursable Percentage (Phase II): 72.54%

Present Amount:	**Phase I**	$4,903,162.00	**Reimb.**	100.00%	$4,903,162.00
	Phase II	$646,930.00	**Reimb.**	72.54%	$469,283.02
				Total	**$5,372,445.02**
Revised Amount:	**Phase I**	$4,903,162.00	**Reimb.**	100.00%	$4,903,162.00
	Phase II	$18,144,378.28	**Reimb.**	72.54%	$13,161,932.00
				Total	**$18,065,094.00**
Overrun					**$12,692,648.98**

Requested Keith Mosier Date 10-2-2024
Coordinator

Recommended Blaine Gartrell Date 10-3-2024
Section Head-Utilities Section

Approved Kevin T. Wilson Date 10/3/2024
Right of Way Division Head

Authorized Mike Fugett Date 10-03-2024
Asst. Chief Engineer-Design

dt

ARKANSAS STATE HIGHWAY COMMISSION
UTILITY CHANGE ORDER

Job 040846
City of Fayetteville
Change Order #4

DESCRIPTION OF CHANGE:

1.) Add Phase II cost in the total amount of $18,144,378.28, resulting in an increase of $17,497,448.28.

2.) Add Phase II Reimbursable Factor in the amount of 72.54%.

REASON FOR CHANGE:

1.) Increase total agreement amount due to the addition of the Phase II scope of work along the Hwy. 62 portion of this project. Owner will adjust water and sewer facilities to clear highway construction by abandoning approximately 983 LF of 36-inch, 380 LF of 24-inch, 5,075 LF of 12-inch, 20 LF of 10-inch, 3,908 LF of 8-inch, 20 LF of 6-inch, and 20 LF of 2-inch water main complete with appurtenances as well as 253 LF of 24-inch, 636 LF of 15-inch, 345 LF of 10-inch, 183 LF of 6-inch, and 631 LF of 4-inch sewer main complete with appurtenances.

Owner will restore service by installing 920 LF of 36-inch, 20 LF of 30-inch, 355 LF of 24-inch, 5,075 LF of 18-inch, 15 LF of 10-inch, 3,931 LF of 8-inch, 20 LF of 6-inch, and 25 LF of 2-inch water main complete with appurtenances, as well as 253 LF of 24-inch, 593 LF of 15-inch, 345 LF of 10-inch, 641 LF of 8-inch, and 631 LF of 4-inch sewer main complete with appurtenances.

Owner has elected to upsize existing 12-inch water mains to 18-inch, and a betterment credit has been calculated and will be adjusted based on low bid received and final quantities installed. Owner has also elected to pre-order certain long-lead materials in advance of construction, and that material cost has been added as a separate line item. This work will be performed by competitively bid contract forces.

2.) Add Phase II Reimbursable Factor for the Hwy. 62 portion of this project. Of the 12,454 LF of main to be abandoned, 9,034 LF is located off of Department right-of-way; therefore this work is 72.54% reimbursable.

CITY OF
FAYETTEVILLE
ARKANSAS

September 23, 2024 Sent via email: keith.mashburn@ardot.gov

Mr. Keith Mashburn
Utility Coordinator
Arkansas Department of Transportation
10324 Interstate 30
Little Rock, Arkansas 72209

Re: Utility Relocations I-49/MLK Interchange
Change Order #4
ARDOT Project No. 040846

Dear Mr. Mashburn:

Enclosed you will find Change Order Number 4, Exhibit A – Estimated Easement Costs (including acquisition), Exhibit B - Reimbursement Percentage/Betterment, Exhibit C – The Opinion of Probable Construction Costs, Exhibit D – The Project Schedule, and Exhibit E – Amendment 4 with Hawkins-Weir Engineers.

The oldest asset in the MLK project area is an 8-inch Vitrified Clay Pipe with an install date of 1968.

Please let me know if you need any additional information.

Best,

Corey Granderson, P.E.

Utilities Engineer
City of Fayetteville, Arkansas
cgranderson@fayetteville-ar.gov
479.444.3452

EXHIBIT A
CITY OF FAYETTEVILLE EASEMENT ESTIMATION BASED ON ARDOT'S ROW ACQUISITION
BUDGETARY ANALYSIS FOR CHANGE ORDER #4 AND NOT TO BE USED AS AN APPRAISAL FOR TRACTS
SEPTEMBER 2024

ARDOT 040846 HW 2022129		ARDOT					CITY OF FAYETTEVILLE							
Tract Number	Owner	ARDOT ROW Acquisition (SF)	ARDOT Appraised Value Per Square Foot of Easement	ARDOT TCE Appraisal Value	ARDOT TCE Sq Ft	ARDOT Appraisal Value of TCE per Square Foot	COF Square Footage of Permanent Easement	COF Cost Per Permanent Easement	COF Square Footage of Temporary Easement	COF Cost Per Temporary Easement	COF Total Cost of Easement	COF DAMAGES	COF TOTAL COST OF EASEMENTS WITH DAMAGES	City Pertinent Damages
7	Major Investments, Inc.	0					2,354	$ 53,086.76	1,550	$ 7,198.58	$ 60,285.34		$ 60,285.34	
8	Cobb Brothers & Westphal Properties	1388	$ 9.00				2,058	$ 18,522.00		$ -	$ 18,522.00		$ 18,522.00	$0.00
10	Lowe's Home Centers Inc # 432	13770	$ 10.00				15,164	$ 151,640.00	8,974	$ 41,677.48	$ 193,317.48	$ 20,105.00	$ 213,422.48	$20,105 (landscaping & 5 trees)
12	Mathias Shopping Centers, Inc.	4146	$ 11.25	$ 1,500.00	640	$2.34	5,575	$ 62,718.75	1,923	$ 4,507.03	$ 67,225.78	$ 4,986.00	$ 72,211.78	$4,986 (4 trees, 3 bushes)
13	Metropolitan Bank	4252	$ 20.50	$ 550.00	126	$4.37	185	$ 3,792.50		$ -	$ 3,792.50		$ 3,792.50	$0.00
14	Superior Bank		$26.50				12,848	$ 340,472.00		$ -	$ 340,472.00		$ 340,472.00	
15	Liberty Bank	9226	$ 26.50	$ 5,700.00			11,622	$ 307,983.00	944	$ 4,384.17	$ 312,367.17	$ 12,595.00	$ 324,962.17	$12,595 (8 trees, 1 hedge, 6 bushes, 240 SF planted beds)
16	Cooper Realty Investments Inc.	2112	$ 11.25				6,541	$ 73,586.25	5,165	$ 23,987.54	$ 97,573.79	$ 665.00	$ 98,238.79	$665 (14 bushes)
17	Walmart Real Estate Buisness Trust	51971	$ 10.00	$ 1,600.00	800	$2.00	32,564	$ 325,640.00	11,425	$ 22,850.00	$ 348,490.00	$ 20,844.00	$ 369,334.00	20844 (17 trees and 65 SF landscape beds)
19	Inreit Fayetteville, LLC	6040	$ 26.50	$ 6,050.00	1,135	$5.33	3,533	$ 93,624.50	983	$ 5,239.78	$ 98,864.28	$ 2,950.00	$ 101,814.28	$2,950 (5 small trees and 1 medium tree)
20	Vasiliki Investments, LLC	1992	$ 25.50	$ 7,350.00	1,438	$5.11	517	$ 13,183.50			$ 13,183.50		$ 13,183.50	$0.00
22	Gary James Allen Osburn	2733	$ 23.00	$ 4,450.00	967	$4.60	999	$ 22,977.00			$ 22,977.00		$ 22,977.00	$0.00
24	Gregory S Long	1683	$ 25.50	$ 1,550.00	303	$5.12	105	$ 2,677.50			$ 2,677.50		$ 2,677.50	$0.00
25	Hultquist Investments, LLC	1687	$ 28.00	$ 3,150.00	555	$5.68	1,202	$ 33,656.00			$ 33,656.00	$ 285.00	$ 33,941.00	$285 (6 small bushes)
26	Bird Cold Storage Company	1276	$ 25.50	$ 1,050.00	201	$5.22	1,777	$ 45,313.50	1,625	$ 8,488.81	$ 53,802.31	$ 1,200.00	$ 55,002.31	$1,200 (medium tree)
27	Randall Duke, Trustee of Frances Fowler Duke	5683	$ 20.00				3,667	$ 73,340.00	2,146	$ 9,966.55	$ 83,306.55	$ 5,598.00	$ 88,904.55	$5,598 (11 landscape trees & 450 SF rock beds)
28	Cotrust Carm, LLC	6255	$ 27.00	$ 1,775.00	322	$5.51	4,289	$ 115,803.00	2,881	$ 15,881.29	$ 131,684.29		$ 131,684.29	$0.00
29	AAA Self Storage of Fayetteville, Inc.	1445	$ 13.75	$ 1,150.00	417	$2.76	1,624	$ 22,330.00			$ 22,330.00		$ 22,330.00	$0.00
32	Halbert Properties LLC	3079	$ 23.00	$ 9,425.00	2,049	$4.60	3,904	$ 89,792.00			$ 89,792.00		$ 89,792.00	$0.00
34	HC 2589MLK LLC	9543	$ 27.00	$ 7,500.00	1,381	$5.43	6,500	$ 175,500.00			$ 175,500.00	$ 620.00	$ 176,120.00	$620 (10 bushes)
35	University Square, LLC	4049	$ 30.00	$ 7,500.00	1,245	$6.02	2,502	$ 75,060.00			$ 75,060.00	$ 1,519.00	$ 76,579.00	$1,519 (35 bushes)
36	Western Park LLC	2259	$ 6.25	$ 2,000.00	1,561	$1.28	4,484	$ 28,025.00			$ 28,025.00		$ 28,025.00	$0.00
37	Ozark Lubes Realty, LLC	2568	$ 45.50	$ 15,200.00	1,668	$9.11	2,118	$ 96,369.00			$ 96,369.00		$ 96,369.00	$0.00
38	Daugherty & Daugherty Properties, LLC	5467	$ 38.00	$ 17,550.00			3,900	$ 148,200.00			$ 148,200.00	$ 3,150.00	$ 151,350.00	$3,150 (3 signs)
39	LLEJ Shiloh, LLC	310	$ 23.00	$ 5,681.00	2,470	$2.30	1,373	$ 31,579.00			$ 31,579.00		$ 31,579.00	
40	Walmart Stores, Inc.	3612	$ 19.00				194	$ 3,686.00	231	$ 1,072.82	$ 4,758.82	$ 3,952.00	$ 8,710.82	$3,952 (380 SF landscape bed)
42	Greener Pastures OZ Fund, LLC	2558	$ 38.00				1,062	$ 40,356.00	1,644	$ 7,635.14	$ 47,991.14	$ 2,100.00	$ 50,091.14	$2,100 (6 landscape trees)
43	WH Capital, LLC	4218	$ 34.00	$ 13,450.00	1,975	$6.81	3,688	$ 125,392.00			$ 125,392.00	$ 700.00	$ 126,092.00	$700 (2 small trees)
44	Univerity of Arkansas Board of Trustees (formerly owned by Tyson Foods)	1918	$ 18.00				4,418	$ 79,524.00			$ 79,524.00		$ 79,524.00	
45	Tract 2 Holdings, LLC	0	$12.50				9,011	$ 112,637.50	4,960	$ 23,035.47	$ 135,672.97		$ 135,672.97	
C	Manav Investor of NW Arkansas Inc.	0					2,030	$ 45,780.00	1,344	$ 6,241.87	$ 52,021.87		$ 52,021.87	
TOTAL			***$ 22.55***			***$4.64***	***$151,808***	***$2,812,247***	***$45,795***	***$182,167***	***$2,994,413***	***$81,269***	***$ 3,075,682.28***	

NOTE: LEGAL FEES ARE ESTIMATED AT $5,000 PER TRACT. THE TOTAL LEGAL FEE FOR 31 TRACTS = $155,000.00. THE APPRAISAL CONTRACT WAS IN THE AMOUNT OF $35,000. THE APPRAISALS WERE ESTIMATED AT $2,500 EACH FOR 14 APPRAISALS.

EXHIBIT B
REIMBURSEMENT, BETTERMENT SUMMARY, AND PRE-ORDER MATERIALS
ARDOT 040846 HW 2022129 MLK BOULEVARD UTILITY RELOCATIONS
CITY OF FAYETTEVILLE, ARKANSAS
SEPTEMBER 2024

PROJECT REIMBURSEMENT PERCENTAGE

Bid Item	Existing Facilities	Reimbursable Quantity/Unit		Non-Reimbursable		Total Quantity/Unit		% Reimb.
N/A	2-In. Water Line	20	LF	0	LF	20	LF	100%
N/A	6-in. Water Line	20	LF	0	LF	20	LF	100%
59	2-In. & 6-In. to 8-In. Water	1,969	LF	1,939	LF	3,908	LF	50%
N/A	10-In. Water Line	20	LF	0	LF	20	LF	100%
60	12-In. to 18-In. Water Line	4,271	LF	804	LF	5,075	LF	84%
61	24-In. Water Line	380	LF	0	LF	380	LF	100%
62 & 63	30 & 36-In. to 36-In. Water	851	LF	132	LF	983	LF	87%
47	4-In. Force Main	631	LF	0	LF	631	LF	100%
25	6 to 8-In. Sanitary Sewer	26	LF	157	LF	183	LF	14%
N/A	10-In. Sanitary Sewer	345	LF	0	LF	345	LF	100%
27	15-In. Sanitary Sewer	424	LF	212	LF	636	LF	67%
28	24-In. Sanitary Sewer	77	LF	176	LF	253	LF	30%
	Total Length	**9,034**	**LF**	**3,420**	**LF**	**12,454**	**LF**	**72.54%**

PROJECT BETTERMENT

Bid Item	Description	Quantity/Unit		Unit Price	Material Cost	Betterment	
N/A	12-In. Butterfly Valve	4	EA	$20,000	$80,000		
67	18-In. Butterfly Valve	4	EA	$25,000	$100,000	$20,000	
N/A	12-In. DIP	5,075	LF	$200	$1,015,000		
60	18-In. DIP	5,075	LF	$225	$1,141,875	$126,875	
N/A	24" Steel Encased (Bored)	770	LF	$1,800	$1,386,000		
21	36" Steel Encased (Bored)	770	LF	$2,100	$1,617,000	$231,000	
					TOTAL BETTERMENT	***$377,875***	

PRE-ORDER MATERIALS LIST

Bid Item	Description	Quantity/Unit		Unit Price	Material Cost		
67	18-In. Butterfly Valve[1]	4	EA	$15,000	$60,000		
68	24-In. Butterfly Valve[2]	1	EA	$20,000	$20,000		
69	30-In. Butterfly Valve[2]	1	EA	$50,000	$50,000		
70	36-In. Butterfly Valve[3]	2	EA	$55,000	$110,000		
96	4" Combination Air/Vacuum Valve[3]	2	EA	$4,500	$9,000		
				TOTAL PRE-ORDER MATERIALS	***$249,000***		

[1]MATERIAL COST PER MATERIALS STORED

[2]INTERPRETED MATERIAL COST FROM SUPPLIER

[3]RECEIVED MATERIAL COST FROM SUPPLIER

EXHIBIT C
OPINION OF PROBABLE CONSTRUCTION COST
I-49/MLK BLVD. UTILITY RELOCATIONS
CITY OF FAYETTEVILLE, AR
ARDOT 040846 HW 2022129
SEPTEMBER 2024

Item No.	Description	Quantity	Unit	Unit Price	Total Price
	LUMP SUM ITEMS				
1	Performance and Payment Bonds	1	LS	$ 310,000	$ 310,000
2	Mobilization	1	LS	$ 110,000	$ 110,000
3	Maintenance of Traffic	1	LS	$ 290,000	$ 290,000
4	Trench Safety/Protective Systems	1	LS	$ 80,000	$ 80,000
5	Construction Erosion Control and Sediment Control	1	LS	$ 60,000	$ 60,000
6	Cleaning, Disinfecting, and Sampling	1	LS	$ 50,000	$ 50,000
7	Site Preparation	1	LS	$ 210,000	$ 210,000
8	Clearing and Grubbing	1	LS	$ 50,000	$ 50,000
9	Construction Dewatering	1	LS	$ 50,000	$ 50,000
10	Bypass Pumping	1	LS	$ 100,000	$ 100,000
	BORING ITEMS				
11	Boring & Receiving Pits	26	EA	$ 5,000	$ 130,000
12	Pipe Casing - 12" Steel (Bored)	140	LF	$ 520	$ 72,800
13	Pipe Casing-12" HDPE DR 17 (Bored)	160	LF	$ 450	$ 72,000
14	Pipe Casing- 15" SDR 35 PVC (Open Cut)	145	LF	$ 250	$ 36,250
15	Pipe Casing - 16" Steel (Bored)	640	LF	$ 1,100	$ 704,000
16	Pipe Casing- 16" Steel (Open Cut)	40	LF	$ 350	$ 14,000
17	Pipe Casing - 16" C900 DR51 (Open Cut)	90	LF	$ 250	$ 22,500
18	Pipe Casing- 18" Steel (Bored)	30	LF	$ 1,250	$ 37,500
19	Pipe Casing - 30" Steel (Bored)	185	LF	$ 1,500	$ 277,500
20	Pipe Casing - 30" SDR 35 PVC (Open Cut)	40	LF	$ 500	$ 20,000
21	Pipe Casing - 36" Steel (Bored)	770	LF	$ 2,100	$ 1,617,000
22	Pipe Casing - 42" Steel (Bored)	210	LF	$ 3,000	$ 630,000
23	Pipe Casing - 54" Steel (Bored)	180	LF	$ 3,500	$ 630,000
	SANITARY SEWER ITEMS				
24	Sewer Pipe (8" PVC, SDR 26)	501	LF	$ 75	$ 37,575
25	Sewer Pipe (8" Certa-Flo DR 21 RJIB PVC)	140	LF	$ 75	$ 10,500
26	Sewer Pipe (10" PVC, SDR 26)	345	LF	$ 80	$ 27,600
27	Sewer Pipe (15" PVC, SDR 26)	593	LF	$ 150	$ 88,950
28	Sewer Pipe (24" PVC, SDR 26)	253	LF	$ 185	$ 46,805
29	Sanitary Sewer Trenching and Backfilling, 6-8' Deep	600	LF	$ 130	$ 78,000
30	Sanitary Sewer Trenching and Backfilling, 8-12' Deep	720	LF	$ 150	$ 108,000
31	Sanitary Sewer Trenching and Backfilling, 12-16' Deep	206	LF	$ 175	$ 36,050
32	Sewer Line Marker Post	10	EA	$ 50	$ 500
33	Standard Depth Manhole (4' Diameter, 0-6' Deep)	16	EA	$ 7,500	$ 120,000
34	Additional Manhole Depth (4' Diameter)	78	VF	$ 500	$ 39,000
35	10 " Inside Drop	6	VF	$ 500	$ 3,000
36	Abandon Existing Manhole	9	EA	$ 3,000	$ 27,000
37	Cut & Plug Existing 4" Force Main	1	EA	$ 250	$ 250
38	Cut & Plug Existing 8" Sewer Main	3	EA	$ 400	$ 1,200
39	Cut & Plug Existing 10" Sewer Main	1	EA	$ 500	$ 500
40	Cut & Plug Existing 15"-24" Sewer Main	5	EA	$ 600	$ 3,000

EXHIBIT C
OPINION OF PROBABLE CONSTRUCTION COST
I-49/MLK BLVD. UTILITY RELOCATIONS
CITY OF FAYETTEVILLE, AR
ARDOT 040846 HW 2022129
SEPTEMBER 2024

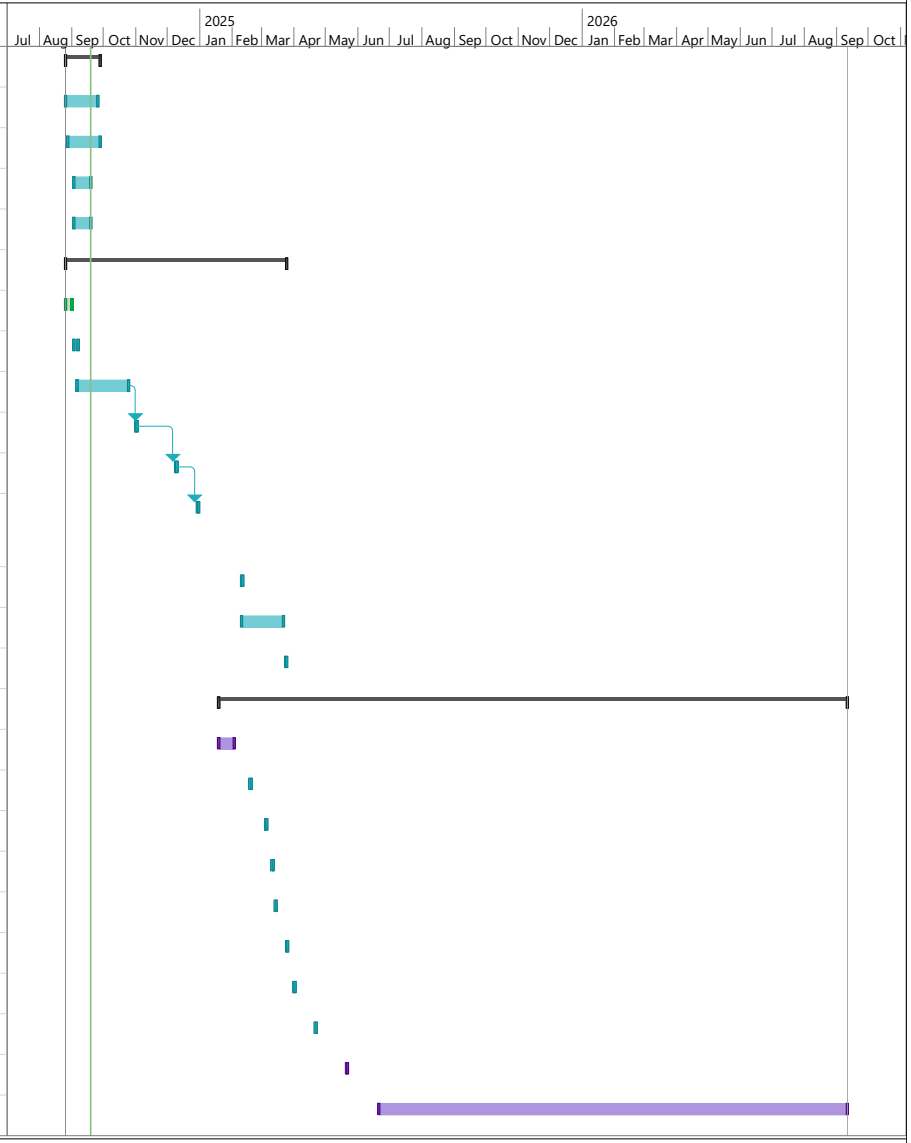
41	Grout Fill & Abandon Existing 8"-10" Sewer Main	275	LF	$ 75	$ 20,625
42	Grout Fill & Abandon Existing 15" Sewer Main	544	LF	$ 125	$ 68,000
43	Grout Fill & Abandon Existing 24" Sewer Main	271	LF	$ 350	$ 94,850
44	Tie to Existing Sewer Main with Maxadapter	1	EA	$ 200	$ 200
45	Reinstate Existing Sewer Service Line	8	EA	$ 500	$ 4,000
46	4" PVC SDR 26 Sewer Service Line	120	LF	$ 50	$ 6,000
47	4" C900 PVC DR14 Force Main Pipe, Installed	631	LF	$ 80	$ 50,480
48	Tie to Existing Pump Station (Core Drill)	1	EA	$ 20,000	$ 20,000
	TRENCHING & REPAIR ITEMS				
49	Rock Excavation (Trenches)	500	CY	$ 100	$ 50,000
50	Class 7 Granular Backfill (Trenches)	4,193	CY	$ 65	$ 272,545
51	Gravel Driveway Repair (6" Thickness)	86	SY	$ 100	$ 8,600
52	Asphalt Pavement Repair (Type 3, 3" Thickness)	2,680	SY	$ 150	$ 402,000
53	Remove and Replace Curb and Gutter	1,675	LF	$ 50	$ 83,750
54	Remove and Replace Concrete Street/Driveway (9" Thickness)	1,684	SY	$ 60	$ 101,040
55	Remove and Replace Concrete Sidewalk (4" Thickness)	158	SY	$ 25	$ 3,950
56	Handicap Ramp	3	EA	$ 300	$ 900
	WATER ITEMS				
57	Water Pipe (2" PVC, AWWA C900, Class 305, DR 14)	25	LF	$ 30	$ 750
58	Water Pipe (6" PVC, AWWA C900, Class 305, DR 14)	20	LF	$ 50	$ 1,000
59	Water Pipe (8" PVC, AWWA C900, Class 305, DR 14)	3,931	LF	$ 75	$ 294,825
60	Water Pipe (18" DIP, AWWA C151, Class 250)	5,075	LF	$ 225	$ 1,141,875
61	Water Pipe (24" DIP, AWWA C151, Class 250)	355	LF	$ 250	$ 88,750
62	Water Pipe (30" DIP, AWWA C151, Class 250)	20	LF	$ 500	$ 10,000
63	Water Pipe (36" Ductile Iron, Class 250)	920	LF	$ 600	$ 552,000
64	Ductile Iron Fittings	51,354	LBS	$ 25	$ 1,283,850
65	6" Gate Valve with Valve Box	2	EA	$ 20,000	$ 40,000
66	8" Gate Valve with Valve Box	8	EA	$ 3,500	$ 28,000
67	18" Butterfly Valve with Valve Box (Install Only)	4	EA	$ 25,000	$ 100,000
68	24" Butterfly Valve with Valve Box (Install Only)	1	EA	$ 30,000	$ 30,000
69	30" Butterfly Valve with Valve Box (Install Only)	1	EA	$ 50,000	$ 50,000
70	36" Butterfly Valve with Valve Box (Install Only)	2	EA	$ 60,000	$ 120,000
71	2"x2" Tapping Sleeve and Valve with Valve Box	1	EA	$ 5,000	$ 5,000
72	6"x6" Tapping Sleeve and Valve with Valve Box	2	EA	$ 8,000	$ 16,000
73	8"x8" Tapping Sleeve and Valve with Valve Box	7	EA	$ 10,000	$ 70,000
74	10"x8" Tapping Sleeve and Valve with Valve Box	1	EA	$ 12,000	$ 12,000
75	12"x12" Tapping Sleeve and Valve with Valve Box	2	EA	$ 15,500	$ 31,000
76	24"x8" Tapping Sleeve and Valve with Valve Box	1	EA	$ 10,000	$ 10,000
77	24"X18" Tapping Sleeve and Valve with Valve Box	1	EA	$ 20,000	$ 20,000
78	Install 30" Line Stop with Anchor Collar (See detail M103)	1	EA	$ 65,000	$ 65,000
79	Install 36" Line Stop with Anchor Collar (See detail M104)	1	EA	$ 75,000	$ 75,000
80	Fire Hydrant Assembly (Regular)	14	EA	$ 7,500	$ 105,000
81	Salvage & Return Existing Fire Hydrant to Owner	8	EA	$ 1,000	$ 8,000
82	Cut & Cap Existing 2" Water Line	454	EA	$ 500	$ 227,000

EXHIBIT C
OPINION OF PROBABLE CONSTRUCTION COST
I-49/MLK BLVD. UTILITY RELOCATIONS
CITY OF FAYETTEVILLE, AR
ARDOT 040846 HW 2022129
SEPTEMBER 2024

83	Cut & Cap Existing 6"-8" Water Line	9	EA	$ 1,000	$ 9,000
84	Cut & Cap Existing 10"-12" Water Line	4	EA	$ 1,500	$ 6,000
85	Cut & Cap Existing 24"-30" Water Line	3	EA	$ 10,000	$ 30,000
86	Cut & Cap Existing 36" Water Transmission Line	1	EA	$ 15,000	$ 15,000
87	Abandon & Grout Fill 1"-4" Waterlines	1,443	LF	$ 50	$ 72,150
88	Abandon & Grout Fill 6"-8" Waterlines	1,171	LF	$ 75	$ 87,825
89	Abandon & Grout Fill 10"-12" Waterlines	4,660	LF	$ 100	$ 466,000
90	Abandon & Grout Fill 24"-30" Waterline	626	LF	$ 350	$ 219,100
91	Abandon & Grout Fill 36" Waterline	404	LF	$ 400	$ 161,600
92	Concrete Blocking	192	CY	$ 350	$ 67,190
93	Polyethylene Wrap (18"-24" Pipe, Double Wrapped)	4,764	LF	$ 10	$ 47,640
94	Polyethylene Wrap (36" Pipe, Double Wrapped)	920	LF	$ 15	$ 13,800
95	Water Line Marker Post	10	EA	$ 500	$ 5,000
96	4" Combination Air/Vacuum Release Valve with Vault (Install only for Valve)	2	EA	$ 5,000	$ 10,000
97	Water Service Line (3/4" Copper Tubing, Type K)	600	LF	$ 15	$ 9,000
98	Water Service Line (1" Copper Tubing, Type K)	303	LF	$ 20	$ 6,060
99	Water Service Line (1-1/2" Copper Tubing, Type K)	50	LF	$ 25	$ 1,250
100	Water Service Line (2" Copper Tubing, Type K)	110	LF	$ 3,300	$ 363,000
101	5/8 "x 3/4" Single Water Meter Box	9	EA	$ 1,500	$ 13,500
102	5/8 "x 3/4" Double Water Meter Box	4	EA	$ 3,000	$ 12,000
103	3/4" Single Water Meter Box	5	EA	$ 3,000	$ 15,000
104	1" Single Water Meter Box	15	EA	$ 2,500	$ 37,500
105	1-1/2" Single Water Meter Box	1	EA	$ 2,500	$ 2,500
106	2" Single Water Meter Box	4	EA	$ 3,500	$ 14,000
	STORM DRAIN ITEMS				
107	Remove & Replace 18" RCP Class III	52	LF	$ 150	$ 7,800
108	Remove & Replace 24" RCP Class III	30	LF	$ 200	$ 6,000
109	Remove & Replace 40" CMP	10	LF	$ 500	$ 5,000
110	Remove & Replace Concrete Ditch Paving	135	SY	$ 100	$ 13,500
111	Remove & Replace Rip Rap (Stabilize Bank)	10	CY	$ 500	$ 5,000
112	Remove, Replace, Install Concrete Inlets and Junction Boxes	2	EA	$ 5,000	$ 10,000
	REMOVE AND REPLACE & FINAL SURFACE RESTORATION ITEMS				
113	Remove and Replace Fence (6' Tall, Wood or Vinyl)	66	LF	$ 2,500	$ 165,000
114	Remove and Replace Fence (6' Tall, Chain Link or Pipe)	115	LF	$ 200	$ 23,000
115	Remove and Replace Sign Structure	2	EA	$ 200	$ 400
116	Remove and Replace/ Protect Light Pole	9	EA	$ 10,000	$ 90,000
117	Remove and Replace Landscaping Beds	27	SY	$ 500	$ 13,500
118	Seeding, Fertilizing and Mulching	600	SY	$ 6	$ 3,600
119	Solid Sodding	5,968	SY	$ 12	$ 71,616
	TOTAL OPINION OF PROBABLE CONSTRUCTION COSTS				***$ 13,872,001***

EXHIBIT D - PROJECT SCHEDULE
ARDOT 040846 HW 2022129
MLK BOULEVARD UTILITY RELOCATIONS
CITY OF FAYETTEVILLE ARKANSAS
SEPTEMBER 2024

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors
1		**Design**	**25 days**	**Mon 8/26/24**	**Fri 9/27/24**	
2		Final Design	23 days	Mon 8/26/24	Wed 9/25/24	
3		ADH Reviw	23 days	Wed 8/28/24	Fri 9/27/24	
4		ARDOT Approval	12 days	Tue 9/3/24	Wed 9/18/24	
5		COF Approval	12 days	Tue 9/3/24	Wed 9/18/24	
6		**Easements**	**151 days**	**Mon 8/26/24**	**Mon 3/24/25**	
7		Submitted to COF	6 days	Mon 8/26/24	Sat 8/31/24	
8		Contact Appraiser to Begin Appraisal	4 days	Tue 9/3/24	Fri 9/6/24	
9		Receive Appraisal	35 days	Fri 9/6/24	Thu 10/24/24	
10		Send First Offer Letter	1 day	Fri 11/1/24	Fri 11/1/24	9FS+5 days
11		Send Reminder Letter	1 day	Mon 12/9/24	Mon 12/9/24	10FS+25 days
12		Notification Letter About Council Meeting	1 day	Mon 12/30/24	Mon 12/30/24	11FS+14 days
13		City Council Meeting	1 day	Mon 2/10/25	Mon 2/10/25	
14		Order of Possession (Condemnation)	6 wks	Mon 2/10/25	Fri 3/21/25	
15		Recorded	1 day	Mon 3/24/25	Mon 3/24/25	
16		**Construction**	**429 days**	**Sun 1/19/25**	**Thu 9/10/26**	
17		Advertise to Bid	12 days	Sun 1/19/25	Sun 2/2/25	
18		Open Bid	1 day	Tue 2/18/25	Tue 2/18/25	
19		Commission Agenda Submittal	1 day	Wed 3/5/25	Wed 3/5/25	
20		Commission Meeting	1 day	Tue 3/11/25	Tue 3/11/25	
21		Request Deadline for Council	1 day	Fri 3/14/25	Fri 3/14/25	
22		City Council Agenda	1 day	Tue 3/25/25	Tue 3/25/25	
23		City Council Meeting	1 day	Tue 4/1/25	Tue 4/1/25	
24		Pre-Construciton Meeting	1 day	Mon 4/21/25	Mon 4/21/25	
25		Notice to Proceed	1 day	Wed 5/21/25	Wed 5/21/25	
26		Construction	320 days	Sat 6/21/25	Thu 9/10/26	



Project: 2022129 Project Sched
Date: Thu 9/19/24

Task
Split
Milestone
Summary
Project Summary
Inactive Task
Inactive Milestone
Inactive Summary
Manual Task
Duration-only
Manual Summary Rollup
Manual Summary
Start-only
Finish-only
External Tasks
External Milestone
Deadline
Progress
Manual Progress

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-770

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Paul Becker, Chief Financial Officer

FROM: Waylon Abernathy, Bond Projects & Construction Dir

SUBJECT: **Utilities Offices Renovations and expansion project and approve a Budget Adjustment.**

RECOMMENDATION:
Approval of a proposal with Wash Away in the amount of $40,000.00 for the Utilities Financial Services office renovations and expansion and approve a budget adjustment.

BACKGROUND:
With the City's growth, the Utilities Division has experienced higher call volumes for services, and therefore a need for more staff and a larger call center.
The relocation of meeting room 111 to the Rock Street annex provides the needed spaces. This also affords the ability to create more efficient office configurations and added offices.

DISCUSSION:
Facilities management staff solicited quotes for this project and received 3 responses with Wash Away being the lowest.
The scope of this work includes metal stud, drywall, tape, float, finish, and paint. It also includes provisions for after-hours work.

BUDGET/STAFF IMPACT:
A budget adjustment transfers $30,000 to 5400.720.1840-5400.00 building grounds and maintenance. The balance of the funds will come from the Downtown Renovation project.

ATTACHMENTS: SRF (#3), BA (#4), Utilities Remodel-Wash Away (#5)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-770

Utilities Offices Renovations and expansion project and approve a Budget Adjustment.

A RESOLUTION TO APPROVE A CONTRACT WITH WASH AWAY, LLC IN THE AMOUNT OF $40,000.00 FOR THE UTILITIES FINANCIAL SERVICES OFFICE RENOVATIONS AND EXPANSION, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, with the City's growth, the Utilities Division has experienced higher call volumes for services, and therefore a need for more staff and a larger call center; and

WHEREAS, the relocation of meeting room 111 to the Rock Street annex provides the needed spaces and affords the ability to create more efficient office configurations and added offices; and

WHEREAS, pursuant to Ark. Code Ann. § 22-9-203, competitive bidding is not required for major alterations to public improvements that cost less than $50,000.00, but the City Council must approve expenditures exceeding $35,000.00; and

WHEREAS, Facilities Management staff solicited quotes for this project and received three responses with Wash Away submitting the lowest quote.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a contract with Wash Away, LLC in the amount of $40,000.00 for the Utilities Financial Services office renovations.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-770

Item ID

12/4/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

3	11/14/2024	FACILITIES MANAGEMENT (140)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of a proposal with Wash Away in the amount of $40,000.00 for the Utilities Financial Services office renovations and expansion and approve a budget adjustment.

Budget Impact:

5400.720.1840-5400.00	Water & Sewer
4470.140.8900-5804.00	Sales Tax Capital Impr
Account Number	Fund
03038.1	UFS Improvements - Business Office Impr
23003.1	Downtown Campus Renovation
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	116,762.00
		Expenses (Actual+Encum)	$	106,281.83
		Available Budget	$	10,480.17
Does item have a direct cost?	Yes	Item Cost	$	40,000.00
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	30,000.00
		Remaining Budget	$	480.17

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year	Division /Org2	Adjustment Number
2024	UTILITIES FINANCIAL SVCS (710)	
	Requestor: Cheryl Partain	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Approval of a proposal with Wash Away in the amount of $40,000.00 for the Utilities Financial Services office renovations and expansion and approve a budget adjustment.

COUNCIL DATE: 12/4/2024

ITEM ID#: **2024-770**

Holly Black
11/14/2024 2:18 PM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

CHKD/POSTED: /

RESOLUTION/ORDINANCE

v.20241029

	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
TOTAL	-	-				
5400.720.1840-5400.00	30,000	-	03038	1	EX	Building & Grounds - Maintenance
5400.720.1840-5801.00	(30,000)	-	13017	1	EX	Fixed Assets
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

Proposal

EST-000046

Estimate Date: Nov 08, 2024
Expiry Date: Dec 06, 2024

FROM:
Wash Away
2020 Dogwood Place
Springdale, AR, 72762
Email: david@washawaypressure.com
Phone: (479) 595-9608

TO:
City of Fayetteville
Attn: Matt Byron
Phone: (479) 575-8321

JOB LOCATION:
113 East Mountain Street
Fayetteville, AR, 72701

JOB:
City Hall First remodel

#	Services	Qty	Price	Discount	Tax (%)	Total
1	Remodel of first floor	1.00	$40,000.00	$0.00	No Tax	$40,000.00

Demo of current wall and adding others according to floor plans provided

All paint and texture to be done by Wash Away team

Plastic covering over all carpet to avoid debris and stains. Work to be done weekends and nights.

Project to be done in phases according to moving of furniture.

Subtotal	$40,000.00
Grand Total ($)	$40,000.00

City of Fayetteville

Mayor Lioneld Jordan

_____

Wash Away

David Galdamez

_____

Terms

Upon acceptance, we will perform the services described in this proposal. Any additional services requested by you and not included in this estimate will incur additional charges.

Schedule. The services will be completed and will be made in accordance with the schedule agreed upon.

Changes. Changes in the specifications, quantities, schedule or other aspects of the services that are requested or approved by you do not become binding unless accepted in writing. Any such changes may result in additional or increased charges, and you agree to pay such increased charges.

Payment Terms. All invoices for services covered by the estimate are payable upon completion of work or date stated on the invoice.

Late Charges; Interest. Any invoices not paid by you on the date of completion may bear interest after the due date until the invoice is paid.

We abide to all of the statements stated on this estimate - Service Terms and Conditions.

If applicable, client agrees to authorize us on their property for the purposes of performing the services stated on this estimate. Client understands that although we try our best to provide you with an accurate timeframe, there is no set timeframe for the completion of services and several visits to the property may be required. The time stated on your appointment is just an arrival window, we will be sure to contact you when we are on our way. We also have permission to visit the property with little or no notice to assess service needs prior to the date of service, as well as to check completion after services have been rendered.

Client agrees to allow us to utilize any photos, descriptions, reviews, quotes, texts or videos of the property for marketing purposes.

By inquiring about our services or doing business with us, you are giving your consent to receive notifications and messages (e-mail or text) regarding our promotions or services.

Again, we appreciate you agreeing to these terms and conditions as we only set them in place to ensure everyone's safety and satisfaction. If you have any questions regarding these Terms and Conditions, please reach out to us.

You can be confident, that our goal is to provide you with the highest quality of service! We look forward to working with you!

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-746

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Paul Becker, Chief Financial Officer

FROM: Waylon Abernathy, Bond Projects & Construction Dir

SUBJECT: **Bid 24-44 Construction-City Hall HVAC Improvement 2019/2022 Facilities Bond Project**

RECOMMENDATION:
Staff recommends approval of this resolution for Bid 24-44 Construction Contract with Milestone Construction Company, LLC for the City Hall HVAC improvements in the amount of $1,583,718.71, approve Change Order #1 in the amount of $300,000 for an owner contingency, and approve a Budget Adjustment.

BACKGROUND:
February 2024 Resolution 72-24 Authorized Engineering Services for Design, Construction Documents and Construction Administration for the City Hall HVAC equipment replacement.

DISCUSSION:
The scope of this contract includes replacement of pumps, boilers, air handlers, vav boxes, a new cental condensing unit at the roof, and an independent heat pump system in the basement.
The Change Order will include owner contingency funds for door, wall, ceiling, or other systems replacements that may be needed for the HVAC equipment replacements.

BUDGET/STAFF IMPACT:
A Budget Adjustment to move $1,883,718.71 from 4607.860.7999-5899.00 2022 Bond unallocated budget to 4707.860.7710-5804.00 City Hall Improvements Building Cost.

ATTACHMENTS: SRF (#3), BA (#4), Bid 24-44, Appendix A - City Issued Bid (#5), Bid 24-44 Appendix B - Milestone Bid Submittal (#6), Bid 24-44 Appendix C, Bid Tab (#7), Bid 24-44 Contract - Final Executed (#8), Change Order #01- Owners Contingency (#9)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-746

Bid 24-44 Construction-City Hall HVAC Improvement 2019/2022 Facilities Bond Project

A RESOLUTION TO AWARD BID #24-44 AND AUTHORIZE A CONTRACT IN THE AMOUNT OF $1,583,718.71 WITH MILESTONE CONSTRUCTION COMPANY, LLC FOR THE CITY HALL HVAC IMPROVEMENTS, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF $300,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby awards Bid #24-44 and authorizes a contract in the amount of $1,583,718.71 with Milestone Construction Company, LLC for the City Hall HVAC improvements and further approves a project contingency in the amount of $300,000.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-746

Item ID

12/3/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Wade Abernathy	11/6/2024	FACILITIES MANAGEMENT (140)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Bid 22-44 Construction Contract with Milestone Construction Company, LLC for the City Hall HVAC Improvements in the amount of $1,583,718.71, approve Change Order #1 in the amount of $300,000 for an owner contingency, and approve a budget adjustment. This is a 2019/2022 Facilities Bond Project.

Budget Impact:

4707.860.7710-5804.00	4707 - Facilities Bonds
Account Number	Fund
46070.7710	City Hall Improvements (Phase II)
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	2,707,204.00
		Expenses (Actual+Encum)	$	737,879.23
		Available Budget	$	1,969,324.77
Does item have a direct cost?	Yes	Item Cost	$	1,883,718.71
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	-
		Remaining Budget	$	85,606.06

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # _____

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments:

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year	Division /Org2	Adjustment Number
2024	FACILITIES MANAGEMENT (140)	
	Requestor: Wade Abernathy	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Bid 22-44 Construction Contract with Milestone Construction Company, LLC for the City Hall HVAC Improvements in the amount of $1,583,718.71, approve Change Order #1 in the amount of $300,000 for an owner contingency, and approve a budget adjustment. This is a 2019/2022 Facilities Bond Project.

COUNCIL DATE: 12/3/2024

ITEM ID#: **2024-746**

Holly Black
11/13/2024 1:40 PM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

RESOLUTION/ORDINANCE

CHKD/POSTED: /

v.20241029

TOTAL	-	-				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
4707.860.7710-5804.00	1,583,719	-	46070	7710	EX	Building Costs
4707.860.7710-5911.99	300,000	-	46070	7710	EX	Contingency - Capital Project
4707.860.7999-5899.00	(1,883,719)	-	46070	7999	EX	Unallocated - Budget
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: 479.575.8258
TDD (Telecommunication Device for the Deaf): 479.521.1316

INVITATION TO BID

Bid 24-44, Construction – City Hall HVAC Improvements Rebid

DEADLINE: Wednesday, October 30, 2024 before 2:00 PM, Local Time
PRE-BID MEETING: Wednesday, October 16, 2024 at 3:00 PM in Room #111 of City Hall
SR. PURCHASING AGENT: Amanda Beilfuss, abeilfuss@fayetteville-ar.gov
DATE OF ISSUE & ADVERTISEMENT: 10/06/2024 & 10/13/2024

No late bids shall be accepted. Bids shall be submitted in one of the following methods: (1) through the City's third-party electronic bidding platform or (2) delivering in person via sealed envelope to the City of Fayetteville Purchasing Division. Submitting through the City's electronic bidding platform is strongly encouraged. All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

NOTICE TO ALL BIDDERS:

All interested parties can obtain files for this project by going to http://fayetteville-ar.gov/bids. Bid documents shall be distributed electronically from the City of Fayetteville Purchasing Division only.

BID PACKAGE INCLUDES THE FOLLOWING FILES WHICH SHALL BE LISTED UNDER "ATTACHMENTS":

FILE #01: PROJECT MANUAL – **98 Total Pages**
FILE #02: PLANS – **11 Plan Sheets**

*Additional files added as addendums are issued. Addendums will be uploaded and posted to the City's electronic bidding platform.

***PLAN HOLDER LISTINGS: A listing of vendors who have received documents can be found in the City's electronic bidding platform under the project section tab titled 'Plan Holders'.**

Bidder shall assume all responsibility for receiving updates and any addenda issued to this project by monitoring http://fayetteville-ar.gov/bids. Failure to acknowledge addenda issued as instructed could result in bid rejection.

Appendix A – Construction - Bid 24-44 City Hall HVAC Improvements Rebid

THIS PAGE INTENTIONALLY LEFT BLANK

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

CITY OF FAYETTEVILLE ARKANSAS

Project Check List

This checklist is for the Bidder's use in preparing & submitting a bid. It is not intended to include all details necessary to prepare a bid and shall not be used as a substitute for the requirements of the bid documents. Use of this checklist does not relieve the Bidder from the responsibility of meeting all requirements of the Specifications concerning the preparation of an acceptable bid. Bidders are welcome to use this form as a coversheet for a sealed envelope; however, using this form itself is NOT a requirement.

☐ **5% Bid Bond of the amount bid accompanied by required documentation (Power of Attorney, etc.)**

- In lieu of a bid bond, the bidder may submit a cashier's check from a bank located in the State of Arkansas for at least five percent (5%) of the amount bid (inclusive of any deductive alternates). Cashier's checks shall be made payable to the City of Fayetteville, AR and received prior to the bid deadline by making an in-person delivery appointment with the City Purchasing Division.

☐ All addenda shall be signed, acknowledged, and submitted on the appropriate forms (submitting the actual addendums or marking acknowledgement on other bid pages).

☐ All line items shall be appropriately filled out and extended to reveal the line item price as well as the total bid price. Total base bid should be calculated in the provided space.

☐ All pages provided with signature lines shall be appropriately signed, dated accordingly, and included with submitted bid documents

☐ All bids shall be received before the stated deadline utilizing the City's electronic bidding platform or submitting a physical sealed bid to the City Purchasing Division. Submitting a bid electronically is strongly encouraged. A public bid opening will be conducted shortly after the deadline at City Hall and livestreamed at https://www.youtube.com/user/cityoffayettevillear. Late or misdirected bids shall not be accepted. The City of Fayetteville shall not be responsible for lost or misdirected bids, or failure of bidder's technical equipment. If submitting a physical bid, all bid documents shall be delivered in a sealed envelope to the address stated in the advertisement or updated deadline issued via Addenda. All bids should be delivered with the name of the bidder (contractor) on the sealed envelope as well as the bidders Arkansas Contractor's License Number.

☐ Additional Information Required:

- AR Secretary of State Filing #: _____ OR submit electronically.
- Arkansas Contractor License #: _____ OR submit electronically.

- Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.
  - Submit electronically or circle applicable answer: YES *or* NO

- Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.
  - Submit electronically or circle applicable answer: YES *or* NO

Appendix A
Bid 24-44, Construction - City Hall HVAC Improvements Rebid

THIS PAGE INTENTIONALLY LEFT BLANK

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

CITY OF FAYETTEVILLE ARKANSAS

TABLE OF CONTENTS
BID 24-44, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS REBID
INSTRUCTIONS TO BIDDERS

Appendix A
Bid 24-44 Construction -
City Hall HVAC Improvements Rebid

SECTION 00 – COVER PAGE, CHECKLIST, AND ADVERTISEMENT ..... 1 - 5

SECTION 01 – INSTRUCTIONS TO BIDDERS ..... 1 - 12

PART ONE	DEFINED TERMS	1
PART TWO	COPIES OF BIDDING DOCUMENTS	1
PART THREE	EXAMINATION OF SITE AND CONTRACT DOCUMENTS	2
PART FOUR	AVAILABILITY OF LANDS FOR WORK AND WORK BY OTHERS	3
PART FIVE	INTERPRETATION OF CONTRACT DOCUMENTS AND ADDENDA	3
PART SIX	APPROXIMATE ESTIMATE OF QUANTITES	4
PART SEVEN	UNIT PRICES	4
PART EIGHT	BID FORM	4
PART NINE	SIGNATURE ON BIDS	5
PART TEN	BID BOND	5
PART ELEVEN	PERFORMANCE BOND AND PAYMENT BOND	5
PART TWELVE	INSURANCE REQUIREMENTS	7
PART THIRTEEN	CONTRACT TIME	7
PART FOURTEEN	LIQUIDATED DAMAGES	7
PART FIFTEEN	SUBCONTRACTORS, SUPPLIERS, AND OTHERS	7
PART SIXTEEN	SUBSTITUTE AND “OR EQUALS” ITEMS	8
PART SEVENTEEN	QUALIFICATIONS AND RESPONSIBILITY OF BIDDERS	8
PART EIGHTEEN	DISQUALIFICATIONS OF BIDDERS	9
PART NINETEEN	OPENING OF BIDS	9
PART TWENTY	EVALUATION OF BIDS	10
PART TWENTY-ONE	RIGHT TO REJECT BIDS	10
PART TWENTY-TWO	AWARDING OF CONTRACT	10
PART TWENTY-THREE	RETAINAGE	10
PART TWENTY-FOUR	SIGNING OF AGREEMENT	11
PART TWENTY-FIVE	MATERIALS GUARANTY	11
PART TWENTY-SIX	FAMILIARITY WITH LAWS	11
PART TWENTY-SEVEN	INDEMNIFICATION	11
PART TWENTY-EIGHT	MISCELLANEOUS	11

SECTION 02 – BID FORM ..... **1 - 5**

SECTION 03 – LIST OF SUBCONTRACTORS ..... **1 - 1**

SECTION 04 – CONTRACTOR REFERENCES ..... **1 - 1**

SECTION 05 – BID BOND ..... **1 - 2**

SECTION 06 – PERFORMANCE BOND ..... **1 - 2**

SECTION 07 – PAYMENT BOND ..... **1 - 3**

PROJECT SPECIFICATIONS ..... **1 - 66**

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

SECTION 01
INSTRUCTIONS TO BIDDERS

PART ONE - DEFINED TERMS

1.1. Terms used in these Instructions to Bidders which are defined in the General Conditions have the meanings assigned to them in the General Conditions. Certain additional terms used in these Instructions to Bidders have the meanings indicated below which are applicable to both the singular and plural thereof.

1.2 Bidder – One who submits a Bid directly to City of Fayetteville as distinct from a sub-bidder, who submits a bid to a Bidder.

1.3 Issuing Office – The office from which the Bidding Documents are to be issued and where the bidding procedures are to be administered.

1.4 Successful Bidder – The lowest, responsible, and responsive Bidder to whom the City of Fayetteville (on the basis of the City of Fayetteville's evaluation as hereinafter provided) makes an award.

1.5 Local Time – Local time is defined as the time in Fayetteville, Arkansas on the due date of the deadline. Bids shall be received before the deadline time as shown by the atomic clock located in the Purchasing Division Office.

1.6 Substitution – Item(s) of material, equipment, or substrate that differs in application method, material, warranty, and/or performance as outlined in the specifications. Substitution requests shall be submitted to the Purchasing Division by bid question deadline. Substitution requests will be addressed via addendum.

1.7 Equivalent (or Equal) – Item(s) of material, equipment, or substrate that meets the application method, material, and performance but may differ in manufacturer and/or warranty from what is specified. Item(s) meeting these criteria shall be considered equal at time of bid.

a. Named manufacturers within the specifications shall be used as a basis of design in regard to establishing a minimum performance standard.

PART TWO - COPIES OF BIDDING DOCUMENTS

2.1 Complete sets of the Bidding Documents in the number and for the deposit sum, if any, stated in the Advertisement for Bids may be obtained from the Issuing Office.

2.2 Complete sets of Bidding Documents must be used in preparing Bids. Neither City of Fayetteville nor Project Manager assumes any responsibility for errors or misinterpretations resulting from the use of incomplete sets of Bidding Documents.

2.3 City of Fayetteville and Project Manager in making copies of Bidding Documents available on the above terms do so only for the purpose of obtaining Bids for the Work and do not confer a license or grant for any other use.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

PART THREE - EXAMINATION OF SITE AND CONTRACT DOCUMENTS

3.1 Bidders are advised that the Drawings and Specifications shall constitute all the information which the City of Fayetteville shall furnish. No other information given or sounding made by the City of Fayetteville or any official thereof, prior to the execution of said contract, shall ever become a part of, or change the contract, drawings, specifications, and estimates, or be binding on City of Fayetteville.

a. Prior to submitting any Bid, Bidders are required to: read carefully the Specifications, contract, and Bonds; examine carefully all Drawings; visit the site of the Work to carefully examine local conditions; inform themselves by their independent research and sounding of the difficulties to be encountered, and all attending circumstances affecting the cost of doing the work, and the time specified for its completion; and obtain all information required to make an intelligent bid.

3.2 Bidders shall rely exclusively upon their surveys, estimates, investigations, and other things which are necessary for full and complete information upon which the bid may be made and for which a contract is to be awarded. The Bid Form, providing for unit and lump sum prices bid by the Contractor, contains a statement that all bids are made with the full knowledge of the difficulties and conditions that may be encountered, the kind, quality and quantity of the plans, work to be done, excavation, and materials required and with full knowledge of the drawings, profiles, specifications, and estimates and all provisions of the contract and Bonds.

3.3 Bidders shall promptly notify the Purchasing Division of all conflicts, errors, ambiguities, or discrepancies which Bidder has discovered in or between the Contract Documents and such other related documents.

3.4 Information and data shown or indicated in the Contract Documents with respect to existing underground facilities at or contiguous to the site is based upon information and data furnished to City of Fayetteville and Project Manager by City of Fayetteville's of such underground facilities or others, and City of Fayetteville and Project Manager do not assume responsibility for the accuracy or completeness thereof unless it is expressly provided otherwise in the Supplementary Conditions.

3.5 On request, City of Fayetteville will provide each Bidder access to the site to conduct such examinations, investigations, explorations, tests, and studies as each Bidder deems necessary for submission of a Bid. Bidder must fill all holes and clean up and restore the site to its former conditions upon completion of such explorations, investigations, tests, and studies.

3.6 Reference is made to the General Requirements for the identification of the general nature of work that is to be performed at the site by City of Fayetteville or others (such as utilities and other prime contractors) that relates to the work for which a Bid is to be submitted. On request, and as available, City of Fayetteville will provide to each Bidder, for examination, access to or copies of Contract Documents (other than portions thereof related to price) for such work.

3.7 The submission of a Bid will constitute an incontrovertible representation by Bidder that Bidder has complied with every requirement of this Article 3, that without exception the Bid is premised upon performing and furnishing the Work required by the Contract Documents and applying the specific means, methods, techniques, sequences, or procedures of construction (if any) that may be shown or indicated

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

or expressly required by the Contract Documents, that Bidder has given Project Manager written notice of all conflicts, errors, ambiguities, and discrepancies that Bidder has discovered in the Contract Documents and that the written resolutions thereof by Project Manager are acceptable to Bidder, and that the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work.

3.8 Mobilization shall not exceed 5% of bid total. This price shall not include bonds and insurance.

3.9 City of Fayetteville will provide dumpster for this project.

3.10 Open burning and blasting are not allowed on City projects.

3.11 Contractor is responsible for obtaining all applicable permits; however, fees for City-issued permits shall be waived.

PART FOUR - AVAILABILITY OF LANDS FOR WORK AND WORK BY OTHERS

4.1 The lands upon which the Work is to be performed, rights-of-way and easements for access thereto and other lands designated for use by Contractor in performing the Work are identified in the Contract Documents. All additional lands and access thereto required for temporary construction facilities, construction equipment, or storage of materials and equipment to be incorporated in the Work are to be obtained and paid for by Contractor. Easements for permanent structures or permanent changes in existing facilities are to be obtained and paid for by City of Fayetteville unless otherwise provided in the Contract Documents.

PART FIVE - INTERPRETATION OF CONTRACT DOCUMENTS AND ADDENDA

5.1 If any person contemplating submitting a bid for construction of the Work is in doubt as to the true meaning of any part of the proposed Contract Documents or finds discrepancies in or omissions from any part of the proposed Contract Documents, he should submit a written request for interpretation thereof to the Project Manager not later than seven days before the date set for bid opening. The person submitting the request shall be responsible for its prompt delivery.

5.2 Interpretation or correction of proposed Contract Documents will be made only by Addendum through the City's online bidding portal. Only questions answered by formal written Addenda will be binding. Oral and other interpretations or clarifications will be without legal effect. City of Fayetteville will not be responsible for any other explanations or interpretations of the proposed Contract Documents.

5.3 Addenda may also be issued to modify the Bidding Documents as deemed advisable by City of Fayetteville or Project Manager.

5.4 Bidder assumes all responsibility for checking the City's online bidding portal at www.fayetteville-ar.gov/bids for updates and addenda issued to this project.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

PART SIX - APPROXIMATE ESTIMATE OF QUANTITIES

6.1 Estimated quantities are approximate only and shall be the basis for receiving unit price bids for each item but shall not be considered by Bidders as actual quantities that may be required for the completion of the proposed work. However, such quantities, at the unit and lump sum prices bid for each item, shall determine the amount of each bid for comparison of Bids and aid in determining the low and responsive Bidder for the purpose of awarding the contract, and will be used as basis for fixing the amount of the required Bonds.

PART SEVEN - UNIT PRICES

7.1 Bidders must state a price for each item of work named in the Bid. Unit and Lump Sum prices shall include amounts sufficient for the furnishing of all labor, materials, tools, equipment, and apparatus of every description to construct, erect, and finish completely all the work as called for in the Specifications or indicated on the Drawings.

7.2 Prices bid shall bear a fair relationship to the cost of the work to be done. Bids which appear unbalanced and are deemed not to be in the best interest of City of Fayetteville may be rejected at the discretion of City of Fayetteville.

7.3 By submission of a Bid, Bidder represents that Bidder has considered the entire Project and the Work required and has reviewed the Drawings and Specifications to verify the full scope of the Work.

PART EIGHT - BID FORM

8.1 Bids are due as indicated in the Advertisement for Bids.

8.2 Bids which are incomplete, unbalanced, conditional, or obscure or which contain additions not called for, erasures, alterations, or irregularities of any kind or which do not comply with these Instructions to Bidders may be rejected as informal or non-responsive at the option of City of Fayetteville. However, City of Fayetteville reserves the right to waive technicalities as to changes, alterations, or revisions and to make the award in the best interest of City of Fayetteville.

8.3 Acceptance of alternate bids is at the City of Fayetteville's discretion, as best services the City of Fayetteville's interest. Each deductive alternate is provided for on the Bid Form (if applicable). The price of the Bid for each alternate will be the amount to be deducted from the price of the Total Base Bid if the City of Fayetteville selects any of the alternates. The unit price amount for each alternate shall be the same as the unit price amount listed in the Bid.

8.4 No Bidder shall divulge the information in the Bid to any person whomsoever, except those having a partnership or other financial interest with him in the Bid, until after the bids have been opened.

8.5 All bids shall include all costs including but not limited to sales tax, use tax, permits, insurance, etc. The contractor on this project is defined by the Arkansas Revenue Laws as the user and is responsible for the appropriate taxes. There are NO provisions in this bid for a contractor to avoid taxes. The City of Fayetteville is not a tax-exempt entity.

Appendix A
Bid 24-44, Construction –
City Hall HVAC Improvements Rebid

PART NINE - SIGNATURE ON BIDS

9.1 If the Bid is made by an individual, the firm name must be given, and the Bid Form signed by the individual or a duly authorized agent. If the Bid is made by a partnership, the firm name and the names of each member must be given, and the Bid signed by a member of the partnership, or a person duly authorized. If the Bid is made by a company or corporation, the company or corporate name must be given, and the Bid signed by an officer or agent duly authorized. The corporate seal must be affixed and attested by the secretary or an assistant secretary. The corporate address and state of incorporation must be shown below the signature.

9.2 All names must be typed or printed in black ink below the signature.

9.3 The address and telephone number for communications regarding the Bid must be shown.

9.4 Powers of attorney, properly certified, for agents and others to sign Bids must be in writing and filed with City of Fayetteville.

9.5 The Bid shall also contain a signed acknowledgment of receipt of all Addenda.

9.6 Arkansas Contractor's License and registration with the Arkansas Secretary of State shall both be valid at time of bid deadline.

9.7 Vendor shall not be debarred from doing business with any government entity.

PART TEN - BID BOND

10.1 A five percent (5%) bid security, in the form of a bid bond, or cashier's check from a bank located in the State of Arkansas, as stated in the Advertisement for Bids, shall accompany each bid. Bid bonds for the difference in price between low bidder and second low bidder shall not be acceptable. The Successful Bidder's security will be retained until City of Fayetteville receives a signed Agreement and required Bonds and Certificates of Insurance. If the Successful Bidder fails to execute and deliver the Agreement and furnish the required contract security within fifteen days after the Notice of Selection, City of Fayetteville may annul the Notice of Selection and the Bid security of that Bidder will be forfeited.

10.2 The City of Fayetteville reserves the right to retain the security of the three low bidders until the Successful Bidder enters into the Contract or until sixty (60) days after bid opening, whichever is sooner. Cash equivalent security of the second and third low bidder may be exchanged for an equivalent bid bond after bid tabulations are complete or thirty (30) days after bid opening, whichever is sooner. If any Bidder refuses to enter into an Agreement, City of Fayetteville may retain Bidder's bid security as liquidated damages but not as a penalty.

Appendix A - Bid 24-44, Construction - City Hall HVAC Improvements Rebid

PART ELEVEN - PERFORMANCE BOND AND PAYMENT BOND

11.1 NOTICE TO PROCEED, BONDS AND ORDERING PROCEDURES

a. After contract award, the Contractor will provide the City with separate 100% performance and payment bonds, as required in the contract.

b. Upon the City receiving and accepting the 100% Performance and Payment Bonds, the City will issue a Purchase Order along with a Notice of Award (NOA).

c. The Notice of Award shall serve as permission for the Contractor to order any materials needed to complete the project, specifically those with a long lead time.

d. The City will coordinate with the Contractor on the timing of the Notice to Proceed being issued, which shall take into consideration the expected delivery of items with a long lead time.

e. Calendar days for substantial and final completion shall not start until the day following the issuance of a Notice to Proceed.

f. The City will make progress payments for materials delivered on site, after verification of delivered materials by City.

11.3 If Required -- Contractor shall include provisions in the bonds which will guarantee the faithful performance of the prevailing hourly wage clause as required by the Arkansas Prevailing Wage Law, Arkansas Code Annotated § 22-9-308(d).

11.4 Contractor shall pay all expenses in connection with the obtaining of said Bonds. The Bonds shall be conditioned that Contractor shall faithfully perform the contract and shall pay all indebtedness for labor and materials furnished or performed in the construction of such alterations and additions as prescribed in this contract.

11.5 The surety company issuing the Bonds must be a solvent company on the "Surety Companies Annual List" issued by the U.S. Department of the Treasury, and the Bonds are not to be issued in an amount greater than the underwriting limitations for the surety company as set out therein.

11.6 In Arkansas, prevailing law requires that performance and payment Bonds on public works contracts shall be executed by a resident local agent who is licensed by the Insurance Commissioner to represent the surety company executing said Bonds and filing with such Bonds his Power of Attorney as his authority. The mere countersigning of the Bonds will not be sufficient.

11.7 The date of the Bonds, and of the Power of Attorney, must not be prior to the date of the contract. At least two originals of the Bonds shall be furnished, each with Power of Attorney attached. The performance and payment bond shall be furnished to the City of Fayetteville accompanied by a receipt stamped by the Washington County Circuit Clerk's Office. Before any work is performed under this contract, the bond shall be filed with the clerk of the circuit court of Washington County, Arkansas and accepted by the City of Fayetteville Project Manager.

Appendix A
Bid 24-44, Construction –
City Hall HVAC Improvements Rebid

11.8 Bonds are to be approved by City of Fayetteville. If any Bonds contracted for become unsatisfactory or unacceptable to City of Fayetteville after the acceptance and approval thereof, Contractor, upon being notified to that effect, shall promptly execute and furnish acceptable Bonds in the amounts herein specified. Upon presentation of acceptable Bonds, the unsatisfactory Bonds may be canceled at the discretion of Contractor.

PART TWELVE – INSURANCE REQUIREMENTS

12.1 The successful bidder shall provide a Certificate of Insurance in accordance with the following guidelines, prior to commencement of any work: $1,000,000 Commercial Liability, Statutory Worker's Compensation, and General Automotive, if applicable. **SUCH CERTIFICATE SHALL LIST THE CITY OF FAYETTEVILLE AS AN ADDITIONAL INSURED. LISTING THE CITY OF FAYETTEVILLE AS A CERTIFICATE HOLDER ONLY IS NOT AN ACCEPTABLE SUBSTITUTE. CERTIFICATE OF INSURANCE MUST INCLUDE THE ENDORSEMENT SHOWING THE CITY OF FAYETTEVILLE LISTED AS AN ADDITIONAL INSURED.** Insurance shall remain valid, when applicable, throughout project completion.

12.2 This bid is considered a public improvement bid. Public improvement bids shall submit certificates of insurance within 10 days of notice of notice to proceed, after City Council approval. Certificates of insurance are to be addressed to the City of Fayetteville, showing that the contractor carries the following insurance which shall be maintained throughout the term of the bid. Any work sublet; the contractor shall require the subcontractor similarly to provide the same insurance coverage. In case any employee engaged in work on the project is not protected under Workers' Compensation, the Contractor shall provide, and shall cause each subcontractor to provide, adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

PART THIRTEEN - CONTRACT TIME

13.1 Bidder agrees that the Work shall be substantially completed within __**365**__ consecutive calendar days from the date established in the written notice to proceed. Total completion (completed and ready for final payment) shall be __**395**__ consecutive calendar days from the date established in the written notice to proceed. The bidder agrees to pay liquidated damages for each consecutive calendar day thereafter the total completion time.

13.2 Except in connection with the safety or protection of persons or the Work or property at the Site or adjacent thereto, and except as otherwise indicated in the Contract Documents, all Work at the Site shall be performed during regular working hours, and Contractor will not permit overtime work or the performance of Work on Saturday, Sunday, or any legal holiday without City of Fayetteville's written consent.

PART FOURTEEN - LIQUIDATED DAMAGES

14.1 Bidder accepts the provisions as to liquidated damages in the event of failure to complete the Work within the total completion time. Liquidated damages in the sum of __**$250.00**__ for each consecutive day thereafter will be assessed.

Appendix A
Bid 24-44, Construction - City Hall HVAC Improvements Rebid

PART FIFTEEN – SUBCONTRACTORS, SUPPLIERS, AND OTHERS

15.1 Contractor shall not assign or sublet all or any part of this contract without the prior written approval of City of Fayetteville nor shall Contractor allow such subcontractor to commence work until approval of workman's compensation insurance and public liability insurance as may be required. Approval of each subcontract by City of Fayetteville will in no manner release Contractor from any obligations as set out in the Drawings, Specifications, contract, and Bonds.

PART SIXTEEN - SUBSTITUTE AND "OR EQUAL" ITEMS

16.1 Any reference to a particular brand or manufacture is in an effort to establish an acceptable level of quality for this purchase and are used as a basis of design in regard to establishing a minimum performance standard. Brands or manufacturers that are included in a bid that are of at least equal quality, size, and specification as to what has been specified, will be acceptable for consideration. All requests for approved substitutions shall be submitted by e-mail. Such request to obtain an acceptable substitution shall be made in writing to Amanda Beilfuss, Sr. Purchasing Agent, at abeilfuss@fayetteville-ar.gov. The Sr. Purchasing Agent will forward any such requests to the responsible City Department for review. Approval of all submittals will be made only by Addendum issued by the City of Fayetteville Purchasing Division.

PART SEVENTEEN - QUALIFICATIONS AND RESPONSIBILITY OF BIDDERS

17.1 To demonstrate qualifications to perform the Work, each Bidder must be prepared to submit within five days after bid opening, upon City of Fayetteville's or Project Manager's request, detailed written evidence such as financial data, present commitments, and other such data as may be called for. Each Bid must contain evidence of Bidder's qualification to do business in the State of Arkansas.

17.2 CERTIFICATION OF FUNDS:

Notice: bidders are required to provide pricing for all line items. Failure to provide deductive alternate pricing can result in bid rejection. The City intends to award this contract to the lowest qualified responsive responsible bidder based on the lump sum bid as long as such bid falls within the amount of funds certified for the project, plus 25%.

a. In the event no bid falls within the amount of funds certified for the project, plus 25%, the City will utilize the deductive alternates in order until bids can be compared within the amount certified, plus 25%. In the event all deductive alternates are subtracted and no bid falls within the amount certified, plus 25%, all bids will be rejected.

b. The City shall have the authority to negotiate an award with the apparent responsive responsible low bidder but only if the low bid is within twenty-five present (25%) of the certification of funds.

17.3 DEDUCTIVE ALTERNATES:

This bid includes two (2) deductive alternate. Bidders shall submit fair, marketable representation for bid pricing for all deductive alternates. Failure to submit fair, marketable representation pricing for deductive alternates can result in rejection of bid at the discretion of the City. If deductive alternates are utilized, they shall be taken in order.

Appendix A - Bid 24-44, Construction - City Hall HVAC Improvements Rebid

a. DEDUCTIVE ALTERNATE 1 – VRF SYSTEM

- Deductive amount pricing shall be the price for the removal of all work associated with the VRF system.

b. DEDUCTIVE ALTERNATE 2 – NEW FAN POWERED HYRDRONIC VAV BOXES

- Deductive amount pricing shall be the price for the removal of all work associated with the new fan powered hydronic vav boxes in place with no demolition work occurring.

17.4 ALLOWANCES:
In the total base bid, Bidder shall include the amount of $239,000.00 for furnishing and installation of the BAS HVAC controls.

PART EIGHTEEN - DISQUALIFICATIONS OF BIDDERS

18.1 Any one or more of the following may be considered as sufficient for the disqualification of bidders and the rejection of Bids.

18.2 More than one Bid Form for the same work from an individual, firm, partnership, or corporation under the same or different names.

18.3 Evidence of collusion among bidders. Participants in such collusion may receive no recognition as bidders for any future work.

18.4 Unbalanced Bid Forms in which the prices for some items are out of proportion to the prices for other items, or changes written in, or amendments by letter, or failure to submit a unit price for each item of work for which a bid price is required by the Bid Form, or failure to include all required contract documents.

18.5 Lack of competency as revealed by the financial statement, experience, plant, and equipment statements submitted. Lack of responsibility as shown by past work judged from the standpoint of workmanship and progress.

18.6 Uncompleted work which, in the judgment of City of Fayetteville, might hinder or prevent the prompt completion of additional work if awarded.

18.7 Being in arrears on existing contracts, in litigation with City of Fayetteville, or having defaulted on a previous contract.

PART NINETEEN - OPENING OF BIDS

19.1 Bids will be opened and read aloud publicly at the place where Bids are to be submitted in a room to be designated by City of Fayetteville the day of the bid opening. A bid tabulation of the amounts of the base Bids and major alternates (if any) will be made available to Bidders after the opening of Bids.

Bid 24-44, Appendix A
City Hall HVAC Improvements Rebid - Construction

PART TWENTY - EVALUATION OF BIDS

20.1 After the bids are opened and read, the quantities will be extended and totaled in accordance with the bid prices of the accepted Bids. This review of the Bids will confirm the low bidder.

20.2 In evaluating Bids, City of Fayetteville will consider the qualifications of Bidders, whether or not the Bids comply with the prescribed requirements, and such alternates, unit prices, and other data as may be requested in the Bid Form or prior to the Notice of Selection.

20.3 City of Fayetteville may consider the qualifications and experience of Subcontractors, Suppliers, and other persons and organizations proposed for those portions of the Work as to which the identity of Subcontractors, Suppliers, and other persons and organizations must be submitted as provided in the Supplementary Conditions. City of Fayetteville also may consider the operating costs, maintenance requirements, performance data, and guarantees of major items of materials and equipment proposed for incorporation in the Work when such data is required to be submitted prior to the Notice of Selection.

PART TWENTY-ONE - RIGHT TO REJECT BIDS

21.1 City of Fayetteville reserves the right to reject any and all Bids, to waive technicalities, and to advertise for new bids. All Bids are subject to this reservation. City of Fayetteville reserves to itself the right to decide which shall be deemed the lowest responsive and responsible Bid. Due consideration will be given to the reputation, financial ability, experience and equipment of the Bidder.

21.2 City of Fayetteville also reserves the right to waive informalities not involving price, time or changes in the Work and to negotiate contract terms with the Successful Bidder.

PART TWENTY-TWO - AWARDING OF CONTRACT

22.1 City of Fayetteville reserves the right to withhold the awarding of a contract a reasonable period of time from the date of opening bids, not to exceed sixty (60) days except with the consent of the Successful Bidder. The awarding of a contract upon a successful Bid shall give the Bidder no right to action or claim against City of Fayetteville upon the contract until the contract is reduced to writing and signed by the contracting parties. The letting of a contract shall not be complete until the contract is executed, and the necessary Bonds approved.

PART TWENTY-THREE - RETAINAGE

23.1 The City of Fayetteville shall make progress payments within two (2) weeks after Architect/Engineer's Certification of Payment. All such payments will be measured by the schedule of values established as provided in the General Requirements.

a. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer/Architect shall determine, or The City of Fayetteville may withhold, in accordance with the General Requirements.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

b. Retainage will be with-held from each pay request in the amount of 5%. After Substantial Completion has been issued by the Architect, Payments can be made for 100% less the value of remaining punch list items as identified by the Architect on the Certificate of Substantial Completion.

c. 100% of Equipment and Materials not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to The City of Fayetteville as provided in the General Requirements.

PART TWENTY-FOUR - SIGNING OF AGREEMENT

24.1 When City of Fayetteville gives a Notice of Selection to the Successful Bidder, it will be accompanied by the number of unsigned counterparts of the Agreement as indicated in the Supplementary Conditions, with all other written Contract Documents attached. Within five (5) days thereafter, the Contractor shall execute the contract and return to the City to submit to City Council for approval. Within 21 days, the City of Fayetteville shall return the fully executed contract to Contractor. Contractor will have five (5) days to provide the Performance and Payment Bonds for the project.

PART TWENTY-FIVE - MATERIALS GUARANTY

25.1 Before any contract is awarded Bidder may be required to furnish a complete statement of the origin, composition, or manufacture of any or all materials proposed to be used in the construction of the Work, together with samples, which may be subjected to tests provided for in the Specifications to determine their quality and fitness for the Work.

PART TWENTY-SIX - FAMILIARITY WITH LAWS

26.1 Bidder is presumed to be familiar with all federal, state, and city laws, ordinances, and regulations which in any manner affect those engaged or employed in the Work, or the materials or equipment used, or that in any way affect the Work and shall in all respects comply with said laws, ordinances, and regulations. No claim of misunderstanding or ignorance on the part of Contractor will in any way serve to modify the provisions of the contract. No representations shall be binding unless embodied in the contract.

PART TWENTY-SEVEN - INDEMNIFICATION

27.1 To the extent of the limits of the Contractor's Commercial General Liability Insurance, the Contractor shall indemnify and hold harmless the City of Fayetteville against any and all liability, claims, demands, damages, losses, and expenses, including attorneys' fees, in connection with or arising out of any damage or alleged damage to any of the City's existing adjacent property, including personal property, that may arise from the performance of the Work, to the extent caused by the negligent or intentionally wrongful acts or omissions of the Contractor, Subcontractor, Supplier, Sub subcontractor, or anyone employed directly or indirectly by any of them or by anyone for whose acts any of them may be liable.

PART TWENTY-EIGHT - MISCELLANEOUS

28.1 Any building repair and demolition for this Project will be performed by the City of Fayetteville.

28.2 The use of a crane is not anticipated to be needed for this Project.

Appendix A - Bid 24-44, Construction - City Hall HVAC Improvements Rebid

28.3 CITY HALL ACCESS:

a. Contractor will be given temporary badge access during non-City work hours.

b. Contractor is required to be CJIS (Criminal Justice Information Services) Certified to perform the scope of work in the basement.

c. Access to the basement must be coordinated through City Staff.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

END OF SECTION 01 – INSTRUCTIONS TO BIDDERS

SECTION 02
BID FORM

Contract Name: Rock Street Annex Roof Replacement

Bid Number: 24-44, Construction – City Hall HVAC Improvements REBID

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder: _____
_____
_____
_____

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

ARTICLE 1 - INTENT

1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

2.01 Bidder accepts all terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid Security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

Number	Date
_____	_____
_____	_____
_____	_____
_____	_____

B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.

C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

D. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.

E. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

F. Bidder has given Purchasing Division written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by Purchasing Division is acceptable to Bidder.

G. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.

H. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group,

Appendix A
Bid 24-44 Construction -
City Hall HVAC Improvements Rebid

association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

I. Upon receipt of written notice of acceptance of this bid, bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by the General Conditions.

J. The bid security attached in the sum of $_____ is to become the property of the Owner in the event the contract and bond are not executed within the time set forth above, as liquidated damages for the delay and additional expense to the Owner caused thereby.

ARTICLE 4 - CONTRACT TIMES

5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment __365__ consecutive calendar days from the date established in a written notice to proceed. Total completion shall be __395__ consecutive calendar days from the date established in a written notice to proceed. The bidder agrees to pay liquidated damages for each consecutive calendar day thereafter the total completion time.

5.02 Bidder accepts the provisions as to liquidated damages in the event of failure to complete the Work within the total completion time. Liquidated damages in the sum of $__250.00___ for each consecutive calendar day thereafter will be assessed.

ARTICLE 5 – TERMINOLOGY

6.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

SUBMITTED on _____, 20_____.

Arkansas State Contractor License No. _____

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

If Bidder is:

An Individual

Name (type or printed): _____

By: _____(SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

_____

Phone No.: _____ FAX No.: _____

Tax ID No.: _____ UEI No.: _____

A Partnership

Partnership Name: _____(SEAL)

By: _____

(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

_____

Phone No.: _____ FAX No.: _____

Tax ID No.: _____ UEI No.: _____

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

A Corporation

Corporation Name: _____(SEAL)

State of Incorporation: _____

Type (General Business, Professional, Service, Limited Liability): _____

_____

By: _____
(Signature – attach evidence of authority to sign)

Name (type or printed): _____

Title: _____

(CORPORATE SEAL)

Attest: _____
(Signature of Corporate Secretary)

Business address: _____

_____

Phone No.: _____ FAX No.: _____

Tax ID No.: _____ UEI No.: _____

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

END OF SECTION 02 – BID FORM

CITY OF FAYETTEVILLE, ARKANSAS:

BID 24-44, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS REBID

SECTION 03 – LIST OF SUBCONTRACTORS

In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for:

BID 24-41, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

Subcontractor's Work	Subcontractor's Name and Address	Expected Percentage or Value
Clearing/Demolition	_____	_____
	_____	_____
Mechanical	_____	_____
	_____	_____
Plumbing	_____	_____
	_____	_____
Electrical	_____	_____
	_____	_____
Roofing/Sheet Metal	_____	_____
	_____	_____
Other (designate)	_____	_____
	_____	_____

NOTE: This form must be submitted in accordance with the Instructions to Bidders.

_____

Bidder's Signature

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

CITY OF FAYETTEVILLE, ARKANSAS:

BID 24-44, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS REBID

Section 04

CONTRACTOR REFERENCES

The following information is required from all Bidders so all bids may be reviewed and properly evaluated:

COMPANY NAME: _____

NUMBER OF YEARS IN BUSINESS: _____HOW LONG IN PRESENT LOCATION: _____

TOTAL NUMBER OF CURRENT EMPLOYEES: _____ FULL TIME _____ PART TIME

NUMBER OF EMPLOYEES PLANNED FOR THIS CONTRACT: _____ FULL TIME _____ PART TIME

PLEASE LIST FOUR (4) REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed):

1. _____
COMPANY NAME

_____
CITY, STATE, ZIP

_____
CONTACT PERSON

_____
TELEPHONE

_____
DATE COMPLETED

_____
E-MAIL ADDRESS

2. _____
COMPANY NAME

_____
CITY, STATE, ZIP

_____
CONTACT PERSON

_____
TELEPHONE

_____
DATE COMPLETED

_____
E-MAIL ADDRESS

3. _____
COMPANY NAME

_____
CITY, STATE, ZIP

_____
CONTACT PERSON

_____
TELEPHONE

_____
DATE COMPLETED

_____
E-MAIL ADDRESS

4. _____
COMPANY NAME

_____
CITY, STATE, ZIP

_____
CONTACT PERSON

_____
TELEPHONE

_____
DATE COMPLETED

_____
E-MAIL ADDRESS

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

CITY OF FAYETTEVILLE, ARKANSAS:

BID 24-44, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS REBID

SECTION 05
BID BOND

KNOW ALL MEN BY THESE PRESENTS: that we

_____

_____

_____

as Principal, hereinafter called the Principal, and

_____

_____

_____

a corporation duly organized under the laws of the State of _____ as Surety, hereinafter called Surety, are held and firmly bound unto

City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

as Obligee, hereinafter called Owner, in the sum of _____ _____ Dollars ($_____), for the payment of which sum, well and truly to be made, Principal and said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted a Bid for:

BID 24-44, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS REBID

NOW, THEREFORE, if the Owner shall accept the Bid of Principal and the Principal shall enter into a Contract with the Owner in accordance with the terms of such Bid, and give such Bond or Bonds as may be specified in the Bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of Principal to enter such Contract and give such Bond or Bonds, if the Principal shall pay to the Owner the difference not to exceed the penalty hereof between the amount specified in said Bid and such larger amount for which the Owner may in good faith contract with another party to perform the Work covered by said Bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

CITY OF FAYETTEVILLE, ARKANSAS:

BID 24-44, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS REBID

Signed and sealed this _____ day of _____ 20_____.

PRINCIPAL (CORPORATE SEAL)

_____

By _____

_____

SURETY

_____

By _____

_____

ATTORNEY-IN-FACT (CORPORATE SEAL)

_____

_____

(This Bond shall be accompanied with Attorney-in-Fact's authority from Surety)

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

END OF SECTION 05

SECTION 06
PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: that

_____

_____

_____

as Principal, hereinafter called Contractor, and

_____

_____

_____

as Surety, hereinafter called Surety, are held and firmly bound unto

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

as Obligee, hereinafter called Owner, in the amount of **$_____**, for the payment whereof Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has by written Agreement dated _____, 20_____, entered into a contract with Owner for **BID 24-44, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS REBID** which contract is by reference made a part hereof and is hereinafter referred to as the Contract.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Contractor shall promptly and faithfully perform said Contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety hereby waives notice of any alteration or extension of time made by the Owner. Whenever Contractor shall be, and declared by Owner to be in default under the Contract, the Owner having performed Owner's obligations, thereunder, the Surety may promptly remedy the default, or shall promptly:

A. Complete the Contract in accordance with its terms and conditions, or

B. Obtain a bid or bids for completing the Contract in accordance with its terms and conditions, and upon determination by Surety of the lowest responsible bidder, or, if the Owner elects, upon determination

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

by the Owner and the Surety jointly of the lowest responsible bidder, arrange for a contract between such bidder and Owner, and make available as Work progresses (even though there should be a default or a succession of defaults under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less the balance of the Contract Price; but not exceeding, including other costs and damages for which the Surety may be liable hereunder, the amount set forth in the first paragraph hereof. The term "balance of the Contract Price," as used in this paragraph, shall mean the total amount payable by Owner to Contractor under the Contract and any amendments thereto, less the amount properly paid by Owner to Contractor.

Any suit under this Bond must be instituted before the expiration of two years from the date on which final payment under the Contract falls due.

No right of action shall accrue on this Bond to or for the use of any person or corporation other than the Owner named herein or the heirs, executors, administrators, or successors of the Owner.

Signed and sealed this _____ day of _____, 20_____.

CONTRACTOR (CORPORATE SEAL)

_____

By _____

_____

SURETY

_____

By _____

_____

ATTORNEY-IN-FACT

_____

_____

(This Bond shall be accompanied with Attorney-in-Fact's authority from Surety)

COUNTERSIGNED: Resident Agent

State of Arkansas

_____

By _____

_____

(CORPORATE SEAL)

Approved as to Form:

_____

_____

Attorney for _____

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

CITY OF FAYETTEVILLE, ARKANSAS:

BID 24-44, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS REBID

SECTION 07
LABOR AND MATERIAL PAYMENT BOND

This Bond is issued simultaneously with the Performance Bond in favor of Owner conditioned on the full and faithful performance of the Contract.

KNOW ALL MEN BY THESE PRESENTS: that

_____

_____

_____

as Principal, hereinafter called Contractor, and

_____

_____

_____

as Surety, hereinafter called Surety, are held and firmly bound unto

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, Arkansas 72701

as Obligee, hereinafter called Owner, for the use and benefit of claimants as hereinbelow defined, in the amount of **$**_____, for the payment whereof Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Contractor has by written Agreement dated _____, 20_____, entered into a contract with Owner for **BID 24-44, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS REBID** which contract is by reference made a part hereof and is hereinafter referred to as the Contract.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Contractor shall promptly make payment to all claimants as hereinafter defined, for all labor and material used or reasonably required for use in the performance of the Contract, then this obligation shall be void; otherwise it shall remain in full force and effect, subject, however, to the following conditions:

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

A. A claimant is defined as one having a direct contract with the Contractor or with a Subcontractor of the Contractor for labor, material, or both, used or reasonably required for use in the performance of the Contract, labor and material being construed to include that part of water, gas, power, light, heat, oil, gasoline, telephone service, or rental of equipment directly applicable to the Contract.

B. The above-named Contractor and Surety hereby jointly and severally agree with the Owner that every claimant as herein defined, who has not been paid in full before the expiration of a period of 90 days after the date on which the last of such claimant's work or labor was done or performed, or materials were furnished by such claimant, may sue on this Bond for the use of such claimant, prosecute the suit to final judgment for such sum or sums as may be justly due claimant, and have execution thereon. The Owner shall not be liable for the payment of any costs or expenses of any such suit.

C. No suit or action shall be commenced hereunder by any claimant:

1. Unless claimant other than one having a direct contract with Principal, shall have given written notice to any two of the following: the Contractor, the Owner, or the Surety within 90 days after such claimant did or performed the last of the work or labor, or furnished the last of the materials for which said claim is made, stating with substantial accuracy the amount claimed and the name of the party to whom the materials were furnished, or for whom the work or labor was done or performed. Such notice shall be served by mailing the same by registered mail or certified mail, postage prepaid, in an envelope addressed to Contractor, Owner or Surety, at any place where an office is regularly maintained for the transaction of business, or served in any manner in which legal process may be served in the state in which the aforesaid Project is located, save that such service need not be made by a public officer.

2. After the expiration of one year following the date on which Contractor ceased Work on the Contract, it being understood, however, that if any limitation embodied in this Bond is prohibited by any Law controlling the construction hereof, such limitation shall be deemed to be amended so as to be equal to the minimum period of limitation permitted by such Law.

3. Other than in a state court of competent jurisdiction in and for the county or other political subdivision of the state in which the Project, or any part thereof, is situated, or in the United States District Court for the district in which the Project, or any part thereof, is situated, and not elsewhere.

D. The amount of this Bond shall be reduced by and to the extent of any payment or payments made in good faith hereunder, inclusive of the payment by Surety of mechanics' liens which may be filed of record against said improvement, whether or not claim for the amount of such lien be presented under and against this Bond.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

CITY OF FAYETTEVILLE, ARKANSAS:

BID 24-44, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS REBID

Signed and sealed this _____ day of _____ 20_____.

CONTRACTOR (CORPORATE SEAL)

_____

By _____

_____

SURETY COUNTERSIGNED: Resident Agent

State of Arkansas

_____ _____

By _____ By _____

_____ _____

ATTORNEY-IN-FACT (CORPORATE SEAL)

_____

_____

(This Bond shall be accompanied with Attorney-in-Fact's authority from Surety)

Approved as to Form:

_____

_____

Attorney for _____

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

Engineering Elements, PLLC
2458 E. Joyce Blvd., Suite 1 Fayetteville, Arkansas 72703
Phone (479) 695-1333 Fax: (479) 251-7982

PERMIT SET SPECIFICATION INDEX

July 23, 2024
Fayetteville City Hall HVAC Upgrades
Fayetteville, AR

Project Number 24-009

230100 – BASIC MECHANICAL MATERIALS AND METHODS
230593 – TESTING, ADJUSTING, AND BALANCING
230700 – HVAC INSULATION
231123 – NATURAL GAS PIPING
233113 – DUCTWORK
233300 – DUCT ACCESSORIES
233413 – FANS

260500 – BASIC ELECTRICAL MATERIALS AND METHODS
260513 – CONDUCTORS AND CABLES
260526 – GROUNDING AND BONDING
260533 – RACEWAY AND BOXES
262416 – PANELBOARDS
262726 – WIRING DEVICES

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

SECTION 230100

BASIC MECHANICAL MATERIALS AND METHODS

PART 1 - GENERAL

1.1 SUMMARY

A. This Section includes the following:

1. Piping materials and installation instructions common to most piping systems.
2. Dielectric fittings.
3. Vibration Isolators
4. Mechanical sleeve seals.
5. Sleeves.
6. Escutcheons.
7. Grout.
8. Mechanical demolition.
9. Equipment installation requirements common to equipment sections.
10. Concrete bases.
11. Supports and anchorages.

1.2 DEFINITIONS

A. Finished Spaces: Spaces other than mechanical and electrical equipment rooms, furred spaces, pipe and duct shafts, unheated spaces immediately below roof, spaces above ceilings, unexcavated spaces, crawlspaces, and tunnels.

B. Exposed, Interior Installations: Exposed to view indoors. Examples include finished occupied spaces and mechanical equipment rooms.

C. Exposed, Exterior Installations: Exposed to view outdoors or subject to outdoor ambient temperatures and weather conditions. Examples include rooftop locations.

D. Concealed, Interior Installations: Concealed from view and protected from physical contact by building occupants. Examples include above ceilings and in duct shafts.

E. Concealed, Exterior Installations: Concealed from view and protected from weather conditions and physical contact by building occupants but subject to outdoor ambient temperatures. Examples include installations within unheated shelters.

1.3 SUBMITTALS

A. Submit for approval, Manufacturer's technical data sheets including performance specifications for all equipment and air devices shown on the schedules. Also, provide data on all system accessories and all materials. Include all piping, ductwork and insulation materials. Accessories to be submitted on shall include valves and all piping accessories, and all ductwork accessories including extractors, turning vanes, control dampers and balancing dampers.

B. Submit for approval, contractor's original shop drawings of all assemblies of manufactured items including control diagrams. Submit all items called out in individual sections, in addition to those called for in this section.

Appendix A
Bid 24-44 Construction -
City Hall HVAC Improvements Rebid

C. Indicate all pertinent dimensions on scale drawings necessary for clarity and/or coordination of the installation between trades.

D. Provide complete electrical wiring diagrams.

E. Make submittals for all work contained in Division 15 at one time except by special permission.

F. Bind submittals in durable covers with contents conveniently organized and properly indexed with index tabs.

G. Obtain approval on product manufacturers not specifically named prior to making bidding.

H. Each mechanical section contains a listing of required submittals only for convenience.

I. Submit for approval a schedule of nameplates and manufacturer's data sheets and shop drawings on special supports and seals.

J. Provide performance data on all substituted items to demonstrate equality to those scheduled. Include all sound levels, rpm, velocity and other data as applicable.

K. Submit proposed changes in ducts, piping, and equipment layout before ordering or fabrication as stated below under intent.

1.4 INTENT

A. It is intended that the contractor provide a complete and operating mechanical system including all incidental items and connections necessary for proper operation or customarily included even though each and every item may not be indicated.

B. The drawings indicate the general layout requirements for equipment, fixtures, piping, ductwork, etc. Final layout will be governed by actual field conditions with all measurements verified at the site. Contractor shall verify that all equipment, piping, ducts and other components will fit in the space provided before fabrication or ordering. Contractor shall submit any proposed changes to the Engineer for approval before fabrication or ordering.

C. It is intended that the mechanical installation be safe, reliable, energy efficient, and easily maintained with adequate provisions allowed for access to equipment.

D. It is intended that the mechanical system operate quietly with noise levels below the criteria recommended for the application by ASHRAE. Provide corrective action as required to reduce objectionable noise or vibration.

1.5 QUALITY ASSURANCE

A. Steel Support Welding: Qualify processes and operators according to AWS D1.1, "Structural Welding Code--Steel."

B. Steel Pipe Welding: Qualify processes and operators according to ASME Boiler and Pressure Vessel Code: Section IX, "Welding and Brazing Qualifications."

1. Comply with provisions in ASME B31 Series, "Code for Pressure Piping."
2. Certify that each welder has passed AWS qualification tests for welding processes involved and that certification is current.

C. Electrical Characteristics for Mechanical Equipment: Equipment of higher electrical characteristics may be furnished provided such proposed equipment is approved in writing and

Bid 24-A - Appendix A - Construction - City Hall HVAC Improvements Rebid

connecting electrical services, circuit breakers, and conduit sizes are appropriately modified. If minimum energy ratings or efficiencies are specified, equipment shall comply with requirements.

PART 2 - PRODUCTS

2.1 PRODUCT REQUIREMENTS

A. Furnish only new standard products of a manufacturer regularly engaged in the production of said products.

B. Support all products by service organizations with adequate spare parts inventory and personnel located reasonably close to the site.

C. Where multiple units of the same type or class of product are required, provide all units of the same manufacturer.

D. Store products in the original containers and shelter in a suitable environment at an approved location. Make readily accessible for inspections and inventory accounting.

E. For products specified by generic reference standard, select any product meeting such standard.

F. For products specified by naming one or more products or manufacturers, select any named. Submit request, in writing, for substitution of any product or manufacturer not specifically named and obtain approval at least five working days prior to bid date.

G. Provide all information to support claim of equality of product proposed for substitution. Substitutions will be considered only if equivalent in quality, efficiency, performance, size, weight, reliability, appearance, and ease of maintenance to the specified product.

H. Where approved product substitutions alter the design, space requirements, electrical requirements, connections, etc. include all work necessary to provide a complete installation of quality equal to or better than that which would have been achieved with products or manufacturers as specified.

2.2 MECHANICAL IDENTIFICATION

A. Identify each major component as to manufacturer's name, address, model and serial number, and pertinent ratings on a durable nameplate attached to the component in a conspicuous place.

B. Identify each major component as it is named on the drawings or referred to herein with engraved nameplates made from laminated plastic sheets.

C. Identify each valve, except obvious equipment isolation valves, with black filled coded numbers engraved on brass nametags attached with brass jack chains. Provide typewritten legend of numbered valves.

D. Identify each pipe or exposed duct in equipment rooms or above accessible ceilings with permanent markers as manufactured by Seton. Indicate fluid conveyed and direction of flow. Install on each pipe or duct where it enters or leaves a wall or floor and at other intervals not to exceed 20 feet.

E. Identify each major outdoor underground line with continuous strips of plastic utility marker tape as manufactured by Seton stating at regular intervals "CAUTION (identify utility) PIPE BELOW". Install one foot directly above pipe before backfilling to grade.

Appendix A
Bid 24-44 Construction -
City Hall HVAC Improvements Rebid

2.3 AIR FILTRATION

A. Filter media shall be blend of polypropylene/polyethylene fibers, multi-layered incorporating mechanical efficiency and a post-manufacturer electric charge. The media shall be formed in a radial pleat design to ensure full utilization of the media area. When tested in accordance with ASHRAE standard 52.2-1999, the filter shall have a minimum efficiency reporting value (MERV) of 8. When tested in accordance with ASHRAE Standard 52.1-1992, the filter shall have a dust spot efficiency of 25-30%, arrestance of 90-92%, and a minimum dust holding capacity of 170 grams.

2.4 VIBRATION ISOLATORS

A. Double deflection neoprene mounting shall have a minimum static deflection of 0.35 inches. All metal surfaces shall be neoprene covered to avoid corrosion and have friction pads both top and bottom so they need not be bolted to the floor. Bolt holes shall be provided for these areas where bolting is required. On equipment such as small vent sets and close coupled pumps, steel rails shall be used above the mountings to compensate for the overhang. Mountings shall be type ND or rails type DNR as manufactured by Mason Industries.

B. Spring type isolators shall be free standing and laterally stable without any housing and complete with ¼" neoprene acoustical friction pads between base plate and support. All mountings shall have leveling bolts that must be rigidly bolted to the equipment. Spring diameters shall be no less than 0.8 of the compressed height of the spring at rated load. Springs shall have a minimum additional travel to solid equal to 50% of the rated deflection. Submittals shall include spring diameters, deflections, compressed spring height and solid spring height. Mounting shall be type SLF as manufactured by Mason Industries.

C. Vibration Hangers shall contain a steel spring and 0.3" deflection neoprene element in series. The neoprene element shall be molded with a rod isolation bushing that passes through the hanger box. Spring diameters and hanger box lower hole sizes shall be large enough to permit the hanger rod to swing through a 30 degree arc before contacting the hole and short circuiting the spring. Springs shall have a minimum additional travel to solid equal to 50% of the rated deflection. Hangers shall be type 30N as manufactured by Mason Industries.

D. Install vibration isolators on all motor driven equipment.

2.5 PIPE, TUBE, AND FITTINGS

A. Refer to individual Division 15 piping Sections for pipe, tube, and fitting materials and joining methods.

B. Pipe Threads: ASME B1.20.1 for factory-threaded pipe and pipe fittings.

2.6 JOINING MATERIALS

A. Refer to individual Division 15 piping Sections for special joining materials not listed below.

B. Pipe-Flange Gasket Materials: ASME B16.21, nonmetallic, flat, asbestos-free, 1/8-inch maximum thickness unless thickness or specific material is indicated.

C. Plastic, Pipe-Flange Gasket, Bolts, and Nuts: Type and material recommended by piping system manufacturer, unless otherwise indicated.

D. Solder Filler Metals: ASTM B 32, lead-free alloys. Include water-flushable flux according to ASTM B 813.

Bid 24-44 Construction
Appendix A
City Hall HVAC Improvements Rebid

E. Brazing Filler Metals: AWS A5.8, BCuP Series or BAg1, unless otherwise indicated.

F. Welding Filler Metals: Comply with AWS D10.12.

G. Solvent Cements for Joining Plastic Piping:

1. ABS Piping: ASTM D 2235.
2. CPVC Piping: ASTM F 493.
3. PVC Piping: ASTM D 2564. Include primer according to ASTM F 656.
4. PVC to ABS Piping Transition: ASTM D 3138.

2.7 DIELECTRIC FITTINGS

A. Description: Combination fitting of copper alloy and ferrous materials with threaded, solder-joint, plain, or weld-neck end connections that match piping system materials.

B. Insulating Material: Suitable for system fluid, pressure, and temperature.

C. Dielectric Unions: Factory-fabricated, union assembly, for 250-psig minimum working pressure at 180 deg F.

D. Dielectric Flanges: Factory-fabricated, companion-flange assembly, for 150- or 300-psig minimum working pressure as required to suit system pressures.

E. Dielectric Couplings: Galvanized-steel coupling with inert and noncorrosive, thermoplastic lining; threaded ends; and 300-psig minimum working pressure at 225 deg F.

F. Dielectric Nipples: Electroplated steel nipple with inert and noncorrosive, thermoplastic lining; plain, threaded, or grooved ends; and 300-psig minimum working pressure at 225 deg F.

2.8 MECHANICAL SLEEVE SEALS

A. Description: Modular sealing element unit, designed for field assembly, to fill annular space between pipe and sleeve.

B. Sealing Elements: EPDM interlocking links shaped to fit surface of pipe. Include type and number required for pipe material and size of pipe.

C. Pressure Plates: Stainless steel. Include two for each sealing element.

D. Connecting Bolts and Nuts: Stainless steel of length required to secure pressure plates to sealing elements. Include one for each sealing element.

2.9 SLEEVES

A. Galvanized-Steel Sheet: 0.0239-inch minimum thickness; round tube closed with welded longitudinal joint.

B. Steel Pipe: ASTM A 53, Type E, Grade B, Schedule 40, galvanized, plain ends.

C. Cast Iron: Cast or fabricated "wall pipe" equivalent to ductile-iron pressure pipe, with plain ends and integral waterstop, unless otherwise indicated.

D. PVC Pipe: ASTM D 1785, Schedule 40.

Bid 24-44 ; Construction - Appendix A City Hall HVAC Improvements Rebid

E. Molded PE: Reusable, PE, tapered-cup shaped, and smooth-outer surface with nailing flange for attaching to wooden forms.

2.10 ESCUTCHEONS

A. Description: Manufactured wall and ceiling escutcheons and floor plates, with an ID to closely fit around pipe, tube, and insulation of insulated piping and an OD that completely covers opening.

2.11 GROUT

A. Description: ASTM C 1107, Grade B, nonshrink and nonmetallic, dry hydraulic-cement grout.

1. Characteristics: Post-hardening, volume-adjusting, nonstaining, noncorrosive, nongaseous, and recommended for interior and exterior applications.
2. Design Mix: 5000-psi, 28-day compressive strength.
3. Packaging: Premixed and factory packaged.

PART 3 - EXECUTION

3.1 MECHANICAL DEMOLITION

A. Disconnect, demolish, and remove mechanical systems, equipment, and components indicated to be removed.

1. Piping to Be Removed: Remove portion of piping indicated to be removed and cap or plug remaining piping with same or compatible piping material.
2. Piping to Be Abandoned in Place: Drain piping and cap or plug piping with same or compatible piping material.
3. Ducts to Be Removed: Remove portion of ducts indicated to be removed and plug remaining ducts with same or compatible ductwork material.
4. Ducts to Be Abandoned in Place: Cap or plug ducts with same or compatible ductwork material.
5. Equipment to Be Removed: Disconnect and cap services and remove equipment.
6. Equipment to Be Removed and Reinstalled: Disconnect and cap services and remove, clean, and store equipment; when appropriate, reinstall, reconnect, and make equipment operational.
7. Equipment to Be Removed and Salvaged: Disconnect and cap services and remove equipment and deliver to Owner.

B. If pipe, insulation, or equipment to remain is damaged in appearance or is unserviceable, remove damaged or unserviceable portions and replace with new products of equal capacity and quality.

3.2 MANUFACTURER'S DIRECTIONS

A. Handle, install, connect, test, and operate all products, assemblies, and systems in accordance with manufacturer's recommendations.

B. In case of conflicting requirements between the manufacturer's directions and the Contract Documents, obtain specific instructions before proceeding with any work.

Bid 24-14, Construction - Appendix A
City Hall HVAC Improvements Rebid

3.3 WORKMANSHIP

A. Keep the premises clean and free from debris, dirt, etc. Upon completion of work, clean and polish all fixtures, equipment, etc.

B. Seal all ductwork during construction to prevent construction dust from entering ductwork.

C. Perform all work in accordance with best practices of the trade and provide a “neat” installation by mechanics skilled in their respective trades and properly licensed.

D. Accurately install piping, ductwork and other equipment plumb, level and true to line with runs parallel or perpendicular to building lines. Make bends and offsets uniform.

E. Do not cut any structural members without specific approval. Do not cut mechanical or electrical lines that may be concealed.

F. Coordinate with other trade’s work and install all work so that systems and components can be easily maintained and can be removed for replacement in the future.

3.4 FAN SHUTDOWN CONTROLS

A. Provide fan shutdown control smoke detector in the return duct of units greater than 2000 cfm. The detector shall be installed prior to mixing with outside air. The smoke detectors shall shut down the respective unit.

B. If the building contains a fire alarm system, the smoke detectors shall be furnished by the fire alarm supplier. The smoke detectors shall also signal the fire alarm control panel. If the building does NOT contain a fire alarm system, then remote indicators shall be provided in a readily visible location.

C. The mechanical contractor shall install the smoke detector in the ductwork as appropriate. The controls contractor shall provide a dry contact on the outside of each unit to shut the unit down. The fire alarm contractor shall wire the detector to the dry contacts and to his own system. Mechanical contractor shall provide the smoke detectors if they are not provided by the fire alarm contractor.

3.5 PIPING SYSTEMS - COMMON REQUIREMENTS

A. Install piping according to the following requirements and Division 15 Sections specifying piping systems.

B. Drawing plans, schematics, and diagrams indicate general location and arrangement of piping systems. Indicated locations and arrangements were used to size pipe and calculate friction loss, expansion, pump sizing, and other design considerations. Install piping as indicated unless deviations to layout are approved on Coordination Drawings.

C. Install piping in concealed locations, unless otherwise indicated and except in equipment rooms and service areas.

D. Install piping indicated to be exposed and piping in equipment rooms and service areas at right angles or parallel to building walls. Diagonal runs are prohibited unless specifically indicated otherwise.

E. Install piping above accessible ceilings to allow sufficient space for ceiling panel removal.

F. Install piping to permit valve servicing.

Appendix A
Bid 24-24 Construction -
City Hall HVAC Improvements Rebid

G. Install piping at indicated slopes.

H. Install piping free of sags and bends.

I. Install fittings for changes in direction and branch connections.

J. Install piping to allow application of insulation.

K. Select system components with pressure rating equal to or greater than system operating pressure.

L. Install escutcheons for penetrations of walls, ceilings, and floors.

M. Install sleeves for pipes passing through concrete and masonry walls, gypsum-board partitions, and concrete floor and roof slabs.

N. Aboveground, Exterior-Wall Pipe Penetrations: Seal penetrations using sleeves and mechanical sleeve seals. Select sleeve size to allow for 1-inch annular clear space between pipe and sleeve for installing mechanical sleeve seals.

1. Install steel pipe for sleeves smaller than 6 inches in diameter.
2. Install cast-iron "wall pipes" for sleeves 6 inches and larger in diameter.
3. Mechanical Sleeve Seal Installation: Select type and number of sealing elements required for pipe material and size. Position pipe in center of sleeve. Assemble mechanical sleeve seals and install in annular space between pipe and sleeve. Tighten bolts against pressure plates that cause sealing elements to expand and make watertight seal.

O. Underground, Exterior-Wall Pipe Penetrations: Install cast-iron "wall pipes" for sleeves. Seal pipe penetrations using mechanical sleeve seals. Select sleeve size to allow for 1-inch annular clear space between pipe and sleeve for installing mechanical sleeve seals.

1. Mechanical Sleeve Seal Installation: Select type and number of sealing elements required for pipe material and size. Position pipe in center of sleeve. Assemble mechanical sleeve seals and install in annular space between pipe and sleeve. Tighten bolts against pressure plates that cause sealing elements to expand and make watertight seal.

P. Fire-Barrier Penetrations: Maintain indicated fire rating of walls, partitions, ceilings, and floors at pipe penetrations. Seal pipe penetrations with firestop materials.

Q. Verify final equipment locations for roughing-in.

R. Refer to equipment specifications in other Sections of these Specifications for roughing-in requirements.

3.6 PIPING JOINT CONSTRUCTION

A. Join pipe and fittings according to the following requirements and Division 15 Sections specifying piping systems.

B. Ream ends of pipes and tubes and remove burrs. Bevel plain ends of steel pipe.

C. Remove scale, slag, dirt, and debris from inside and outside of pipe and fittings before assembly.

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

D. Soldered Joints: Apply ASTM B 813, water-flushable flux, unless otherwise indicated, to tube end. Construct joints according to ASTM B 828 or CDA's "Copper Tube Handbook," using lead-free solder alloy complying with ASTM B 32.

E. Brazed Joints: Construct joints according to AWS's "Brazing Handbook," "Pipe and Tube" Chapter, using copper-phosphorus brazing filler metal complying with AWS A5.8.

F. Threaded Joints: Thread pipe with tapered pipe threads according to ASME B1.20.1. Cut threads full and clean using sharp dies. Ream threaded pipe ends to remove burrs and restore full ID. Join pipe fittings and valves as follows:

1. Apply appropriate tape or thread compound to external pipe threads unless dry seal threading is specified.
2. Damaged Threads: Do not use pipe or pipe fittings with threads that are corroded or damaged. Do not use pipe sections that have cracked or open welds.

G. Welded Joints: Construct joints according to AWS D10.12, using qualified processes and welding operators according to Part 1 "Quality Assurance" Article.

H. Flanged Joints: Select appropriate gasket material, size, type, and thickness for service application. Install gasket concentrically positioned. Use suitable lubricants on bolt threads.

I. Plastic Piping Solvent-Cement Joints: Clean and dry joining surfaces. Join pipe and fittings according to the following:

1. Comply with ASTM F 402, for safe-handling practice of cleaners, primers, and solvent cements.
2. ABS Piping: Join according to ASTM D 2235 and ASTM D 2661 Appendixes.
3. CPVC Piping: Join according to ASTM D 2846/D 2846M Appendix.
4. PVC Pressure Piping: Join schedule number ASTM D 1785, PVC pipe and PVC socket fittings according to ASTM D 2672. Join other-than-schedule-number PVC pipe and socket fittings according to ASTM D 2855.
5. PVC Nonpressure Piping: Join according to ASTM D 2855.
6. PVC to ABS Nonpressure Transition Fittings: Join according to ASTM D 3138 Appendix.

J. Plastic Pressure Piping Gasketed Joints: Join according to ASTM D 3139.

K. Plastic Nonpressure Piping Gasketed Joints: Join according to ASTM D 3212.

L. PE Piping Heat-Fusion Joints: Clean and dry joining surfaces by wiping with clean cloth or paper towels. Join according to ASTM D 2657.

1. Plain-End Pipe and Fittings: Use butt fusion.
2. Plain-End Pipe and Socket Fittings: Use socket fusion.

M. Fiberglass Bonded Joints: Prepare pipe ends and fittings, apply adhesive, and join according to pipe manufacturer's written instructions.

3.7 PIPING CONNECTIONS

A. Make connections according to the following, unless otherwise indicated:

1. Install unions, in piping NPS 2 and smaller, adjacent to each valve and at final connection to each piece of equipment.
2. Install flanges, in piping NPS 2-1/2 and larger, adjacent to flanged valves and at final connection to each piece of equipment.
3. Dry Piping Systems: Install dielectric unions and flanges to connect piping materials of dissimilar metals.

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

4. Wet Piping Systems: Install dielectric coupling and nipple fittings to connect piping materials of dissimilar metals.

3.8 EQUIPMENT INSTALLATION - COMMON REQUIREMENTS

A. Install equipment to allow maximum possible headroom unless specific mounting heights are not indicated.

B. Install equipment level and plumb, parallel and perpendicular to other building systems and components in exposed interior spaces, unless otherwise indicated.

C. Install mechanical equipment to facilitate service, maintenance, and repair or replacement of components. Connect equipment for ease of disconnecting, with minimum interference to other installations. Extend grease fittings to accessible locations.

D. Install equipment to allow right of way for piping installed at required slope.

3.9 CONCRETE BASES

A. Concrete Bases: Anchor equipment to concrete base according to equipment manufacturer's written instructions and according to seismic codes at Project.

1. Construct concrete bases of dimensions indicated, but not less than 4 inches larger in both directions than supported unit.
2. Install dowel rods to connect concrete base to concrete floor. Unless otherwise indicated, install dowel rods on 18-inch centers around the full perimeter of the base.
3. Install epoxy-coated anchor bolts for supported equipment that extend through concrete base, and anchor into structural concrete floor.
4. Place and secure anchorage devices. Use supported equipment manufacturer's setting drawings, templates, diagrams, instructions, and directions furnished with items to be embedded.
5. Install anchor bolts to elevations required for proper attachment to supported equipment.
6. Install anchor bolts according to anchor-bolt manufacturer's written instructions.
7. Use 3000-psi, 28-day compressive-strength concrete and reinforcement as specified in Division 3.

3.10 ERECTION OF METAL SUPPORTS AND ANCHORAGES

A. Cut, fit, and place miscellaneous metal supports accurately in location, alignment, and elevation to support and anchor mechanical materials and equipment.

B. Field Welding: Comply with AWS D1.1.

3.11 ERECTION OF WOOD SUPPORTS AND ANCHORAGES

A. Cut, fit, and place wood grounds, nailers, blocking, and anchorages to support, and anchor mechanical materials and equipment.

B. Select fastener sizes that will not penetrate members if opposite side will be exposed to view or will receive finish materials. Tighten connections between members. Install fasteners without splitting wood members.

C. Attach to substrates as required to support applied loads.

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

3.12 PAINTING

A. Surface prep and paint ductwork, piping, equipment, etc. exposed in finished areas to match adjacent surfaces as directed. Paint items flat black or as directed if visible through grilles or other openings.

B. Paint all exposed piping and equipment in mechanical spaces for uniform appearance or identification as directed.

C. Paint ferrous piping, equipment, hangers, etc. exposed outdoors or subject to rusting with one coat primer and two coats exterior enamel based paint.

D. Paint plywood backboards used for mounting equipment.

3.13 GROUTING

A. Mix and install grout for mechanical equipment base bearing surfaces, pump and other equipment base plates, and anchors.

B. Clean surfaces that will come into contact with grout.

C. Provide forms as required for placement of grout.

D. Avoid air entrapment during placement of grout.

E. Place grout, completely filling equipment bases.

F. Place grout on concrete bases and provide smooth bearing surface for equipment.

G. Place grout around anchors.

H. Cure placed grout.

3.14 POST CONSTRUCTION SUBMITTALS

A. Deliver special tools, lubricants, and other products necessary for proper operation and maintenance of the mechanical system.

B. Deliver spare parts called for under other mechanical sections contained herein or on drawings.

C. Submit project record documents indicating all changes made during construction.

D. Submit certificates of Final Inspection from the administrative authority.

E. Submit Operations and Maintenance manuals covering all phases of equipment and systems provided. Include complete spare parts data. With a source of supply. Include a copy of the shop drawings required in the “Pre-Construction Submittals”.

F. Submit extended warranties in excess of the standard one year construction warranty where required by other mechanical sections.

G. Submit Test, Adjust and Balance (TAB) report on approved record forms.

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

3.15 INSTRUCTIONS TO OWNER

A. Provide competent instruction to Owner's personnel covering operation and maintenance of all mechanical systems. Provide specialized training by manufacturer's technical representatives when required.

B. Make provisions to record all Owner instruction in video form, and provide three sets of the video training the Owner.

END OF SECTION 230100

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

SECTION 230593
TESTING, ADJUSTING, AND BALANCING

PART 1 - GENERAL

1.1 SUMMARY

A. Section Includes:
1. Testing, adjustment, and balancing of air systems.
2. Measurement of final operating condition of HVAC systems.
3. Sound measurement of equipment operating conditions.
4. Vibration measurement of equipment operating conditions.

B. Related Documents: The Contract Documents, as defined in Section 01110 - Summary of Work, apply to the Work of this Section. Additional requirements and information necessary to complete the Work of this Section may be found in other Documents.

1.2 REFERENCES

A. Associated Air Balance Council (AABC):
1. AABC - National Standards for Total System Balance.

B. National Environmental Balancing Bureau (NEBB).

1.3 SUBMITTALS

A. Submittal Procedures:
1. Assurance/Control Submittals:
a. Test Reports:
1) Indicate deficiencies in systems that would prevent proper testing, adjusting, and balancing of systems and equipment to achieve specified performance.
2) Submit draft copies of report for review prior to final acceptance of Project. Provide final copies for inclusion in operating and maintenance manuals.
3) Provide reports in binder manuals, complete with index page and indexing tabs, with cover identification at front and side. Include set of reduced drawings with air outlets and equipment identified to correspond with data sheets, and indicating thermostat locations.
4) Indicate data on AABC National Standards for Total System Balance forms.
b. Certificates: Manufacturer's certificate that Products meet or exceed specified requirements.
c. Qualification Documentation: Submit documentation of experience indicating compliance with specified qualification requirements.

B. Closeout Submittals: Procedures for closeout submittals.
1. Project Record Documents: Accurately record the following:
a. Actual locations of balancing valves and rough setting.

1.4 QUALITY ASSURANCE

A. Qualifications:

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

1. Company specializing in testing, adjusting, and balancing of specified with minimum 5 years documented experience. Company to be certified by one of the following.
   a. AABC Certified Independent Testing and Balancing Agency.
   b. National Environmental Balancing Bureau Certified Independent Agency. (NEBB).

B. Certification: Certify the testing, adjusting, and balancing field data reports.

C. Testing, Adjusting, and Balancing Reports: Use testing, adjusting, and balancing Agent's standard forms.

PART 2 - PRODUCTS

(Not Used.)

PART 3 - EXECUTION

3.1 EXAMINATION

A. Verify that systems are complete and operable before commencing work. Ensure the following conditions:
   1. Systems are started and operating in a safe and normal condition.
   2. Temperature control systems are installed complete and operable.
   3. Proper thermal overload protection is in place for electrical equipment.
   4. Final filters are clean and in place. If required, install temporary media in addition to final filters.
   5. Duct systems are clean of debris.
   6. Fans are rotating correctly.
   7. Fire and volume dampers are in place and open.
   8. Air coil fins are cleaned and combed.
   9. Access doors are closed and duct end caps are in place.
   10. Air outlets are installed and connected.
   11. Duct system leakage is minimized.
   12. Hydronic systems are flushed, filled and vented.
   13. Pumps are rotating correctly.
   14. Proper strainer baskets are clean and in place.
   15. Service and balance valves are open.

3.2 PREPARATION

A. Provide instruments required for testing, adjusting, and balancing operations. Make instruments available to Contracting Officer to facilitate spot checks during testing.

B. Provide additional balancing instruments as required.

3.3 INSTALLATION TOLERANCES

A. Air Handling Systems: Adjust to within plus or minus 5 percent of design for supply systems and plus or minus 10 percent of design for return and exhaust systems.

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

B. Air Outlets and Inlets: Adjust total to within plus 10 percent and minus 5 percent of design to space. Adjust outlets and inlets in space to within plus or minus 10 percent of design.

3.4 ADJUSTING

A. Ensure recorded data represents actual measured or observed conditions.

B. Permanently mark settings of valves, dampers, and other adjustment devices allowing settings to be restored. Set and lock memory stops.

C. After adjustment, take measurements to verify balance has not been disrupted or that such disruption has been rectified.

D. Leave systems in proper working order, replacing belt guards, closing access doors, closing doors to electrical switch boxes, and restoring thermostats to specified settings.

E. At final inspection, recheck random selections of data recorded in report. Recheck points or areas as selected and witnessed by Contracting Officer.

F. Check and adjust systems approximately six months after final acceptance and submit report.

3.5 AIR SYSTEM PROCEDURE

A. Adjust air handling and distribution systems to provide required or design supply, return, and exhaust air quantities. Perform this work with cooling system energized where applicable to obtain the extra resistance of wet coils.

B. Make air quantity measurements in ducts by Pitot tube traverse of entire cross sectional area of duct.

C. Measure air quantities at air inlets and outlets.

D. Adjust distribution system to obtain uniform space temperatures free from objectionable drafts and noise.

E. Use volume control devices to regulate air quantities only to extend that adjustments do not create objectionable air motion or sound levels. Effect volume control by duct internal devices.

F. Vary total system air quantities by adjustment of fan speeds. Provide drive changes required. Vary branch air quantities by damper regulation.

G. Provide system schematic with required and actual air quantities recorded at each outlet or inlet.

H. Measure static air pressure conditions on air supply units, including filter and coil pressure drops, and total pressure across the fan. Make allowances for 50 percent loading of filters.

I. Adjust outside air automatic dampers, outside air, return air, and exhaust dampers for design conditions.

J. Measure temperature conditions across outside air, return air, and exhaust dampers to check leakage.

Appendix A - Bid 24-44, Construction - City Hall HVAC Improvements Rebid

K. Measure building static pressure and adjust supply, return, and exhaust air systems to provide required relationship between each to maintain approximately 0.05 inches (12.5 Pa) positive static pressure near the building entries.

END OF SECTION 230593

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

SECTION 230700

HVAC INSULATION

PART 1 - GENERAL

1.1 SUMMARY

A. Section Includes:

1. Insulation Materials:

a. Cellular glass.
b. Flexible elastomeric.
c. Foam/vinyl.
d. Polystyrene.

B. Systems Included:
1. Interior air duct acoustical liner.
2. Exterior duct wrap insulation.
3. Refrigerant piping insulation.
4. Cooling condensate drain insulation.

C. Related Sections include the following:
1. Division 23 Section "Ductwork and Accessories".

1.2 SUBMITTALS

A. Product Data: Submit for each type of insulation to be used.

1.3 QUALITY ASSURANCE

A. Perform installation in accordance with MICA, Commercial and Industrial Insulation Standards.

B. Follow manufacturer's directions on adhesive application, fastener spacing, etc.

C. Fire-Test-Response Characteristics: Insulation and related materials shall have fire-test-response characteristics indicated, as determined by testing identical products per ASTM E 84, by a testing and inspecting agency acceptable to authorities having jurisdiction. Factory label insulation and jacket materials and adhesive, mastic, tapes, and cement material containers, with appropriate markings of applicable testing and inspecting agency.

1. Insulation Installed Indoors: Flame-spread index of 25 or less, and smoke-developed index of 50 or less.
2. Insulation Installed Outdoors: Flame-spread index of 75 or less, and smoke-developed index of 150 or less.

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

PART 2 - PRODUCTS

2.1 INSULATION MATERIALS

A. Acoustical fiberglass interior duct liner with 1-1/2 lb. density and coated face. Meet UL 181 on erosion tests and NFPA 90A on flame/smoke rating.

B. Flexible fiberglass exterior duct wrap equal to FRK-25.

1. K-Factor no greater than 0.3.
2. ¾ pound density.
3. Foil reinforced kraft (FRK) vapor barrier.

C. Products shall not contain asbestos, lead, mercury, or mercury compounds.

D. Products that come in contact with stainless steel shall have a leachable chloride content of less than 50 ppm when tested according to ASTM C 871.

PART 3 - EXECUTION

3.1 PREPARATION

A. Surface Preparation: Clean and dry surfaces to receive insulation. Remove materials that will adversely affect insulation application.

B. Coordinate insulation installation with the trade installing heat tracing. Comply with requirements for heat tracing that applies to insulation.

C. Mix insulating cements with clean potable water; if insulating cements are to be in contact with stainless-steel surfaces, use demineralized water.

3.2 GENERAL INSTALLATION REQUIREMENTS

A. Install insulation materials, accessories, and finishes with smooth, straight, and even surfaces; free of voids throughout the length of equipment and piping including fittings, valves, and specialties.

B. Install insulation materials, forms, vapor barriers or retarders, jackets, and thicknesses required for each item of equipment and pipe system as specified in insulation system schedules.

C. Install insulation with longitudinal seams at top and bottom of horizontal runs.

D. Install multiple layers of insulation with longitudinal and end seams staggered.

E. Do not weld brackets, clips, or other attachment devices to piping, fittings, and specialties.

F. Keep insulation materials dry during application and finishing.

G. Install insulation with tight longitudinal seams and end joints. Bond seams and joints with adhesive recommended by insulation material manufacturer.

Appendix A - Bid 24-44; Construction - City Hall HVAC Improvements Rebid

H. Install insulation with least number of joints practical.

I. Where vapor barrier is indicated, seal joints, seams, and penetrations in insulation at hangers, supports, anchors, and other projections with vapor-barrier mastic.

1. Install insulation continuously through hangers and around anchor attachments.
2. For insulation application where vapor barriers are indicated, extend insulation on anchor legs from point of attachment to supported item to point of attachment to structure. Taper and seal ends at attachment to structure with vapor-barrier mastic.
3. Install insert materials and install insulation to tightly join the insert. Seal insulation to insulation inserts with adhesive or sealing compound recommended by insulation material manufacturer.
4. Cover inserts with jacket material matching adjacent pipe insulation. Install shields over jacket, arranged to protect jacket from tear or puncture by hanger, support, and shield.

J. Apply adhesives, mastics, and sealants at manufacturer's recommended coverage rate and wet and dry film thicknesses.

K. Cut insulation in a manner to avoid compressing insulation more than 75 percent of its nominal thickness.

L. Finish installation with systems at operating conditions. Repair joint separations and cracking due to thermal movement.

M. Repair damaged insulation facings by applying same facing material over damaged areas. Extend patches at least 4 inches beyond damaged areas. Adhere, staple, and seal patches similar to butt joints.

N. For above ambient services, do not install insulation to the following:

1. Vibration-control devices.
2. Testing agency labels and stamps.
3. Nameplates and data plates.
4. Manholes.
5. Handholes.
6. Cleanouts.

O. Provide aluminum sheet metal over insulation exposed outdoors above grade. Use rivets and seal joints watertight.

P. Ducts 18” upstream and 30” downstream of electric resistance and fuel-burning heaters located within duct system will be wrapped externally with fiberglass duct wrap.

Q. All supply and return air duct systems installed in any unconditioned space shall be insulated with a minimum of 2” thickness, ¾ lb. density wrap, or 1” thickness, 1-1/2 lb. density liner.

3.3 FIELD QUALITY CONTROL

A. Perform tests and inspections.

B. Tests and Inspections:

All insulation applications will be considered defective Work if sample inspection reveals noncompliance with requirements.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

3.4 INSULATION SCHEDULE

A. Refer to the drawings.

END OF SECTION 230700

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

SECTION 231123

NATURAL-GAS PIPING

PART 1 - GENERAL

1.1 SUMMARY

A. Section Includes:

1. Under ground natural gas service piping.
2. Interior natural gas piping.
3. Exterior exposed natural gas piping.
4. Connectors for appliances and equipment.
5. Pressure regulators.
6. Cocks

1.2 PERFORMANCE REQUIREMENTS

A. Minimum Operating-Pressure Ratings:

1. Piping and Valves: 100 psig minimum unless otherwise indicated.
2. Service Regulators: 100 psig minimum unless otherwise indicated.

B. Natural-Gas System Pressure within Buildings: 0.5 psig or less, or more than 0.5 psig but not more than 2 psig.

1.3 SUBMITTALS

A. Product Data: For each type of product indicated.

B. Record Drawings: Indicate actual location and routing of natural-gas piping as installed.

C. Welding certificates.

D. Operation and maintenance data.

1.4 QUALITY ASSURANCE

A. Steel Support Welding Qualifications: Qualify procedures and personnel according to AWS D1.1/D1.1M, "Structural Welding Code - Steel."

B. Pipe Welding Qualifications: Qualify procedures and operators according to ASME Boiler and Pressure Vessel Code.

C. Electrical Components, Devices, and Accessories: Listed and labeled as defined in NFPA 70, by a qualified testing agency, and marked for intended location and application.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

PART 2 - PRODUCTS

2.1 PIPES, TUBES, AND FITTINGS

A. Underground piping:

1. Schedule 40 black steel or galvanized steel with malleable iron fittings or welded joints with butt weld fittings.
2. Mill coat pipe with high density polyethylene over adhesive undercoating.
3. Wrap field joints and fittings with Republic “X-Tru-Tape” or equal per manufacturer’s recommendations.

B. Above ground piping:

1. Schedule 40 black steel or galvanized steel with malleable iron fittings or welded joints with buttweld fittings.

C. Connectors for appliances and other equipment:

1. PVC coated spiral flexible brass connector with brass flared gas tubing fittings.

D. Cathodic Protection – Packaged magnesium anodes.

E. Welding rod – Same material as piping.

2.2 GAS COCKS

A. Iron body with brass plug and washer with screwed or flanged ends rated for 125 lb. WOG.

PART 3 - EXECUTION

3.1 OUTDOOR PIPING INSTALLATION

A. Comply with NFPA 54 for installation and purging of natural-gas piping.

B. All above ground piping exposed to the weather shall have a protective coating applied to the piping. Refer to Arkansas Fuel Gas Code section 403.8.

C. Install underground, natural-gas piping buried at least 24 inches below finished grade.

D. Provide one or more anodes, sized for pipe size and length of underground service.

E. Provide dielectric union where gas piping emerges from underground.

F. Arrange with local utility company for gas tap and meter installation. Pay all costs to establish natural gas service.

G. Install continuous strip of utility marker tape over gas piping. Use strip with trace wire for plastic pipe.

Appendix A
Bid 24-44; Construction -
City Hall HVAC Improvements Rebid

3.2 INDOOR PIPING INSTALLATION

A. Comply with NFPA 54 for installation and purging of natural-gas piping.

B. Drawing plans, schematics, and diagrams indicate general location and arrangement of piping systems. Indicated locations and arrangements are used to size pipe and calculate friction loss, expansion, and other design considerations. Install piping as indicated unless deviations to layout are approved on Coordination Drawings.

C. Arrange for pipe spaces, chases, slots, sleeves, and openings in building structure during progress of construction, to allow for mechanical installations.

D. Install piping in concealed locations unless otherwise indicated and except in equipment rooms and service areas.

E. Install piping indicated to be exposed and piping in equipment rooms and service areas at right angles or parallel to building walls. Diagonal runs are prohibited unless specifically indicated otherwise.

F. Install piping above accessible ceilings to allow sufficient space for ceiling panel removal.

G. Locate valves for easy access.

H. Verify final equipment locations for roughing-in.

I. Extend relief vent connections for service regulators, line regulators, and overpressure protection devices to outdoors and terminate with weatherproof vent cap.

J. Do not use natural-gas piping as grounding electrode.

K. Install strainer on inlet of each line-pressure regulator and automatic or electrically operated valve.

L. Use flexible connector and gas cock for final connection to each appliance or gas fueled unit.

M. Bond interior metal gas pipe to electric system ground. Piping shall be electrically continuous.

3.3 VALVE INSTALLATION

A. Install manual gas shutoff valve for each gas appliance ahead of corrugated stainless-steel tubing or copper connector.

3.4 FIELD QUALITY CONTROL

A. Test, inspect, and purge natural gas according to NFPA 54 and authorities having jurisdiction.

END OF SECTION 231123

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

SECTION 233113

METAL DUCTWORK

PART 1 - GENERAL

1.1 SUMMARY

A. This Section includes metal, rectangular ducts and fittings for supply, return, outside, and exhaust air-distribution systems in pressure classes from minus 2- to plus 10-inch wg.

B. See Division 23 Section "Duct Accessories" for dampers, sound-control devices, duct-mounting access doors and panels, turning vanes, and flexible ducts.

1.2 SUBMITTALS

A. Shop Drawings: Show fabrication and installation details for metal ducts.

1. Penetrations through fire-rated and other partitions.
2. Duct accessories, including access doors and panels.

1.3 QUALITY ASSURANCE

A. NFPA Compliance:

1. NFPA 90A, "Installation of Air Conditioning and Ventilating Systems."
2. NFPA 90B, "Installation of Warm Air Heating and Air Conditioning Systems."

PART 2 - PRODUCTS

2.1 SHEET METAL MATERIALS

A. Comply with SMACNA's "HVAC Duct Construction Standards--Metal and Flexible" for acceptable materials, material thicknesses, and duct construction methods, unless otherwise indicated. Sheet metal materials shall be free of pitting, seam marks, roller marks, stains, discolorations, and other imperfections.

B. Galvanized Sheet Steel: Lock-forming quality; complying with ASTM A 653/A 653M and having G60 coating designation; ducts shall have mill-phosphatized finish for surfaces exposed to view.

C. Reinforcement Shapes and Plates: Galvanized-steel reinforcement where installed on galvanized sheet metal ducts.

D. Tie Rods: Galvanized steel, 1/4-inch minimum diameter for lengths 36 inches or less; 3/8-inch minimum diameter for lengths longer than 36 inches.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

2.2 SEALANT MATERIALS

A. Joint and Seam Tape: 2 inches wide; glass-fiber-reinforced fabric.

B. Flange Gaskets: Butyl rubber or EPDM polymer with polyisobutylene plasticizer.

2.3 HANGERS AND SUPPORTS

A. Building Attachments: Concrete inserts, powder-actuated fasteners, or structural-steel fasteners appropriate for construction materials to which hangers are being attached.

1. Use powder-actuated concrete fasteners for standard-weight aggregate concretes or for slabs more than 4 inches thick.
2. Exception: Do not use powder-actuated concrete fasteners for lightweight-aggregate concretes or for slabs less than 4 inches thick.

B. Hanger Materials: Galvanized sheet steel or threaded steel rod.

1. Hangers Installed in Corrosive Atmospheres: Electrogalvanized, all-thread rods or galvanized rods with threads painted with zinc-chromate primer after installation.
2. Strap and Rod Sizes: Comply with SMACNA's "HVAC Duct Construction Standards--Metal and Flexible" for steel sheet width and thickness and for steel rod diameters.

C. Duct Attachments: Sheet metal screws, blind rivets, or self-tapping metal screws; compatible with duct materials.

D. Trapeze and Riser Supports: Galvanized-steel shapes and plates complying with ASTM A 36/A 36M.

E. Gripple Cable Hanger System for Air Distribution.

2.4 RECTANGULAR DUCT FABRICATION

A. Fabricate ducts, elbows, transitions, offsets, branch connections, and other construction according to SMACNA's "HVAC Duct Construction Standards--Metal and Flexible" and complying with requirements for metal thickness, reinforcing types and intervals, tie-rod applications, and joint types and intervals.

1. Lengths: Fabricate rectangular ducts in lengths appropriate to reinforcement and rigidity class required for pressure class.
2. Deflection: Duct systems shall not exceed deflection limits according to SMACNA's "HVAC Duct Construction Standards--Metal and Flexible."

B. Transverse Joints: Prefabricated slide-on joints and components constructed using manufacturer's guidelines for material thickness, reinforcement size and spacing, and joint reinforcement.

C. Formed-On Flanges: Construct according to SMACNA's "HVAC Duct Construction Standards--Metal and Flexible," Figure 1-4, using corner, bolt, cleat, and gasket details.

D. Cross Breaking or Cross Beading: Cross break or cross bead duct sides 19 inches and larger and 0.0359 inch thick or less, with more than 10 sq. ft. of nonbraced panel area unless ducts are lined.

City Hall HVAC Improvements Rebid Bid 24-44, Construction - Appendix A

2.5 WET DUCT

A. For dishwasher exhaust, use No. 22 MSG stainless steel. Weld seams and make airtight.

B. All exhaust, supply and return ducts in shower areas shall be 3003-H14 aluminum. Fasten with rivets or sheet metal screws.

PART 3 - EXECUTION

3.1 DUCT INSTALLATION

A. Construct and install ducts according to SMACNA's "HVAC Duct Construction Standards--Metal and Flexible," unless otherwise indicated.

B. Install ducts with fewest possible joints.

C. Install fabricated fittings for changes in directions, size, and shape and for connections.

D. Install couplings tight to duct wall surface with a minimum of projections into duct. Secure couplings with sheet metal screws. Install screws at intervals of 12 inches, with a minimum of 3 screws in each coupling.

E. Install ducts, unless otherwise indicated, vertically and horizontally and parallel and perpendicular to building lines; avoid diagonal runs.

F. Install ducts close to walls, overhead construction, columns, and other structural and permanent enclosure elements of building.

G. Install ducts with a clearance of 1 inch, plus allowance for insulation thickness.

H. Conceal ducts from view in finished spaces. Do not encase horizontal runs in solid partitions unless specifically indicated.

I. Coordinate layout with suspended ceiling, fire- and smoke-control dampers, lighting layouts, and similar finished work.

J. Seal all joints and seams. Apply sealant to male end connectors before insertion, and afterward to cover entire joint and sheet metal screws.

K. Electrical Equipment Spaces: Route ducts to avoid passing through transformer vaults and electrical equipment spaces and enclosures.

L. Non-Fire-Rated Partition Penetrations: Where ducts pass through interior partitions and exterior walls and are exposed to view, conceal spaces between construction openings and ducts or duct insulation with sheet metal flanges of same metal thickness as ducts. Overlap openings on 4 sides by at least 1-1/2 inches.

M. Fire-Rated Partition Penetrations: Where ducts pass through interior partitions and exterior walls, install appropriately rated fire dampers, sleeves, and firestopping sealant. Fire and smoke dampers are specified in Division 15 Section "Duct Accessories." Firestopping materials and installation methods are specified in Division 7 Section "Through-Penetration Firestop Systems."

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

N. Protect duct interiors from the elements and foreign materials until building is enclosed.

3.2 SEAM AND JOINT SEALING

A. Seal duct seams and joints according to SMACNA's "HVAC Duct Construction Standards--Metal and Flexible" for duct pressure class indicated.

B. Seal ducts before external insulation is applied.

3.3 HANGING AND SUPPORTING

A. Support horizontal ducts within 24 inches of each elbow and within 48 inches of each branch intersection.

B. Support vertical ducts at maximum intervals of 16 feet and at each floor.

C. Install upper attachments to structures with an allowable load not exceeding one-fourth of failure (proof-test) load.

D. Install concrete inserts before placing concrete.

E. Install powder-actuated concrete fasteners after concrete is placed and completely cured.

1. Do not use powder-actuated concrete fasteners for lightweight-aggregate concretes or for slabs less than 4 inches thick.

3.4 CONNECTIONS

A. Make connections to equipment with flexible connectors.

B. Comply with SMACNA's "HVAC Duct Construction Standards--Metal and Flexible" for branch, outlet and inlet, and terminal unit connections.

END OF SECTION 233113

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

SECTION 233300

DUCT ACCESSORIES

PART 1 - GENERAL

1.1 SUMMARY

A. This Section includes the following:

1. Backdraft and Volume dampers.
2. Fire dampers (including ceiling fire dampers).
3. Turning vanes.
4. Duct-mounting access doors.
5. Flexible connectors.
6. Flexible ducts.
7. Duct accessory hardware.

1.2 SUBMITTALS

A. Product Data: For the following:

1. Backdraft and Volume dampers.
2. Fire dampers.
3. Turning vanes.
4. Duct-mounting access doors.
5. Flexible connectors.
6. Flexible ducts.

B. Shop Drawings: Detail equipment assemblies and indicate dimensions, weights, required clearances, method of assembly, components, and location and size of each field connection.

1. Special fittings.
2. Manual-volume damper installations.
3. Fire-damper installations, including sleeves and duct-mounting access doors.
4. Wiring Diagrams: Power, signal, and control wiring.

1.3 QUALITY ASSURANCE

A. Comply with NFPA 90A, "Installation of Air Conditioning and Ventilating Systems," and NFPA 90B, "Installation of Warm Air Heating and Air Conditioning Systems."

Bid 24-44; Construction - Appendix A
City Hall HVAC Improvements Rebid

PART 2 - PRODUCTS

2.1 SHEET METAL MATERIALS

A. Comply with SMACNA's "HVAC Duct Construction Standards--Metal and Flexible" for acceptable materials, material thicknesses, and duct construction methods, unless otherwise indicated.

B. Galvanized Sheet Steel: Lock-forming quality; complying with ASTM A 653/A 653M and having G60 coating designation; ducts shall have mill-phosphatized finish for surfaces exposed to view.

C. Stainless Steel: ASTM A 480/A 480M.

D. Aluminum Sheets: ASTM B 209, alloy 3003, temper H14; with mill finish for concealed ducts and standard, 1-side bright finish for exposed ducts.

E. Reinforcement Shapes and Plates: Galvanized-steel reinforcement where installed on galvanized sheet metal ducts; compatible materials for aluminum and stainless-steel ducts.

F. Tie Rods: Galvanized steel, 1/4-inch minimum diameter for lengths 36 inches or less; 3/8-inch minimum diameter for lengths longer than 36 inches.

2.2 BACKDRAFT DAMPERS

A. Description: Multiple-blade, parallel action gravity balanced, with center-pivoted blades of maximum 6-inch width, with sealed edges, assembled in rattle-free manner with 90-degree stop, steel ball bearings, and axles; adjustment device to permit setting for varying differential static pressure.

2.3 VOLUME DAMPERS

A. General Description: Factory fabricated, with required hardware and accessories. Stiffen damper blades for stability. Include locking device to hold single-blade dampers in a fixed position without vibration. Close duct penetrations for damper components to seal duct consistent with pressure class.

B. Standard Volume Dampers: Multiple- or single-blade, parallel- or opposed-blade design as indicated, standard leakage rating, with linkage outside airstream and suitable for horizontal or vertical applications.

1. Steel Frames: Hat-shaped, galvanized sheet steel channels, minimum of 0.064 inch thick, with mitered and welded corners; frames with flanges where indicated for attaching to walls and flangeless frames where indicated for installing in ducts.
2. Roll-Formed Steel Blades: 0.064-inch- thick, galvanized sheet steel.
3. Blade Axles: Galvanized steel.
4. Bearings: Molded synthetic.
5. Tie Bars and Brackets: Galvanized steel.

C. Jackshaft: 1-inch-diameter, galvanized-steel pipe rotating within pipe-bearing assembly mounted on supports at each mullion and at each end of multiple-damper assemblies.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

1. Length and Number of Mountings: Appropriate to connect linkage of each damper in multiple-damper assembly.

D. Damper Hardware: Zinc-plated, die-cast core with dial and handle made of 3/32-inch-thick zinc-plated steel, and a 3/4-inch hexagon locking nut. Include center hole to suit damper operating-rod size. Include elevated platform for insulated duct mounting.

2.4 FIRE DAMPERS

A. Manufacturers:
1. Ruskin Company.
2. Nailor Industries.
3. United Enertech.

B. Fire dampers shall be labeled according to UL 555.

C. Fire Rating: 1-1/2 hours.

D. Frame: Curtain type with blades inside airstream; fabricated with roll-formed, 0.034-inch-thick galvanized steel; with mitered and interlocking corners.

E. Mounting Sleeve: Factory- or field-installed, galvanized sheet steel.

1. Minimum Thickness: 0.052 or 0.138 inch thick as indicated and of length to suit application.
2. Exceptions: Omit sleeve where damper frame width permits direct attachment of perimeter mounting angles on each side of wall or floor, and thickness of damper frame complies with sleeve requirements.

F. Mounting Orientation: Vertical or horizontal as indicated.

G. Blades: Roll-formed, interlocking, 0.034-inch-thick, galvanized sheet steel. In place of interlocking blades, use full-length, 0.034-inch-thick, galvanized-steel blade connectors.

H. Horizontal Dampers: Include blade lock and stainless-steel closure spring.

I. Fusible Links: Replaceable, 165 deg F rated.

2.5 CEILING FIRE DAMPERS

A. General Description: Labeled according to UL 555C; comply with construction details for tested floor- and roof-ceiling assemblies as indicated in UL's "Fire Resistance Directory."

B. Frame: Galvanized sheet steel, round or rectangular, style to suit ceiling construction.

C. Blades: Galvanized sheet steel with refractory insulation.

D. Fusible Links: Replaceable, 165 deg F rated.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

2.6 TURNING VANES

A. Fabricate to comply with SMACNA's "HVAC Duct Construction Standards--Metal and Flexible" for vanes and vane runners. Vane runners shall automatically align vanes.

B. Acoustic Turning Vanes: Fabricate airfoil-shaped aluminum extrusions with perforated faces and fibrous-glass fill.

2.7 DUCT-MOUNTING ACCESS DOORS

A. General Description: Fabricate doors airtight and suitable for duct pressure class.

B. Door: Double wall, duct mounting, and rectangular; fabricated of galvanized sheet metal with insulation fill and thickness as indicated for duct pressure class. Include vision panel where indicated. Include 1-by-1-inch butt or piano hinge and cam latches.

1. Frame: Galvanized sheet steel, with bend-over tabs and foam gaskets.

C. Door: Double wall, duct mounting, and round; fabricated of galvanized sheet metal with insulation fill and 1-inch thickness. Include cam latches.

1. Frame: Galvanized sheet steel, with spin-in notched frame.

D. Seal around frame attachment to duct and door to frame with neoprene or foam rubber.

E. Insulation: 1-inch- thick, fibrous-glass or polystyrene-foam board.

2.8 FLEXIBLE CONNECTORS

A. General Description: Flame-retardant or noncombustible fabrics, coatings, and adhesives complying with UL 181, Class 1.

B. Flexible Connector Fabric: Glass fabric double coated with neoprene.

1. Minimum Weight: 26 oz./sq. yd.
2. Tensile Strength: 480 lbf/inch in the warp and 360 lbf/inch in the filling.
3. Service Temperature: Minus 40 to plus 200 deg F.

2.9 FLEXIBLE DUCTS

A. Noninsulated-Duct Connectors: UL 181, Class 1, multiple layers of aluminum laminate supported by helically wound, spring-steel wire.

1. Pressure Rating: 10-inch wg positive and 1.0-inch wg negative.
2. Maximum Air Velocity: 4000 fpm.
3. Temperature Range: Minus 20 to plus 210 deg F.

B. Insulated-Duct Connectors: UL 181, Class 1, 2-ply vinyl film supported by helically wound, spring-steel wire; fibrous-glass insulation; polyethylene vapor barrier film.

1. Pressure Rating: 10-inch wg positive and 1.0-inch wg negative.
2. Maximum Air Velocity: 4000 fpm.

Bid 24-44, Appendix A City Hall HVAC Improvements Rebid Construction

3. Temperature Range: Minus 10 to plus 160 deg F.

C. Flexible Duct Clamps: Stainless-steel band with cadmium-plated hex screw to tighten band with a worm-gear action, in sizes 3 through 18 inches to suit duct size.

2.10 DUCT ACCESSORY HARDWARE

A. Instrument Test Holes: Cast iron or cast aluminum to suit duct material, including screw cap and gasket. Size to allow insertion of pitot tube and other testing instruments and of length to suit duct insulation thickness.

B. Adhesives: High strength, quick setting, neoprene based, waterproof, and resistant to gasoline and grease.

PART 3 - EXECUTION

3.1 APPLICATION AND INSTALLATION

A. Install duct accessories according to applicable details in SMACNA's "HVAC Duct Construction Standards--Metal and Flexible" for metal ducts.

B. Provide duct accessories of materials suited to duct materials: use galvanized-steel accessories in galvanized-steel, stainless-steel accessories in stainless-steel ducts, and aluminum accessories in aluminum ducts.

C. Install backdraft dampers on exhaust fans or nearest to outside and where indicated.

D. Install volume dampers in ducts with liner; avoid damage to and erosion of duct liner.

E. Provide balancing dampers at points on supply, return, and exhaust systems where branches lead from larger ducts as required for air balancing. Install at a minimum of two duct widths from branch takeoff.

F. Install fire dampers, with fusible links, according to manufacturer's UL-approved written instructions.

G. Install duct access doors to allow for inspecting, adjusting, and maintaining accessories and terminal units as follows:

1. On both sides of duct coils.
2. Downstream from volume dampers and equipment.
3. Adjacent to fire or smoke dampers, providing access to reset or reinstall fusible links.
4. On sides of ducts where adequate clearance is available.

H. Install flexible connectors immediately adjacent to equipment in ducts associated with fans and motorized equipment supported by vibration isolators.

I. For fans developing static pressures of 5-inch wg and higher, cover flexible connectors with loaded vinyl sheet held in place with metal straps.

J. Connect terminal units to supply ducts with maximum 12-inch lengths of flexible duct. Do not use flexible ducts to change directions.

City Hall HVAC Improvements Rebid Bid 24-44, Construction - Appendix A

K. Connect diffusers or light troffer boots to low pressure ducts with maximum 60-inch lengths of flexible duct clamped or strapped in place.

L. Connect flexible ducts to metal ducts with adhesive.

3.2 ADJUSTING

A. Adjust duct accessories for proper settings.

B. Adjust fire and smoke dampers for proper action.

C. Final positioning of manual-volume dampers is specified in Division 23 Section "Testing, Adjusting, and Balancing."

END OF SECTION 233300

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

SECTION 233413

FANS

PART 1 - GENERAL

1.1 SUMMARY

A. This Section includes the following:

1. Centrifugal roof ventilators.
2. Ceiling-mounting ventilators.
3. In-line centrifugal fans.
4. Accessories.

1.2 SUBMITTALS

A. Product Data: Include rated capacities, furnished specialties, and accessories for each type of product indicated and include the following:

B. Shop Drawings: Detail equipment assemblies and indicate dimensions, weights, loads, required clearances, method of field assembly, components, and location and size of each field connection.

C. Operation and maintenance data.

1.3 QUALITY ASSURANCE

A. Electrical Components, Devices, and Accessories: Listed and labeled as defined in NFPA 70, Article 100, by a testing agency acceptable to authorities having jurisdiction, and marked for intended use.

B. NEMA Compliance: Motors and electrical accessories shall comply with NEMA standards.

C. UL Standard: Power ventilators shall comply with UL 705.

PART 2 - PRODUCTS

2.1 FANS

A. Basis-of-Design Product: Subject to compliance with requirements, provide the product indicated on Drawings or a comparable product by one of the following:
1. Loren Cook Company.
2. Twin City Fans & Blowers.

B. Description: Direct- or belt-driven centrifugal fans consisting of housing, wheel, fan shaft, bearings, motor and disconnect switch, drive assembly, curb base, and accessories.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

C. Housing: Removable, spun-aluminum, dome top and outlet baffle; square, one-piece, aluminum base with venturi inlet cone.

1. Hinged Subbase: Galvanized-steel hinged arrangement permitting service and maintenance.

D. Fan Wheels: Aluminum hub and wheel with backward-inclined blades.

E. Belt-Driven Drive Assembly: Resiliently mounted to housing, with the following features:

1. Fan Shaft: Turned, ground, and polished steel; keyed to wheel hub.
2. Shaft Bearings: Permanently lubricated, permanently sealed, self-aligning ball bearings.
3. Pulleys: Cast-iron, adjustable-pitch motor pulley.
4. Fan and motor isolated from exhaust airstream.

F. Accessories:

1. Disconnect Switch: Nonfusible type, with thermal-overload protection mounted inside fan housing, factory wired through an internal aluminum conduit.
2. Bird Screens: Removable, 1/2-inch mesh, aluminum or brass wire.
3. Dampers: Counterbalanced, parallel-blade, backdraft dampers mounted in curb base; factory set to close when fan stops.
4. Motorized Dampers: Parallel-blade dampers mounted in curb base with electric actuator; wired to close when fan stops.

G. Roof Curbs: Galvanized steel; mitered and welded corners; 1-1/2-inch-thick, rigid, fiberglass insulation adhered to inside walls; and 1-1/2-inch wood nailer. Size as required to suit roof opening and fan base.

1. Configuration: Self-flashing without a cant strip, with mounting flange.
2. Overall Height: 12 inches.

2.2 CEILING-MOUNTING VENTILATORS

A. Basis-of-Design Product: Subject to compliance with requirements, provide the product indicated on Drawings or a comparable product by one of the following:
1. Loren Cook Company.
2. Penn Ventilation.

B. Description: Centrifugal fans designed for installing in ceiling or wall or for concealed in-line applications.

C. Housing: Steel, lined with acoustical insulation.

D. Fan Wheel: Centrifugal wheels directly mounted on motor shaft. Fan shrouds, motor, and fan wheel shall be removable for service.

E. Grille: Aluminum, louvered grille with flange on intake and thumbscrew attachment to fan housing.

F. Electrical Requirements: Junction box for electrical connection on housing and receptacle for motor plug-in.

G. Accessories:

Bid 24-44, Appendix A Construction - City Hall HVAC Improvements Rebid

1. Manual Starter Switch: Single-pole rocker switch assembly with cover and pilot light.
2. Ceiling Radiation Damper: Fire-rated assembly with ceramic blanket, stainless-steel springs, and fusible link.
3. Isolation: Rubber-in-shear vibration isolators.
4. Manufacturer's standard roof jack or wall cap, and transition fittings.

2.3 IN-LINE CENTRIFUGAL FANS

A. Basis-of-Design Product: Subject to compliance with requirements, provide the product indicated on Drawings or a comparable product by one of the following:
1. Loren Cook Company.
2. Penn Ventilation.

B. Description: In-line, direct-driven centrifugal fans consisting of housing, wheel, outlet guide vanes, fan shaft, bearings, motor and disconnect switch, drive assembly, mounting brackets, and accessories.

C. Housing: Split, spun aluminum with aluminum straightening vanes, inlet and outlet flanges, and support bracket adaptable to floor, side wall, or ceiling mounting.

D. Direct-Driven Units: Motor mounted in airstream, factory wired to disconnect switch located on outside of fan housing.

E. Fan Wheels: Aluminum, airfoil blades welded to aluminum hub.

F. Accessories:

1. Volume-Control Damper: Manually operated with quadrant lock, located in fan outlet.
2. Companion Flanges: For inlet and outlet duct connections.
3. Fan Guards: 1/2- by 1-inch mesh of galvanized steel in removable frame. Provide guard for inlet or outlet for units not connected to ductwork.
4. Motor and Drive Cover: Epoxy-coated steel.

PART 3 - EXECUTION

3.1 INSTALLATION

A. Install power ventilators level and plumb.

B. Support units using spring isolators.

C. Install floor-mounting units on concrete bases.

D. Secure roof-mounting fans to roof curbs with cadmium-plated hardware.

E. Ceiling Units: Suspend units from structure; use steel wire or metal straps.

F. Support suspended units from structure using threaded steel rods and elastomeric hangers.

G. Install units with clearances for service and maintenance.

H. Make final duct connections with flexible connectors.

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

I. Install ducts adjacent to power ventilators to allow service and maintenance.

3.2 FIELD QUALITY CONTROL

A. Perform the following field tests and inspections and prepare test reports:

1. Verify that shipping, blocking, and bracing are removed.
2. Verify that unit is secure on mountings and supporting devices and that connections to ducts and electrical components are complete. Verify that proper thermal-overload protection is installed in motors, starters, and disconnect switches.
3. Verify that cleaning and adjusting are complete.
4. Disconnect fan drive from motor, verify proper motor rotation direction, and verify fan wheel free rotation and smooth bearing operation. Reconnect fan drive system, align and adjust belts, and install belt guards.
5. Adjust belt tension.
6. Adjust damper linkages for proper damper operation.
7. Verify lubrication for bearings and other moving parts.
8. Verify that manual and automatic volume control and fire and smoke dampers in connected ductwork systems are in fully open position.
9. Disable automatic temperature-control operators, energize motor and adjust fan to indicated rpm, and measure and record motor voltage and amperage.
10. Shut unit down and reconnect automatic temperature-control operators.
11. Remove and replace malfunctioning units and retest as specified above.

B. Test and adjust controls and safeties. Replace damaged and malfunctioning controls and equipment.

END OF SECTION 233413

Appendix A - Construction - Bid 24-44, City Hall HVAC Improvements Rebid

SECTION 260500

GENERAL ELECTRICAL REQUIREMENTS

PART 1 - GENERAL

1.1 SUMMARY

A. Section Includes:

1. Sleeves for raceways and cables.
2. Sleeve seals.
3. Grout.
4. General electrical installation requirements.

1.2 PRE-CONSTRUCTION SUBMITTALS

A. Submit for approval Manufacturer's technical data sheets including performance specifications for all equipment, major materials and other manufactured items. Obtain approval on product manufacturers not specifically names prior to making submittals.

B. Bind submittals in durable covers with contents conveniently organized and properly indexed.

C. Make submittals on all work in Division 26 at one time, except by special permission.

1.3 INTENT

A. It is intended that the contractor provide a complete and operating electrical system including all incidental items and conditions necessary for proper operation or customarily included even though each and every item may not be indicated.

B. The drawings indicate the general layout requirements for equipment, fixtures, conduit, devices, etc. Final layout will be governed by actual field conditions with all measurements verified at the site.

C. Conduit and wiring shown on the drawings is diagrammatic unless otherwise noted, and is intended to indicate switching and branch circuit arrangements, phase balance, and general wiring connection requirements.

D. It is intended that the electrical installation be safe, reliable, energy efficient and easily maintained with adequate provisions for access to equipment.

E. It is intended that the electrical system operate with noise levels below the criteria recommended by NEMA. Provide corrective action to reduce objectionable hum or vibration.

F. Isolated ground circuits as well as circuits serving non-linear loads and those serving ground fault circuit breakers must have their own neutral or isolated ground.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

1.4 TEMPORARY LIGHTING AND POWER

A. Provide general and task lighting for construction activity as required for adequate illumination. Provide 5 foot candles minimum for general illumination. Protect lamps with wire guards or tempered glass enclosures. Provide exterior type fixtures where exposed to weather or moisture.

B. Provide general purpose outlets and special outlets for construction activities. Provide circuits of proper sizes and ratings for each use required. Install wiring where least exposed to damage. Provide rigid steel conduit to protect wiring on grade, floors or decks.

C. Provide 20 amp, 4-gang receptacle outlets, equipped with ground fault circuit interrupters, reset button and pilot light, spaced so that a 100 foot extension cord can reach each area of work.

D. Provide warning signs at outlets that are other than 20 amp, 120 volt.

1.5 COORDINATION

A. The contractor is cautioned to examine all drawings and specifications relating to other trades of work, and he shall make proper provisions to review all other work.

B. The architectural, structural and civil plans and specifications, including the General Conditions and all supplements issued thereto, information to bidders, and other pertinent documents issued by the Engineer, are a part of these specifications and the accompanying electrical plans, and shall be complied with in every respect. All of the above is included herewith, and shall be examined by all bidders. Failure to comply shall not relieve the contractor of responsibility or be used as a basis for additional compensation due to omission of architectural, structural or civil details from the electrical drawings.

PART 2 - PRODUCTS

2.1 PRODUCT REQUIREMENTS

A. All materials and equipment used in carrying out these specifications to be American made unless approved otherwise by the Engineer and to be new and have UL listing, or listing by other recognized testing laboratory when such listings are available. Specifications and drawings indicate name, type, or catalog numbers of materials and equipment to be used as standards. Proposals shall be based on these standards. Contractor may use materials and equipment equivalent to those specified, subject to Engineer approval.

B. Furnish only new standard products of a manufacturer regularly engaged in the production of said products.

C. Support all products by service organizations with spare parts inventory and personnel located reasonably close to the site.

D. Where multiple units of the same type or class are required, provide all units of the same manufacturer.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

2.2 PRODUCT HANDLING

A. Store products in their original containers and shelter in a suitable environment.

B. Make products readily available for inspections and inventory.

2.3 SUBSTITUTIONS

A. For products specified by generic reference, select any product meeting such standard.

B. For products specified by naming one or more products or manufacturers, select any named. Submit request in writing for substitution of any manufacturer not specifically named and obtain approval at least 5 days prior to bidding.

C. Provide all information required to support claim of equality of product proposed for substitution. Substitutions will be considered only if equivalent in quality, efficiency, performance, size, weight, reliability, appearance and ease of maintenance to specified product.

D. Where approved substitutions alter the design, space requirements, electrical requirements, connections, cooling loads, etc. include all work necessary to provide a complete installation of quality equal to or better than that obtained with product or manufacturer specified.

2.4 SLEEVES FOR RACEWAYS AND CABLES

A. Steel Pipe Sleeves: ASTM A 53/A 53M, Type E, Grade B, Schedule 40, galvanized steel.

B. Cast-Iron Pipe Sleeves: Cast or fabricated "wall pipe," equivalent to ductile-iron pressure pipe, with plain ends and integral waterstop, unless otherwise indicated.

2.5 SLEEVE SEALS

A. Description: Modular sealing device, designed for field assembly, to fill annular space between sleeve and raceway or cable.

1. Sealing Elements: EPDM interlocking links shaped to fit surface of cable or conduit. Include type and number required for material and size of raceway or cable.
2. Pressure Plates: Plastic. Include two for each sealing element.
3. Connecting Bolts and Nuts: Stainless steel of length required to secure pressure plates to sealing elements. Include one for each sealing element.

2.6 GROUT

A. Nonmetallic, Shrinkage-Resistant Grout: ASTM C 1107, factory-packaged, nonmetallic aggregate grout, noncorrosive, nonstaining, mixed with water to consistency suitable for application and a 30-minute working time.

Bid 24-44; Construction - Appendix A
City Hall HVAC Improvements Rebid

PART 3 - EXECUTION

3.1 COMMON REQUIREMENTS FOR ELECTRICAL INSTALLATION

A. Comply with NECA 1.

B. Measure indicated mounting heights to bottom of unit for suspended items and to center of unit for wall-mounting items.

C. Headroom Maintenance: If mounting heights or other location criteria are not indicated, arrange and install components and equipment to provide maximum possible headroom consistent with these requirements.

D. Equipment: Install to facilitate service, maintenance, and repair or replacement of components of both electrical equipment and other nearby installations. Connect in such a way as to facilitate future disconnecting with minimum interference with other items in the vicinity.

E. Right of Way: Give to piping systems installed at a required slope.

3.2 SLEEVE INSTALLATION FOR ELECTRICAL PENETRATIONS

A. Electrical penetrations occur when raceways, cables, wireways, cable trays, or busways penetrate concrete slabs, concrete or masonry walls, or fire-rated floor and wall assemblies.

B. Concrete Slabs and Walls: Install sleeves for penetrations unless core-drilled holes or formed openings are used. Install sleeves during erection of slabs and walls.

C. Use pipe sleeves unless penetration arrangement requires rectangular sleeved opening.

D. Fire-Rated Assemblies: Install sleeves for penetrations of fire-rated floor and wall assemblies unless openings compatible with firestop system used are fabricated during construction of floor or wall.

E. Cut sleeves to length for mounting flush with both surfaces of walls.

F. Extend sleeves installed in floors 2 inches above finished floor level.

G. Size pipe sleeves to provide 1/4-inch annular clear space between sleeve and raceway or cable, unless indicated otherwise.

H. Seal space outside of sleeves with grout for penetrations of concrete and masonry

1. Promptly pack grout solidly between sleeve and wall so no voids remain. Tool exposed surfaces smooth; protect grout while curing.

I. Interior Penetrations of Non-Fire-Rated Walls and Floors: Seal annular space between sleeve and raceway or cable, using joint sealant appropriate for size, depth, and location of joint.

J. Fire-Rated-Assembly Penetrations: Maintain indicated fire rating of walls, partitions, ceilings, and floors at raceway and cable penetrations. Install sleeves and seal raceway and cable penetration sleeves with firestop materials.

Appendix A
Bid 24-44; Construction -
City Hall HVAC Improvements Rebid

K. Roof-Penetration Sleeves: Seal penetration of individual raceways and cables with flexible boot-type flashing units applied in coordination with roofing work.

L. Aboveground, Exterior-Wall Penetrations: Seal penetrations using steel pipe sleeves and mechanical sleeve seals. Select sleeve size to allow for 1-inch annular clear space between pipe and sleeve for installing mechanical sleeve seals.

M. Underground, Exterior-Wall Penetrations: Install cast-iron pipe sleeves. Size sleeves to allow for 1-inch annular clear space between raceway or cable and sleeve for installing mechanical sleeve seals.

3.3 SLEEVE-SEAL INSTALLATION

A. Install to seal exterior wall penetrations.

B. Use type and number of sealing elements recommended by manufacturer for raceway or cable material and size. Position raceway or cable in center of sleeve. Assemble mechanical sleeve seals and install in annular space between raceway or cable and sleeve. Tighten bolts against pressure plates that cause sealing elements to expand and make watertight seal.

3.4 FIRESTOPPING

A. Apply firestopping to penetrations of fire-rated floor and wall assemblies for electrical installations to restore original fire-resistance rating of assembly.

3.5 MANUFACTURER'S DIRECTIONS

A. Handle, install, connect, test and operate all products and systems in accordance with manufacturer's recommendations. In case of conflicting requirements between manufacturer's directions and contract documents, obtain instructions before proceeding with work.

3.6 INSPECTIONS

A. Arrange with administrative authority for inspections of all work and obtain approval prior to concealing or proceeding. Give adequate notice before concealing any work for inspections by Owner's representatives.

3.7 CLEANING

A. Keep premises free and clean of dirt, debris, etc. Upon completion of work clean and polish all fixtures, equipment, etc.

3.8 WORKMANSHIP

A. No person shall perform electrical work without possessing a Master or Journeyman License from the state electrical examiner's board. All electrical work and apprentices shall be supervised by a Master or Journeyman electrician.

Appendix A - Bid 24-14, Construction - City Hall HVAC Improvements Rebid

B. Carefully perform all cutting, drilling, digging, etc. and patch or refinish disturbed area to the condition of adjoining or similar surfaces. Do not cut any structural members.

C. Conceal conduit in chases, furrings, or above ceilings unless otherwise noted. Flush mount equipment in finished walls wherever possible.

3.9 FLAME AND SMOKE CONSIDERATIONS

A. In enclosures or plenums used for transporting environmental air, use only products conforming to NFPA and UL classifications not exceeding 25 for flame spread and 50 for smoke developed ratings, or install in conduit. This requirement applies to all materials.

B. Completely seal all penetrations through fire and/or smoke rated walls, ceilings, floors or other barriers with UL listed material to preserve the rating of the barrier.

3.10 COORDINATION

A. Coordinate the electrical work with the work of all other trades. Piping or equipment requiring slope or specific mounting height will have right of way over conduit and other products whose elevation can be changed.

3.11 EQUIPMENT CONNECTIONS

A. Make all required electrical connections to each item of equipment shown or specified including equipment furnished by Owner, and make operational.

3.12 PROTECTION REQUIREMENTS

A. Locate existing utility lines and identify and protect during excavation and installation.

B. Protect all work including building finishes against damage due to dirt, water, chemicals, handling, theft, etc. Close all openings in conduit and equipment during installation.

C. Provide warning devices around all exposed “live” parts or high temperature surfaces.

3.13 PAINTING

A. Paint conduit, equipment, etc. exposed in finished areas to match adjacent surfaces. Touch up scratches in factory finished surfaces with a paint to match.

B. All exposed exterior conduit and equipment shall be painted for a uniform appearance. If exposed through grilles or other openings, paint conduit flat black.

C. Paint plywood backboards used for mounting equipment.

3.14 TESTING AND ADJUSTING

A. Test the completed electrical system and prove free of short circuits, poor connections, and improper grounding. Test all systems to assure safe operation.

Bid 24-44, Appendix A
City Hall HVAC Improvements Rebid
Construction -

B. Verify proper taps on motors and transformers for rated performance.

3.15 POST CONSTRUCTION SUBMITTALS

A. Submit project record documents indicating all changes to contract documents made during construction.

B. Submit certificates of final inspection from administrative authority or manufacturer.

C. Deliver all special tools and spare parts necessary for proper operation and maintenance and as called for in other electrical sections.

D. Submit operations and maintenance (O&M) manuals covering all phases of equipment and systems provided. Include complete spare parts data and copy of manufacturing data sheets and shop drawings required in pre-construction submittals.

E. Submit extended warranties required in excess of one year.

F. Assemble all closeout documents for electrical system in 3-ring binders with divider tabs labeled and properly indexed. Submit the number of sets as required by the Architect.

3.16 INSTRUCTIONS TO OWNER

A. Provide competent instruction to the Owner's personnel covering operation and maintenance of all electrical systems. Provide specialized instruction by manufacturer's technical representative when required.

3.17 USE OF EQUIPMENT

A. The contractor shall not use the permanent electrical system for construction activity except by special permission. If permitted, the contractor's use of any equipment shall not reduce the warranty time specified for any equipment.

3.18 GENERAL WARRANTY

A. Warrant the electrical installation against defects for a period of one year from the date of substantial completion in accordance with Architect's specifications. Provide all labor, replacement parts, services, transportation and incidental costs necessary for proper operation of electrical systems during the warranty period. Make good any damage to the building or grounds or other equipment resulting from defects in products and/or workmanship during the warranty period.

END OF SECTION 260500

City Hall HVAC Improvements Rebid Appendix A Bid 24-44, Construction -

SECTION 260513

CONDUCTORS AND CABLES

PART 1 - GENERAL

1.1 SUMMARY

A. This Section includes the following:

1. Building wires and cables rated 600 V and less.
2. Connectors, splices, and terminations rated 600 V and less.
3. Control and signal wiring and connectors.
4. Sleeves and sleeve seals for cables.

1.2 SUBMITTALS

A. Product Data: For each type of product indicated.

1.3 QUALITY ASSURANCE

A. Electrical Components, Devices, and Accessories: Listed and labeled as defined in NFPA 70, Article 100, by a testing agency acceptable to authorities having jurisdiction, and marked for intended use.

B. Comply with NFPA 70.

PART 2 - PRODUCTS

2.1 CONDUCTORS AND CABLES

A. Copper Conductors: Comply with NEMA WC 70.

B. Conductor Insulation: Comply with NEMA WC 70 for Types THW, THHN-THWN, and XHHW.

C. Multiconductor Cable: Comply with NEMA WC 70 for metal-clad cable, Type MC with ground wire.

2.2 CONNECTORS AND SPLICES

A. Description: Factory-fabricated connectors and splices of size, ampacity rating, material, type, and class for application and service indicated.

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

2.3 SLEEVES FOR CABLES

A. Steel Pipe Sleeves: ASTM A 53/A 53M, Type E, Grade B, Schedule 40, galvanized steel, plain ends.

B. Cast-Iron Pipe Sleeves: Cast or fabricated "wall pipe," equivalent to ductile-iron pressure pipe, with plain ends and integral waterstop, unless otherwise indicated.

2.4 SLEEVE SEALS

A. Description: Modular sealing device, designed for field assembly, to fill annular space between sleeve and cable.

1. Sealing Elements: EPDM interlocking links shaped to fit surface of cable or conduit. Include type and number required for material and size of raceway or cable.
2. Pressure Plates: Plastic. Include two for each sealing element.
3. Connecting Bolts and Nuts: Stainless steel of length required to secure pressure plates to sealing elements. Include one for each sealing element.

PART 3 - EXECUTION

3.1 CONDUCTOR MATERIAL APPLICATIONS

A. Feeders and Branch Circuits: Copper. Solid for No. 10 AWG and smaller; stranded for No. 8 AWG and larger.

3.2 CONDUCTOR INSULATION AND MULTICONDUCTOR CABLE APPLICATIONS AND WIRING METHODS

A. Service Entrance: Type THHN-THWN, single conductors in raceway or Type XHHW, single conductors in raceway.

B. Exposed Feeders: Type THHN-THWN, single conductors in raceway.

C. Feeders Concealed in Ceilings, Walls, Partitions, and Crawlspaces: Type THHN-THWN, single conductors in raceway.

D. Feeders Concealed in Concrete, below Slabs-on-Grade, and Underground: Type THHN-THWN, single conductors in raceway.

E. Exposed Branch Circuits, Including in Crawlspaces: Type THHN-THWN, single conductors in raceway.

F. Branch Circuits Concealed in Ceilings, Walls, and Partitions: Type THHN-THWN, single conductors in raceway.

G. Branch Circuits Concealed in Concrete, below Slabs-on-Grade, and Underground: Type THHN-THWN, single conductors in raceway.

H. Metal-clad, Type MC cable may not be used for homeruns on branch circuits. Type MC cable will be allowed between junction boxes serving light fixtures above a lay-in ceiling. Do not

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

install type MC cable in exterior walls or within walls containing foam insulation. Contact engineer for approval to use type MC cable at all other locations.

I. Cord Drops and Portable Appliance Connections: Type SO, hard service cord with stainless-steel, wire-mesh, strain relief device at terminations to suit application.

J. Class 1 Control Circuits: Type THHN-THWN, in raceway.

K. Class 2 Control Circuits: Type THHN-THWN, in raceway, power-limited cable, concealed in building finishes or power-limited tray cable, in cable tray.

3.3 INSTALLATION OF CONDUCTORS AND CABLES

A. Conceal cables in finished walls, ceilings, and floors, unless otherwise indicated.

B. Use manufacturer-approved pulling compound or lubricant where necessary; compound used must not deteriorate conductor or insulation. Do not exceed manufacturer's recommended maximum pulling tensions and sidewall pressure values.

C. Use pulling means, including fish tape, cable, rope, and basket-weave wire/cable grips, that will not damage cables or raceway.

D. Install exposed cables parallel and perpendicular to surfaces of exposed structural members, and follow surface contours where possible.

E. Identify and color-code conductors and cables according to Division 16 Section "Electrical Identification."

F. Tighten electrical connectors and terminals according to manufacturer's published torque-tightening values. If manufacturer's torque values are not indicated, use those specified in UL 486A and UL 486B.

G. Do not splice any conductors for new installations. All splices shall be approved by the engineer and owner prior to installation. Make approved splices and taps that are compatible with conductor material and that possess equivalent or better mechanical strength and insulation ratings than unspliced conductors.

H. Wiring at Outlets: Install conductor at each outlet, with at least 6 inches of slack.

3.4 SLEEVE INSTALLATION FOR ELECTRICAL PENETRATIONS

A. Concrete Slabs and Walls: Install sleeves for penetrations unless core-drilled holes or formed openings are used. Install sleeves during erection of slabs and walls.

B. Fire-Rated Assemblies: Install sleeves for penetrations of fire-rated floor and wall assemblies unless openings compatible with firestop system used are fabricated during construction of floor or wall.

C. Cut sleeves to length for mounting flush with both wall surfaces.

D. Extend sleeves installed in floors 2 inches above finished floor level.

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

E. Seal space outside of sleeves with grout for penetrations of concrete and masonry and with approved joint compound for gypsum board assemblies.

F. Fire-Rated-Assembly Penetrations: Maintain indicated fire rating of walls, partitions, ceilings, and floors at cable penetrations.

G. Roof-Penetration Sleeves: Seal penetration of individual cables with flexible boot-type flashing units applied in coordination with roofing work.

H. Aboveground Exterior-Wall Penetrations: Seal penetrations using sleeves and mechanical sleeve seals. Size sleeves to allow for 1-inch annular clear space between pipe and sleeve for installing mechanical sleeve seals.

I. Underground Exterior-Wall Penetrations: Install cast-iron "wall pipes" for sleeves. Size sleeves to allow for 1-inch annular clear space between cable and sleeve for installing mechanical sleeve seals.

3.5 FIRESTOPPING

A. Apply firestopping to electrical penetrations of fire-rated floor and wall assemblies to restore original fire-resistance rating of assembly.

END OF SECTION 260513

Appendix A
Bid 24-44, Construction - Rebid
City Hall HVAC Improvements

SECTION 260526

GROUNDING AND BONDING

PART 1 - GENERAL

1.1 SUMMARY

A. This Section includes methods and materials for grounding systems and equipment.

1.2 SUBMITTALS

A. Product Data: For each type of product indicated.

B. Certified test report of grounding electrode resistance.

1.3 QUALITY ASSURANCE

A. Electrical Components, Devices, and Accessories: Listed and labeled as defined in NFPA 70, Article 100, by a testing agency acceptable to authorities having jurisdiction, and marked for intended use.

B. Comply with UL 467 for grounding and bonding materials and equipment.

PART 2 - PRODUCTS

2.1 CONDUCTORS

A. Insulated Grounding Conductors: Copper wire or cable insulated for 600 V unless otherwise required by applicable Code or authorities having jurisdiction. Identify with continuous green insulation or green tape at each termination.

B. Bare Copper Conductors:

1. Solid Conductors: ASTM B 3.
2. Stranded Conductors: ASTM B 8.
3. Tinned Conductors: ASTM B 33.

2.2 CONNECTORS

A. Listed and labeled by a nationally recognized testing laboratory acceptable to authorities having jurisdiction for applications in which used, and for specific types, sizes, and combinations of conductors and other items connected.

B. Bolted Connectors for Conductors and Pipes: Copper or copper alloy, bolted pressure-type, with at least two bolts.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

1. Pipe Connectors: Clamp type, sized for pipe.

C. Welded Connectors: Exothermic-welding kits of types recommended by kit manufacturer for materials being joined and installation conditions.

2.3 GROUNDING ELECTRODES

A. Ground Rods: Copper-clad steel; 5/8” by 10 feet.

PART 3 - EXECUTION

3.1 APPLICATIONS

A. Conductors: Install solid conductor for No.8 AWG and smaller, and stranded conductors for No. 6 AWG and larger, unless otherwise indicated.

B. Underground Grounding Conductors: Install bare copper conductor, No. 2/0 AWG minimum. Bury at least 24 inches below grade.

C. Isolated Grounding Conductors: Green-colored insulation with continuous yellow stripe. On feeders with isolated ground, identify grounding conductor where visible to normal inspection, with alternating bands of green and yellow tape, with at least three bands of green and two bands of yellow.

D. Conductor Terminations and Connections:

1. Pipe and Equipment Grounding Conductor Terminations: Bolted connectors.
2. Underground Connections: Welded connectors, except at test wells and as otherwise indicated.
3. Connections to Ground Rods at Test Wells: Bolted connectors.
4. Connections to Structural Steel: Welded connectors.

3.2 EQUIPMENT GROUNDING

A. Install insulated equipment grounding conductors in all raceway systems, in addition to those required by NFPA 70:

B. Air-Duct Equipment Circuits: Install insulated equipment grounding conductor to duct-mounted electrical devices operating at 120 V and more, including air cleaners, heaters, dampers, humidifiers, and other duct electrical equipment. Bond conductor to each unit and to air duct and connected metallic piping.

C. Water Heater, Heat-Tracing, and Antifrost Heating Cables: Install a separate insulated equipment grounding conductor to each electric water heater and heat-tracing cable. Bond conductor to heater units, piping, connected equipment, and components.

D. Isolated Grounding Receptacle Circuits: Install an insulated equipment grounding conductor connected to the receptacle grounding terminal. Isolate conductor from raceway and from panelboard grounding terminals. Terminate at equipment grounding conductor terminal of the applicable derived system or service, unless otherwise indicated.

Bid 24-44: Construction - Appendix A
City Hall HVAC Improvements Rebid

E. Signal and Communication Equipment: For telephone, alarm, voice and data, and other communication equipment, provide No. 4 AWG minimum insulated grounding conductor in raceway from grounding electrode system to each service location, terminal cabinet, wiring closet, and central equipment location.

1. Service and Central Equipment Locations and Wiring Closets: Terminate grounding conductor on a 1/4-by-2-by-12-inch grounding bus.
2. Terminal Cabinets: Terminate grounding conductor on cabinet grounding terminal.

F. Metal Poles Supporting Outdoor Lighting Fixtures: Install grounding electrode and a separate insulated equipment grounding conductor in addition to grounding conductor installed with branch-circuit conductors.

3.3 INSTALLATION

A. Grounding Conductors: Route along shortest and straightest paths possible, unless otherwise indicated or required by Code. Avoid obstructing access or placing conductors where they may be subjected to strain, impact, or damage.

B. Ground Rods: Drive rods until tops are 2 inches below finished floor or final grade, unless otherwise indicated.

1. Interconnect ground rods with grounding electrode conductor below grade and as otherwise indicated. Make connections without exposing steel or damaging coating.

C. Bonding Straps and Jumpers: Install in locations accessible for inspection and maintenance, except where routed through short lengths of conduit.

1. Bonding to Structure: Bond straps directly to basic structure, taking care not to penetrate any adjacent parts.
2. Bonding to Equipment Mounted on Vibration Isolation Hangers and Supports: Install so vibration is not transmitted to rigidly mounted equipment.
3. Use exothermic-welded connectors for outdoor locations, but if a disconnect-type connection is required, use a bolted clamp.

D. Grounding and Bonding for Piping:

1. Install insulated copper grounding conductors, in conduit, from building's main service equipment, or grounding bus, to main metal water service entrances to building. Connect grounding conductors to main metal water service pipes, using a bolted clamp connector or by bolting a lug-type connector to a pipe flange, using one of the lug bolts of the flange. Bond metal grounding conductor conduit or sleeve to conductor at each end.
2. Bond each aboveground portion of gas piping system downstream from equipment shutoff valve.

END OF SECTION 260526

City Hall HVAC Improvements Rebid Bid 24-44, Construction - Appendix A

SECTION 260533

RACEWAYS AND BOXES

PART 1 - GENERAL

1.1 SUMMARY

A. This Section includes raceways, fittings, boxes, enclosures, and cabinets for electrical wiring.

1.2 SUBMITTALS

A. Product Data: For surface raceways, wireways and fittings, floor boxes, hinged-cover enclosures, and cabinets.

1.3 QUALITY ASSURANCE

A. Electrical Components, Devices, and Accessories: Listed and labeled as defined in NFPA 70, Article 100, by a testing agency acceptable to authorities having jurisdiction, and marked for intended use.

PART 2 - PRODUCTS

2.1 METAL CONDUIT AND TUBING

A. Rigid Steel Conduit: ANSI C80.1.

B. EMT: ANSI C80.3.

C. FMC: Zinc-coated steel.

D. LFMC: Flexible steel conduit with PVC jacket.

E. Fittings for Conduit (Including all Types and Flexible and Liquidtight), EMT, and Cable: NEMA FB 1; listed for type and size raceway with which used, and for application and environment in which installed.

1. Conduit Fittings for Hazardous (Classified) Locations: Comply with UL 886.
2. Fittings for EMT: Steel or die-cast, set-screw or compression type.

2.2 NONMETALLIC CONDUIT AND TUBING

A. ENT: NEMA TC 13.

B. RNC: NEMA TC 2, Type EPC-40-PVC unless otherwise indicated.

C. Fittings for ENT and RNC: NEMA TC 3; match to conduit or tubing type and material.

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

2.3 METAL WIREWAYS

A. Description: Sheet metal sized and shaped as indicated, NEMA 250, Type 1, 12 or 3R, unless otherwise indicated.

B. Fittings and Accessories: Include couplings, offsets, elbows, expansion joints, adapters, hold-down straps, end caps, and other fittings to match and mate with wireways as required for complete system.

C. Wireway Covers: Screw-cover type.

D. Finish: Manufacturer's standard enamel finish.

2.4 NONMETALLIC WIREWAYS

A. Description: PVC plastic, extruded and fabricated to size and shape indicated, with snap-on cover and mechanically coupled connections with plastic fasteners.

B. Fittings and Accessories: Include couplings, offsets, elbows, expansion joints, adapters, hold-down straps, end caps, and other fittings to match and mate with wireways as required for complete system.

2.5 SURFACE RACEWAYS

A. Surface Metal Raceways: Galvanized steel with snap-on covers. Manufacturer's standard enamel finish in color selected by Architect or prime coating, ready for field painting (see drawings).

B. Surface Nonmetallic Raceways: Two-piece construction, manufactured of rigid PVC with texture and color selected by Architect from manufacturer's standard colors.

2.6 BOXES, ENCLOSURES, AND CABINETS

A. Sheet Metal Outlet and Device Boxes: NEMA OS 1.

B. Cast-Metal Outlet and Device Boxes: NEMA FB 1 or Type FD, with gasketed cover.

C. Nonmetallic Outlet and Device Boxes: NEMA OS 2.

D. Metal Floor Boxes: Cast metal, fully adjustable, rectangular.

E. Nonmetallic Floor Boxes: Nonadjustable, round.

F. Small Sheet Metal Pull and Junction Boxes: NEMA OS 1.

G. Cast-Metal Access, Pull, and Junction Boxes: NEMA FB 1, with gasketed cover.

H. Hinged-Cover Enclosures: NEMA 250, Type 1, with continuous-hinge cover with flush latch, unless otherwise indicated.

1. Metal Enclosures: Steel, finished inside and out with manufacturer's standard enamel.
2. Nonmetallic Enclosures: Plastic.

Appendix A - Bid 24-44 - Construction - City Hall HVAC Improvements Rebid

I. Cabinets:

1. NEMA 250, Type 1, galvanized-steel box with removable interior panel and removable front, finished inside and out with manufacturer's standard enamel.
2. Hinged door in front cover with flush latch and concealed hinge.
3. Key latch to match panelboards.
4. Metal barriers to separate wiring of different systems and voltage.
5. Accessory feet where required for freestanding equipment.

PART 3 - EXECUTION

3.1 RACEWAY APPLICATION

A. Outdoors: Apply raceway products as specified below, unless otherwise indicated:

1. Exposed Conduit: Rigid steel conduit.
2. Concealed Conduit, Aboveground: Rigid steel conduit.
3. Underground Conduit: RNC, Type EPC-40-PVC, direct buried.
4. Connection to Vibrating Equipment (Including Transformers and Hydraulic, Pneumatic, Electric Solenoid, or Motor-Driven Equipment): LFMC.
5. Boxes and Enclosures, Aboveground: NEMA 250, Type 3R.

B. Comply with the following indoor applications, unless otherwise indicated:

1. Exposed, Not Subject to Physical Damage: EMT.
2. Exposed and Subject to Severe Physical Damage: Rigid steel conduit.
3. Concealed in Ceilings and Interior Walls and Partitions: EMT.
4. Connection to Vibrating Equipment (Including Transformers and Hydraulic, Pneumatic, Electric Solenoid, or Motor-Driven Equipment): FMC, except use LFMC in damp or wet locations.
5. Damp or Wet Locations: Rigid steel conduit.
6. Raceways for Optical Fiber or Communications Cable: EMT.
7. Boxes and Enclosures: NEMA 250, Type 1, except use NEMA 250, Type 4, stainless steel in damp or wet locations.

C. Minimum Raceway Size: ¾ inch trade size.

D. Raceway Fittings: Compatible with raceways and suitable for use and location.

1. Rigid and Intermediate Steel Conduit: Use threaded rigid steel conduit fittings, unless otherwise indicated.

3.2 INSTALLATION

A. Keep raceways at least 6 inches away from parallel runs of flues and steam or hot-water pipes. Install horizontal raceway runs above water and steam piping.

B. Complete raceway installation before starting conductor installation.

C. Arrange stub-ups so curved portions of bends are not visible above the finished slab.

City Hall HVAC Improvements Rebid
Bid 24-44, Construction -
Appendix A

D. Install no more than the equivalent of three 90-degree bends in any conduit run except for communications conduits, for which fewer bends are allowed.

E. Conceal conduit and EMT within finished walls, ceilings, and floors, unless otherwise indicated.

F. Raceways Embedded in Slabs:

1. Run conduit larger than 1-inch trade size, parallel or at right angles to main reinforcement. Where at right angles to reinforcement, place conduit close to slab support.
2. Arrange raceways to cross building expansion joints at right angles with expansion fittings.

G. Raceway Terminations at Locations Subject to Moisture or Vibration: Use insulating bushings to protect conductors, including conductors smaller than No. 4 AWG.

H. Install pull wires in empty raceways. Use polypropylene or monofilament plastic line with not less than 200-lb tensile strength. Leave at least 12 inches of slack at each end of pull wire.

I. Raceways for Optical Fiber and Communications Cable: Install as follows:

1. 3/4-Inch Trade Size and Smaller: Install raceways in maximum lengths of 50 feet.
2. 1-Inch Trade Size and Larger: Install raceways in maximum lengths of 75 feet.
3. Install with a maximum of two 90-degree bends or equivalent for each length of raceway unless Drawings show stricter requirements. Separate lengths with pull or junction boxes or terminations at distribution frames or cabinets where necessary to comply with these requirements.

J. Install raceway sealing fittings at suitable, approved, and accessible locations and fill them with listed sealing compound. For concealed raceways, install each fitting in a flush steel box with a blank cover plate having a finish similar to that of adjacent plates or surfaces. Install raceway sealing fittings at the following points:

1. Where conduits pass from warm to cold locations, such as boundaries of refrigerated spaces.
2. Where otherwise required by NFPA 70.

K. Flexible Conduit Connections: Use maximum of 72 inches of flexible conduit for recessed and semirecessed lighting fixtures, equipment subject to vibration, noise transmission, or movement; and for transformers and motors.

1. Use LFMC in damp or wet locations subject to severe physical damage.

L. Recessed Boxes in Masonry Walls: Saw-cut opening for box in center of cell of masonry block, and install box flush with surface of wall.

M. Set metal floor boxes level and flush with finished floor surface.

N. Set nonmetallic floor boxes level. Trim after installation to fit flush with finished floor surface.

3.3 INSTALLATION OF UNDERGROUND CONDUIT

A. Direct-Buried Conduit:

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

1. Excavate trench bottom to provide firm and uniform support for conduit.
2. After installing conduit, backfill and compact. Start at tie-in point, and work toward end of conduit run, leaving conduit at end of run free to move with expansion and contraction as temperature changes during this process. Firmly hand tamp backfill around conduit to provide maximum supporting strength. After placing controlled backfill to within 12 inches of finished grade, make final conduit connection at end of run.
3. Install manufactured rigid steel conduit elbows for stub-ups at poles and equipment and at building entrances through the floor.

    a. Couple steel conduits to ducts with adapters designed for this purpose, and encase coupling with 3 inches of concrete.
    b. For stub-ups at equipment mounted on outdoor concrete bases, extend steel conduit horizontally a minimum of 60 inches from edge of equipment pad or foundation. Install insulated grounding bushings on terminations at equipment.

4. Warning Planks: Bury warning planks approximately 12 inches above direct-buried conduits, placing them 24 inches o.c. Align planks along the width and along the centerline of conduit.

3.4 FIRESTOPPING

A. Apply firestopping to electrical penetrations of fire-rated floor and wall assemblies to restore original fire-resistance rating of assembly.

END OF SECTION 260533

Appendix A
Bid 24-44, Construction - Rebid
City Hall HVAC Improvements

SECTION 262416

PANELBOARDS

PART 1 - GENERAL

1.1 SUMMARY

A. This Section includes distribution panelboards and lighting and appliance branch-circuit panelboards.

1.2 SUBMITTALS

A. Product Data: For each type of panelboard, overcurrent protective device, accessory, and component indicated. Include dimensions and manufacturers' technical data on features, performance, electrical characteristics, ratings, and finishes.

B. Shop Drawings: For each panelboard and related equipment, include the following.

a. Enclosure types and details for types other than NEMA 250, Type 1.
b. Bus configuration, current, and voltage ratings.
c. Short-circuit current rating of panelboards and overcurrent protective devices.
d. UL listing for series rating of installed devices.
e. Features, characteristics, ratings, and factory settings of individual overcurrent protective devices and auxiliary components.

1.3 QUALITY ASSURANCE

A. Electrical Components, Devices, and Accessories: Listed and labeled as defined in NFPA 70, Article 100, by a testing agency acceptable to authorities having jurisdiction, and marked for intended use.

B. Comply with NEMA PB 1.

PART 2 - PRODUCTS

2.1 MANUFACTURERS

A. Manufacturers: Subject to compliance with requirements, provide products by one of the following:

1. Panelboards, Overcurrent Protective Devices, Controllers, Contactors, and Accessories:

a. Eaton Corporation; Cutler-Hammer Products.
b. Square D.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

2.2 MANUFACTURED UNITS

A. Enclosures: Flush- and surface-mounted cabinets. NEMA PB 1, Type 1.

1. Rated for environmental conditions at installed location.

a. Outdoor Locations: NEMA 250, Type 3R.
b. Other Wet or Damp Indoor Locations: NEMA 250, Type 4.
c. Hazardous Areas Indicated on Drawings: NEMA 250, Type 7C.

2. Front: Secured to box with concealed trim clamps. For surface-mounted fronts, match box dimensions; for flush-mounted fronts, overlap box.
3. Hinged Front Cover: Entire front trim hinged to box and with standard door within hinged trim cover.

B. Phase and Ground Buses: Hard-drawn copper, 98 percent conductivity.

C. Conductor Connectors: Suitable for use with conductor material.

1. Ground Lugs and Bus Configured Terminators: Compression type.

D. Service Equipment Label: UL labeled for use as service equipment for panelboards with main service disconnect switches.

E. Future Devices: Mounting brackets, bus connections, and necessary appurtenances required for future installation of devices.

F. Panelboard Short-Circuit Rating:

1. UL label indicating series-connected rating with integral or remote upstream overcurrent protective devices. Include size and type of upstream device allowable, branch devices allowable, and UL series-connected short-circuit rating.
2. Fully rated to interrupt symmetrical short-circuit current available at terminals.

2.3 DISTRIBUTION PANELBOARDS

A. Doors: Secured with vault-type latch with tumbler lock; keyed alike. Omit for fused-switch panelboards.

B. Main Overcurrent Protective Devices: Circuit breaker.

C. Branch Overcurrent Protective Devices:

1. For Circuit-Breaker Frame Sizes 125 A and Smaller: Bolt-on circuit breakers.
2. For Circuit-Breaker Frame Sizes Larger Than 125 A: Bolt-on circuit breakers; plug-in circuit breakers where individual positive-locking device requires mechanical release for removal.

2.4 LIGHTING AND APPLIANCE BRANCH-CIRCUIT PANELBOARDS

A. Branch Overcurrent Protective Devices: Bolt-on circuit breakers, replaceable without disturbing adjacent units.

Bid 24-14, Construction - Appendix A
City Hall HVAC Improvements Rebid

B. Doors: Concealed hinges; secured with flush latch with tumbler lock; keyed alike.

2.5 OVERCURRENT PROTECTIVE DEVICES

A. Molded-Case Circuit Breaker: UL 489, with interrupting capacity to meet available fault currents.

1. Thermal-Magnetic Circuit Breakers: Inverse time-current element for low-level overloads, and instantaneous magnetic trip element for short circuits. Adjustable magnetic trip setting for circuit-breaker frame sizes 250 A and larger.
2. GFCI Circuit Breakers: Single- and two-pole configurations with 5-mA trip sensitivity.
3. Molded-Case Circuit-Breaker Features and Accessories: Standard frame sizes, trip ratings, and number of poles.

a. Lugs: Mechanical style, suitable for number, size, trip ratings, and conductor materials.
b. Application Listing: Appropriate for application; Type SWD for switching fluorescent lighting loads; Type HACR for heating, air-conditioning, and refrigerating equipment.
c. Shunt Trip: 120-V trip coil energized from separate circuit, set to trip at 55 percent of rated voltage.

B. Fused Switch: NEMA KS 1, Type HD, clips to accommodate specified fuses; lockable handle.

2.6 CONTROLLERS

A. Motor Controllers: NEMA ICS 2, Class A, combination controller equipped for panelboard mounting.

B. Contactors: NEMA ICS 2, Class A, combination controller equipped for panelboard mounting.

C. Controller Disconnect Switches: Adjustable instantaneous-trip circuit breaker mounted adjacent to and interlocked with controller.

1. Auxiliary Contacts: Integral with disconnect switches to de-energize external control-power source.

PART 3 - EXECUTION

3.1 INSTALLATION

A. Install panelboards and accessories according to NEMA PB 1.1.

B. Mount top of trim 74 inches above finished floor, unless otherwise indicated.

C. Mount plumb and rigid without distortion of box. Mount recessed panelboards with fronts uniformly flush with wall finish.

D. Install overcurrent protective devices and controllers.

E. Install filler plates in unused spaces.

Appendix A - Bid 24-44, Construction - City Hall HVAC Improvements Rebid

F. Stub four 1-inch empty conduits from panelboard into accessible ceiling space or space designated to be ceiling space in the future. Stub four 1-inch empty conduits into raised floor space or below slab not on grade.

G. Identify field-installed conductors, interconnecting wiring, and components.

H. Panelboard Nameplates: Label each panelboard with engraved metal or laminated-plastic nameplate mounted with corrosion-resistant screws.

END OF SECTION 262416

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

SECTION 262726

WIRING DEVICES

PART 1 - GENERAL

1.1 SUMMARY

A. This Section includes the following:

1. Receptacles, receptacles with integral GFCI, and associated device plates.
2. Wall-box motion sensors.
3. Snap switches and wall-box dimmers.
4. Solid-state fan speed controls.
5. Wall-switch and exterior occupancy sensors.
6. Communications outlets.

1.2 SUBMITTALS

A. Product Data: For each type of product indicated.

B. Operation and Maintenance Data: For wiring devices to include in all manufacturers' packing label warnings and instruction manuals that include labeling conditions.

1.3 QUALITY ASSURANCE

A. Electrical Components, Devices, and Accessories: Listed and labeled as defined in NFPA 70, Article 100, by a testing agency acceptable to authorities having jurisdiction, and marked for intended use.

PART 2 - PRODUCTS

2.1 STRAIGHT BLADE RECEPTACLES

A. Convenience Receptacles, 125 V, 20 A: Comply with NEMA WD 1, NEMA WD 6 configuration 5-20R, and UL 498. Receptacles shall be similar to Hubbell Specification Grade Series HBL 5352 for duplex or equal.

2.2 GFCI RECEPTACLES

A. General Description: Straight blade, feed-through type. Comply with NEMA WD 1, NEMA WD 6, UL 498, and UL 943, Class A, and include test and reset push buttons and indicator light that is lighted when device is tripped. Furnish device equal to Hubbell GF 5362.

B. Duplex GFCI Convenience Receptacles, 125 V, 20 A.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

2.3 ISOLATED GROUND RECEPTACLE

A. Where isolated ground receptacles are indicated, use NEMA 5-20R with ground terminal isolated from mounting plate. Identify isolated ground receptacles with an orange triangle on the face and UL labeled as such. Hubbell Series IG 5362 or equal.

2.4 SAFETY TYPE RECEPTACLES

A. NEMA 5-15R with back wired terminals and a mechanical interlock device to prevent insertion of objects into only one terminal. Arrow Hart TR82 or equal.

2.5 SNAP SWITCHES

A. Comply with NEMA WD 1 and UL 20.

B. Switches, 120/277 V, 20 A:

C. Key-Operated Switches, 120/277 V, 20 A:

1. Description: Single pole, with factory-supplied key in lieu of switch handle.

D. Single-Pole, Double-Throw, Momentary Contact, Center-Off Switches, 120/277 V, 20 A; for use with mechanically held lighting contactors.

E. Key-Operated, Single-Pole, Double-Throw, Momentary Contact, Center-Off Switches, 120/277V, 20A; for use with mechanically held lighting contactors, with factory-supplied key in lieu of switch handle.

2.6 WALL-BOX DIMMERS

A. Dimmer Switches: Modular, full-wave, solid-state units with integral, quiet on-off switches, with audible frequency and EMI/RFI suppression filters.

B. Control: Continuously adjustable slider; with single-pole or three-way switching. Comply with UL 1472.

2.7 FAN SPEED CONTROLS

A. Modular, 120-V, full-wave, solid-state units with integral, quiet on-off switches and audible frequency and EMI/RFI filters. Comply with UL 1917.

1. Continuously adjustable.
2. Three-speed adjustable.

2.8 OCCUPANCY SENSORS

A. Wall-Switch Sensors:

1. Description: Passive-infrared type, 120/277 V, adjustable time delay up to 30 minutes, 180-degree field of view, with a minimum coverage area of 900 sq. ft.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

B. Long-Range Wall-Switch Sensors:

1. Description: Passive-infrared type, 120/277 V, adjustable time delay up to 30 minutes, 110-degree field of view, with a minimum coverage area of 1200 sq. ft.

C. Wide-Range Wall-Switch Sensors:

1. Description: Passive-infrared type, 120/277 V, adjustable time delay up to 30 minutes, 150-degree field of view, with a minimum coverage area of 1200 sq. ft.

D. Exterior Occupancy Sensors:

1. Description: Passive-infrared type, 120/277 V, weatherproof, adjustable time delay up to 15 minutes, 180-degree field of view, and 110-foot detection range. Minimum switch rating: 1000-W incandescent, 500-VA fluorescent.

2.9 COMMUNICATIONS OUTLETS

A. Telephone Outlet:

1. Description: Single RJ-45 jack for terminating 100-ohm, balanced, four-pair UTP; TIA/EIA-568-B.1 complying with Category 5e. Comply with UL 1863.

B. TV Outlet:

1. Description: Single Type F coaxial cable connector.

2.10 WALL PLATES

A. Single and combination types to match corresponding wiring devices.

1. Plate-Securing Screws: Metal with head color to match plate finish.
2. Material for Finished Spaces: Steel with white baked enamel suitable for field painting. Smooth, high-impact thermoplastic. Satin-finished stainless steel.
3. Material for Unfinished Spaces: Smooth, high-impact thermoplastic.
4. Material for Damp Locations: Thermoplastic with spring-loaded lift cover, and listed and labeled for use in "wet locations."

B. Wet-Location, Weatherproof Cover Plates: NEMA 250, complying with type 3R weather-resistant thermoplastic with lockable cover.

2.11 FLOOR SERVICE FITTINGS

A. Type: Modular, flush-type, dual-service units suitable for wiring method used.

B. Compartments: Barrier separates power from voice and data communication cabling.

C. Power Receptacle: NEMA WD 6 configuration 5-20R, gray finish, unless otherwise indicated.

D. Voice and Data Communication Outlet: Blank cover with bushed cable opening or two modular, keyed, color-coded, RJ-45 Category 5e jacks for UTP cable if specified on drawings.

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

2.12 FINISHES

A. Color: The color of all receptacles and face plates shall be as directed by the Architect. Emergency devices shall have RED faceplates, while TVSS Devices are BLUE.

PART 3 - EXECUTION

3.1 INSTALLATION

A. Comply with NECA 1, including the mounting heights listed in that standard, unless otherwise noted.

B. Coordination with Other Trades:

1. Take steps to insure that devices and their boxes are protected. Do not place wall finish materials over device boxes and do not cut holes for boxes with routers that are guided by riding against outside of the boxes.
2. Keep outlet boxes free of plaster, drywall joint compound, mortar, cement, concrete, dust, paint, and other material that may contaminate the raceway system, conductors, and cables.
3. Install device boxes in brick or block walls so that the cover plate does not cross a joint unless the joint is troweled flush with the face of the wall.
4. Install wiring devices after all wall preparation, including painting, is complete.

C. Conductors:

1. Do not strip insulation from conductors until just before they are spliced or terminated on devices.
2. Strip insulation evenly around the conductor using tools designed for the purpose. Avoid scoring or nicking of solid wire or cutting strands from stranded wire.
3. The length of free conductors at outlets for devices shall meet provisions of NFPA 70, Article 300, without pigtails.

D. Device Installation:

1. Replace all devices that have been in temporary use during construction or that show signs that they were installed before building finishing operations were complete.
2. Keep each wiring device in its package or otherwise protected until it is time to connect conductors.
3. Do not remove surface protection, such as plastic film and smudge covers, until the last possible moment.
4. Connect devices to branch circuits using pigtails that are not less than 6 inches in length.
5. When there is a choice, use side wiring with binding-head screw terminals. Wrap solid conductor tightly clockwise, 2/3 to 3/4 of the way around terminal screw.
6. Use a torque screwdriver when a torque is recommended or required by the manufacturer.
7. When conductors larger than No. 12 AWG are installed on 15- or 20-A circuits, splice No. 12 AWG pigtails for device connections.
8. Tighten unused terminal screws on the device.
9. When mounting into metal boxes, remove the fiber or plastic washers used to hold device mounting screws in yokes, allowing metal-to-metal contact.

E. Receptacle Orientation:

Bid 24-44, Construction - Appendix A
City Hall HVAC Improvements Rebid

1. Install ground pin of vertically mounted receptacles up.

F. Device Plates: Do not use oversized or extra-deep plates. Repair wall finishes and remount outlet boxes when standard device plates do not fit flush or do not cover rough wall opening.

G. Dimmers:

1. Install dimmers within terms of their listing.
2. Verify that dimmers used for fan speed control are listed for that application.
3. Install unshared neutral conductors on line and load side of dimmers according to manufacturers' device listing conditions in the written instructions.

H. Arrangement of Devices: Unless otherwise indicated, mount flush, with long dimension vertical and with grounding terminal of receptacles on top. Group adjacent switches under single, multigang wall plates.

3.2 FIELD QUALITY CONTROL

A. Tests for Convenience Receptacles:

1. Line Voltage: Acceptable range is 105 to 132 V.
2. Percent Voltage Drop under 15-A Load: A value of 6 percent or higher is not acceptable.
3. Ground Impedance: Values of up to 2 ohms are acceptable.
4. GFCI Trip: Test for tripping values specified in UL 1436 and UL 943.
5. Verify that the device and its outlet box are securely mounted.
6. The tests shall be diagnostic, indicating damaged conductors, high resistance at the circuit breaker, poor connections, inadequate fault current path, defective devices, or similar problems. Correct circuit conditions, remove malfunctioning units and replace with new, and retest as specified above.

END OF SECTION 262726

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

Bid 24-44, Addendum 1

CITY OF FAYETTEVILLE ARKANSAS

Date: Monday, October 21, 2024

To: All Prospective Vendors

From: Amanda Beilfuss – 479.575.8220 – abeilfuss@fayetteville-ar.gov

RE: Bid 24-44, Construction – City Hall HVAC Improvements Rebid

---

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Interested parties should indicate their receipt of same in the appropriate blank of the Bid. ***BIDDERS SHALL ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID FORM.***

1. A non-mandatory Pre-Bid meeting was held on Wednesday, October 16, 2024 at 3:00 PM in Room #111 of Fayetteville City Hall. The sign-in sheet of attendees is attached to this addendum for disclosure to all interested parties.
    a. Attendees:
        i. City of Fayetteville:
            1. Amanda Beilfuss, Sr. Purchasing Agent
            2. Kenny Fitch, Purchasing Agent
            3. Wade Abernathy, Construction Director
            4. Quin Thompson, Facilities Manager
            5. Shane Lanning, Engineering Elements
            6. Ron McClane, Engineering Elements

        ii. Vendors:
            1. Allied
            2. JCI
            3. Middleton Inc.
            4. Milestone Construction
            5. Precision Ventures

2. Clarifications –
    a. It is the intention of the City to award this bid to one (1) contractor to complete the entire scope of work.
    b. Once Contract has been awarded, the Contractor will work with the Fayetteville Police Department/Dispatch to obtain the required Criminal Justice Information Services (CJIS) certification.
    c. Regarding section 13.2 of Section 01 – Instructions to Bidders, the majority of this scope of work will need to be performed OUTSIDE of regular working hours. Regular working hours for City Hall are Monday-Friday, 8:00 AM – 5:00 PM. Work shall be performed outside of this timeframe.

Appendix A
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid

CITY OF FAYETTEVILLE ARKANSAS

City of Fayetteville, Arkansas

Attendance Sheet

(BID)/RFP/RFQ #: 24-44

Description: Construction - City Hall HVAC Improvements Rebid

Function (circle one) : Bid Opening, Selection Committee Meeting, (Pre-Bid), Interview

Date: 10 / 16 / 2024 Time: 3:00pm

City staff e-mail includes "@fayetteville-ar.gov"

	Name	Company	Title	Phone	Email
1	Amanda Beilfuss	CoF	Sr. Purch. Agent	575-8220	abeilfuss@
2	KENNY FITCH	COF	PURCHAGENT	575-8258	kfitch@
3	Ron McClave	EE	Mech. Designer	479-695-1333	rmcclave@eemep.com
4	Shane Lanning	EE	Engineer	695-1333	slanning@eemep.com
5	Kris Knight	Middleton inc	Assist	918-6999370	KKnight@middletoninc.com
6	Jeremy Snyder	Precision Ventures	president	479-223-0835	Jeremy.Snyder@precision-air.or
7	Jon McCard	JCI	Sales	479-790-2486	Jon.McCard@JCI.com
8	Kendall Smith	JCI	Service	479-256-4466	Kendall.Smith@JCI.com
9	Samuel Pegg	Allied		479 221 2246	samuel@alliednwa.com
10	Justin Townsend	Allied	PM	472-225-5286	justin@alliednwa.com
11	Quin Thompson	COF	Facilities Mgr	479.575 8346	qthompson@fayetteville-ar.gov
12	Wade Abernathy	CoF	Director Constr	4361	wabernathy@fayetteville-ar.gov
13	Cody HARP	Allied	Foreman	479-263-5340	Cody@alliednwa.com
14	Erin Metcalf	Milestone	PM	479-957-3195	emetcalf@mstonecc.com
15					
16					
17					
18					
19					
20					

** All Bid Openings are also streamed live on the City of Fayetteville's YouTube Channel.

Bid 24-44, Appendix A, Construction - City Hall HVAC Improvements Rebid

Bid 24-44, Addendum 2

CITY OF FAYETTEVILLE ARKANSAS

Date: Monday, October 28, 2024

To: All Prospective Vendors

From: Amanda Beilfuss – 479.575.8220 – abeilfuss@fayetteville-ar.gov

RE: Bid 24-44, Construction – City Hall HVAC Improvements Rebid

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Interested parties should indicate their receipt of same in the appropriate blank of the Bid. ***BIDDERS SHALL ACKNOWLEDGE THIS ADDENDUM ON THE DESIGNATED LOCATION ON THE BID FORM.***

1. Clarifications –
    a. The allowance for the BAS system should be $239,000.00 only. This has been corrected on the 'Line Items' section of the project page on the bidding portal.

    b. The BAS controls system Contractor will be selected at a later time by the City.

Appendix A - Bid 24-44, Construction - City Hall HVAC Improvements Rebid

Bid 24-44 Addendum 2
Milestone Construction Company, LLC
Milestone Construction Company, LLC
Supplier Response

Appendix B - Bid 24-44, Construction - City Hall HVAC Improvements Rebid
City Issued Bid

Event Information

Number: Bid 24-44 Addendum 2
Title: Construction - City Hall HVAC Improvements Rebid
Type: Invitation to Bid
Issue Date: 10/6/2024
Deadline: 10/30/2024 02:00 PM (CT)
Notes: The City of The City of Fayetteville is accepting sealed bids from properly licensed firms for Fayetteville City Hall's HVAC improvements. This project includes, but is not limited to, the replacement of the existing self-contained modular air handlers, boiler, cooling tower, split systems (indoor and outdoor units), vav boxes, and associated mechanical equipment along with existing associated electrical equipment serving the existing building site with new equipment. Questions regarding this bid should be addressed to Amanda Beilfuss, Sr. Purchasing Agent at abeilfuss@fayetteville-ar.gov.

Contact Information

Contact: Amanda Beilfuss - Sr. Purchasing Agent
Address: Purchasing
City Hall
Room 306
113 W. Mountain St.
Fayetteville, AR 72701
Email: abeilfuss@fayetteville-ar.gov

Milestone Construction Company, LLC Information

Contact: Erin Metcalf
Address: 2002 S. 48th Street Suite A
Springdale, AR 72762
Phone: (479) 751-3560 x202
Fax: (479) 751-4841
Email: emetcalf@mstonecc.com
Web Address: mstonecc.com

By submitting your response, you certify that you are authorized to represent and bind your company.

Erin Metcalf
Signature

emetcalf@mstonecc.com
Email

Submitted at 10/30/2024 01:44:32 PM (CT)

Requested Attachments

Signature Forms for Bid 24-44

City Hall HVAC Paperwork.pdf

Please attach your completed forms. These documents can be found in FILE #01 - Project Manual in the Attachments tab.

Bid Bond for Bid 24-44

Bid Bond- City Hall.pdf

Please attach a signed and completed copy of your bid bond. Bid bonds in the form of a cashier's check shall be delivered to City Hall, Purchasing Division before bid deadline and have a copy of the cashier's check uploaded with submittal.

Bid Attributes

1	**Arkansas Secretary of State Filing Number:** 80044464
2	**Arkansas Contractor License Number:** 0156050425
3	**Check Yes or No:** Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing. ☑ Yes, I agree ☐ No, I don't agree

Appendix B
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid
City Issued Bid

4	**Check Yes or No:** Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing. ☑ Yes, I agree ☐ No, I don't agree

5	**Addendum Acknowledgement:** By selecting "I agree", you acknowledge that you have read and understand any addendums that have been issued for this bid. ☑ I agree

Bid Lines

1	**Bonds and Insurance** Quantity: 1 UOM: Lump Sum Price: $57,757.63 Total: $57,757.63
2	**Mobilization** - Shall not exceed 5% of Total Base Bid. This price shall not include bonds and insurance. Quantity: 1 UOM: Lump Sum Price: $5,000.00 Total: $5,000.00
3	**Total Base Bid -** DO NOT INCLUDE PRICING FOR MOBILIZATION OR BONDS AND INSURANCE IN THIS LINE ITEM Quantity: 1 UOM: Lump Sum Price: $1,520,961.08 Total: $1,520,961.08 Item Notes: *This bid is being bid as a total lump sum. This line item shall include the total construction price for the entire scope of work for this bid. Bidder shall include the allowance of $239,000.00 for furnishing and installation of the BAS HVAC controls.*
4	**Deductive Alternate #1 -VRF System** Deductive amount pricing for this line item shall be the total price for the removal of all work associated with the VRF system. *(Line excluded from response total)* Quantity: 1 UOM: Lump Sum Price: $115,062.01 Total: $115,062.01
5	**Deductive Alternate #2 - New Fan Powered Hydronic VAV boxes** Deductive amount pricing for this line item shall be the total price for the removal of all work associated with the new fan powered hydronic vav boxes in place with no demolition work occurring. *(Line excluded from response total)* Quantity: 1 UOM: Lump Sum Price: $154,233.00 Total: $154,233.00

Response Total: $1,583,718.71

Appendix B
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid
City Issued Bid

AIA® Document A310™ – 2010

Bid Bond

CONTRACTOR:
(Name, legal status and address)

Milestone Construction Company, LLC
2002 S. 48th Street, Suite A
Springdale, AR 72762

SURETY:
(Name, legal status and principal place of business)

Travelers Casualty and Surety Company of America
One Tower Square
Hartford, CT 06183

OWNER:
(Name, legal status and address)

City of Fayetteville, Arkansas
113 W. Mountain
Fayetteville, AR 72701

BOND AMOUNT: $ Five Percent of Bid Amount----(5%)

PROJECT:
(Name, location or address, and Project number, if any)

City Hall HVAC Improvements

The Contractor and Surety are bound to the Owner in the amount set forth above, for the payment of which the Contractor and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, as provided herein. The conditions of this Bond are such that if the Owner accepts the bid of the Contractor within the time specified in the bid documents, or within such time period as may be agreed to by the Owner and Contractor, and the Contractor either (1) enters into a contract with the Owner in accordance with the terms of such bid, and gives such bond or bonds as may be specified in the bidding or Contract Documents, with a surety admitted in the jurisdiction of the Project and otherwise acceptable to the Owner, for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or (2) pays to the Owner the difference, not to exceed the amount of this Bond, between the amount specified in said bid and such larger amount for which the Owner may in good faith contract with another party to perform the work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect. The Surety hereby waives any notice of an agreement between the Owner and Contractor to extend the time in which the Owner may accept the bid. Waiver of notice by the Surety shall not apply to any extension exceeding sixty (60) days in the aggregate beyond the time for acceptance of bids specified in the bid documents, and the Owner and Contractor shall obtain the Surety's consent for an extension beyond sixty (60) days.

If this Bond is issued in connection with a subcontractor's bid to a Contractor, the term Contractor in this Bond shall be deemed to be Subcontractor and the term Owner shall be deemed to be Contractor.

When this Bond has been furnished to comply with a statutory or other legal requirement in the location of the Project, any provision in this Bond conflicting with said statutory or legal requirement shall be deemed deleted herefrom and provisions conforming to such statutory or other legal requirement shall be deemed incorporated herein. When so furnished, the intent is that this Bond shall be construed as a statutory bond and not as a common law bond.

ADDITIONS AND DELETIONS:
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Any singular reference to Contractor, Surety, Owner or other party shall be considered plural where applicable.

Bid 24-14: Construction - Appendix B
City Hall HVAC Improvements
City Issued Bid

AIA Document A310™ – 2010. Copyright © 1963, 1970 and 2010 by The American Institute of Architects. All rights reserved. WARNING: This AIA® Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA® Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law.

Init.

Signed and sealed this 30th day of October 2024

(Witness)

Milestone Construction Company, LLC
(Contractor as Principal) (Seal)

(Title) PRESIDENT

(Witness)

Travelers Casualty and Surety Company of America
(Surety) (Seal)

(Title) William H. Griffin, Attorney-in-Fact

Appendix B
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid
City Issued Bid

Init.

AIA Document A310™ – 2010. Copyright © 1963, 1970 and 2010 by The American Institute of Architects. All rights reserved. WARNING: This AIA® Document is protected by U.S. Copyright Law and International Treaties. Unauthorized reproduction or distribution of this AIA® Document, or any portion of it, may result in severe civil and criminal penalties, and will be prosecuted to the maximum extent possible under the law.

TRAVELERS

Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **William H Griffin** of **NORTH LITTLE ROCK**, **Arkansas**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of **April, 2021**.

State of Connecticut

City of Hartford ss.

By: _____
Robert L. Raney, Senior Vice President

On this the **21st** day of **April, 2021**, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June, 2026**

_____
Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **30th** day of **October**, **2024**.

_____
Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.

Appendix B
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid
City Issued Bid

CITY OF
FAYETTEVILLE
ARKANSAS

Project Check List

This checklist is for the Bidder's use in preparing & submitting a bid. It is not intended to include all details necessary to prepare a bid and shall not be used as a substitute for the requirements of the bid documents. Use of this checklist does not relieve the Bidder from the responsibility of meeting all requirements of the Specifications concerning the preparation of an acceptable bid. Bidders are welcome to use this form as a coversheet for a sealed envelope; however, using this form itself is NOT a requirement.

Appendix B
Bid 24-44, Construction - City Hall HVAC Improvements Rebid
City Issued Bid

[X] **5% Bid Bond of the amount bid accompanied by required documentation (Power of Attorney, etc.)**

- In lieu of a bid bond, the bidder may submit a cashier's check from a bank located in the State of Arkansas for at least five percent (5%) of the amount bid (inclusive of any deductive alternates). Cashier's checks shall be made payable to the City of Fayetteville, AR and received prior to the bid deadline by making an in-person delivery appointment with the City Purchasing Division.

[X] All addenda shall be signed, acknowledged, and submitted on the appropriate forms (submitting the actual addendums or marking acknowledgement on other bid pages).

[X] All line items shall be appropriately filled out and extended to reveal the line item price as well as the total bid price. Total base bid should be calculated in the provided space.

[X] All pages provided with signature lines shall be appropriately signed, dated accordingly, and included with submitted bid documents

[X] All bids shall be received before the stated deadline utilizing the City's electronic bidding platform or submitting a physical sealed bid to the City Purchasing Division. Submitting a bid electronically is strongly encouraged. A public bid opening will be conducted shortly after the deadline at City Hall and livestreamed at https://www.youtube.com/user/cityoffayettevillear. Late or misdirected bids shall not be accepted. The City of Fayetteville shall not be responsible for lost or misdirected bids, or failure of bidder's technical equipment. If submitting a physical bid, all bid documents shall be delivered in a sealed envelope to the address stated in the advertisement or updated deadline issued via Addenda. All bids should be delivered with the name of the bidder (contractor) on the sealed envelope as well as the bidders Arkansas Contractor's License Number.

[X] **Additional Information Required:**

- AR Secretary of State Filing #: 800044464 OR submit electronically.
- Arkansas Contractor License #: 0156050425 OR submit electronically.

- Pursuant Arkansas Code Annotated §25-1-503, the Contractor agrees and certifies that they do not currently boycott Israel and will not boycott Israel during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-503. If at any time during contract the contractor decides to boycott Israel, the contractor must notify the contracted public entity in writing.
  - Submit electronically or circle applicable answer: (YES) *or* NO

- Pursuant Arkansas Code Annotated §25-1-1002, the Contractor agrees and certifies that they do not currently boycott Energy, Fossil Fuel, Firearms, and Ammunition Industries during any time in which they are entering into, or while in contract, with any public entity as defined in §25-1-1002. If at any time during the contract the contractor decides to boycott Energy, Fossil Fuel, Firearms, and/or Ammunition Industries, the contractor must notify the contracted public entity in writing.
  - Submit electronically or circle applicable answer: (YES) *or* NO

SECTION 02
BID FORM

Contract Name: Rock Street Annex Roof Replacement

Bid Number: 24-44, Construction – City Hall HVAC Improvements REBID

BID TO:

Owner: The City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, Arkansas 72701

BID FROM:

Bidder: Milestone Construction Company, LLC
2002 S. 48th Street
Springdale, AR 72762

Appendix B
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid
City Issued Bid

ARTICLE 1 - INTENT

1.01 The undersigned Bidder proposes and agrees, if this Bid is accepted, to enter into an agreement with Owner in the form included in the Contract Documents to perform and furnish all Work as specified or indicated in the Contract Documents for the Bid price and within the Bid time indicated in this Bid and in accordance with the other terms and conditions of the Contract Documents.

ARTICLE 2 - TERMS AND CONDITIONS

2.01 Bidder accepts all terms and conditions of the Invitation to Bid and Instructions to Bidders, including without limitation those dealing with the disposition of Bid Security. This Bid will remain subject to acceptance for 90 days after the day of Bid opening. Bidder will sign and deliver the required number of counterparts of the Agreement with the Bonds and other documents required by the Bidding Requirements within 15 days after the date of Owner's Notice of Award.

ARTICLE 3 - BIDDER'S REPRESENTATIONS

3.01 In submitting this Bid, Bidder represents, as more fully set forth in the Agreement, that:

A. Bidder has examined and carefully studied the Bid Documents, and the following Addenda, receipt of all which is hereby acknowledged:

Number	Date
#001	10-21-24
#002	10-28-24

B. Bidder has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, performance, and furnishing of the Work.

C. Bidder is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

D. Bidder is aware of the general nature of work to be performed by Owner and others at the Site that relates to Work for which this Bid is submitted as indicated in the Contract Documents.

E. Bidder has correlated the information known to Bidder, information and observations obtained from visits to the Site, reports, and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

F. Bidder has given Purchasing Division written notice of all conflicts, errors, ambiguities, or discrepancies that Bidder has discovered in the Contract Documents, and the written resolution thereof by Purchasing Division is acceptable to Bidder.

G. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performing and furnishing the Work for which this Bid is submitted.

H. This Bid is genuine and not made in the interest of or on behalf of any undisclosed person, firm, or corporation and is not submitted in conformity with any agreement or rules of any group,

Appendix B - Bid 24-44, Construction - City Hall HVAC Improvements Rebid City Issued Bid

association, organization, or corporation; Bidder has not directly or indirectly induced or solicited any other Bidder to submit a false or sham bid; Bidder has not solicited or induced any person, firm, or a corporation to refrain from bidding; and Bidder has not sought by collusion to obtain for himself any advantage over any other Bidder or over Owner.

I. Upon receipt of written notice of acceptance of this bid, bidder will execute the formal contract attached within 10 days and deliver a Surety Bond or Bonds as required by the General Conditions.

J. The bid security attached in the sum of $ 5% is to become the property of the Owner in the event the contract and bond are not executed within the time set forth above, as liquidated damages for the delay and additional expense to the Owner caused thereby.

ARTICLE 4 - CONTRACT TIMES

5.01 Bidder agrees that the Work will be substantially completed and completed and ready for final payment 365 consecutive calendar days from the date established in a written notice to proceed. Total completion shall be 395 consecutive calendar days from the date established in a written notice to proceed. The bidder agrees to pay liquidated damages for each consecutive calendar day thereafter the total completion time.

5.02 Bidder accepts the provisions as to liquidated damages in the event of failure to complete the Work within the total completion time. Liquidated damages in the sum of $ 250.00 for each consecutive calendar day thereafter will be assessed.

ARTICLE 5 – TERMINOLOGY

6.01 The terms used in this Bid which are defined in the GENERAL CONDITIONS or Instructions to Bidders will have the meanings assigned to them.

SUBMITTED on October 30, 20 24.

Arkansas State Contractor License No. 0156050425

Appendix B
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid
City Issued Bid

If Bidder is:

An Individual

Name (type or printed): _____

By: _____(SEAL)

(Individual's Signature)

Doing business as: _____

Business address: _____

_____

Phone No.: _____ FAX No.: _____

Tax ID No.: _____ UEI No.: _____

A Partnership

Partnership Name: _____(SEAL)

By: _____

(Signature of general partner – attach evidence of authority to sign)

Name (type or printed): _____

Business address: _____

_____

Phone No.: _____ FAX No.: _____

Tax ID No.: _____ UEI No.: _____

Appendix B
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid
City Issued Bid

A Corporation

Corporation Name: Milestone Construction Company, LLC (SEAL)

State of Incorporation: Arkansas

Type (General Business, Professional, Service, Limited Liability): LLC

By: Sam R. Hollis
(Signature – attach evidence of authority to sign)

Name (type or printed): Sam Hollis

Title: President

(CORPORATE SEAL)

Attest: [signature]
(Signature of Corporate Secretary)

Business address: 2002 S. 48th Street
Springdale, AR 72762

Phone No.: 479-751-3560 FAX No.: 479-751-4841

Tax ID No.: [illegible] UEI No.: JYM2MLDCE6F7

Appendix B
Bid 24-44 Construction - City Hall HVAC Improvements Rebid
City Issued Bid

END OF SECTION 02 – BID FORM

CITY OF FAYETTEVILLE, ARKANSAS:

BID 24-44, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS REBID

SECTION 03 – LIST OF SUBCONTRACTORS

In compliance with the Instructions to Bidders and other Contract Documents, the undersigned submits the following names of Subcontractors to be used in performing the Work for:

BID 24-41, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS

Bidder certifies that all Subcontractors listed are eligible to perform the Work.

Subcontractor's Work	Subcontractor's Name and Address	Expected Percentage or Value
Clearing/Demolition		
Mechanical	Northwest Arkansas Sheet Metal, Inc	52%
Plumbing	SMSI	22%
Electrical	SMSI	4%
Roofing/Sheet Metal		
Other (designate)		

NOTE: This form must be submitted in accordance with the Instructions to Bidders.

Sam R. Hollis

Bidder's Signature

Appendix B
Bid 24-44, Construction -
City Hall HVAC Improvements Rebid
City Issued Bid

CITY OF FAYETTEVILLE, ARKANSAS:

BID 24-44, CONSTRUCTION – CITY HALL HVAC IMPROVEMENTS REBID

Section 04

CONTRACTOR REFERENCES

The following information is required from all Bidders so all bids may be reviewed and properly evaluated:

COMPANY NAME: Milestone Construction Company LLC

NUMBER OF YEARS IN BUSINESS: 20 HOW LONG IN PRESENT LOCATION: 20

TOTAL NUMBER OF CURRENT EMPLOYEES: 60 FULL TIME 3 PART TIME

NUMBER OF EMPLOYEES PLANNED FOR THIS CONTRACT: _____ FULL TIME _____ PART TIME

PLEASE LIST FOUR (4) REFERENCES THAT YOU HAVE PREVIOUSLY PERFORMED SIMILAR CONTRACT SERVICES FOR WITHIN THE PAST FIVE (5) YEARS (All fields must be completed):

1. Legacy Bank
COMPANY NAME
Springdale, AR 72762
CITY, STATE, ZIP
Matthew Gill
CONTACT PERSON
479-717-1927
TELEPHONE
Continuous Projects
DATE COMPLETED
mathew.gill@legacyar.com
E-MAIL ADDRESS

2. NWACC
COMPANY NAME
Bentonville, AR
CITY, STATE, ZIP
Megan Bolinder
CONTACT PERSON
479-640-0464
TELEPHONE
July 2024
DATE COMPLETED
mbolinder@nwacc.edu
E-MAIL ADDRESS

3. Demx Karcher
COMPANY NAME
Fayetteville, AR 72701
CITY, STATE, ZIP
Tim Maddox
CONTACT PERSON
479-966-4871
TELEPHONE
Several Projects: GSLC
DATE COMPLETED
mad@demxarch.com
E-MAIL ADDRESS

4. Peace at Home
COMPANY NAME
Springdale, AR 7276
CITY, STATE, ZIP
Teresa Mills
CONTACT PERSON
479-684-9338
TELEPHONE
December 2023
DATE COMPLETED
tmills@peaceathome shelter.com
E-MAIL ADDRESS

Appendix B - Bid 24-44, Construction - City Hall HVAC Improvements Rebid
City Issued Bid

License No. 0156050425

ID #19266

State of Arkansas

Commercial Contractors Licensing Board

MILESTONE CONSTRUCTION COMPANY, LLC
2002 S 48TH ST
SPRINGDALE, AR 72762

This is to Certify That MILESTONE CONSTRUCTION COMPANY, LLC

is duly licensed under the provisions of Ark. Code Ann. § 17-25-101 et. seq. as amended and is entitled to practice Contracting in the State of Arkansas within the following classifications/specialties:

BUILDING
- (COMMERCIAL & RESIDENTIAL)
MUNICIPAL & UTILITY CONSTRUCTION

This contractor has an unlimited suggested bid limit.

from May 17, 2024 **until** April 30, 2025 **when this Certificate expires.**

Witness our hands of the Board, dated at North Little Rock, Arkansas

GREAT SEAL OF THE STATE OF ARKANSAS

CHAIRMAN

SECRETARY

May 17, 2024 - dsa

Appendix B - Bid 24-44, Construction - City Hall HVAC Improvements Rebid City Issued Bid

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 12/27/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Sterling Seacrest Pritchard, Inc.
4601 East McCain Blvd
Suite B
North Little Rock AR 72117

CONTACT NAME: Marla Williams
PHONE (A/C, No, Ext): 501-478-2962 FAX (A/C, No): 501-251-1200
E-MAIL ADDRESS: marlaw@sspins.com

INSURED
Milestone Construction Co., LLC
2002 South 48th Street
Springdale AR 72762

License#: 70726
MILECON-02

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Amerisure Mutual Insurance Co	23396
INSURER B : Atlantic Specialty Insurance Co	27154
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

COVERAGES **CERTIFICATE NUMBER:** 1014248531 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X Contractual Liab X XCU Included GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:	Y	Y	CPP20262172002	12/1/2023	12/1/2024	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG $	$ 1,000,000 $ 1,000,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000 $
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY X HIRED AUTOS ONLY SCHEDULED AUTOS X NON-OWNED AUTOS ONLY	Y	Y	CA 20262142002	12/1/2023	12/1/2024	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) $	$ 1,000,000 $ $ $ $
A	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 0	Y	Y	CU 20336521802	12/1/2023	12/1/2024	EACH OCCURRENCE AGGREGATE $	$ 10,000,000 $ 10,000,000 $
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N N	N / A	WC 20262351902	12/1/2023	12/1/2024	X PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ 1,000,000 $ 1,000,000 $ 1,000,000
B	Blanket Builders Risk			7900210100007	12/1/2023	12/1/2024	Limit Per Jobsite Deductible Wind/Hail Deductible	$10,000,000 $2,500 $5,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Project:
The following applies when required in a written contract or agreement: are included as additional insureds on a primary and non-contributory basis with respect to General Liability (including completed operations), Auto Liability and Umbrella. Waiver of subrogation is provided on General Liability, Auto Liability, Umbrella and Workers Compensation. 30 Day Notice of Cancellation applies in favor of Certificate Holder, except 10 days for Non-Payment of Premium.

CERTIFICATE HOLDER

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Appendix B - Bid 24-44, Construction - City Hall HVAC Improvements Rebid
City Issued Bid

© 1988-2015 ACORD CORPORATION. All rights reserved.
The ACORD name and logo are registered marks of ACORD

Search Incorporations, Cooperatives, Banks and Insurance Companies

This is only a preliminary search and no guarantee that a name is available for initial filing until a confirmation has been received from the Secretary of State after filing has been processed Please review our NAME AVAILABILITY GUIDELINES HERE prior to searching for a new entity name.

Printer Friendly Version

LLC Member information is now confidential per Act 865 of 2007

Use your browser's back button to return to the Search Results

Begin New Search

For service of process contact the Secretary of State's office.

Corporation Name	MILESTONE CONSTRUCTION COMPANY, LLC
Fictitious Names	
Filing #	800044464
Filing Type	Limited Liability Company
Filed under Act	Domestic LLC; 1003 of 1993
Status	Good Standing
Principal Address	
Reg. Agent	SAM R. HOLLIS
Agent Address	2002 S. 48TH ST. SPRINGDALE, AR 72762
Date Filed	10/20/2004
Officers	SEE FILE, Incorporator/Organizer GINA R. MORAN , Tax Preparer
Foreign Name	N/A
Foreign Address	
State of Origin	N/A

Purchase a Certificate of Good Standing for this Entity

Pay Franchise Tax for this corporation

Bid 24-44, Construction - Appendix B
City Hall HVAC Improvements Rebid
City Issued Bid

Bid 24-44 Submittal Qualifying Statement

The City staff acknowledges that Milestone's submittal response does not include the Allowance for the Mechanical Controls Systems.

It has been determined that with the addition of the controls allowance to the submittal, Milestone is still the lowest responsive bidder.

The City will execute a change order to the contract in the amount of 300,000. Those funds will be scheduled as Owner Contingency and allocated for controls if needed. It will also be used for previous owner scoped items needed to accomplish the hvac installations, and any unforeseen conditions.

This qualification of bid statement will become a part of Milestone's submittal response, and thus a part of the contract.

Wade Abernathy

Director of Construction

City of Fayetteville

CITY OF
FAYETTEVILLE
ARKANSAS

BID TABULATION

Bid 24-44, Construction - City Hall HVAC Improvements Rebid

DEADLINE: Wednesday, October 30, 2024 at 2:00 PM

Certification of Funds: $2,100,000.00 *($2,625,000.00 total allowed)*

				Milestone Construction Company, LLC		Middleton, Inc.	
			Total	$1,583,718.71		$2,282,970.00	
Line #	Description	QTY	UOM	Unit	Extended	Unit	Extended
1	Bonds and Insurance	1	LS	$57,757.63	$57,757.63	$16,500.00	$16,500.00
2	Mobilization- Shall not exceed 5% of Total Base Bid. This price shall not include bonds and insurance.	1	LS	$5,000.00	$5,000.00	$35,000.00	$35,000.00
3	Total Base Bid - DO NOT INCLUDE PRICING FOR MOBILIZATION OR BONDS AND INSURANCE IN THIS LINE ITEM	1	LS	$1,520,961.08	$1,520,961.08	$2,231,470.00	$2,231,470.00
	Deductive Alternate #1 - Not Used			$115,067.01		$83,000.00	
	Deductive Alternate #2 - Not Used			$154,233.00		$89,075.00	

* NOTICE: Bid award is contingent upon supplier meeting minimum specifications and formal authorization by City Officials.

Amanda Beilfuss, Sr. Purchasing Agent 10/30/24

Kenny Fitch, Purchasing Agent 10/30/24

THIS AGREEMENT is made this _____ day of _____, 2024, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE or CITY) and **Milestone Construction Company, LLC** (Vendor or Milestone).

CITY OF FAYETTEVILLE from time to time requires professional construction services in connection with construction projects. Therefore, CITY OF FAYETTEVILLE and **Milestone**, in consideration of their mutual covenants, agree as follows:

Work performed by **Milestone** shall be performed under valid, active, current license with the Arkansas Contractor's Licensing Board. **Milestone** shall follow all federal, state, and local laws at all times.

1. **Contracted parties and relationship:**
    a. This agreement shall be binding between all parties. Fees shall be provided as identified in appendices.
        i. **Milestone's** Tax identification number (TIN) ending in 6629
        ii. **Milestone's** Arkansas Contractor License No. 0156050425
        iii. **Milestone's** Secretary of State Filing No. 800044464
    b. Parties agree to act on the basis of mutual trust, good faith, and fair dealing, and perform in a fiscally responsible and timely manner. Parties shall each endeavor to promote harmony and cooperation among all Project participants.

2. **Entire Agreement and Exhibits:** This Agreement sets forth the entire agreement and understanding between the parties on the subject matter of this Agreement. Neither party shall be bound by any conditions, definitions, representations or warranties with respect to the subject matter of this Agreement other than those as expressly provided herein.
    a. Appendices included under this agreement include the following:
        i. **Appendix A**: Bid package identified as **Bid 24-44, Construction – City Hall HVAC Improvements Rebid** with the specifications and conditions typed thereon inclusive of all bidding documents, plans and drawings, and issued addenda.
        ii. **Appendix B**: **Milestone's** bid submittal
        iii. **Appendix C**: Bid Tabulation
        iv. **Appendix D**: **Milestone's** Certificate of Insurance
        v. **Appendix E**: **Milestone's** 100% Performance and Payment Bonds
            1. **Appendix D and E** shall be submitted to the City within the timeframe identified in the bid documents or 10 (ten) calendar days.
    b. This agreement may be modified only by a duly executed written instrument signed by the CITY and **Milestone.**
    c. ORDER OF PRECEDENCE: In case of any inconsistency, conflict, or ambiguity among the Contract Documents, the documents shall govern in the following order: (a) Change Orders and written

amendments to this Agreement which are executed by all parties; (b) the Agreement; (c) **Milestone's** Proposal (d) City's published bid and associated Addenda.

3. **Notices:** Any notice required under this Agreement shall be in writing, address to the appropriate party at the following addresses:
    a. City of Fayetteville: Attention: Mayor Lioneld Jordan, 113 W. Mountain, Fayetteville, AR 72701
    b. Vendor: Milestone Construction Company, LLC, 2002 S. 48th Street, Suite A, Springdale, AR 72762

4. **General Provisions:**
    i. ETHICS: All parties shall perform with integrity. Each shall avoid conflicts of interest and promptly disclose to any other part any conflicts that may arise. All parties warrant that it has not and shall not pay or receive any contingent fees or gratuities to or from any other party, including agents, officer's employers, Subcontractors, Sub subcontractors, Suppliers, Volunteers, Elected Officials, or Others to secure preferential treatment.
    ii. Workmanship: The Work shall be executed in accordance with the Contract Documents in a workmanlike manner. All materials used in the Work shall be furnished in sufficient quantities to facilitate the proper and expeditious execution of the Work and shall be new except as otherwise provided in the Contract Documents.
    iii. MATERIALS FURNISHED BY OWNER OR OTHERS: If the Work includes installation of materials or equipment furnished by City or Others, it shall be the responsibility of the vendor to examine the items so provided and thereupon handle, store, and install the items, unless otherwise provided in the Contract Documents, with such skill and care as to provide a satisfactory and proper installation. Loss or damage due to acts or omissions of the vendor shall be the responsibility of vendor and may be deducted from any amounts due or to become due. Any defects discovered in such materials or equipment shall be reported at once to the City and the City's contracted third-party Design Professional. Following receipt of written notice from vendor of defects, City and Design Professional shall promptly inform the City what action, if any, vendor shall take with regard to the defects.
    iv. WORKSITE VISIT: Vendor acknowledges that it has visited, or has had the opportunity to visit, the Worksite to visually inspect the general and local conditions which could affect the Work.
    v. Vendor shall perform all duties and responsibilities necessary to coordinate the various parts of the Work and to prepare its Work for the work of City or Others.
        1. Cutting, patching, or altering the work of City or Others shall be done with the prior written approval of City and Design Professional. Such approval shall not be unreasonably withheld.
    vi. COMPLIANCE WITH LAWS: Vendor shall comply with all the Law at its own cost. Vendor shall be liable to City for all loss, cost, or expense attributable to any acts or omissions by Vendor its employees, subcontractors, suppliers, and agents for failure to comply with Laws, including fines, penalties, or corrective measures.
    vii. COST OF CORRECTING DAMAGED OR DESTROYED WORK: With regard to damage or loss attributable to the acts or omissions of City or Others and not to Vendor, City may either (a) promptly remedy the damage or loss and assume affected warranty responsibilities, (b) accept the damage or loss, or (c) issue a Change Order to remedy the damage or loss. If Vendor incurs costs or is delayed due to such loss or damage, Vendor may seek an equitable adjustment in the Cost of the Work, Date of Substantial Completion or Date of Final Completion. Any equitable adjustment shall be approved by all parties.

viii. Taxes and Permits: Vendor shall give public authorities all notices required by law and shall obtain and pay for all necessary permits, licenses, and renewals pertaining to the Work. Vendor shall provide to City copies of all notices, permits, licenses, and renewals required under this Agreement.

1. Vendor shall pay applicable taxes and permit fees associated with the entire project.

ix. DISCOUNTS: All discounts for prompt payment shall accrue to City. All trade discounts, rebates, and refunds, and all returns from sale of surplus materials and equipment, shall be credited to the Cost of the Work, or directly to the City after final payment.

x. City may occupy or use completed or partially completed portions of the Work when (a) the portion of the Work is designated in a Certificate of Substantial Completion, (b) appropriate insurer(s) consent to the occupancy or use, and (c) public authorities authorize the occupancy or use. Vendor shall not unreasonably withhold consent to partial occupancy or use.

xi. EXTENT OF AGREEMENT: Except as expressly provided, this Agreement is for the exclusive benefit of all Parties, and not the benefit of any third party. This Agreement represents the entire and integrated agreement between the Parties, and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement and each and every provision is for the exclusive benefit of all Parties and not for the benefit of any third party.

xii. ASSIGNMENT: Except as to the assignment of proceeds, no Party shall assign their interest in this Agreement without the written consent of the other Party. The terms and conditions of this Agreement shall be binding upon all Parties, their partners, successors, assigns, and legal representatives. No Party shall assign the Agreement without written consent of the other.

xiii. Where figures are given, they shall be preferred to scaled dimensions.

xiv. The drawings and specifications are complementary. If Work is shown only on one but not on the other, Vendor shall perform the Work as though fully described on both. Vendor shall seek clarification from the City or the City's third-party Design Professional for any discrepancies.

xv. In case of conflicts between the drawings and specifications, the specifications shall govern unless otherwise stated in the bidding documents. In any case of omissions or errors in figures, drawings, or specifications, Vendor shall immediately submit the matter to City and Design Professional for clarification. The City's clarifications are final and binding, which may include third-party Design Professional content.

xvi. DEBARMENT AND SUSPENSION: By execution of this agreement, Vendor certifies that to the best of its knowledge and belief that the Vendor and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

2. Have not within a three year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and

4. (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

5. Vendor understands that a false statement on certification regarding debarment and suspension may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a false statement may result in a fine. I further certify that I will obtain a similar certification for each subcontract awarded in excess of $50,000.

6. Certifications for subcontracts or sub subcontracts executed under this agreement shall include all language in this section.

5. Definitions:

a. Unless otherwise specifically defined in this Agreement, any terms that have well-known technical or trade meanings shall be interpreted in accordance with their well-known meanings.

b. "Business Day" means all Days, except weekends and official federal or state holidays where the Project is located.

c. A "Change Order" is a written order signed by all Parties after execution of this Agreement, indicating changes in the scope of the Work, and Date of Substantial Completion or Date of Final Completion.

d. "Contract Time" is the period between the Date of Notice to Proceed and the total time authorized to achieve Final Completion.

e. "Cost of the Work" means the total costs and discounts charged to the City.

f. The "Vendor" is the person or entity identified in this contract and includes Vendor's Representative.

g. "Day" means a calendar day unless otherwise specified.

h. "Defective Work" is any portion of the Work that that does not conform with the requirements of the Contract Documents.

i. "Design Professional" means the licensed architect retained by the City and its subconsultants, to perform design services for the Project.

j. "Final Completion" occurs on the date when Vendor's obligations under this Agreement are complete and accepted by City and final payment becomes due and payable. This date shall be confirmed by a Certificate of Final Completion signed by all Parties.

k. "Hazardous Material" is any substance or material identified now or in the future as hazardous under the Law, or any other substance or material that may be considered hazardous or otherwise subject to statutory or regulatory requirement governing handling, disposal, or cleanup.

l. "Interim Directive" is a written order containing change to the Work directed by and in consultation with City and Design Professional after execution of this Agreement and before Substantial Completion. Interim Directives shall be consolidated and formalized in a change order to be signed by all parties.

m. "Law" means federal, state, or local laws, ordinances, codes, rules, and regulations applicable to the Work with which Vendor must comply that are enacted as of the Agreement date.

n. "Others" means City's other: (a) contractors/constructors, (b) suppliers, (c) subcontractors, sub subcontractors, or suppliers of (a) and (b); and others employed directly or indirectly by (a), (b), or (c) or any by any of them or for whose acts any of them may be liable.

o. "Overhead" means (a) payroll costs, burden, and other compensation of Vendor's employees in Vendor's principal and branch offices for work associated with this project.

p. "Owner" is the City of Fayetteville, Arkansas (City).

q. The "Owner's Program" is an initial description of Owner's objectives, including budgetary and time criteria, space requirements and relationships, flexibility and expandability requirements, special equipment and systems, site requirements, and any requirements for phased occupancy.

r. The "Parties" are collectively City and Vendor.

s. The "Project," is the building, facility, or other improvements for which Vendor is to perform Work under this Agreement. It may also include construction by Owner or Others.

t. The "Schedule of the Work" is the document prepared by Vendor that specifies the dates on which Vendor plans to begin and complete various parts of the Work, including dates on which information and approvals are required from City.

u. "Subcontractor" is a person or entity retained by Vendor as an independent contractor to provide the labor, materials, equipment, or services necessary to complete a specific portion of the Work. The term Subcontractor does not include Design Professional or Others.

v. "Substantial Completion" of the Work, or of a designated portion, occurs on the date when the Work is sufficiently complete in accordance with the Contract Documents so that City may occupy or utilize the Work, or a designated portion, for the use for which it is intended, without unapproved disruption. This date shall be confirmed by a certificate of Substantial Completion signed by all Parties.

w. A "Sub subcontractor" is a person or entity who has an agreement with a Subcontractor or another sub subcontractor or Supplier to perform a portion of the Subcontractor's Work or supply material or equipment.

x. A "Supplier" is a person or entity retained by Vendor to provide material or equipment for the Work.

y. "Terrorism" means a violent act, or an act that is dangerous to human life, property, or infrastructure, that is committed by an individual or individuals and that appears to be part of an effort to coerce a civilian population or to influence the policy or affect the conduct of any government by coercion. Terrorism includes, but is not limited to, any act certified by the United States government as an act of terrorism pursuant to the Terrorism Risk Insurance Act, as amended.

z. "Work" means the construction services necessary or incidental to fulfill Vendor's obligations for the Project in accordance with and reasonably inferable from the Contract Documents. The Work may refer to the whole Project or only a part of the Project if work is also being performed by Owner or Others.

aa. "Worksite" means the area of the Project where the Work is to be performed.

bb. "Bi-monthly basis" means every fourteen to sixteen calendar days.

6. Contract Document Review and Administration

a. Before commencing the Work, Vendor shall examine and compare the drawings and specifications with information furnished by the City and Design Professional that are considered Contract Documents, relevant field measurements made by Vendor, and any visible conditions at the Worksite affecting the Work.

b. Should Vendor discover any errors, omissions, or inconsistencies in the Contract Documents, Vendor shall promptly report them to the City and Design Professional. Following receipt of written notice from Vendor of defects, City shall promptly inform Vendor what action, if any, Vendor shall take with regard to the defect.

c. Nothing in this section shall relieve Vendor of responsibility for its own errors, inconsistencies, or omissions.

d. COST REPORTING: Vendor shall maintain complete, accurate, and current records that comply with generally accepted accounting principles and calculate the proper financial management under this Agreement. Vendor shall maintain a complete set of all books and records prepared or used by Vendor with respect to the Project. City shall be afforded access to all of Vendor's records, books, correspondence, instructions, drawings, receipts, vouchers, memoranda, and similar data relating to this Agreement. Vendor shall preserve all such records for a period of three years after the final payment or longer where required by Law.

7. Warranty

a. Vendor warrants all materials and equipment furnished under the Construction Phase of this Agreement will be new unless otherwise specified, of good quality, in conformance with the Contract Documents, and free from defective workmanship and materials. At City or Design Professional request, Vendor shall furnish satisfactory evidence of the quality and type of materials and equipment furnished. Vendor further warrants all Work shall be free from material defects not intrinsic in the design or materials required in the Contract Documents. Vendor's warranty does **not include** remedies for defects or damages caused by normal wear and tear during normal usage beyond the warranty period, use for a purpose for which the Project was not intended, improper or insufficient maintenance, modifications performed by the City or others, or abuse. Vendor's warranty shall commence on the Date of Final Completion of the Project.

b. To the extent products, equipment, systems, or materials incorporated in the Work are specified and purchased by the City, they shall be covered exclusively by the warranty of the manufacturer. There are no warranties which extend beyond the description on the face of any such warranty. For such incorporated items, ALL OTHER WARRANTIES EXPRESSED OR IMPLIED INCLUDING THE WARRANTY OF MERCHANTABILITY AND THE WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE ARE EXPRESSLY DISCLAIMED.

c. Vendor shall obtain from its Subcontractors and Suppliers any special or extended warranties required by the Contract Documents. Vendor's liability for such warranties shall be limited to the one-year correction period, as further defined in this Agreement. After that period Vendor shall provide full and comprehensive assistance to the City in enforcing the obligations of Subcontractors or Suppliers for such extended warranties.

d. Correction of Work

i. If before Substantial Completion or within two-years after the date of Final Completion of the Work any Defective Work is found, City shall promptly notify Vendor in writing. Unless City provides written acceptance of the condition, Vendor shall promptly correct the Defective Work at its own cost and time and bear the expense of additional services required for correction of any Defective Work for which it is responsible. If within the two-year correction period City discovers and does not promptly notify Vendor or give Vendor an opportunity to test or correct Defective Work as reasonably requested by Vendor, City waives Vendor's obligation to correct that Defective Work as well as City's right to claim a breach of the warranty with respect to that Defective Work.

ii. If Vendor fails to correct Defective Work within a reasonable time after receipt of written notice from City before final payment, City may correct it in accordance with Owner's right to carry out the Work. In such case, an appropriate Change Order shall be issued deducting the cost of correcting the Defective Work from payments then or thereafter due Vendor. If payments then or thereafter due Vendor are not sufficient to cover such amounts, Vendor shall pay the difference to City.

iii. Vendor's obligations and liability, if any, with respect to any Defective Work discovered after the two-year correction period shall be determined by the Law. If, after the two-year correction period but before the applicable limitation period has expired, City discovers any Work which City considers Defective Work, City shall, unless the Defective Work requires emergency correction, promptly notify Vendor and allow Vendor an opportunity to correct the Work if Vendor elects to do so. If Vendor elects to correct the Work, it shall provide written notice of such intent within fourteen (14) Days of its receipt of notice from City and shall complete the correction of Work within a mutually agreed timeframe. If Vendor does not elect to correct the Work, City may have the Work corrected by itself or Others, and, if City intends to seek recovery of those costs from Vendor, City shall promptly provide Vendor with an accounting of the actual correction costs.

iv. If Vendor's correction or removal of Defective Work causes damage to or destroys other completed or partially completed work or existing building, Vendor shall be responsible for the cost of correcting the destroyed or damaged property.

v. The two-year period for correction of Defective Work does not constitute a limitation period with respect to the enforcement of Vendor's other obligations under the Contract Documents.

vi. Before final payment, at City option and with Vendor's agreement, City may elect to accept Defective Work rather than require its removal and correction. In such cases the contract shall be equitably adjusted for any diminution in the value, as determined by City, of the Project caused by such Defective Work via formal written change order.

8. Safety of Persons and Property

a. SAFETY PROGRAMS: Vendor holds overall responsibility for safety programs. However, such obligation does not relieve Subcontractors of their safety responsibilities and to comply with the Law. Vendor shall prevent against injury, loss, or damage to persons or property by taking reasonable steps to protect: (a) its employees and other persons at the Worksite; (b) materials and equipment stored at onsite or offsite locations for use in performing the Work; and (c) property located at the Worksite and adjacent to work areas, whether or not the property is part of the Worksite.

b. VENDOR'S SAFETY REPRESENTATIVE: Vendor shall designate an individual at the Worksite in its employ as its safety representative. Unless otherwise identified by Vendor in writing to City, Vendor's project superintendent shall serve as its safety representative. Vendor shall report promptly in writing all recordable accidents and injuries occurring at the Worksite. When Vendor is required to file an accident report with a public authority, Vendor shall furnish a copy of the report to City.

c. Vendor shall provide City with copies of all notices required of Vendor by the Law. Vendor's safety program shall comply with the requirements of governmental and quasi-governmental authorities having jurisdiction.

    i. Damage or loss not insured under property insurance that may arise from the Work, to the extent caused by negligent or intentionally wrongful acts or omissions of Vendor, or anyone for whose acts Vendor may be liable, shall be promptly remedied by Vendor.

d. If City deems any part of the Work or Worksite unsafe, City, without assuming responsibility for Vendor's safety program, may require Vendor to stop performance of the Work, take corrective measures satisfactory to City. If Vendor does not adopt corrective measures, City may perform them and deduct their cost from the GMP. Vendor agrees to make no claim for damages, or an increase in the GMP, or for a change in the Dates of Substantial or Final Completion based on Vendor's compliance with City's reasonable request.

9. **Subcontracts:**

   a. BINDING OF SUBCONTRACTORS AND SUPPLIERS: Vendor agrees to bind every Subcontractor and Supplier and require every Subcontractor to so bind its subcontractors and significant supplier, to the Contract Documents as they apply to the Subcontractor's or Supplier's applicable provisions to that portion of the Work.

   b. Vendor agrees not to subcontract Vendor at risk related services without prior written consent from the City.

10. **Fees, Expenses, and Payments:**

   a. **Milestone,** at its own cost and expense, shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per **Bid 24-44** as stated in **Milestone's** bid response, and in accordance with specifications attached hereto and made a part hereof under **Bid 24-44**, all included herein as if spelled out word for word.

   b. This turn-key project providing labor and materials shall be provided to the City for a not to exceed fee of **$1,583,718.71** US Dollars.

   c. The City of Fayetteville shall pay **Milestone** for completion of the project based on a percentage of work completed. At no point shall payment exceed the percentage of work completed, as determined by the City.

   d. Payments will be made after approval and acceptance of work and submission of invoice Payments will be made approximately 30 days after approval of invoice. The City of Fayetteville reserves the right to request receipts for materials purchased for the City of Fayetteville from suppliers, subcontractors, or other sources. The City of Fayetteville does not agree to any interest or penalty for "untimely" payments.

   e. The City reserves the right to withhold five percent (5%) retainage from all payments until project is completed in full.

   f. Not to exceed pricing shall include but not be limited to:

      i. Labor wages directly employed by Vendor in performing of the Work.

      ii. Salaries of Vendor's employees when stationed at the field office, in whatever capacity employed, employees engaged on the road expediting the production or transportation of material and equipment, and employees from the principal or branch office as mutually agreed by the Parties in writing.

      iii. Cost of all employee benefits and taxes, including but not limited to, workers' compensation, unemployment compensation, social security, health, welfare, retirement, and other fringe benefits as required by law, labor agreements, or paid under Vendor's standard personnel policy, insofar as such costs are paid to employees of Vendor who are included in the Cost of the Work.

      iv. Transportation, travel, hotel, and moving expenses of Vendor's personnel incurred in connection with the Work.

      v. Cost of all materials, supplies, and equipment incorporated in the Work, including costs of inspection and testing if not provided by City, transportation, storage, and handling.

      vi. Payments made by Vendor to Subcontractors for work performed under this Agreement.

      vii. Cost, including transportation and maintenance of all materials, supplies, equipment, temporary facilities, and hand tools not owned by the workers that are used or consumed in the

performance of the Work, less salvage value or residual value; and cost less salvage value on such items used, but not consumed that remain the property of Vendor.

viii. Rental charges of all necessary machinery and equipment, exclusive of hand tools owned by workers, used at the Worksite, whether rented from Vendor or others, including installation, repair, and replacement, dismantling, removal, maintenance, transportation, and delivery costs at competitive market rates.

ix. Cost of the premiums for all insurance and surety, performance or payment bonds which Vendor is required to procure or deems necessary and approved by City.

x. Sales, use, gross receipts, or other taxes, tariffs, or duties related to the Work for which Vendor is liable.

xi. Permits, taxes, fees, licenses, tests, royalties.

xii. Losses, expenses, or damages to the extent not compensated by insurance or otherwise, and the cost of corrective work during the Construction Phase and for the warranty period.

xiii. Costs associated with establishing, equipping, operating, maintaining, mobilizing and demobilizing the field office and site.

xiv. Water, power, and fuel costs necessary for the Work.

xv. Cost of removal of all nonhazardous substances, debris, and waste materials.

xvi. Costs incurred due to an emergency affecting the safety of persons or property.

xvii. Costs directly incurred in the performance of the Work or in connection with the Project, and not included in Vendor's Fee, which are reasonably inferable from the Contract Documents.

g. STORED MATERIALS AND EQUIPMENT: Unless otherwise provided in the contract documents, applications for payment may include materials and equipment not yet incorporated into the Work but delivered to and suitably stored onsite or offsite including applicable insurance, storage, and costs incurred transporting the materials to an offsite storage facility. Approval of payment applications for stored materials and equipment stored offsite shall be conditioned on a submission by Vendor of bills of sale and proof of required insurance, or such other documentation satisfactory to City to establish the proper valuation of the stored materials and equipment, City's title to such materials and equipment, and to otherwise protect City's interests therein, including transportation to the Worksite. Materials and equipment stored offsite shall be in a bonded and insured secure facility.

h. FINAL PAYMENT: Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, **Milestone** shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by **Milestone** to be set forth therein.

i. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against **Milestone** or sureties under this Agreement.

11. **Project Bonding - Performance and payment bonding:** After execution of this contract by all parties, **Milestone** shall provide 100% **separate** performance and payment bonds (inclusive of any approved contingency) from a bonding company, licensed to do business in the state of Arkansas. Bonds shall be provided within ten (10) calendar days after this contract has been executed by all parties.

a. All bonds shall be listed with the U.S. Treasury Department listing of approved surety's (T-List) and shall be rated A+ minimum by A. M. Best.

12. Time:

a. SUBSTANTIAL and FINAL COMPLETION: Date of Substantial Completion and the Date of Final Completion shall be established in the contract documents as a hard not-to-exceed date. If such dates are not established upon the execution of this Agreement, a Date of Substantial Completion and Date of Final Completion of the Work shall be established via Change Order.

b. Time is of the essence with regard to the obligations of the Contract Documents.

c. Unless instructed by City in writing, Vendor shall not knowingly commence the Work before the effective date of Vendor's required insurance and bonds and formal written and signed Purchase Order issued by the City of Fayetteville Purchasing Division.

d. Schedule of Work: Before submitting its first application for payment, Vendor shall submit to City and, if directed, Design Professional a Schedule of the Work showing the dates on which Vendor plans to begin and complete various parts of the Work, including dates on which information and approvals are required from City. Except as otherwise directed by City, Vendor shall comply with the approved Schedule of the Work or Vendor.

    i. City may determine the sequence in which the Work shall be performed, provided it does not unreasonably interfere with the approved project schedule. City may require Vendor to make reasonable changes in the sequence at any time during the performance of the Work in order to facilitate the performance of work by City or Others. If Vendor consequently incurs costs or is delayed, the Dates of Substantial or Final Completion, or both, Vendor may seek equitable adjustment.

e. NOTICE OF DELAY CLAIMS: If Vendor requests an equitable extension of the Contract Time or an equitable adjustment contract as a result of a delay described, Vendor shall give City written notice of the claim. If Vendor causes delay in the completion of the Work, City shall be entitled to recover its additional costs.

13. Substantial Completion:

a. Vendor shall notify City and, if directed, Design Professional when it considers Substantial Completion of the Work or a designated portion to have been achieved. City, with the assistance of its Design Professional, shall promptly conduct an inspection to determine whether the Work or designated portion can be occupied or used for its intended use by City without excessive interference in completing any remaining unfinished Work. If City determines the Work or designated portion has not reached Substantial Completion, City, with the assistance of its Design Professional, shall promptly compile a list of items to be completed or corrected so City may occupy or use the Work or designated portion for its intended use. Vendor shall promptly and accurately complete all items on the list.

b. When Substantial Completion of the Work or a designated portion is achieved, Vendor shall prepare a Certificate of Substantial Completion establishing the date of Substantial Completion and the respective responsibilities of each Party for interim items such as security, maintenance, utilities, insurance, and damage to the Work, and fixing the time for completion of all items on the list accompanying the Certificate. The Certificate of Substantial Completion shall be submitted by Vendor to City and, if directed, to Design Professional for written acceptance of responsibilities assigned in the Certificate of Substantial Completion.

c. Unless otherwise provided in the Certificate of Substantial Completion, warranties required by the Contract Documents shall commence on the date of Substantial Completion of the Work or a designated portion.

d. Upon City's written acceptance of the Certificate of Substantial Completion, City shall pay to Vendor the remaining retainage held by City for the Work described in the Certificate of Substantial Completion less a sum equal to one hundred and fifty percent (150%) of the estimated cost of completing or correcting remaining items on that part of the Work, as agreed to by the Parties as necessary to achieve Final Completion, including all close outs. Uncompleted items shall be completed by Vendor in a mutually agreed upon timeframe.

14. Final Completion:

a. Upon notification from Vendor that the Work is complete and ready for final inspection and acceptance, City, with the assistance of its Design Professional shall promptly conduct an inspection to determine if the Work has been completed and is acceptable under the Contract Documents.

b. When the Work is complete, Vendor shall prepare for City's written acceptance a final application for payment stating that to the best of Vendor's knowledge, and based on City's inspections, the Work has reached Final Completion in accordance with the Contract Documents.

c. Final payment shall be made to Vendor within thirty (30) Days after Vendor has submitted an application for final payment, pending the application has been approved by the City, including submissions required, and a Certificate of Final Completion has been executed by all Parties.

d. Final payment shall be due on Vendor's submission of the following to the City:

   i. an affidavit declaring any indebtedness connected with the Work, to have been paid, satisfied, or to be paid with the proceeds of final payment, so as not to encumber City property;

   ii. as-built drawings, manuals, copies of warranties, and all other close-out documents required by the Contract Documents;

   iii. release of any liens, conditioned on final payment being received;

   iv. consent of any surety; and

   v. any outstanding known and unreported accidents or injuries experienced by Vendor or its Subcontractors at the Worksite.

e. If, after Substantial Completion of the Work, the Final Completion of a portion of the Work is materially delayed through no fault of Vendor. If approved by City, they shall pay the balance due for any portion of the Work fully completed and accepted. If the remaining contract balance for Work not fully completed and accepted is less than the retained amount before payment, Vendor shall submit to City and, if directed, Design Professional the written consent of any surety to payment of the balance due for portions of the Work that are fully completed and accepted. Such payment shall not constitute a waiver of claims, but otherwise shall be governed by this section.

f. ACCEPTANCE OF FINAL PAYMENT: Unless Vendor provides written identification of unsettled claims with an application for final payment, its acceptance of final payment constitutes a waiver of such claims.

g. **Milestone** shall ensure that the City of Fayetteville receives lien waivers from all material suppliers, subcontractors and sub-subcontractors and **before** work begins on the project. The contractor shall give written notice to the material suppliers, subcontractors and sub-subcontractors providing work on the project that states the following:

i. *'According to Arkansas law, it is understood that no liens can be filed against public property if valid and enforceable payment and performance bond is in place. Regarding this Project and Agreement, the valid and enforceable bonds are with (___ name of surety ___).'*

ii. **Milestone** shall have each subcontractor, sub-subcontractor and material supplier execute a written receipt evidencing acknowledgment of this statement prior to commencement of the work of the subcontractor or material supplier.

15. **Notices**: Any notice required to be given under this Agreement to either party to the other shall be sufficient if addressed and mailed, certified mail, postage paid, delivery, fax or e-mail (receipt confirmed), or overnight courier.

16. **Jurisdiction**: Legal jurisdiction to resolve any disputes shall be Arkansas with Arkansas law applying to the case.

17. **Venue**: Venue for all legal disputes shall be Washington County, Arkansas.

18. **Freedom of Information Act:** City of Fayetteville contracts and documents prepared while performing contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the VENDOR shall do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo coping costs pursuant to the FOIA may be assessed for this compliance.

19. **Changes in Scope or Price:** Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.

20. **Insurance:**

a. Before starting the Work and as a condition precedent to payment, Vendor shall procure and maintain in force Workers' Compensation Insurance, Employers' Liability Insurance, Business Automobile Liability Insurance, and Commercial General Liability Insurance ("CGL"). The CGL policy shall include coverage for liability arising from premises, operations, independent contractors, products-completed operations, personal injury and advertising injury, contractual liability, pollution coverage, and broad form property damage. Vendor shall maintain completed operations liability insurance for one year after Substantial Completion, or as required by the Contract Documents, whichever is longer. Vendor's Employers' Liability, Business Automobile Liability and CGL policies shall be written with at least the limits of liability presented in **Appendix D.**

b. Employers' Liability, Business Automobile Liability, and CGL coverages required may be provided by a single policy for the full limits required or by a combination of underlying policies with the balance provided by excess or umbrella liability policies.

c. Vendor shall maintain in effect all insurance coverage required with insurance companies lawfully authorized to do business in the jurisdiction in which the Project is located. If Vendor fails to obtain or maintain any insurance coverage required under this Agreement, City may purchase such coverage and charge the expense to Vendor or terminate this Agreement.

d. To the extent commercially available to Vendor from its current insurance company, insurance policies required shall contain a provision that the insurance company or its designee shall give City written notice transmitted in paper and electronic format: (a) 30 Days before coverage is nonrenewed by the insurance company and (b) within 10 Business Days after cancelation of coverage by the insurance company. Before commencing the Work and upon renewal or replacement of the insurance policies, Vendor shall furnish City with certificates of insurance until one year after Substantial Completion or longer if required by the

Contract Documents. In addition, if any insurance policy required is not to be immediately replaced without lapse in coverage when it expires, exhausts its limits, or is to be cancelled, Vendor shall give City prompt written notice upon actual or constructive knowledge of such condition.

e. Certificates of Insurance shall list the City as Additional Insured Parties.

f. PROPERTY INSURANCE:

i. At no time shall any policy be covered by self-insurance or in a self-insured format. All policies shall be covered by an approved commercial insurance professional properly licensed to do business in Arkansas.

ii. Unless otherwise directed in writing by City, before starting the Work, **Milestone** shall obtain and maintain a Builder's Risk Policy upon the entire Project for the full cost of replacement at the time of loss, including existing structures. This insurance shall also (a) name Vendor, Subcontractors, Sub subcontractors, and Design Professional as named insureds; (b) be written in such form to cover all risks of physical loss except those specifically excluded by the policy; and (c) insure at least against and **not** exclude:

1. the perils of fire, lightning, explosion, windstorm, hail, smoke, aircraft (except aircraft, including helicopter, operated by or on behalf of Vendor) and vehicles, riot and civil commotion, theft, vandalism, malicious mischief, debris removal, flood, earthquake, earth movement, water damage, wind damage, testing if applicable, collapse, however caused;

2. damage resulting from defective design, workmanship, or material;

3. coverage extension for damage to existing buildings, plant, or other structures at the Worksite, when the Project is contained within or attached to such existing buildings, plant or structures. Coverage shall be to the extent loss or damage arises out of Constructor's activities or operations at the Project.

4. equipment breakdown, including mechanical breakdown, electrical injury to electrical devices, explosion of steam equipment, and damage to steam equipment caused by a condition within the equipment;

5. testing coverage for running newly installed machinery and equipment at or beyond the specified limits of their capacity to determine whether they are fit for their intended use; and

6. physical loss resulting from Terrorism.

iii. The Party that is the primary cause of a Builder's Risk Policy claim shall be responsible for any deductible amounts or coinsurance payments. If no Party is the primary cause of a claim, then the Party obtaining and maintaining the Builder's Risk Policy shall be responsible for the deductible amounts or coinsurance payments. This policy shall provide for a waiver of subrogation. This insurance shall remain in effect until final payment has been made or until no person or entity other than City has an insurable interest in the property to be covered by this insurance, whichever is sooner. Partial occupancy or use of the Work shall not commence until City has secured the consent of the insurance company or companies providing the coverage required in this subsection. Before commencing the Work, City shall provide a copy of the property policy or policies obtained.

iv. If City elects to purchase the property insurance required by this Agreement, including all of the coverages and deductibles for the same durations specified, City shall give written notice to Vendor before the Work is commenced and provide a copy of the property policy or policies obtained in compliance with this agreement. City may then provide insurance to protect its

interests and the interests of the Constructor, Subcontractors, Suppliers, and Subsubcontractors. The cost of this insurance shall be paid by City in a Change Order. If City gives written notice of its intent to purchase property insurance required by this Agreement and fails to purchase or maintain such insurance, City shall be responsible for costs reasonably attributed to such failure.

v. The Parties each waive all rights against each other and their respective employees, agents, contractors, subcontractors, suppliers, sub subcontractors, and design professionals for damages caused by risks covered by the property insurance, except such rights as they may have to the proceeds of the insurance.

1. To the extent of the limits of Vendor's Commercial General Liability Insurance, Vendor shall indemnify and hold harmless City against any and all liability, claims, demands, damages, losses, and expenses, including attorneys' fees, in connection with or arising out of any damage or alleged damage to any of City's existing adjacent property, including personal property, that may arise from the performance of the Work, to the extent caused by the negligent or intentionally wrongful acts or omissions of Vendor, Subcontractor, Supplier, Sub subcontractor, or anyone employed directly or indirectly by any of them or by anyone for whose acts any of them may be liable.

g. RISK OF LOSS: Except to the extent a loss is covered by applicable insurance, risk of loss from damage to the Work shall be upon the Party obtaining and maintaining the Builder's Risk until the Date of Final Completion.

h. ADDITIONAL GENERAL LIABILITY COVERAGE: City shall require Vendor to purchase and maintain additional liability coverage. Vendor shall provide:

i. Additional Insured. City shall be named as an additional insured on Vendor's Commercial General Liability (CGL) specified, for on-going operations and completed operations, excess/umbrella liability, commercial automobile liability, and any required pollution liability, but only with respect to liability for bodily injury, property damage, or personal and advertising injury to the extent caused by the negligent acts or omissions of Vendor, or those acting on Vendor's behalf, in the performance of Vendor's work for Owner at the Worksite. The insurance of the Vendor and its Subcontractors (both primary and excess) shall be primary to any insurance available to the Additional Insureds. Any insurance available to the Additional Insureds shall be excess and non-contributory.

ii. OCP. Vendor shall provide an Owners' and Contractors' Protective Liability Insurance ("OCP") policy with limits equal to the limits on CGL specified, or limits as otherwise required by Owner.

i. Any documented additional cost in the form of a surcharge associated with procuring the additional liability coverage in accordance with this subsection shall be paid by VENDOR. Before commencing the Work, Vendor shall provide either a copy of the OCP policy, or a certificate and endorsement evidencing that City has been named as an additional insured, as applicable.

i. ROYALTIES, PATENTS, AND COPYRIGHTS: Vendor shall pay all royalties and license fees which may be due on the inclusion of any patented or copyrighted materials, methods, or systems selected by Vendor and incorporated in the Work. Vendor shall defend, indemnify, and hold City harmless from all suits or claims for infringement of any patent rights or copyrights arising out of such selection.

j. PROFESSIONAL LIABILITY INSURANCE: To the extent Vendor is required to procure design services, Vendor shall require its design professionals to obtain a commercial professional liability insurance for claims arising from the negligent performance of professional services under this Agreement, with a company reasonably satisfactory to City, including coverage for all professional liability caused by any

consultants to Vendor's design professional, written for not less than one million US dollars ($1,000,000) per claim and in the aggregate. Vendor's design professional shall pay the deductible. The Professional Liability Insurance shall contain a retroactive date providing prior acts coverage sufficient to cover all Services performed by the Constructor's design professional for this Project. Coverage shall be continued in effect for the entire warranty period.

21. **Professional Responsibility:** **Milestone** will exercise reasonable skill, care, and diligence in the performance of services and will carry out its responsibilities in accordance with customarily accepted professional practices. CITY OF FAYETTEVILLE will promptly report to **Milestone** any defects or suspected defects in services of which CITY OF FAYETTEVILLE becomes aware, so **Milestone** can take measures to minimize the consequences of such a defect. CITY OF FAYETTEVILLE retains all remedies to recover for its damages caused by any negligence of **Milestone**.

22. **Responsibility of the City of Fayetteville**

    a. CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of **Milestone**:

        i. Provide full information as to the requirements for the Project.

        ii. Assist **Milestone** by placing at **Milestone's** disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.

        iii. Assist **Milestone** in obtaining access to property reasonably necessary for **Milestone** to perform its services.

        iv. Examine all studies, reports, sketches, cost opinions, proposals, and other documents presented by **Milestone** and render in writing decisions pertaining thereto.

        v. Review all documents and provide written comments to **Milestone** in a timely manner.

        vi. The City of Fayetteville Facilities Director is the project representatives with respect to the services to be performed under this Agreement. The Facilities Director Representative shall have complete authority to transmit instructions, receive information, interpret and define policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.

23. **Cost Opinions and Projections:** Cost opinions and projections prepared by the **Milestone** relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, cost estimating, and operating results are based on **Milestone** experience, qualifications, and judgment as a **Milestone** professional.

24. **Period of Service:** This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.

    a. The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. **Milestone** shall proceed with providing the authorized services immediately upon receipt of written authorization from CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed.

25. **Termination:**

    a. This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

i. Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

ii. An opportunity for consultation with the terminating party prior to termination.

b. This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that **Milestone** is given:

i. Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

ii. An opportunity for consultation with the terminating party prior to termination.

c. If termination for default is affected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but

i. No amount shall be allowed for anticipated profit on unperformed services or other work,

ii. Any payment due to **Milestone** at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of **Milestone**'s default.

d. If termination for default is affected by **Milestone**, or if termination for convenience is affected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to **Milestone** for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by **Milestone** relating to commitments which had become firm prior to the termination.

e. Upon receipt of a termination action under Paragraphs above, **Milestone** shall:

i. Promptly discontinue all affected work (unless the notice directs otherwise),

ii. Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by **Milestone** in performing this Agreement, whether completed or in process.

f. Upon termination under sections above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.

g. If, after termination for failure of **Milestone** to fulfill contractual obligations, it is determined that **Milestone** had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF FAYETTEVILLE. In such event, adjustments of the agreement price shall be made as provided in this agreement.

26. Delays

a. In the event the services of **Milestone** are suspended or delayed by CITY OF FAYETTEVILLE, or by other events beyond **Milestone's** reasonable control, **Milestone** shall be entitled to additional compensation and time for reasonable documented costs incurred by **Milestone** in temporarily closing down or delaying the Project.

b. In the event the services are suspended or delayed by **Milestone**, CITY shall be entitled to compensation and time for reasonable costs incurred in temporarily closing down or delaying the Project.

27. Rights and Benefits

a. **Milestone's** services shall be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

28. Dispute Resolution

a. Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and **Milestone** which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or **Milestone** in the performance of this Agreement, and disputes concerning payment.

b. Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given as described in this agreement, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in this agreement have been complied with.

c. Notice of Dispute

i. For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice.

ii. For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give **Milestone** written Notice at the address listed in this agreement within thirty (30) calendar days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

iii. Negotiation: Within seven (7) calendar days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and **Milestone** shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of **Milestone**, and the Mayor of CITY OF FAYETTEVILLE or his or her designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 calendar days of the written request to resolve the dispute.

29. **Sufficient Funds**: The CITY represents to have sufficient funds or the means of obtaining funds to remit payment to **Milestone** for services rendered by **Milestone**. All parties agree if funding should become insufficient to complete the project, VENDOR shall be notified in a timely manner.

30. Publications:

a. Recognizing the importance of professional services on the part of **Milestone's** employees and the importance of **Milestone's** public relations, **Milestone** may prepare publications, such as technical papers, articles for periodicals, promotional materials, and press releases, in electronic or other format, pertaining to **Milestone's** services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to **Milestone**, CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. Approved materials may be used in a variety of situations and do not require additional review or approval for each use. The cost of **Milestone's** activities pertaining to any such publication shall be for **Milestone's** account.

31. Indemnification:

a. The CITY requires the **Milestone** to indemnify, defend and hold harmless the CITY OF FAYETTEVILLE for any loss caused by negligence and from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault

of the **Milestone**, or their employees, agents, Subcontractors, sub consultant and Suppliers of the **Milestone**.

32. Ownership of Documents:

a. All documents provided by CITY OF FAYETTEVILLE including original drawings, CAD drawings, estimates, field notes, and project data are and remain the property of CITY OF FAYETTEVILLE. **Milestone** may retain reproduced copies of drawings and copies of other documents.

b. Engineering and architectural documents, computer models, drawings, specifications and other hard copy or electronic media prepared by **Milestone** as part of the Services shall become the property of CITY OF FAYETTEVILLE when **Milestone** has been compensated for all Services rendered, provided, however, that Vendor shall have the unrestricted right to their use. **Milestone** shall, however, retain its rights in its standard drawings details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of **Milestone**.

c. Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. **Milestone** makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

33. Additional Responsibilities of Milestone:

a. Review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder by CITY shall not in any way relieve **Milestone** of responsibility for the technical adequacy of the work. Review, approval or acceptance of, or payment for any of the services by CITY shall not be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

b. **Milestone** shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by **Milestone's** negligent performance, except beyond the **Milestone's** normal standard of care, of any of the services furnished under this Agreement, and except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.

c. **Milestone's** obligations under this clause are in addition to Vendor's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against **Milestone** for faulty materials, equipment, or work.

34. Audit and Access to Records:

a. **Milestone** shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement.

b. **Milestone** shall also maintain the financial information and data used by **Milestone** in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. CITY OF FAYETTEVILLE, the State or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. **Milestone** will provide proper facilities for such access and inspection.

c. Records shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

d. This right of access clause (with respect to financial records) applies to:

   i. Negotiated prime agreements

   ii. Negotiated change orders or agreement amendments affecting the price of any formally advertised, competitively awarded, fixed price agreement

   iii. Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier sub agreement or purchase order awarded after effective price competition, except:

      1. With respect to record pertaining directly to sub agreement performance, excluding any financial records of **Milestone**;

      2. If there is any indication that fraud, collusion, gross abuse or corrupt practices may be involved;

      3. If the sub agreement is terminated for default or for convenience.

35. Covenant Against Contingent Fees:

a. **Milestone** warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or continent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by **Milestone** for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

36. Gratuities:

a. If CITY OF FAYETTEVILLE finds after a notice and hearing that **Milestone** or any of **Milestone** agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE or related third party contractor associated with this project, in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to **Milestone** terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

b. The CITY may pursue the same remedies against **Milestone** as it could pursue in the event of a breach of the Agreement by **Milestone**. As a penalty, in addition to any other damages to which it may be entitled by law, CITY OF FAYETTEVILLE may pursue exemplary damages in an amount, as determined by CITY, which shall be not less than three nor more than ten times the costs **Milestone** incurs in providing any such gratuities to any such officer or employee.

IN WITNESS WHEREOF, **CITY OF FAYETTEVILLE, ARKANSAS** by and through its Mayor, and **MILESTONE CONSTRUCTION, INC.** by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS	MILESTONE CONSTRUCTION, INC.
By:_____	By: Sam R. Hollis
Lioneld Jordan, Mayor	**Sam Hollis, President**
ATTEST:	
By:_____	
Kara Paxton, City Clerk	
Date Signed: _____	Date Signed: 11/11/24

MILESTONE™
CONSTRUCTION COMPANY, LLC

Change Order Approval

Job #: 6587 **Date**: November 11, 2024

Project: City Hall HVAC Improvements

PCI #: COR001

Title: Owner Contingency

Scope: Increase contract amount to include an owner contingency

Additional Days Requested: 0

Description	Vendor	Qty	U/M	Rate	Amount
CO #01 Owners Contingency		1.00	LS	300,000.00	300,000.00

Total: 300,000.00

Owner: _____ Date: _____

Contractor: _____ - Project Manager Milestone Construction Company, LLC Date: _____

Inclusions:

- Contingency / Allowance Log Summary

MILESTONE™
CONSTRUCTION COMPANY, LLC

City Hall HVAC Improvements

Owner Contingency

Document	Description	Amount
		$ -
	Total Used:	**$ -**
	Beginning Balance:	**$ 300,000.00**
	Current Balance	**$ 300,000.00**

2002 S. 48th Street, Ste. A / Springdale, Arkansas 72762
p 479.751.3560 / f 479.751.4841 / www.mstonecc.com

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-726

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Brad Hardin, Fire Chief

FROM: Granville Wynn, Financial Analyst - Fire

SUBJECT: **Fire Department Administrative Policy Approval**

RECOMMENDATION:
Staff is requesting Council Approval adopting a Fayetteville Fire Department Administrative Policy.

BACKGROUND:
The Fayetteville Fire Department is currently in the process of reviewing policies and updating as necessary to make changes as recommended and to meet best practices while working through The Commission on Fire Accreditation International (CFAI) accreditation process. Changes and additions are in the yellow-highlighted print.

DISCUSSION:
This is the Policy presented for Council Approval:

Prevention, Investigation, & Public Education

BUDGET/STAFF IMPACT:
No Budget Impact with this policy.

ATTACHMENTS: SRF (#3), Administrative Policy (#4)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-726

Fire Department Administrative Policy Approval

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE FIRE DEPARTMENT PREVENTION, INVESTIGATION & PUBLIC EDUCATION POLICY

WHEREAS, the Fayetteville Fire Department is currently in the process of reviewing policies and updating as necessary to make changes as recommended and to meet best practices while working through the Commission on Fire Accreditation International accreditation process.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves and adopts the Fayetteville Fire Department Prevention, Investigation & Public Education Policy, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-726

Item ID

12/3/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Brad Hardin	10/31/2024	FIRE (300)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff is requesting Council Approval adopting a Fayetteville Fire Department Administrative Policy.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

Comments:

Fayetteville Fire Department		
Administrative Policies		
Prevention, Investigation, & Public Education		
Version **1**	Created: **February 1, 2023**	Revised: **DRAFT**
SOG Reference:	All 400 Series	
CFAI Reference:	Category 5: Community Risk Reduction Program	

Policy

The purpose of this administrative policy is to establish the roles and responsibilities of the Fayetteville Fire Marshal's Office (FMO) and govern the Standing Operating Guidelines (SOGs) specific to the Fayetteville Fire Marshal's Office.

Responsibilities

The primary responsibility of the FMO is to protect life and property through the prevention of fires and other emergencies before they happen. To accomplish this the Fire Marshal's Office has developed a comprehensive fire prevention program consisting of the following:

- Fire Code Inspections / Code Enforcement
- New Construction Plan Review and Acceptance Testing
- Operational Permitting
- Public Education
- Fire Investigations

The Chief Fire Marshal oversees the operations of the FMO. The Office of the Fire Marshal is authorized by State Law, Arkansas Code Annotated 14-53-112 and through the City of Fayetteville Code of Ordinance 94.01 and has the authority to enforce the Arkansas Fire Prevention Code through AFPC Section 104.1.

Fire Code Inspections / Code Enforcement

The FMO conducts fire code inspections on new and existing commercial structures to verify compliance with the Arkansas Fire Prevention Code. Types of inspections include business license, school and daycare, certificate of occupancy, mobile vendor, general fire safety inspections and requested non-commercial residential safety inspections.

DRAFT

New Construction Plan Review and Acceptance Testing

The FMO reviews submitted plans through the City of Fayetteville's development review process. This includes technical plat review, building plan review and fire protection systems review to ensure that all applicable fire and building codes are being followed during the planning and construction of structures within the City. Once constructed, inspections and acceptance tests are done to verify compliance with the Arkansas Fire Prevention Code.

Operational Permitting

The FMO conducts reviews and inspections for the purpose of issuing operational permits for the following:

- Firework permits
- Tent permits
- Indoor pyrotechnic permits
- Flame performance/flame effect permits
- Blasting permits
- Special event permits.

Public Education

The Fayetteville Department provides the community with fire safety education through programs administered and supervised by the Fire Marshal's Office. The FMO identifies specific risks, behaviors and audiences based on information from the National Fire Protection Association (NFPA) and the United States Fire Administration (USFA) to focus fire safety messages to meet the specific needs of the jurisdiction. These programs include fire station tours, a juvenile fire setter program, fire extinguisher training and outreach programs for all public and private schools within the City of Fayetteville. The FMO also has multiple adult education programs through SMART 911 training and fire safety in college housing training programs.

DRAFT

Fire Education Dog(s)

Educating the public on the importance of fire safety in the homes and workplace is one of the most important mandates that a fire department could have. There are many educational tools we have at our disposal, but one of the most effective tools we could have is a fire education dog (FED). A Fire Education Dog is much more than a mascot, a fire education dog can take a fire safety message/idea and create a living, physical persona that people can create a relationship with. A Fire education dog can also generate a calming effect at the fire station among fire department employees, improve morale and inspire employee exercise.

Policy:

- This policy applies to Fayetteville Fire Department employees only.
- The focus of our policy is dogs. Other pets are not included at this time.
- SOG-403 Fire Education Dogs will be created and maintained regarding Requirements, Safety, Responsibilities, and Scheduling procedures.

Fire Investigations

Fire investigations are conducted by trained fire and explosion investigators within the Fayetteville Fire Marshal's Office. The FMO investigates fires to determine the origin and cause for the following type of incidents:

- Fires or explosions suspected to be intentionally set.
- Fires where the origin and cause are not easily explainable to the Incident Commander or Officer in charge.
- Any fire or explosion involving a juvenile.
- Fires or explosions that cause burns or bodily injury that requires transport to a hospital or results in a death.
- Fires involving fire alarm or sprinkler system malfunctions or failures
- Fires violating burn bans or outdoor burning rules.
- Any other fire that the Fire Chief, the Fire Marshal, or Incident Commander determines that an investigation is warranted.

DRAFT

During fire investigations, members of the FMO may work with other agencies to include Fayetteville Police, Arkansas State Police, Federal Bureau of Investigations, Bureau of Alcohol Tobacco Firearms and Explosives, Arkansas State Fire Marshal's Office and various other fire, law enforcement and prosecuting agencies.

DRAFT

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-1677

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Ted Jack, Park Planning Superintendent
Alison Jumper, Director of Parks, Natural Resources and Cultural Affairs
Jonathan Curth, Development Services Director
Jessica Masters, Development Review Manager
Susan Norton, Chief of Staff

FROM: John Scott, Urban Forester

SUBJECT: **Urban Forestry Management Plan**

RECOMMENDATION:
Urban Forestry staff recommends that the City Council adopt the Urban Forestry Management Plan.

BACKGROUND:
The City's Urban Forestry efforts have undergone a remarkable transformation since the last plan was completed over a decade ago, in 2012. Significant advancements have been made in adapting the city's tree species selections to account for the impacts of climate change and emerging tree diseases, ensuring the long-term health and resilience of the urban canopy. Continuous research and knowledge-building have further strengthened the city's urban forestry program, equipping decision-makers with the insights required to manage this vital green infrastructure effectively.

In accordance with the Unified Development Code's mandate to conduct a tree canopy analysis every ten years, the city has now fulfilled this requirement, laying the groundwork for a new 10-year Urban Forestry Management Plan. This plan was developed through a sample tree inventory, public and internal surveys, benchmarking against industry best practices, and detailed audits. The Urban Forestry Advisory Board was a key stakeholder throughout, ensuring the plan's recommendations aligned with community priorities. Input was also gathered from various municipal departments, including Parks, Natural Resources, Cultural Affairs, Public Works, Development Services, and Sustainability, further strengthening the plan's cross-functional approach.

With the city's rapid growth and the evolving landscape of urban forestry, this updated management plan comes at a critical juncture, poised to guide the next decade of the city's tree-focused initiatives. By leveraging the wealth of data and insights gathered through this planning process, the city is well-equipped to strategically enhance its urban forest, delivering tangible benefits to the community through improved environmental quality, increased resilience, and enhanced quality of life.

DISCUSSION:
The Urban Forestry Management Plan (UFMP) is a visionary document that serves as a guiding framework for improving and enhancing Fayetteville's urban forest. This flexible plan thoroughly evaluates the city's current tree inventory, urban forestry programs, development codes, and maintenance practices while carefully considering various stakeholders' values and priorities.

The UFMP establishes ambitious yet achievable goals that increase the city's overall tree canopy cover from the current level of 39.4% to a target of 40.6% over the next 10 years. To reach this goal, the plan outlines a flexible strategy of planting approximately 1,850 new trees annually through a combination of direct plantings and community giveaway programs while also emphasizing the critical importance of maintaining these young trees to ensure their healthy maturation. Fayetteville's urban forest is recognized as a cherished natural asset and an economic resource, providing an estimated $55 million in annual benefits through improved air quality and reduced stormwater runoff.
Key Information

- 39.4% of Fayetteville was shaded by urban tree canopy cover in 2019.
- Tree Goal- 40.6% across the city over a 10-year planning period.
- A flexible goal of planting 1,850 trees annually to be achieved through planting and giveaways while focusing on maintaining new trees to maturity.
- Fayetteville’s urban forest provides an annual estimated benefit of $55 million by improving air quality and reducing stormwater volumes.
- A 2022 analysis shows Fayetteville’s overall Tree Equity Score is 87 out of 100. The national average score is 85 (as of 2023).

The UFMP's visionary approach is grounded in five key principles:

- Equitable and Resilient Canopy Cover,
- Maintenance and Management,
- Tree Preservation and Protection,
- Funding and Levels of Service,
- Community Education, Engagement, and Stewardship.

Each of these principles is further elaborated upon, with detailed strategies and priority actions outlined to guide the city's efforts in continuously providing high-quality urban forestry services both now and in the future. With a strong focus on equity, resilience, and sustainable management, the Urban Forestry

BUDGET/STAFF IMPACT:
None

ATTACHMENTS: SRF (#3), Urban Forestry Management Plan (#4), Supplements with Table of Content (#5), Urban Forestry Management Plan - Revised Version (#6), Supplements with Table of Content - Revised Version (#7)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-1677

Urban Forestry Management Plan

A RESOLUTION TO APPROVE AND ADOPT THE URBAN FORESTRY MANAGEMENT PLAN

WHEREAS, the Unified Development Code Chapter 167.03 requires Urban Forestry to complete a tree canopy analysis or equivalent study every ten years; and

WHEREAS, the last comprehensive Urban Forestry plan was completed in 2012 and, since that time, Fayetteville has seen tremendous growth, changes in species recommendations due to climate change and new tree diseases, and an ever-expanding knowledge of trees; and

WHEREAS, on June 21, 2022, City Council approved a contract with PlanIT Geo to prepare a 10-year Urban Forestry Management Plan; and

WHEREAS, the Plan was completed in 2024 with the assistance of the City's Urban Foresters and input from the Urban Forestry Advisory Board; the general public, and internal stakeholders including the Parks, Natural Resources, and Cultural Affairs Department; Public Works Department, Development Services Department, and the Sustainability Division; and

WHEREAS, the proposed Urban Forestry Management Plan is a visionary document guiding improvements, setting goals, and establishing standards based on the principles of Equitable and Resilient Canopy Cover; Maintenance and Management; Tree Preservations and Protection; Funding and Levels of Service; and Community Education, Engagement, and Stewardship.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves and adopts the Urban Forestry Management Plan, a copy of which is attached to this Resolution.

City of Fayetteville Staff Review Form

2024-1677

Item ID

10/1/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

John Scott	9/12/2024	PARKS & RECREATION (520)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Urban Forestry staff recommends that the City Council adopt the Urban Forestry Master Plan.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:



URBAN FORESTRY **MANAGEMENT PLAN**

CITY OF FAYETTEVILLE, ARKANSAS

2024

CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™ developers of TreePlotter

URBAN FORESTRY
MANAGEMENT PLAN

City of Fayetteville, Arkansas // 2024

Acknowledgments
Funding for this effort supported by the City of Fayetteville

The City of Fayetteville, AR Contributors

- Parks, Natural Resources and Cultural Affairs – Urban Forestry
- Development Services – Urban Forestry
- Public Works – Engineering and Park Maintenance
- Other Supporting City Departments and Programs
- Fayetteville Urban Forestry Advisory Board
- Fayetteville Environmental Action Committee
- Fayetteville Parks and Recreation Advisory Board
- Fayetteville Planning Commission
- City Council
- Community members of Fayetteville
- GIS Department (Thank you!)

Document Design: Brittany Phillips Design

Plan Prepared By: Chris Peiffer, PlanIT Geo
Plan Edited By: John Scott, Urban Forester City of Fayetteville

All other photos unless noted are from the City of Fayetteville, Arkansas

CITY OF
FAYETTEVILLE
ARKANSAS

LETTER FROM THE CITY OF FAYETTEVILLE

In Fayetteville, trees are a source of pride and hold a special place in our City's identity. Our urban tree canopy is part of what makes Fayetteville unique and attractive to residents and visitors. The City of Fayetteville's Urban Forestry Management Plan will serve as a blueprint to guide Fayetteville during rapid growth, helping to make sure our growing community remains healthy, vibrant and green. A coalition of residents, staff, stakeholders and board members created this plan for Fayetteville by reviewing our past and current conditions and considering what the future holds for Fayetteville.

I want to express gratitude to all contributors to the Urban Forestry Management Plan. The direction outlined in this plan will help us maintain and grow our urban forests, which continue to provide direct benefits to our community.

MAYOR LIONELD JORDAN

A LETTER FROM FAYETTEVILLE'S URBAN FORESTERS

Trees and forests are the silent workhorses in our City that provide us with many benefits. Trees give us one of the most basic elements of life: oxygen. Trees shelter us from the sun during the blazing summer months. Trees filter pollutants from the air and give us cleaner air to breathe. Trees absorb rainwater and help with stormwater control when located correctly. Trees help make our lives livable.

Scientists are making discoveries about trees every year. Within the last ten years, we have learned that trees communicate with each other. We are learning about the complex web of relationships trees have with each other and other organisms. In the past thirty years, we have learned that trees produce chemicals we absorb in our skin that naturally lower our blood pressure and reduce our anxiety levels. We are just scratching the surface of what we know about trees.

The City of Fayetteville has a unique relationship with trees and tree preservation. The collaboration with our community shows how important trees are to our residents. Trees and our urban forests continue to be a high priority for our residents as illustrated in the survey results from this Plan, the Park and Recreation System Plan, Energy Action Plan, and City Plan 2040. We are thrilled to have a plan that embraces our residents' priorities and will help guide us through future growth.

Our City is changing quickly, and these changes impact trees. This plan is a guide to help us continue to grow and change while remembering the importance of trees. Over the past ten years, Urban Forestry staff has strengthened our tree preservation and landscape codes, added flexible elements for development in code, and clarified our Unified Development Code. The Urban Forestry Management Plan has a vision to continue strengthening, clarifying, and adding flexibility to our Tree Preservation and Landscape codes.

The Urban Forestry Management Plan will also help focus our efforts to maintain, grow, and enhance our urban forest programs for the next ten years. Fayetteville's award-winning Urban Forestry programs lead the state in innovation, public outreach, technology, and progress. This plan will help continue this progress, strengthen those attributes, and guide us on what we can do for our urban forests. We are excited to continue to serve Fayetteville with award-winning programs by implementing the recommendations of this plan.

MELISSA EVANS, URBAN FORESTER, DEVELOPMENT SERVICES
JOHN SCOTT, URBAN FORESTER, PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS



Table of Contents

Executive Summary 6
Key Findings 7
Aligning City Priorities 8

Iroduction 9
About Fayetteville
Background and History
Benefits and Services Provided by Fayetteville's Trees
Plan Purpose
Challenges Facing Fayetteville's Urban Forest
The Time is Now

Section 2: Current Conditions 20
Trees That Make Up Fayetteville's Urban Forest
Results of the 2022 Public Tree Sample Inventory
Current Conditions of the Citywide Urban Forest
Current Tree Management in Fayetteville
Stakeholder Feedback on Current Conditions
Summary of Urban Forest Vulnerabilities
US Forest Service Urban Forest Sustainability and Management Audit

Section 3: Vision for the Future, Recommendations 68
Introduction
Plan Vision Statement
Guiding Principles and Goals Overview
10-Year Canopy Cover Goal
Stakeholder- driven Guiding Principles and Goals
A) Equitable and Resilient Canopy Cover
B) Maintenance and Management
C) Tree Preservation and Protection
D) Funding and Levels of Service
E) Community Education, Engagement, and Stewardship

Section 4: Implementation 86
Implementation Summary
Monitoring Plan
Evaluate
Monitor
Report
Revise

Conclusion 105

Index 108
Appendix & References 110-134

Appendix A Canopy Goals and Planting Targets 110

Executive Summary

INTRODUCTION

The quality of life for Fayetteville's community members is strongly improved by its trees (collectively known as the urban forest), as trees make a vital and affordable contribution to the sense of community, enhance and create pedestrian-friendly neighborhoods, provide energy savings, reduce stormwater runoff, and improve air quality. Future climate predictions indicate that heat waves will become more frequent, and the average yearly temperatures are expected to continue to rise. In addition, it is anticipated that the region will experience more frequent extreme weather events and temperature changes, prolonged periods of drought, and shortened or disrupted natural seasons. Fayetteville's urban forest is a key part of the City's climate resilience goals, it:

- provides much-needed shade
- is one of the most effective mechanisms to cool urban areas
- reduces stormwater runoff
- increases property values
- makes the City more livable

Protecting, maintaining, and expanding Fayetteville's urban forest is essential to preserving and improving quality of life for all residents while increasing property values. To plan and manage Fayetteville's urban forest, a baseline assessment of tree canopy cover was conducted in 2019.

PURPOSE

The City's Urban Forestry Management Plan ("Plan") aims to provide goals and a roadmap for the City to preserve and expand tree canopy cover and maximize the benefits of Fayetteville's urban forest.

KEY FINDINGS

Fayetteville's programs for urban forest management, community engagement, public tree maintenance, tree ordinances, and the supporting Urban Forestry Advisory Board are critical to meeting the City's commitment to climate change mitigation and adaptation, carbon sequestration, stormwater reduction, water conservation, wildlife habitat enhancement, and service to the community. The following summarizes key findings about the City's tree canopy, its programs, and the community it serves.

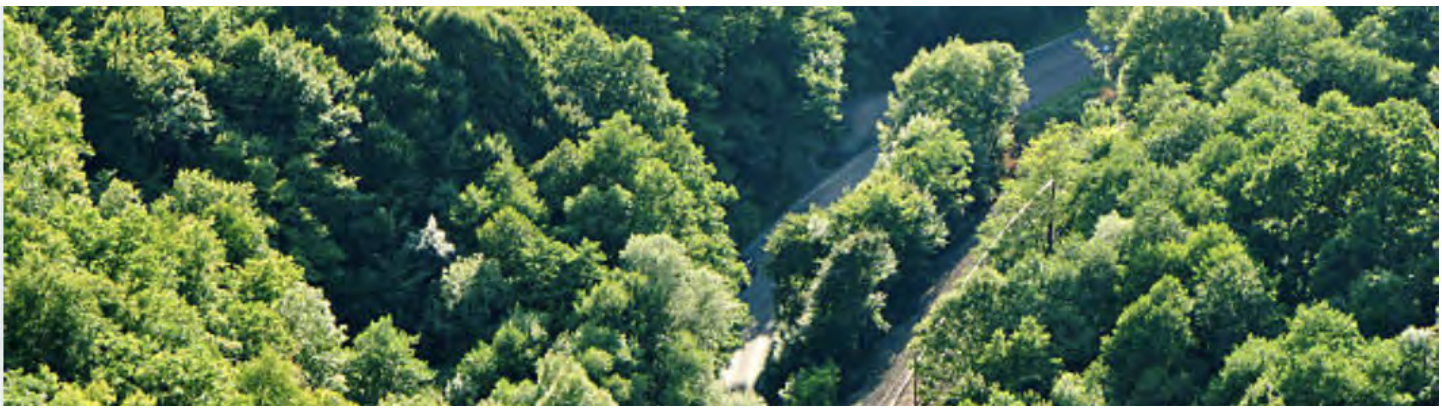


THE PLANNING PROCESS

The development of the Fayetteville Urban Forestry Management Plan was based on answering four key questions:

WHAT DO WE HAVE?
WHAT DO WE WANT?
HOW DO WE GET THERE?
HOW ARE WE DOING?

Figure 1. The process to develop Fayetteville's Urban Forestry Management Plan



URBAN FOREST KEY FINDINGS

1. 39.4% of the City was shaded by urban tree canopy cover in 2019 and had a Tree Equity Score of 87 out of 100. The regional average is 77 and the national average is 85 (see page 36 in the Current Conditions section for more details).
2. The citywide urban forest provides an annual estimated benefit of $55 million by improving air quality, health savings, energy savings, and reducing stormwater volume. (Endreny, 2018)
3. A sample inventory of 2,712 public trees and 848 private trees was completed in 2022. The trees are diverse- the top ten species only comprise 44% of all trees.
4. Fayetteville has an estimated 42,000 public trees of which 25,000 are in maintained areas.
5. The 25,000 publicly-maintained trees provide an estimated $2.5 million in ecosystem benefits.

MANAGEMENT KEY FINDINGS

The urban forest is managed by three different City departments— Parks, Natural Resources and Cultural Affairs; Public Works; and Development Services.

1. 1.00 full-time equivalent (FTE) staff is in Parks, Natural Resources and Cultural Affairs (Park Planning & Urban Forestry Division) and oversees tree plantings, Arbor Day Celebration, the Tree City USA program, specifies new tree plantings in public spaces, is the Staff Leader for the City's Urban Forestry Advisory Board (UFAB), works on Code changes, outreach, budgets, and advises maintenance best management practices.
2. 6.00 FTEs in Park Maintenance in Public Works perform public street tree maintenance.
3. 1.00 FTE in Development Services manages trees as part of private development in accordance with Chapter 167 "Tree Preservation and Protection" within Fayetteville's Unified Development Code and Chapter 177 "Landscape Requirements Code."
4. An estimated 74% of public trees are 12 inches in diameter or less, 75% of trees are in good condition, and the most common maintenance need for public trees is clearance pruning (8%), removals (6%), and watering for tree establishment.
5. Fayetteville's Urban Forest Audit Score (page 65) based on U.S. Forest Service criteria is 73% (completed in 2023). The Audit evaluates and scores 11 categories of sustainable urban forest management categories according to industry standards and best practices.
6. Challenges and shared priorities among City staff and commission members include staffing, ordinance and standards, and infrastructure conflicts with 50% or more of participating staff indicating these as challenges or concerns.

ALIGNING CITY PRIORITIES

The Urban Forestry Management Plan complements existing city and regional planning efforts such as the City Plan 2040 comprehensive plan for Fayetteville, the Park and Recreation System Master Plan, Energy Action Plan, and the Climate Action Plan (in development as of 2024).

Involvement from stakeholders and residents has been key to development of the Urban Forestry Management Plan and establishing the Plan's priorities. A diverse group of city staff, residents, and community stakeholders provided perspectives on the most important issues faced by the urban forest. Collectively, this group prioritized preserving existing trees and incorporating healthy, climate-tolerant or native trees into the City's built environment, particularly in underserved areas. The Plan's goals reflect these values and priorities.

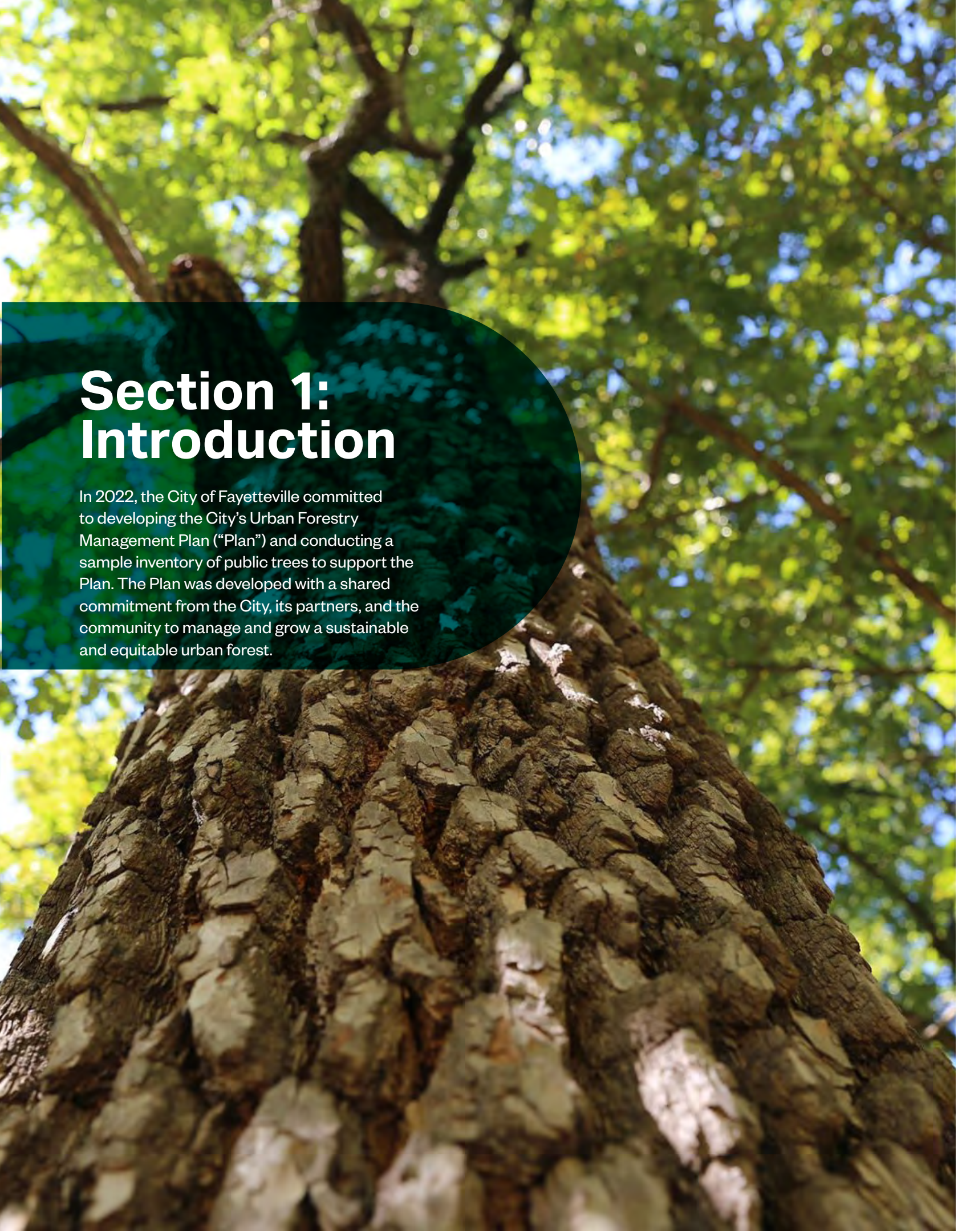
URBAN FORESTRY MANAGEMENT PLAN VISION AND GUIDING PRINCIPLES

Urban Forest Vision	Guiding Principles
Healthy Trees, Healthy City: The vision for Fayetteville's urban forest is to cultivate a thriving, diverse, and well-maintained tree canopy that enhances the livability, health, and sustainability of our community for current and future generations.	**Equitable and Resilient Canopy Cover:** We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges. **Maintenance and Management:** We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity. **Tree Preservation and Protection:** Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the City and best practices. **Funding and Levels of Service:** The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges. **Community Education, Engagement, and Stewardship:** A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement.

Table 1. Summary of the vision and guiding principles for Fayetteville's Urban Forestry Management Plan.

Fayetteville's Urban Forestry Management Plan aims to achieve 44.4% canopy coverage across the City over a 30-year planning period with a 1.2% increase in the first 10 years. The Plan recommends planting an average of 1,850 trees per year, with a focus on 60% being large-canopy trees at maturity. The other goal is to plant trees the City has the ability to maintain to maturity so these trees can provide the maximum benefits to our environment. The City, developers, and private landowners will collectively contribute to reaching the canopy cover goal. (For goal details see page 72)

Tree canopy analysis must be conducted every 10 years to benchmark against our goals and determine what within the management plan needs to be modified to achieve the canopy goals, as required by City Code section 167.03.C.



Section 1: Introduction

In 2022, the City of Fayetteville committed to developing the City's Urban Forestry Management Plan ("Plan") and conducting a sample inventory of public trees to support the Plan. The Plan was developed with a shared commitment from the City, its partners, and the community to manage and grow a sustainable and equitable urban forest.

Introduction

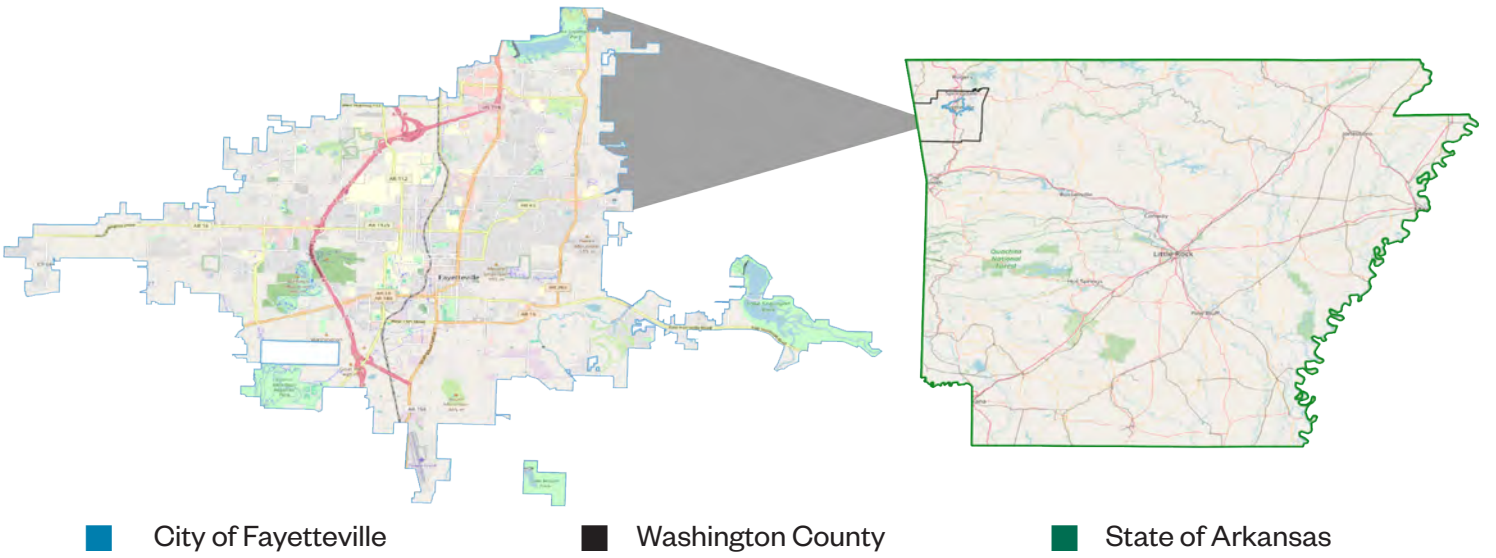


Figure 2. Maps displaying the location of Fayetteville, Arkansas within Washington County.

ABOUT FAYETTEVILLE

Nestled within the picturesque Ozark Mountains in the northwestern part of the state, Fayetteville, Arkansas, stands as a vibrant and growing community that harmoniously blends urban development with natural beauty. As the heart of Washington County and home to the University of Arkansas, Fayetteville exudes a unique character that attracts residents, students, and visitors alike.

Fayetteville is the second most populous city in Arkansas with 93,949 people as of the 2020 U.S. Census. It spans 55.8 square miles and of that area, 39.4% (22 square miles) is covered by the canopy of trees that comprise Fayetteville's urban forest. Fayetteville's location between the Springfield Plateau and the Boston Mountains within the Ozarks gives rise to a wide variety of land forms and environmental features including native prairie wetlands, steeply sloped and forested uplands, and a variety of streams and water bodies.
Overall, Fayetteville's urban forest plays a crucial role in enhancing social interactions, well-being, human health, and community engagement, making Fayetteville a more livable and enjoyable city.



Photo showing view of the Ozark Mountains from Fayetteville. Source: Experience Fayetteville



Photo showing circa 1890 Fayetteville, looking northwest from Mount Sequoyah; fayettevillehistory.org

BACKGROUND AND HISTORY

Situated in the Ozark Mountains, Fayetteville is known for its natural beauty and diverse wildlife. However, over time, the natural environment in and around Fayetteville has been significantly altered due to human settlement and unchecked development. As urban development happened, the natural environment transitioned to what is referred to as an urban forest, meaning trees in an urban area. However, there still remain heavily forested areas and woodlots along with forested public parks and open space within the City. The following provides an overview of the history of the natural environment which led to the City's urban forest and the focus of this management plan.

The earliest settlers in the Fayetteville area were Native American tribes who lived off the land and hunted and gathered food from the natural environment. However, with the arrival of European settlers in the early 19th century, the landscape began to change. The first settlers cleared large areas of land for farming, which led to deforestation and loss of habitat for many species of plants and animals.

In the late 19th and early 20th centuries, industrialization began to take hold in Fayetteville. Sawmills and other factories sprang up, leading to further deforestation and pollution of the local waterways. The construction of railroads and highways also had a significant impact on the natural environment, as large areas of land were cleared to make way for these transportation routes.

As Fayetteville continued to grow and develop, urbanization became a significant factor in altering the natural environment. The population increased, and more land was needed for housing, development, and infrastructure. This led to further deforestation and loss of habitat, as well as increased pollution and degradation of waterways.

Despite these significant changes, Fayetteville has also taken steps to preserve and protect its natural environment. A pivotal moment in Fayetteville's Urban Forestry history came in 2000 when Mary Lightheart protested the removal of trees at a proposed development and climbed into a massive oak tree, living there for three weeks. She and 50 other activists were protesting a new shopping center that would cause the removal of a large stand of oak trees. At the time, the Mayor and City Council approved the project. Two organizations, the League of Women Voters and Sierra Club, sued the City.

The activists helped bring light to tree preservation and triggered political change. The following year, a stronger tree preservation ordinance was enacted with a new Mayor. The residents of Fayetteville made it clear that trees are vital to this City.

This commitment to the natural environment is carried on by Fayetteville's Urban Forestry Management Plan and the City's programs for trees that are detailed in the Current Conditions section.

BENEFITS AND SERVICES PROVIDED BY FAYETTEVILLE'S TREES

A diverse and healthy urban forest works to the benefit of the community, the environment, and the economy. Following is a summary of some of the key benefits and services of trees, nature, and greenspaces in urban areas that was compiled from research to develop Fayetteville's Urban Forestry Management Plan.

IMPROVE THE QUALITY OF LIFE

Trees make cities more livable by decreasing summer temperatures and improving well-being. Greater contact with natural environments correlates with lower levels of stress, improved performance, and fewer sick days. Residents in areas with more greenery are three times more likely to be physically active and less likely to be overweight than residents living in areas with little greenery. View the following section for additional details about Fayetteville's urban forest improving the quality of life for residents.



Cooler Pavement Diminishes Urban Heat Islands

Tree canopy lowers temperatures by shading buildings, asphalt, and concrete. Trees deflect radiation from the sun and release moisture into the air, reducing surface temperatures by as much as 36 degrees. Lower temperatures diminish fumes from heated asphalt and mitigate the urban heat island effect.



Improve Air Quality

Trees produce oxygen and clean the air by removing pollutants that would otherwise contribute to human health problems such as asthma and other respiratory diseases.



Protect Wildlife and Ecosystems

Preserving and planting trees provides valuable habitat for wildlife, supports pollinator species, and provides favorable conditions for beneficial soil microorganisms.



Save Energy and Lower Energy Costs for Buildings

As natural screens, trees insulate homes and businesses from extreme weather, keeping buildings cooler and reducing air conditioning bills. Shade trees planted on a sunny exposure can provide savings of up to 50% in the summer. In winter, evergreen trees provide a barrier to cold winter winds.



Conserve Water and Soil

A tree's root system draws water into the soil and their canopy slows rainfall, reducing runoff and erosion while removing contaminants. In contrast, impervious surfaces like roads and parking lots allow water to run off unfiltered and at high volumes, increasing the likelihood of flooding and impaired water quality.

Other benefits include increased property values, reduced pavement wear, traffic calming, public safety, among others. View a compilation of research on urban forest benefits and services prepared by the Alliance for Community Trees (www.actrees.org). Tree benefits are quantified in the following section.

"In light of the ongoing effects of climate change, trees and their associated canopy have innumerable benefits and an urban forest plays a role in carbon sequestration, mitigating stormwater issues, filtering pollutants, increasing property values, improving public health, and reducing the heat island impacts associated with urban areas."

FAYETTEVILLE CITY PLAN, 2040

A CLOSER LOOK AT TREES IMPROVING THE QUALITY OF LIFE IN FAYETTEVILLE

Trees come in various forms— shade trees, flowering trees, trees with edible fruit and nuts, and trees with vibrant fall color. All types contribute benefits and services to the urban ecosystem— an ecosystem that brings nature into cities through tree canopy, parks, and interconnected greenspace. Many environmental benefits of trees in urban areas are identifiable and measurable, while other benefits are tangential and experiential, such as the feeling of walking a quiet tree-covered trail. The following provides a summary of the social and human health benefits of trees and greenspaces.



The urban forest brings a myriad of social and health benefits to Fayetteville's communities. Park and street trees create a sense of community, offering opportunities for people to come together and engage in various activities. These shared spaces foster a sense of belonging and connection among residents. Additionally, Fayetteville's urban forest provides a respite from the hustle and bustle of city life, offering peaceful retreats where individuals can relax, unwind, and enjoy nature.

Research summarized in the following paragraphs shows the presence of trees and greenery in urban areas reduces stress, improves mental well-being, and encourages physical activity, all of which contribute to healthier and happier communities. Moreover, Fayetteville's urban forest creates opportunities for environmental education and volunteering, inspiring residents to learn about nature, participate in tree planting initiatives, and engage in environmental stewardship.



Figure 3. Human health and social benefits of trees.

Overall, Fayetteville's urban forest plays a crucial role in enhancing social interactions, well-being, human health and community engagement, making Fayetteville a more liveable and enjoyable city.



Studies have found that the amount of trees and vegetation in common spaces such as parks are related to a sense of neighbrohood safety and more social activitiy. In turn, greenery in cities enhances the strength of social ties among neighbors (Kim, et al., 2020).

Encounters with nature in cities also lead to enhanced positive attitudes, decreased stress levels, improved attention spans, and better performance on cognitive memory assessments (Wolf, et al., 2020).

Tree canopy cover and greenspaces in cities motivate and provide opportunities for people to be physically active. The percentage of greenspace within a two mile radius of a person's home has been associated with the percentage of residents reporting good health, particularly among the elderly and those with lower socioeconomic status—groups that are typically less likely to get sufficient physical activity. Research shows that community residents are three times as likely to be physically active when living in areas with more greenspace (Ulmer, et al., 2016).

Opportunities to experience urban nature—whether it's a view of a street tree out a window or actually being outside in nature— are key to the mental well-being of city residents. People are happier, experience a greater sense of well-being, and have reduced stress levels when they live in areas with more greenspace nearby or on a tree canopied neighborhood street (White, et al., 2013).

More tree cover near schools also has a positive effect on student performance. Children with challenges concentrating are more focused following a 20-minute walk in an urban park or tree canopy covered sidewalk than they do after walks in other urban settings without trees and greenery (Taylor, et al., 2009). Trees in neighborhoods and parks connect children to nature.

The link between time spent in natural settings and health outcomes has been the center of focus for healthcare and insurance industries in recent years. Trees and greenspaces have shown to increase longevity, reduce the risk of cancer and heart disease, reduce anxiety and depression, improve immune function, and reduce stress hormones. A study in 2016 of 108,000 people found a 12% lower rate of non-accidental mortality among those with the most greenery in a 820-foot (250 meters) radius around their homes (James, et al., 2016). In addition, hospital patients placed in rooms with views of nature experienced shorter stays in the hospital compared to patients in rooms that faced other buildings (Mihandoust, et al., 2021).

ENVIRONMENTAL BENEFITS OF TREES

Research over the past several decades provides valuable quantified data on environmental benefits for urban forest researchers, managers, and practitioners. This data can be used to communicate tree benefits to residents and stakeholders and to incorporate trees into infrastructure design such as stormwater management. It can also be used to develop strategies that reduce inequities.

A tree canopy assessment conducted by the City in 2020 (with 2019 imagery) determined that 39.4% of the City (14,000 acres) was shaded by tree canopy. In 2022, a sample inventory of 2,712 public trees and 848 private trees was conducted to make estimates about the composition and structure of public and private tree populations. These datasets were used to calculate the following benefits of the citywide urban forest and public tree population as noted.

Citywide Tree Canopy Benefits

The citywide tree canopy across public and private land provides an annual estimated benefit of $55 million by improving air quality and reducing stormwater volumes. (Endreny, 2018)

Public Tree Benefits

The 2022 sample inventory of public trees determined that are 42,000 trees in public spaces, and 25,000 are maintained.

The 25,000 publicly maintained trees were used to calculate the benefits and services. Using i-tree tools, it is estimated that the 25,000 provide $71,615 in ecosystem benefits annually.

It is estimated that the 25,000 maintained public trees sequester (capture) 1.4 million pounds of carbon dioxide annually, worth $33,613. The air quality benefits equate to $23,949 annually in services. $14,056 of stormwater benefits are diverted from the 25,000 trees. Using these three benefits, the 25,000 public trees provide a yearly total of $71,615 in ecosystem benefits (Tree Inventory Summary).



Photo of Eastern towhee habitats are supported by healthy urban forests. Source: Audubon Arkansas

CARBON BENEFITS	**$33,613**
AIR QUALITY BENEFITS	**$23,949**
STORMWATER BENEFITS	**$14,053**
TOTAL BENEFITS	**$71,615**

Over the lifetime of these trees (i-trees uses 35.7 years), $ 2.5 million in benefits for our 25,000 maintained public trees. The value of the 42,000 public trees is over $4.2 million in ecosystem services benefits. (Tree Inventory Supplement)

ECOSYSTEM BENEFITS	AMOUNT FOR 2712 TREES	AVERAGE PER TREE	TOTAL FOR 25,000 PUBLIC TREES
Overall Monetary Benefit ($)	$7,767	$2.86	$71,599.65
Air Quality Monetary Benefit ($)	$2,598	$0.96	$23,949.30
CO (Carbon Monoxide) Pollution Removed (lbs)	12	0.004480	112.00
CO Removed Monetary Benefit ($)	$8	$0.003	$71.72
NO2 (Nitrogen Dioxide)Pollution Removed (lbs)	55	0.02	505.90
NO2 Removed Monetary Benefit ($)	$11.1	$0.004	$102.69
O3(Ozone) Pollution Removed (lbs)	1,046	$0.39	$9,643.25
O3 Removed Monetary Benefit ($)	$1,233	$0.45	$11,366.70
PM2.5 (Particulate Matter 2.5 microns) Pollution Removed (lbs)	28	0.01	257.65
PM2.5 Removed Monetary Benefit ($	$1,339	$0.49	$12,343.93
SO2 (Sulfur dioxide) Pollution Removed (lbs)	21	0.01	189.07
SO2 Removed Monetary Benefit ($)	$0.01	$0.000004	$0.09
Pollutants Removed (lbs)	1,169	0.43	10776.27
Carbon Sequestrated Monetary Benefit ($)	$3,646	$1.34	$33,613.57
Carbon Sequestered (lbs)	156,765	57.8	1445102.2
Stormwater Monetary Benefit ($)	$1,524.53	$0.56	$14,053.56
Evaporation (ft^3)	289,960	106.9	2672938.6
Interception (ft^3)	290,397	107.1	2676967.0
Transpiration (ft^3)	613,646	226.3	5656762.4
Potential Evaporation (ft^3)	2,500,561	922.0	23050897.7
Evapotranspiration (ft^3)	1,892,393	697.8	17444623.9
Runoff Avoided (ft^3)	22,804	8.4	210213.8
CO2 Storage (lbs)	5,348,466	1972.1	49303704.8
CO2 Storage Monetary Benefit ($)	$124,391	$45.87	$1,146,668.05
Carbon Dry Weight (lbs)	2,917,345	1075.72	26892933.08
Carbon Storage (lbs)	1,458,672	537.86	13446459.26

"lbs" = pounds; "gal" = gallons; "ft3"= cubic feet

Figure 4. Estimated annual benefits of Fayetteville's public trees Source: USDA Forest Service i-Tree research

PLAN PURPOSE

Caring for and prioritizing the urban forest is an important part of maintaining a sustainable and vibrant city. However, urban forest management must also support the City's goals including economic development, transportation, urban design, and the goals of property owners. In recognition of this, Fayetteville's Code of Ordinances requires 'a tree canopy analysis and an Urban Forestry Effects Model study or their current equivalent studies within the current geographical boundaries of the city by December 31, 2012. Thereafter, the city should conduct these studies every ten (10) years.' UDC 167.03

The Urban Forestry Management Plan serves as a guide to proactively manage, care for, protect, and expand the City's tree canopy while navigating these competing pressures. The Plan provides a strategic and systematic framework for the sustainable stewardship, enhancement, and utilization of trees within the urban areas of Fayetteville. This Plan serves as a roadmap to guide decision-making and actions related to the urban forest. The key purposes include:

Sustainability and Environmental Health:

The Plan ensures that the ecological benefits are maintained and enhanced, contributing to the overall environmental health and resilience of the City

Quality of Life and Community Well-Being:

The Plan provides the strategies to create and maintain accessible and inviting greenspaces that enhance the quality of life and foster community pride.

Urban Planning and Design:

The Plan aligns with urban planning and design principles, ensuring that tree preservation, planting, maintenance, and removal are integrated into the built environment while reducing or clarifying competing priorities.

Climate Change Mitigation and Adaptation:

The Plan's overarching goal to increase canopy enables the City to maximize the urban forest's contribution to climate change mitigation and adaptation efforts.

Public Safety and Infrastructure:

The Plan provides recommendations for public tree maintenance and risk management.

Education and Outreach:

The Plan includes recommendations for community engagement, outreach, and education to raise awareness about the value of trees, promote responsible stewardship, and support the community in tree planting and maintenance activities.

Long-Term Vision:

A vision for the urban forest ensures decisions made today have a positive impact on future generations. It provides a framework for adaptive management, allowing for adjustments based on changing conditions and priorities.

Coordination and Collaboration:

The Plan fosters collaboration among various internal and external stakeholders to ensure a coordinated and holistic approach to urban forest management.

Legal and Regulatory Compliance:

Creation of the Plan is required by City Code. Recommendations in the Plan improve regulations for tree preservation, protection, maintenance, planting, and compliance.

CHALLENGES FACING FAYETTEVILLE'S URBAN FOREST

External Challenges

Urban forests across the country face common stressors including urban heat, poor air quality, weather extremes, pressure from development, and invasive plants, pests, and diseases. These challenges are often intensified by conflicting priorities and a shortage of resources.

Fayetteville's urban forest has been growing and changing as development and redevelopment occurs in the City. In many ways Fayetteville and the northwest region of the state are fortunate to be such a highly desirable place to live, work, recreate, and study. Rapid growth in northwest Arkansas is predicted and the effects are already being felt. From 2010 to 2020, Washington County's population rose by 21.1% and almost half of that growth was in Fayetteville alone. Specifically, Fayetteville is experiencing a 28% growth rate and is now the second largest city in the state, replacing Fort Smith (NWARPC). According to Woods & Poole Economics, Inc., the Fayetteville-Springdale-Rogers metropolitan area has a 76% population growth projected from 2022 to 2060.

Like many cities, the tree canopy cover in Fayetteville is not equitably distributed across the City. As a result, some neighborhoods experience higher surface and ambient temperatures, poorer air quality, and more frequent flooding than neighborhoods with greater canopy cover. Additionally, the lack of access to trees and greenspace impacts residents' physical and mental health, sense of community, and overall well-being.

Climate change is an overarching challenge that is compounding the issues facing Fayetteville's trees. In addition to the known pests, diseases, and weather that the native trees have evolved to withstand, the new changes in temperature and weather extremes bring a new onslaught of pests, diseases, and wet/drought cycles.

Healthy trees can play a significant role in making Fayetteville more resilient to weather and climate extremes by sustaining the natural ecosystem health. Yet the ability of community trees and forests to achieve their full potential is often significantly limited due to poor tree health stemming from reactive fixes instead of holistic solutions, limited training of tree care professionals, and insufficient municipal budgets.

Internal Challenges

- Proper and timely management of the trees in accordance with current best management practices.
- The need for updated tree-related regulations that preserve, protect, and grow the urban forest aligned with best practices and City priorities.
- Limited financial and operational resources to address the gradual and immediate impacts of climate change.
- Concerns regarding the organizational structure and communications with having three groups working in three different departments.
- Preparing for emerald ash borer and other emerging tree pests and diseases.
- Strategic tree planting programs and initiatives needed to sustain and expand tree canopy and the associated benefits.
- Educating and revitalizing community tree stewardship.



THE TIME IS NOW

It is critical for Fayetteville's environment, economy, and community well-being that the City act now to sustainably manage the urban forest. The City has a Comprehensive Plan for how Fayetteville will grow and change with development. Among other plans in place or in development is the City's Climate Action Plan. Fayetteville's Urban Forestry Management Plan supports and builds on the goals and policies of these plans and supplements those with vital analyses, studies, metrics, and strategies relating to the City's natural environment and specifically, the urban forest.

Undeveloped areas contain native trees and vegetation, fertile soils, vital water resources, natural prairie, and wetlands. Protection and conservation of these critical areas is up to the citizens and the choices made by the City.

Fayetteville's Urban Forestry Management Plan provides the roadmap with goals and supporting recommendations to manage, grow, preserve, and strengthen the urban forest through invigorated partnerships that align with city and community priorities. Section 2 of this Plan is an overview of the current state of Fayetteville's urban forest and will serve as a baseline to measure future progress. Section 3 is an overview of Fayetteville's priorities for the urban forest which were identified through community and stakeholder input which informed the Plan's vision, guiding principles, goals, strategies, and priority actions. Section 4 of the Plan details the implementation and monitoring guidelines and the Appendices section provides additional information and studies to support the Plan and its implementation.

Let's begin by exploring Fayetteville's urban forest.



Section 2: Current Conditions

Trees That Make Up Fayetteville's Urban Forest

PROGRESS FROM 2012 ASSESSMENT RECOMMENDATIONS

To begin exploring our urban forests, we must review the 2012 recommendations to see our progress over the last ten years. The recommendations in the 2012 Urban Tree Canopy Assessment Report were evaluated to develop recommendations for the Urban Forestry Management Plan. The following provides a summary of the status of recommendations in the 2012 report (Urban Tree Canopy Assessment Project 2012 recommendations- Pages 33 and 34).

1. Share this report to promote cohesion among the City, AFC, FNHA, and other partners and community stakeholders:

- People are part of the urban forest. This report can be used as a catalyst among urban forest managers and community stakeholders to meet Fayetteville's natural resource goals.
- Solicit feedback from community partners to refine tree preservation ordinances, tree planting initiatives, and steps to encourage survivability and forest health.
- Develop best management practices (BMPs), such as maintaining higher canopy cover in ecologically sensitive areas (wetlands), parking lots, schools, and commercial properties.

2024 Update. On Going and Complete. *The old and new Urban Forestry Plan will be available online.*
We regularly meet with our board to discuss ordinance changes and tree-planting initiatives and stress the importance of planting the right tree in the right place for longevity. The Urban Forestry Advisory Board advises staff on ordinance changes and tree-planting initiatives. The board is made up of a diverse group of community stakeholders.

We have developed a Best Management Practices to ensure we care for new yearly plantings. We set our planting goals based on what we can maintain and grow to maturity.

2. Monitor, adapt, and enforce existing tree Preservation and Protection ordinances.

- Streamline tree-related policies and identify if codes are working against local goals.
- Enforce requirements in the Tree Preservation plan, especially the 90% survival rate for forested areas and tree plantings.
- Collaborative planning can reduce costs and provide consistency for public works officials, planners, developers, stormwater, and resource managers.

2024 Update. Integrated and Complete. *Urban forestry staff continually review policies and codes and regularly adjust to necessary changes. We inspect all projects for a 90% survival rate. We collaborate with planning, sustainability, park maintenance, stormwater engineers, and others throughout the city for many projects.*

3. Develop a regional urban tree canopy assessment report in Arkansas.

Utilize the information gained from this assessment and others in the state to compile and compare results. Involve interdisciplinary partners in the process and draft an appropriate call to action.

2024 Update. Not applicable. *Our latest Urban Forestry Management Plan will be available regionally for other entities to review. This recommendation is outside the scope of staff work. Urban Forestry staff does talk with the NWA Regional Planning Director about trees. Urban Forestry staff would participate in a regional plan if initiated by a larger regional entity like the NWA Regional Planning Commission.*

4. Assess tree canopy every 8-10 years to monitor trends and assess the effectiveness of public education & outreach campaigns and the tree preservation ordinance. Tools such as the I-Tree Canopy can be used between comprehensive GIS-based assessments.

2024 Update. Integrated and Complete. *Urban Forestry Staff has worked with the GIS department and receives NAIP imagery as it is released; we can get regular canopy updates every two years. GIS has used the standards to give us tree canopy assessments every other year. We received one in 2015, 2017, and 2019 and are getting canopy assessments for 2021 and 2023. We assess the tree canopy every two years.*

The City's Urban Foresters frequently participates in several public education and outreach campaigns.

5. Disseminate this project's land cover and UTC assessment data broadly.
While it is current, encourage its use for applications such as water supply planning, stormwater modeling, land use planning, green infrastructure, and Low Impact Development (LID) design.

2024 Update. Integrated and Complete. *The Urban Forestry staff has several tools to help with the above, and we use GIS and the multitude of layers to plan green infrastructure. The staff has included LID features in many of the City's details, and engineering has included LID in the stormwater management of new developments in our city. Our maps are available to everyone.*

6. Foster academic partnerships. Recommend that the University of Arkansas become a Tree Campus USA and work with local schools to educate and plant/care for trees.

2024 Update. Complete. *We have spoken with several groups at the University of Arkansas to get them to become Tree Campus USA, but we have not succeeded. We keep regular contact with the University's Landscape Architecture department. We have also reached out to the sustainability department at the University of Arkansas.*
The staff regularly works with all public and private schools in Fayetteville. We have had planting projects with students at Butterfield Elementary, Haas Hall Academy, The New School, and Washington Elementary. We have been involved with the Fayetteville High School Advance Placement science program, which monitors and removes invasive plants at McNair Middle School. We have participated in several regional activities that teach children the importance of trees.

7. Explore all potential partnerships to achieve urban forest goals: public/private
including corporate and academic sponsors, council representatives, environmental quality, and stormwater associations, volunteers, non-profit organizations, and neighborhood associations.

2024 Update. Complete. *Fayetteville's Urban Forestry has partnered with Compassion Fayetteville, Beaver Watershed, Illinois Watershed Partnership, the Land Trust, Arkansas Urban Forestry Council, and other groups. We have recently started partnerships with several Property Owners Associations.*

8. Promote hardy, climate-adapted, and long-lived tree species that are appropriate for Fayetteville's environment to ensure investments in trees achieve maximum benefits.

2024 Update.Active, Integrated and Complete. *The City of Fayetteville codified the use of native Ozark trees as the recommended tree species. We have stressed the right tree for the right place. We actively promote using only Ozark native trees and shrubs in development.*

We have updated the recommended tree species list and are working on a new one.

9. Target areas for tree planting using the assessment data.

- Use results to justify targeted public tree plantings in the public right-of-way and greater private planting in commercial landscaping.
- Ground-truth possible planting areas and planting site locations. Make these data sets available on a GIS web map as social assessment tools for residents and businesses.

2024 Update. Integrated and On Going. *Over the last five years, we have used Tree Equity Score to locate new planting locations. We also use heat maps and other tools to help us plant trees in the most needed locations. Before that, we have always used income, access to trees, heat islands, and other factors to locate new tree plantings.*

10. Create a central repository for monitoring tree planting and tree removals on public and private property, possibly using a web-based application open to the public.

2024 Update. Integrated and On Going. *The Urban Forester in Parks, Natural Resources, and Cultural Affairs receives all planting plans city-wide and tracks how many trees are removed and planted yearly. The staff also created a spreadsheet that monitors how much is removed in the development review process. Staff can track development removal as well. Staff is currently unable to keep up with the data due to workload in Development and hopes for additional staffing soon. Staff cannot track private property owners activities.*

11. Ensure consistency in future UTC assessments using comparable image resolution, classification techniques, and QA/QC procedures. LiDAR and 1.5-2.0' multispectral satellite imagery acquired at similar times would provide an ideal data set.

2024 Update. Integrated and On Going. *With NAIP imagery, we can bring regular reports closer together; however, rapid technological advances may not always make this possible. We will continue to try to do this. This field has made many advances over the past ten years, and aerial imagery allows us to compare information. However, the imagery gets more accurate and improves each year. The latest data will be the most accurate.*

12. Create or update an existing targeted education and outreach campaign using the ecosystem benefits values. Use the data, maps, tools, and tree benefits to help non-profits, residents, and businesses visualize their role in reaching, maintaining, and expanding Fayetteville's urban forest for social, environmental, and economic benefits that are relevant to them.

2024 Update. Integrated and On Going. *We use trees' benefits and values daily with developers and internal customers. This topic is talked about frequently.* ***We won an award for placing price tags on trees that showed the benefits of each tree.***

13. Work on urban forestry goals and design specifications for other environmental planning initiatives such as wetland restoration projects, open space conservation easements, green infrastructure & low impact development (LID) plans, and energy efficiency programs.

2024 Update. Integrated and On Going. *Goals are something we continue to assess and focus on for tree preservation. We will have new goals when we complete this document.*

Forestry is starting to move towards other natural resource management. The foresters worked with the engineering department on specifications for BMPs for stormwater; this included tree preservation, usually near a stream. Staff created mitigation options and codified the options for green roofs, green facades, and other LID features.

14. Assess forest stands at risk from development by overlaying zoning or future land use data and developable slope percent. Quantify and locate areas at risk that, if developed, would impact overall citywide canopy cover goals as the economy improves and development follows.

2024 Update. Modified and Integrated. *The staff has not assessed at-risk forests in the city using zoning codes and future zoning. However, staff uses multiple maps when reviewing development projects such as the enduring green network, heat island map, flood plan, Hill Side Hilltop Overlay District, and other available mapping tools. We use these tools to recommend conservation in the form of tree preservation easements and tree preservation on each project. We identify high-priority areas during our reviews of each project.*

15. Promote cost-effective professional development in urban forestry. eLearn Urban Forestry is a state-of-the-art online, distance-learning program geared toward beginning urban foresters and those allied professionals working in and around urban and urbanizing landscapes, including service foresters, natural resource planners, landscape architects, City officials and public works employees. eLearn Urban Forestry provides free access to learning modules with a link to the Continuing Forestry Education (CFE) group, where you can get ISA or SAF credit for a small maintenance fee. Visit elearn.sref.info/ for more details.

2024 Update. Integrated and Complete. *Urban Forestry staff codified ISA and other entities as a requirement for internal and external foresters. The city supports employees who want to become certified arborists and allows travel for continuing education. Staff continue to meet standard continuing education requirements to maintain credentials.*

16. Provide an environment for natural forest regeneration. This study shows that grass, herbaceous, and shrub/briar land cover types naturally regenerate into forests, contributing to the City's overall tree canopy and ecosystem services.

2024 Update. Integrated and On Going. *Urban Forestry worked on two forest regeneration projects just last year. The staff has been converting City-owned hay fields into forests and savannas.*

CURRENT CONDITIONS

When the term infrastructure is used, oftentimes roads, bridges, power lines, and storm drains are most recognized. In addition to these staples of city infrastructure, trees lining streets and shading parks and backyards are to be included. These trees, collectively known as the urban forest, provide essential benefits that help Fayetteville function. Services generated by trees in Fayetteville provide immense value to the City. Like other city infrastructure, urban trees require management and maintenance to succeed.

The urban forest is comprised of trees across all city landscapes including streetscapes, parks and open space, trail and waterway corridors, commercial and residential properties, among others. While the Plan primarily addresses public trees, all trees across ownership types and the care of these trees contribute to overall urban forest health, sustainability, and associated benefits.

To present an analysis of the current conditions of Fayetteville's urban forest, tree populations in these landscapes are characterized by the type of setting and land ownership type (public or private) and the responsibility for maintenance (City, property owner, or other). In the following section, analyses are first summarized for the public street tree population, and private trees are then incorporated into the summary by describing the citywide urban tree canopy cover.

Public trees are comprised of trees along streetscapes, in medians, alleys, parks, open space, and natural areas on City-owned land. The City is primarily responsible for the maintenance of these trees and the Urban Forestry Management Plan focuses on the public street trees. View the illustration below for a summary of the tree types in Fayetteville.

RESULTS OF THE 2022 PUBLIC TREE SAMPLE INVENTORY

Fayetteville's urban forest is a diverse ecosystem consisting of young and mature trees of varying species, function, and associated benefits. As part of the planning process, a sample inventory was conducted for public trees and private trees (utilizing public rights-of-way for visual assessments). A total of 2,712 public trees were inventoried and research and analysis were applied to estimate the total public tree population. For more detailed information, refer to the Tree Inventory Summary Supplement.



Figure 5. Illustration of the types of trees in Fayetteville.

Based on the sample and assumptions, it is estimated that Fayetteville has 25,000 tree that are in maintained areas of public parks and street rights-of-way.

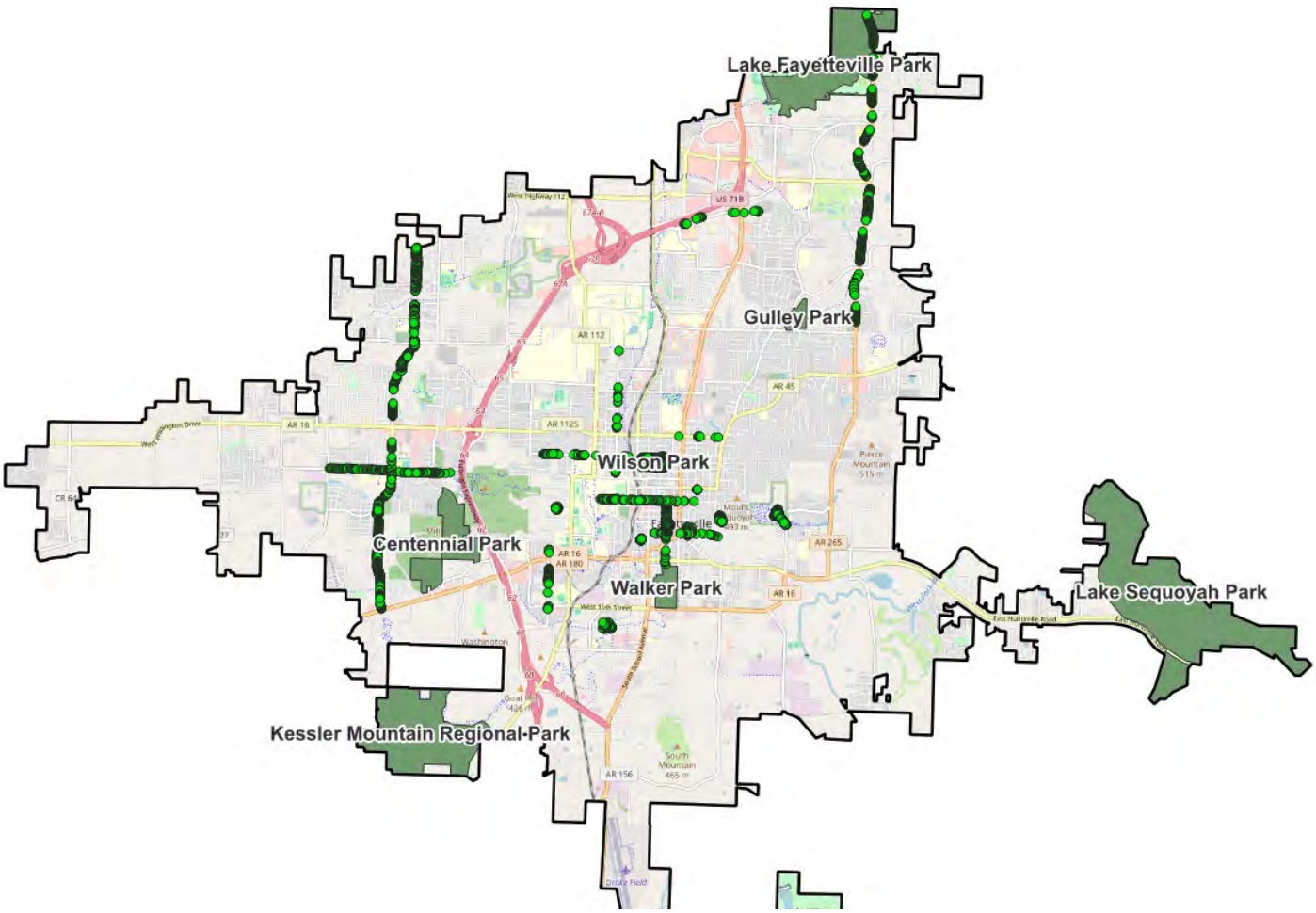


Figure 6. Overview of the sample inventory of public trees completed in 2022.

For more detailed information, refer to the Supplement Tree Inventory Summary.

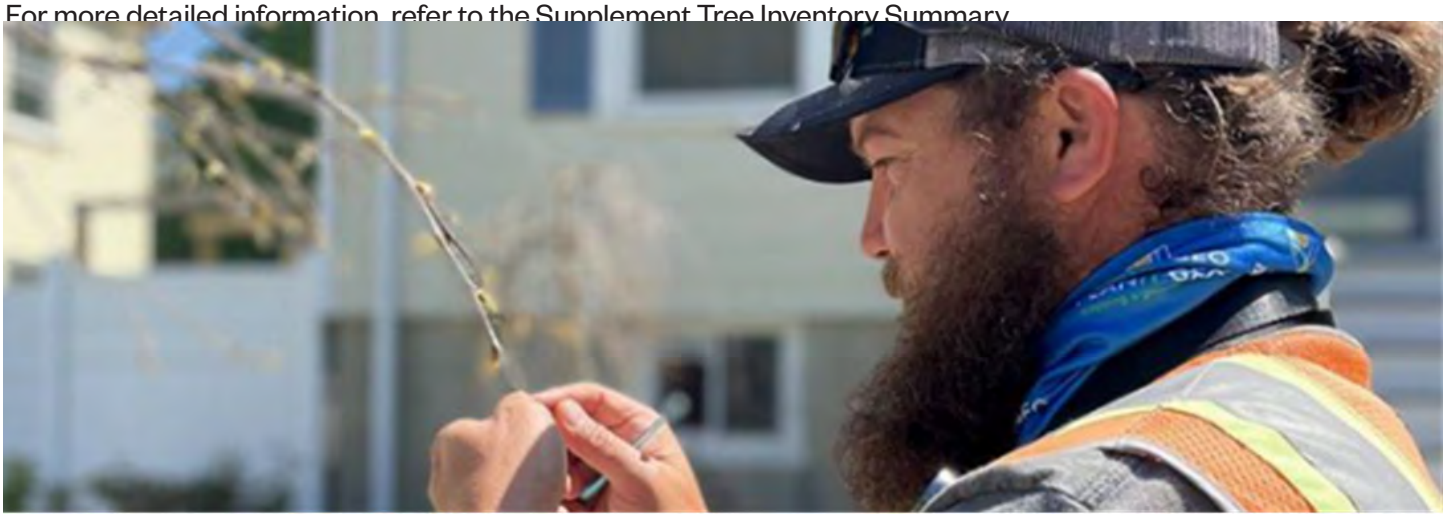


Photo showing a Certified Arborist examining the tree buds to accurately identify the species.

TREE INVENTORY OVERVIEW

In October 2022, a sample inventory of public and private trees in Fayetteville was conducted by Certified Arborists accredited by the International Society of Arboriculture.

The scope of the public and private tree sample inventory was prepared as part of the City's Urban Forestry Management Plan. The tree inventory was intended to gather data that informs the current extent, structure, characteristics, and maintenance needs of the urban forest that can be addressed in the Plan.

Note, the sample public and private tree inventory analysis was conducted in October 2022. Due to ongoing tree maintenance and the dynamic characteristics of trees, changes such as condition, tree size, and maintenance needs may have changed since the analysis. Additional summaries and analyses of the sample public and private tree inventories from 2022 are provided in the Tree Inventory Supplement.

SUMMARY OF THE PUBLIC STREET TREE POPULATION



7%
Princeton elms (*Ulmus americana* 'Princeton')



6%
Post oaks (*Quercus stellata*)



6%
Willow oaks (*Quercus phellos*)



111 unique public tree species



75% of public trees in good condition



55% of public trees are 0 to 6 inches in diameter

Figure 7. Overview of the species results of the 2022 sample inventory of public trees.

INTERPRETATION OF PUBLIC TREE INVENTORY ANALYSES AND CITYWIDE ESTIMATES

To grow a healthy and diverse urban forest, the public tree population must be well understood and managed. The data from the 2022 sample tree inventory were examined and assessed to determine the species, size, health, structural integrity, quality of the growing space, and maintenance needs, among other key characteristics for management that is representative of the citywide public tree population. For more detailed information, refer to the Tree Inventory Summary Supplement.

SPECIES DIVERSITY

Species composition data are essential since the types of trees present throughout the City dictate the amount and type of benefits produced, tree maintenance activities required, budget considerations, and influences species selection for future plantings.

It is estimated the current public tree population consists of 111 different species and 54 unique tree genera— relatively average in terms of species diversity in the region based on benchmarking research. Princeton elms comprise the highest percentage of trees with 7% of the total tree population, followed by post oaks at 6% and willow oaks with 6%. The top ten most common species make up 44% of the total public tree population— slightly lower than average compared to benchmarking research— which is a potential indicator of a healthy level of tree species diversity. If the most common tree species comprise less than half of the population, it may be a sign that the tree population is relatively diverse due to the number of unique tree species and their frequency of occurrence. The remaining 56% of public trees are made up of other species that are primarily pin oaks, blackgums, red maple, northern red oak, baldcypress, and hackberry.

Size and Relative Age Distribution

The distribution of public tree ages and size classes influences the structure of the citywide urban forest and impacts present and future management costs. An unevenly aged urban forest offers continued flow of ecological benefits and a more uniform workflow allowing managers to more accurately allocate annual maintenance schedules and budgets.

To optimize the value and benefits of Fayetteville's trees, the public tree population should have a high percentage of large canopy trees which provide greater ecosystem benefits. On the other hand, there must be a suitable number of younger, smaller trees in the urban forest to account for and eventually replace large and mature trees in decline. Having a healthy percentage of young trees in the urban forest will ensure a sustainable tree population.

To compare Fayetteville's urban forest structure to industry-recommended standards, the "ideal distribution" is used (Richards, 1983 and 1993). The diameter at breast height ("DBH" measured at 4.5-feet above grade) is used to measure relative age.

Overall, based on the sample inventory and estimated public tree population, the size distribution of Fayetteville's public tree population is similar to the ideal age distribution. Generally, an ideal distribution has a larger proportion of small diameter trees compared to larger diameter trees. Specifically, an ideal distribution for public trees consists of:

Ideal Distribution of Public Tree Size Classes versus Fayetteville's Distribution

	Ideal Distribution	Fayetteville Distribution
Tree in the 0-6 in class/ Young trees	40%	55%
Trees that are 6-12 class	25%	19%
Trees that are 12-18 class	15%	14%
Trees that are 18-24 class	10%	6%
Trees that are 24-30 class	6%	4%
Trees that are over 30" DBH	4%	2%

Table 2. Comparing public tree size classes

It is estimated that 55% of Fayetteville's public trees are in the 0-6-inch class compared to the recommended 40%. In contrast, the City also has less 6-12-inch trees (19%) compared to the ideal distribution of 25%.

The remaining size classes are within 4% of the ideal percentage.

The size and relative age distribution of Fayetteville's public trees indicates the population is relatively young given the City has more small-diameter trees and fewer trees than the ideal percentage for each of the larger size classes. This distribution may be an indication of an increase recently in planting efforts. The City should expect a growing demand for maintenance as the large number of young / small trees mature.



CONDITION

Tree characteristics and environmental factors affect the management needs for urban trees. An analysis of the condition can provide an indicator of how well the trees are managed and how they are performing given site-specific conditions. Understanding current and changing conditions plays an important role in planning, budgeting, and resource allocation. Tree maintenance needs are assigned for public safety reasons and by tracking these needs, managers are able to better plan and manage Fayetteville's public trees and the citywide urban forest.

The sample inventory of public trees was analyzed and extrapolated to identify potential trends in tree condition and the management recommendations to improve condition or minimize the deterioration of tree condition. Each inventoried tree's health was evaluated by ISA Certified Arborists based on the condition of the wood and the foliage as well as the structure.

Based on the analysis, it is estimated that three out of four public trees (75%) are in good condition and 15% are in fair condition with only 5% of trees in poor or dead condition. The dead trees or trees noted for removal should be addressed and planned for immediately. Trees classified as "Fair" or "Poor" should be examined to determine the necessary mitigation or plant health care, if any, to improve their condition.

OBSERVATIONS AND DEFECTS

Tree observations (or defects) were recorded during the 2022 sample inventory to further describe a tree's health, structure, or location when more detail was needed. A total of 20 observation categories were available for the arborists to note during the inventory. The public trees were noted to have 11 of the 20 categories. For more detailed information, refer to the Tree Inventory Summary Supplement.

A total of 1,283 observations were recorded during the tree inventory. Crown dieback was the most frequent observation recorded. It is estimated that 30% of the citywide public tree population has some level of crown dieback and 6% have cavity decay present. Mechanical damage due to lawnmowers, weed trimmers, construction, or other may comprise 5% of the public tree population followed by poor structure with 4%.

Of the recordings, 17% of the observations or defects may be preventable or mendable meaning the defects or concerns observed are primarily human-caused. For example, poor structure can be prevented or limited with proper young tree pruning, implementing best practices and standards would prevent or reduce the number of improperly pruned trees, and poor root systems can be prevented by choosing quality tree nursery stock, proper planting, and amending soils. Trees with poor location and/or hardscape damage observations could have been prevented by choosing the appropriate species for the site and ensuring adequate root space. Lastly, adequate mulch rings, growing space, grates, and awareness would reduce the count of mechanical damage observations. The data also shows the impacts of deferred maintenance. Also, about 35% of the observations recorded could be addressed or prevented with proactive pruning and/or plant health care.

MAINTENANCE NEEDS

It is estimated that 8% of the public tree population requires clearance pruning while only 6% require removal, 3% need pruning for clearance around utilities, and 1% require routine pruning or crown cleaning. The low percentage of maintenance needs may be an indicator of the City's current practices of conducting routine proactive pruning of public trees across the City. Newly planted trees should be structurally pruned (training pruned) within five years of planting though it was not an observable need in the recorded sample inventory.

Young tree training pruning is performed to improve tree form or structure; the recommended length of young tree pruning cycles is three years since young trees tend to grow at faster rates (on average) than more mature trees. The young tree cycle differs from a routine pruning cycle in that these trees generally can be pruned from the ground with a pole pruner or pruning shear.

The objective is to increase structural integrity by pruning for one dominant leader in most cases for most tree species. Young tree training pruning is species-specific, since many trees may naturally have more than one leader. For such trees, young tree training pruning is performed to develop a strong structural architecture of branches so that future growth will lead to a healthy, structurally sound tree. In addition to training pruning, young trees may also require additional maintenance such as added or amended mulch, watering, added or removed stakes and ties, and/or clearance of debris and litter. These needs can potentially be addressed during young tree training pruning.

Trees included in the young tree training pruning cycle are generally less than six inches DBH. These younger trees sometimes have branch structures that can lead to potential problems as the tree ages. Potential structural problems include codominant leaders, multiple limbs attaching at the same point on the trunk, crossing/interfering limbs, or dead/diseased/damaged limbs. If these problems are not corrected, they may worsen as the tree grows, increasing risk and creating potential liability.

INTERPRETATION OF PRIVATE TREE ANALYSES AND ESTIMATES

Though less data was collected for private trees during the 2022 sample inventory, this data is valuable in providing information about the citywide urban forest. A total of 850 private trees were inventoried from the public rights-of-way. Based on industry research and benchmarking of comparable cities, it is estimated that there are 80,000 trees in maintained areas of private property.

Using the sample inventory and an analysis that extrapolated the data, it is estimated that most tree species are oaks or Quercus with 19%, maples or Acer with 12%, and pines or Pinus with 9%. The top ten most common tree genera comprise 78% of the private tree population whereas, the top ten most common tree species comprise 57% of the population. The most common tree species include pin oaks (9%), loblolly pine (8%), red maple (8%), arborvitae, London planetree, hackberry, eastern redbud, eastern red cedar, Princeton elms, and black cherry. Most private trees are in the 0-6-inch class with 39%, followed by the 12-18-inch class (23%) and trees in the 6-12-inch class with 20%. Only 2% of private trees are greater than 30 inches.

Similar to public trees, it is estimated the private tree population is primarily in good condition (70%) with only 4% in poor condition and 2% consist of dead trees.

Based on the Certified Arborists observations of private trees from the public rights-of-way, it appears that the most common maintenance needs are pruning for clearance (9%), removing hardware from trees (6%), and utility pruning (2%).

Summary of Tree Inventory Analysis

Understanding the extent, structure, condition, characteristics, and maintenance needs of public trees enables Fayetteville's Urban Forestry Program and Transportation Department's right-of-way crews to effectively budget, plan, and address maintenance and planting needs in a sustainable, safe, and equitable manner. A comprehensive citywide public tree inventory is recommended in the Plan, and it is essential that the City maintain the data and routinely update the inventory.

For private trees, understanding the extent, health, composition, and other factors provides the Urban Forestry Program with a better picture of the entire urban forest. Challenges such as pests and diseases, invasive plant species, climate resiliency, among other threats to the urban forest can be addressed for private trees by providing resources, education, training, and other support to property owners to support growing a sustainable and resilient urban forest.

As stated at the beginning of this section, additional summaries and analyses of the sample public and private tree inventories from 2022 are provided in Tree Inventory Summary supplement.



CURRENT CONDITIONS OF THE CITYWIDE URBAN FOREST : TREE CANOPY COVER OVERVIEW

An assessment of tree canopy cover citywide provides the data and information to develop goals and strategies relating to tree planting, preservation, tree equity, and risk management along with the data to support community outreach and education. These urban tree canopy assessments, referred to as "UTC Assessments" or "Tree Canopy Assessments" and "TCA's" provide the information for long-term planning and serve as a measurement of change and progress over time.

This information can be utilized with other city planning efforts for sustainability, equity, human health, climate resiliency, stormwater management, water quality, wildlife preservation and enhancement, air quality improvements, and development guidelines among many others.

UTC assessments provide a baseline understanding of existing canopy cover across the entire city. In addition, these assessments provide an analysis of possible planting areas citywide and by various planning boundaries. This assessment for Fayetteville represents an important step in better understanding current conditions of the urban forest, its tree canopy distribution and value, and the importance of urban forestry during planning processes. This baseline assessment should be utilized in measuring progress resulting from implementing this Plan.

URBAN TREE CANOPY (UTC) FINDINGS - OVERVIEW

A consultant provided an analysis and a report with recommendations on Fayetteville's tree canopy cover change from 2002 to 2010, and in 2020, the City's Geographic Information System (GIS) Department assessed the existing tree canopy and possible planting areas citywide using imagery from 2013, 2015, 2017, and 2019. The historical imagery and related assessments provide information on the canopy change over time though this section focuses on the most current assessment from 2019. The summaries below provide an overview of the baseline conditions relating to urban tree canopy cover and possible planting area in the City. For more information on GIS methodology, see GIS Study

2019 UTC Findings – Citywide The City of Fayetteville is 55.8 square miles in size. Tree canopy covers 22.0 square miles of this area (39.4%) according to 2019 imagery

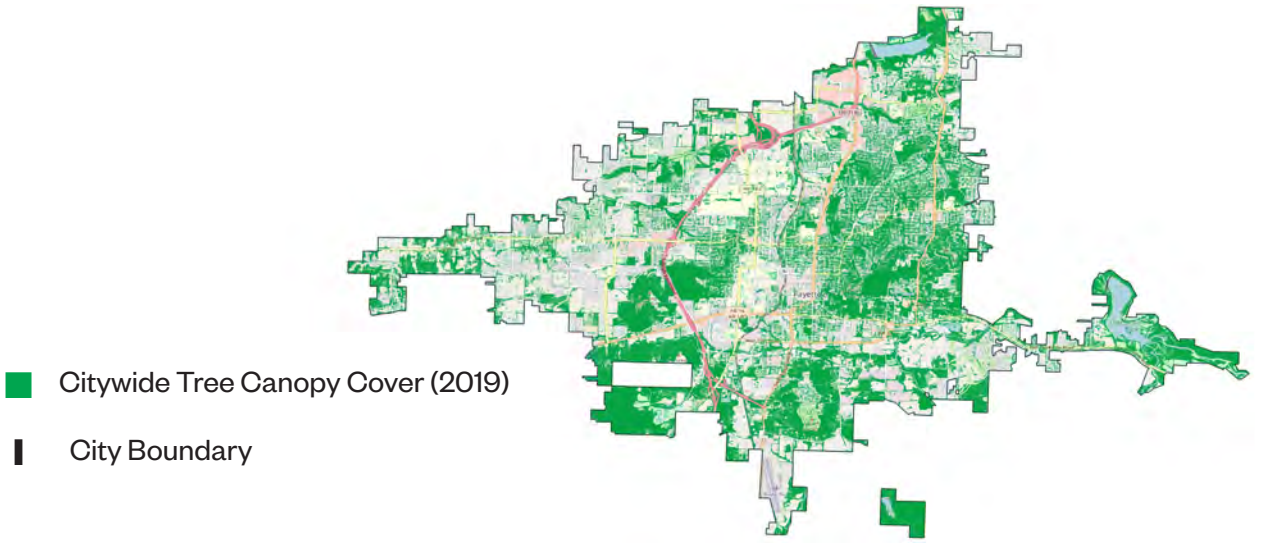


Figure 8. Map displaying the tree canopy mapped from 2019 imagery.

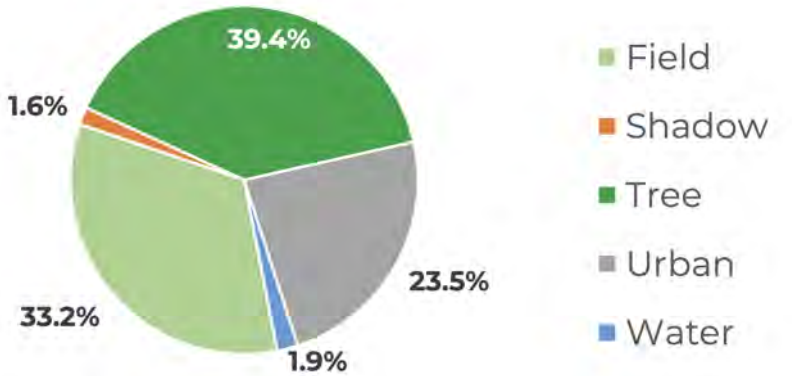


Figure 9. Citywide tree canopy results (2019). Source: City of Fayetteville



Figure 10. Examples of the land cover classes.

SPECIAL CONSIDERATIONS AND VULNERABILITIES

By measuring changes in tree canopy cover, city planners, urban forest managers, and policymakers can understand how changes and regulations in the urban landscape are affecting the health and vitality of the City, as well as the quality of life of residents. Secondly, tree canopy cover is a key indicator of urban forest health. Urban forests are dynamic systems that are impacted by a variety of factors, including urbanization, climate change, and invasive species. By analyzing changes in tree canopy cover over time, planners can take action to address the underlying causes of tree canopy loss or tree health decline.

Change in tree canopy cover can also be used to inform future policy and decision-making. For example, by tracking changes in tree canopy cover over time, city planners can identify areas where new trees may need to be planted to maintain or increase overall canopy cover. The information can also be used to inform land-use planning and development decisions, such as determining where to locate new parks or green spaces.

In Fayetteville, the Urban Forester within Development Services actively monitors and tracks tree canopy cover change through development regulations and is supported by the Urban Forester in Parks, Natural Resources and Cultural Affairs. Comprehensive worksheets and data are utilized to track on a monthly and yearly basis. The tracking includes forecasting the future canopy growth and loss.

In addition to this extensive tracking system, the City completed tree canopy assessments for four time periods—2013, 2015, 2017, and 2019. The following provides a summary of the canopy cover change that was utilized to inform the long-term canopy goals and priority planting areas discussed in the following section.

LAND COVER CHANGE OVER TIME*

From 2013 to 2019, the canopy cover decreased from 43.0% to 39.4% and the land cover classified as field decreased from 41.0% to 33.2%. Urban land cover increased by 3.5% going from 20.0% to 23.5%. This is an increase of 1,400 acres or 2.2 square miles of urban land since 2013. The data is representative of the changes occurring in the City over time as development increases.

* Note: Technology (e.g., data, imagery, resolution) for canopy assessments continues to improve. The 2019 data is the most accurate. For this comparison, GIS used the same city boundaries from 2013 to 2019. (For more informaion see GIS Study)



Figure 11. Examples of the land cover classes analyzed as part of the 2019 tree canopy study.

CANOPY REQUIREMENTS IN CHAPTER 167 TREE PRESERVATION AND PROTECTION ORDINANCE

Chapter 167 of Fayetteville's Code of Ordinances regulates and monitors tree canopy cover change in the City. The chapter addresses canopy cover preservation, afforestation, and mitigation and the regulations and procedures vary depending on factors and considerations such as the zoning designation, the type or size of a project, and the quality of the tree canopy removed.

The table below summarizes the tree minimum canopy cover requirements by zoning designation that are factored into the canopy goals recommended in the Urban Forestry Management Plan. Note, the zoning designations in the table below are consolidated into generalized categories. Specific zoning designations and details for each are available in Table 1 of Chapter 167.04.C.

REGULATING TREE CANOPY COVER

Zoning Designation (consolidated)	Percent Minimum Canopy
Residential (includes single-family, residential office, residential intermediate, multi-family)	15-25% (depending on designation)
Neighborhood Services (includes limited and general)	20% (for both sub-categories)
Neighborhood Commercial	20%
Community Services	20%
Thoroughfare (includes commercial and urban thoroughfare)	15% (for both categories)
Central Business Commercial	15%
Downtown Core	10%
Main Street Center	10%
Downtown General	10%
Neighborhood Conservation	20%
Heavy Commercial & Light Industrial	15%
General Industrial	15%
Institutional	25%
Planned Zoning District* (Hillside/Hilltop Overlay District, "HHOD")	25% (30%)
All residential zoning districts and C-1 districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% to a total requirement of either 30% or 25%.	

Table 3. Minimum canopy requirements by zoning designation according to The Tree Preservation and Protection Ordinance.

TREE CANOPY EQUITY

Tree canopy is often not distributed equitably across city landscapes and ownership types. The American Forests organization created the Tree Equity Score (TES, www.treeequityscore.org) tool to measure tree equity across 150,000 U.S. neighborhoods and 486 municipalities in urban areas. Each community's TES indicates whether there are enough trees for everyone to experience the health, economic, and climate benefits that trees provide. The scores are based on how much tree canopy and surface temperature align with income, employment, race, age, and health factors. A 0- to-100-point system makes it easy to understand how a community is doing.

With the knowledge the score provides, Fayetteville's community leaders, tree advocates, and residents alike can address climate change and public health through the lens of social equity, attract new resources, factor the scores into technical decisions, guide implementation of the 2023 Urban Forestry Management Plan, and track progress toward achieving tree equity.

A score of 100 represents tree equity. Based on a 2022 analysis, Fayetteville's overall tree equity score is 87 out of 100. Based on the nationwide dataset for 197,505 U.S. Census-defined urban areas, the average score is 85 (as of 2023).

EQUITY IN TREE CANOPY COVER (TREE EQUITY SCORE TOOL)

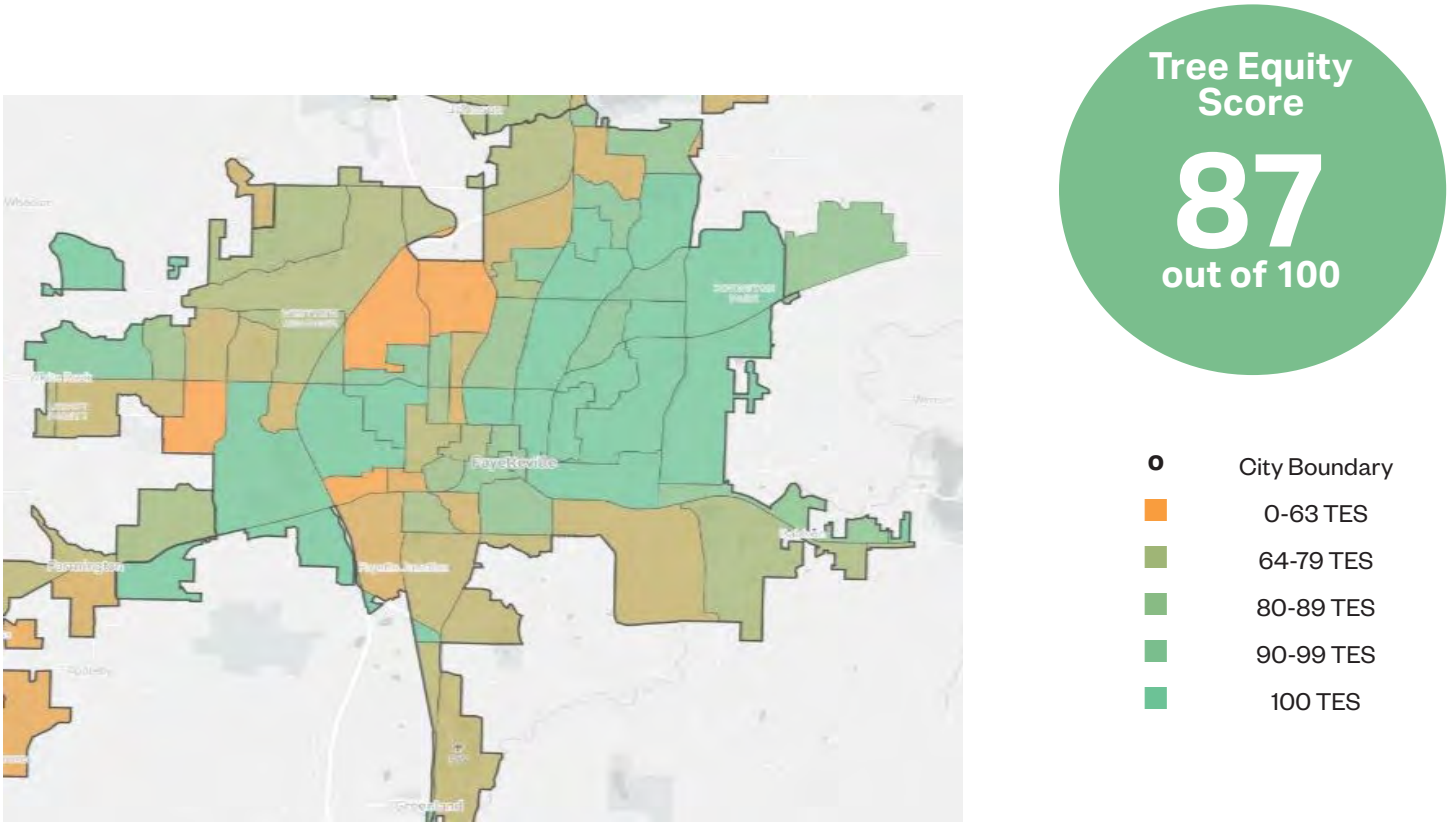


Figure 12. Map showing the Tree Equity Scores for Census Block Groups in Fayetteville. Source: American Forests' Tree Equity Score Tool

The map above displays the Tree Equity Scores for each U.S. Census Block Group within the City of Fayetteville based on the data inputs listed in the figure above.

Compared to other cities in the state, Fayetteville's Tree Equity Score of 87 is the second highest score out of 10 Arkansas cities in the study (see figure on the next page) and has the fourth highest score out of eight U.S. cities commonly used in comparing Fayetteville (see figure on the following page). This score for Fayetteville is based on a combination of metrics listed in the figure above for 47 Census Block Groups (CBG) comprising the City and averaged for a combined total score.

TREE EQUITY SCORE INPUTS

Existing Canopy

Population Density

Income

Employment

Surface Temperature

Race

Age

Health

COMPARISON OF TREE EQUITY SCORES IN ARKANSAS: AVERAGE SCORE: 77

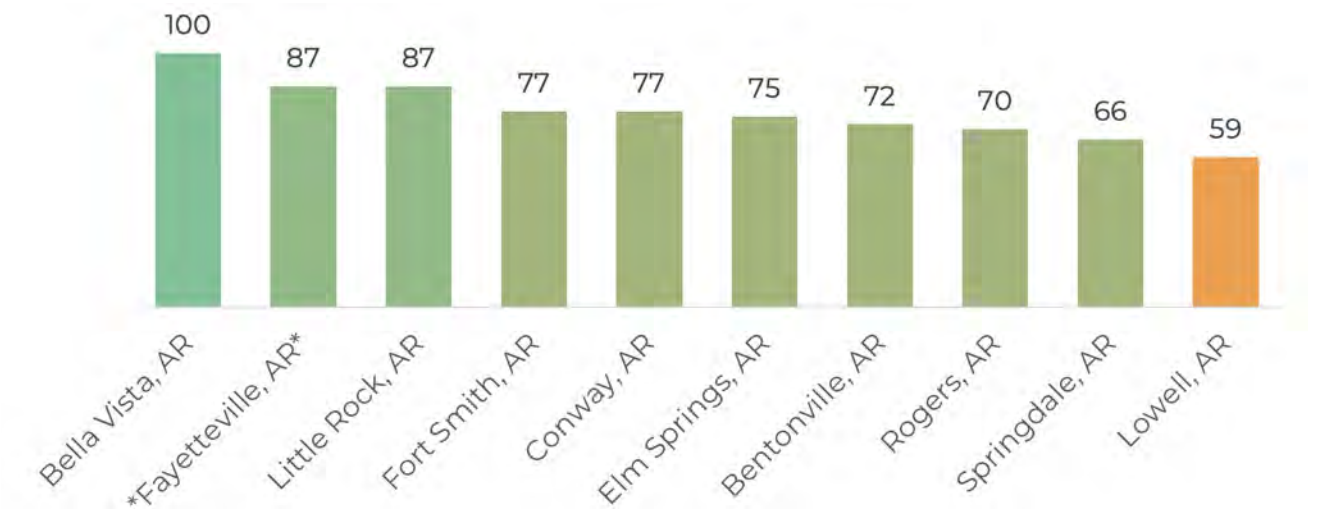


Figure 13. Tree equity score inputs and Comparison of Tree Equity Scores for select Arkansas cities based on a 2023 study. Source: American Forests' Tree Equity Score Tool

*Note, the Tree Equity Score tool utilized data from EarthDefine and found the canopy cover percentage to be 35.6%, the UFMP utilizes the 39.4% determined by the City. The numbers by EarthDefine are only used for this comparison. For more information about the data sets and input refer to https://www.treeequityscore.org.

COMPARISON OF TREE EQUITY SCORES IN SELECT U.S. CITIES: AVERAGE SCORE: 87

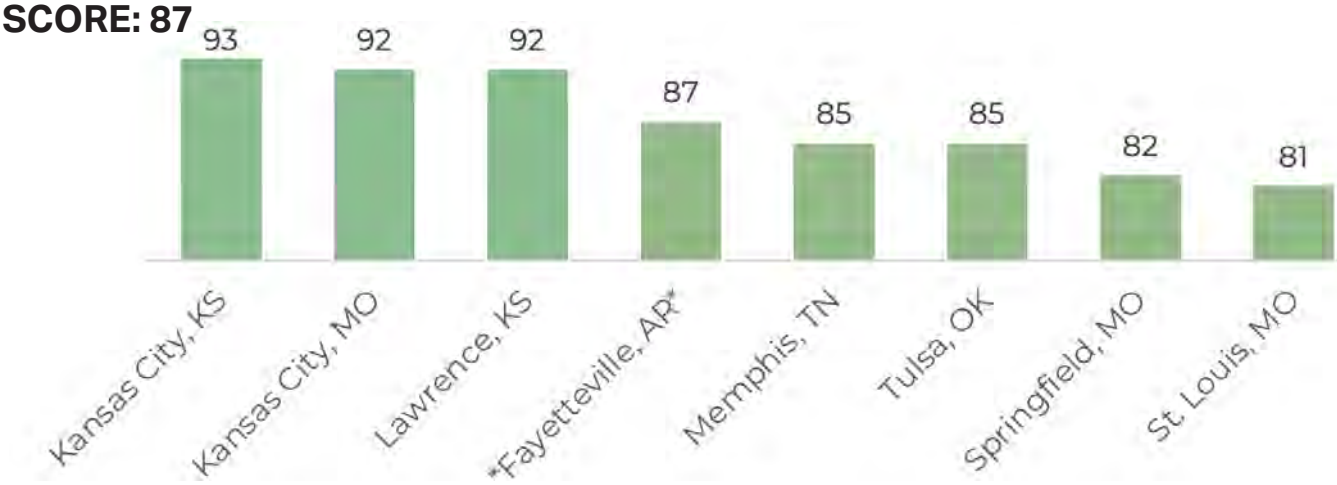


Figure 14. Tree Equity Score comparisons for select U.S. cities. Source: American Forests' Tree Equity Score Tool

TREE EQUITY DISCUSSION

In the past few years, regional partners are increasingly acknowledging and confronting the past practices, current perceptions, and accelerating progress to ensure that communities, landscapes, and policies are more intentional about enhancing historically disinvested areas.

Driven in part by Fayetteville's Urban Forestry Management Plan and other City/regional initiatives, ambitious goals to increase tree canopy in areas of greatest need are taking hold. Although the City would oversee and monitor these canopy goals, the effort would inevitably require extensive support from all City departments, community-based organizations, and others aiming to prepare for a hotter and drier climate while development increases.



Figure 15. An example of higher tree canopy cover east (right) of North Gregg Avenue in the center of the image compared to areas west of the route. Source: Google Earth 2021 imagery

EASEMENTS

City easements refer to the legal rights granted to a city, utilities, or municipality to use certain portions of private property for public purposes, such as the installation of utilities or the construction of public infrastructure like sidewalks or roads. In Fayetteville, city easements can lead to the loss of tree canopy cover if not managed properly or if regulations do not adequately preserve and protect the existing trees.

When the City constructs public infrastructure like sidewalks or roads, they may need to remove trees that conflict with the design and function. In some cases, easements may restrict the planting of trees or other vegetation that could interfere with the infrastructure or utilities that are installed. This restriction can limit the ability to plant new trees and thus limit the potential for future tree canopy cover. Also, the installation of underground utilities in City easements can damage tree roots, which can lead to tree decline or death. When trees are damaged or killed due to City easement activities, the tree canopy cover can be significantly reduced. In addition, maintenance activities such as pruning or tree removal may be necessary in easements to ensure the proper functioning of public infrastructure. However, if not done properly, these activities can result in the loss of tree canopy cover.

Easements where canopy is vulnerable were analyzed to determine the existing tree canopy cover within to support the strengthening of regulations, monitoring, and management efforts guided by this Plan. An analysis of tree canopy within Fayetteville's easements was conducted in 2023 utilizing the City's 2019 tree canopy data. The City contains a number of different types of easements ranging from access, avigation, conservation, drainage, utilities (e.g., gas, sewer, and water), grading, landscape, private, sidewalk, telephone, trail, tree preservation, and vacated. The potential for tree canopy gains and losses largely depends on the intended use of the easement, responsible parties, and the regulations.

CITY EASEMENT TYPES

- Conservation
- Tree Preservation
- Drainage
- Utilities

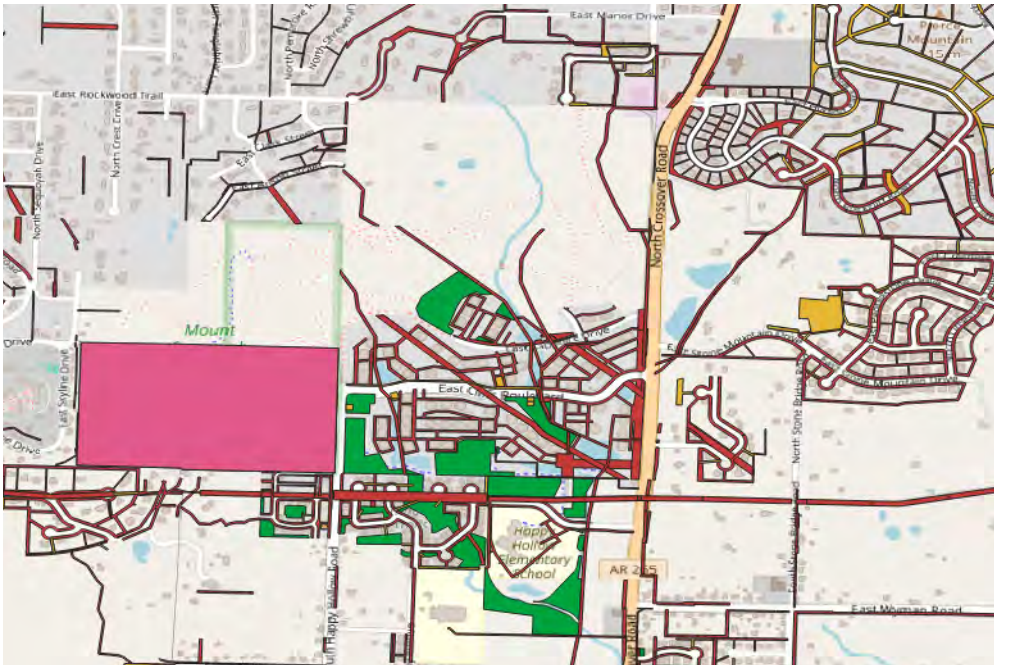


Figure 16. Examples of the types of easements found in the City of Fayetteville.

The table and map below describe the easement types vulnerable to canopy loss.

Canopy Likely Preserved	Canopy At Risk ("Vulnerable Easements")	Areas to Proactively Preserve Canopy
Conservation, Tree Preservation	Access, Null, Avigation, Drainage, Utilities, Grading, Landscape, Private, Sidewalk, Telephone, Trail, Vacated	Access, Landscape, Sidewalk, Trail, Vacated

Table 4. Potential vulnerability to canopy loss by easement type.

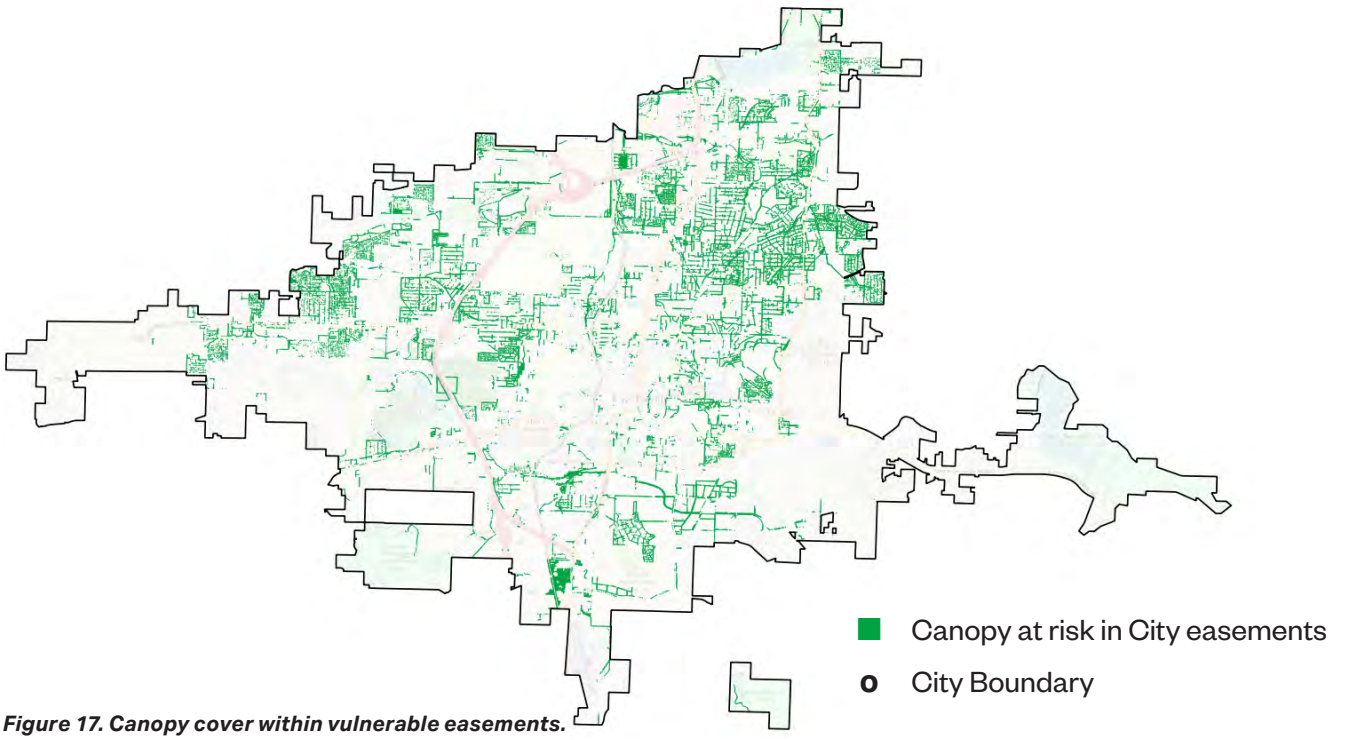


Figure 17. Canopy cover within vulnerable easements.

Acres of Vulnerable Easements	Acres of Canopy in Vulnerable Easements	% Canopy of Vulnerable Easements	Impact on Citywide Canopy Cover
3,981 total acres of vulnerable easements	1,015 acres of canopy in vulnerable easements	25% canopy within vulnerable easements	2.6% potential loss (39.4% reduced to 36.8%)

Table 5. Summary of vulnerable canopy in City easements.

Based on these categories, the vulnerable easements amount to a total of 3,981 acres and within that area, there are a total of 1,015 acres of canopy or 25%. The 1,015 acres of canopy represents 7.2% of the total citywide canopy cover (14,081 acres). This means that if the trees in these easements are not protected and canopy is removed, the City's canopy cover of 39.4% would be reduced to 36.8%.

NATIVE PRAIRIE



Photo of Wilson Springs Preserve, a 121-acre preserve with the largest wetland remnant in Fayetteville and one of the last tall grass prairies in the region. Source: City of Fayetteville

Fayetteville's native prairie land is a rare and valuable ecosystem that is home to a diverse array of plant and animal species. Historically, areas of the City were covered in tallgrass prairie, which supported a variety of grasses, wildflowers, and other plants, as well as large grazing mammals like bison and elk.

Today, much of Fayetteville's native prairie land has been converted to other land uses, such as agriculture, urban development, and transportation infrastructure. However, there are still some remnant prairie areas in and around the City that provide important habitat for native plant and animal species.

One example of a native prairie area in Fayetteville is the Wilson Springs Preserve, a 121-acre site that is the largest wetland remnant in Fayetteville and one of the last tall grass prairies in the region (Northwest Arkansas Land Trust). In considering a plan for Fayetteville's urban forest and goals to increase tree canopy cover, it is important to evaluate areas of the City where it may not be preferable or permitted to plant trees. While some native prairie lands have been lost to development and other areas are being restored, it's important to consider the native habitats and ecosystems and whether they support growing trees that survive and thrive.

Based on GIS maps provided by the Northwest Arkansas Land Trust (NWALT) and the City of Fayetteville, there are areas of the City that may lend themselves to prairie restoration. The following map provides an overview of these native prairie lands.

CANOPY COVER IN HISTORIC NATIVE PRAIRIE LAND

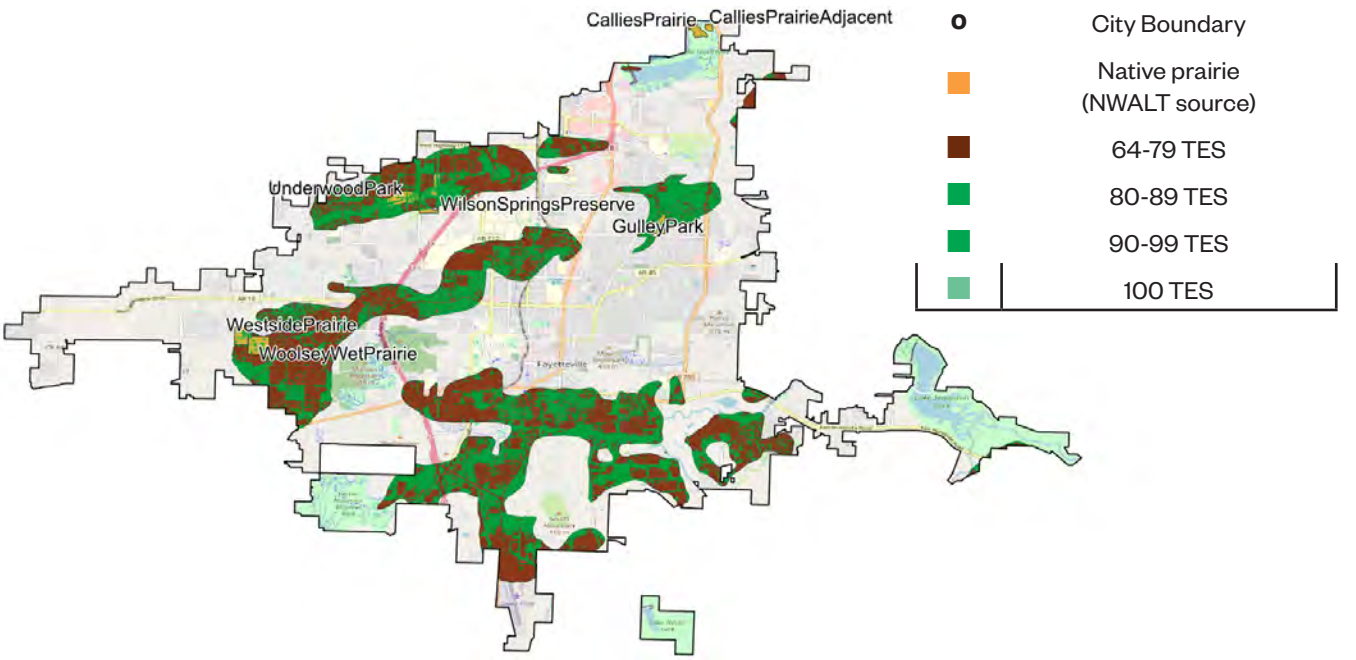


Figure 18. Map of the canopy within native and restored prairie land.

Total Prairie Acres	Total Canopy in Prairies	% of Canopy within Prairies
9,769 total native prairie land acres	1,957 total canopy acres in native prairie land	20% canopy in native prairie land

Table 6. Summary of the land acres and the canopy cover within native prairie land.

Protected Prairie-related Areas	Acres*
Woolsey Farmstead and Wet Prairie Sanctuary	50
Westside Prairie	40
Wilson Springs Preserve	121
Underwood Park	5 (estimated)
Callies Prairie	33
Gulley	3
TOTAL	**252 acres**

Table 7. Summary of the protected prairie-related areas. Source: City of Fayetteville

* Total acres may include land area that is not prairie, for example, Wilson Springs Preserve and Underwood Park

As shown in the map and tables above, the City has nearly 10,000 acres of land that was native prairie land. 20% of the native prairie land contains tree canopy which amounts to 1,957 acres of canopy. Over time, the City and organizations have actively restored and protected or preserved portions of this native prairie land as shown in the previous table.

Based on the figures provided by the City, 252 acres of prairie have been restored and/or protected while other native prairie land has been reshaped by development or is vulnerable. In Appendix A priority planting areas are explored with a consideration to preserve or restore native prairie land by not introducing trees into the landscape.

UNIVERSITY AND INSTITUTIONS



Aerial phote view of the University of Arkansas campus. Source: University of Arkansas

The University of Arkansas located in Fayetteville owns and manages the urban forest within its campus, while the City of Fayetteville manages the urban forest within its jurisdictional boundaries. The goals of managing the urban forest at the University may differ from those of the City. The University may prioritize aesthetics, education, and research, while the City focuses more on public safety, stormwater management, improving air quality, reducing the loss of canopy due to development, and improving human health and well-being.

While the urban forest within the University grounds contributes benefits to all city residents, the environment, and local economies, the City does not have authority to determine how canopy is preserved, expanded, or reduced. Therefore, an analysis was conducted to look at the amount of canopy on University grounds and the section of this Plan that discusses priority planting areas considers excluding these areas within the University.

TREE CANOPY COVER WITHIN THE UNIVERSITY OF ARKANSAS

University Acres	Canopy Area (Ac)	Canopy %
377 campus acres	22 acres of canopy on campus	6% canopy on campus

Citywide Acres	35,712
Citywide Canopy Acres	14,081
Citywide Canopy %	39.43%
Citywide Canopy Acres Excluding University	14,059
Citywide Canopy % Excluding University	39.37%

Table 8. Canopy within University of Arkansas property

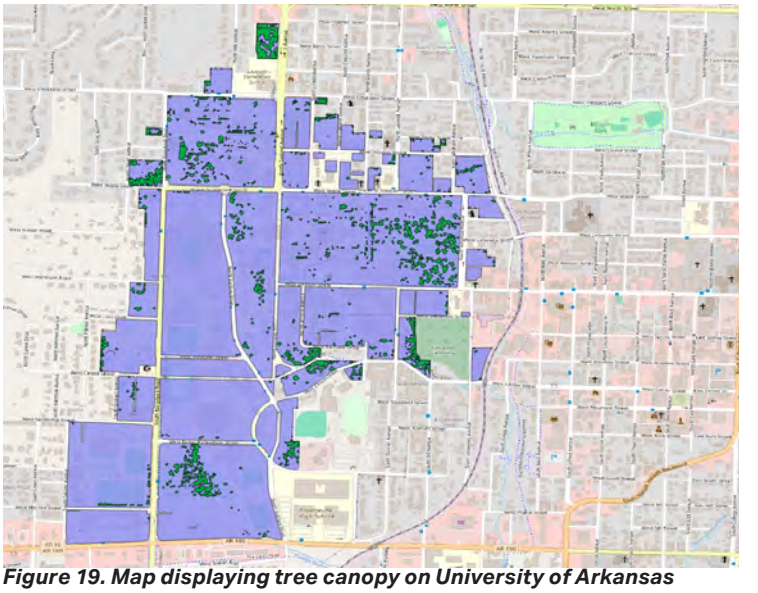


Figure 19. Map displaying tree canopy on University of Arkansas property within the urban core.

University of Arkansas property in urban core

Canopy within University of Arkansas property

As shown in the map and table above, an analysis of tree canopy cover within the University of Arkansas (UA) property in the urban core (excludes the UA Department of Food Science properties to the north) was completed as part of the study. A total of 377 acres of University property were mapped and it was found that within those areas, there are a total of 22 acres of canopy resulting in a 6% canopy for the University of Arkansas.

Hypothetically, if all trees were to be removed on the University property, the citywide tree canopy cover would be reduced from 39.43% to 39.37%. While the loss is not significant, the benefits the canopy provides to students, visitors, and residents warrant continued coordination and communication with institutions and stakeholders in the community. City development regulations, including for tree preservation, do not apply to the University of Arkansas as it is State property.

CURRENT TREE MANAGEMENT IN FAYETTEVILLE

The City of Fayetteville has a wide range of existing policies, regulations, and programs that are used to manage the City's urban forest. City departments engaged in Fayetteville's urban forest planning effort each bring important expertise, perspective, and resources to this commitment—to the tune of nearly $700,000 ($6.66 per capita) to manage approximately 42,000 public trees of which an estimated 25,000 trees are in maintained areas of streetscapes, parks, and properties.

Fayetteville is a leading city in urban forestry, having been recognized as a Tree City USA for 28 years, the fifth longest running designation in Arkansas. Fayetteville has also received more Growth Awards than any other city in the state, with 10 awards as of 2023.

PROGRAMS FOR MANAGING FAYETTEVILLE'S TREES

Department	Division	Count of FTEs*	Title	Certifications
Development Services	Development Review	1.00	Urban Forester	ISA** Certified Arborist
Parks, Natural Resources and Cultural Affairs	Parks Planning & Urban Forestry	1.00	Urban Forester	ISA Certified Arborist, ISA Municipal Specialist, ISA TRAQ***
Public Works	Park Maintenance	6.00	Urban Foresters	3 ISA Certified Arborists

Table 9. Summary of the departments and staff involved in urban forest management in Fayetteville.

* Full-time employee or full-time equivalent, ** International Society of Arboriculture, *** Tree Risk Assessment Qualification

SUMMARY OF PROGRAMS AND SERVICES

The Parks, Natural Resources and Cultural Affairs Department was reimagined and restructured in late 2021/early 2022 to give more focus to natural resources, arts, and culture in addition to the quality programming, greenspaces, and facilities it already provides. Prior to restructuring, it was referred to as the Parks and Recreation Department. A new 10-year Park and Recreation System Master Plan was completed in late 2022. This plan identifies themes set forth by the community to guide the growth and development of parks and it supports the goals of this Urban Forestry Management Plan.

The City's Urban Forestry Program within the Parks, Natural Resources and Cultural Affairs Department is overseen by one of the Urban Foresters and supports public street tree maintenance crews, the Urban Forester in Development Services, and the City's Urban Forestry Advisory Board.

Development Services' Urban Forester provides services related to development plan reviews and other supporting services. Specifically, the Urban Forester administers, reviews, and monitors regulations within Chapter 167 of Fayetteville's Unified Development Code titled, "Tree Preservation and Protection" and Chapter 177 "Landscape Requirements Code."

Public Works has six Urban Foresters in Public Works Park Maintenance for public street tree and park tree management. The Parks Maintenance Division was integrated into Public Works in 2021 and continues to support Parks, Natural Resources and Cultural Affairs in operations, facility improvements, and tree activities.

Sharing public tree maintenance and management responsibilities across departments can yield many benefits, such as utilizing limited resources efficiently. It is critical that workflows are clear and understood. Fayetteville's urban forest continues to grow and change, public awareness of the City's urban forest and its programs is increasing, and the beneficial impacts of trees to mitigate climate change are understood better than ever. In turn, it is anticipated the service demands will continue to rise, especially as the City implements the Plan's strategies to increase tree canopy cover. As service demand continues to increase so does the need to find methods to increase capacity and efficiency under strained fiscal support.



STAFFING LEVELS FOR URBAN FOREST MANAGEMENT

Many cities struggle to maintain adequate staffing and resource allocation. Available resources may cover short-term needs while neglecting important initiatives necessary to sustain long-term urban forest management. Determining and maintaining optimal staffing levels is critical to a program's efficiency. Optimal staffing depends on several factors including the number of public trees, how authority and responsibility is defined in the municipal code, internal and external expectations, customer service (i.e., the public), operations, and existing programs.

The City of Fayetteville's commitments to public health and safety, combating climate change, and addressing inequities translates into a growing demand for both long-term initiatives, and the staff to operate them. The growing urban forest will require increased staffing levels to achieve and maintain urban forest goals. Public Works and Development Services need to add full time employess to maintain the current level of services. As the City grows these positions will need to grow.

Some capacity and efficiencies for existing workloads can be improved through clarifications of roles, responsibilities, and workflows among City departments and divisions. Periodically examining program structures, staffing needs, and levels of service may identify ways to improve efficiencies, communications, and workflows within and among departments. Cities often consider consolidating their tree programs into one division or section to achieve these outcomes. Establishing a strong organizational structure with clear operating procedures is foundational in reducing future costs and addressing increased service demands.



TREE-RELATED PLANS AND REGULATIONS IN FAYETTEVILLE

Evaluating the alignment of existing policies and plans in Fayetteville with urban forest management elements ensures a strong connection among the programs that manage the urban forest and the projects and initiatives that support them. Proper alignment of urban forestry program recommendations reduces the risk of wasting resources and enables success of key projects that support urban forestry goals. Plans cannot live in isolation, therefore, cross-examining various plans and documents brings to light any projects or initiatives that are a misplacement of resources and time. Tree regulations in the City provide the foundation from which tree canopy cover can be preserved, protected, and expanded while aligning with industry standards and best practices. Regulations for trees on private property are the primary tools for urban foresters to guide private landowners and developers in sustainable practices.

RELEVANT PLANS AND STUDIES

Several documents and resources were reviewed and indexed as part of the information discovery process to develop the Urban Forestry Management Plan. These documents included:



City Plan 2040 (2020 update): The City of Fayetteville adopted its first comprehensive plan in 1970. The plan, and all of its subsequent updates and revisions, seek to establish a framework of goals, policies, and guidelines to direct future physical, economic, and social development.



Energy Action Plan (2018): This plan is structured around one overarching goal: reducing greenhouse gas emissions (GHG) for activities occurring in Fayetteville. While GHG reduction is the guiding goal, a host of co-benefits accompany these actions. The plan outlines ways that the City can increase energy efficiency, transition to cleaner fuel sources, improve public health outcomes, build more resilient local businesses, among other core principles.



Active Transportation Plan (updated February 2023): The plan serves as a guiding document for Fayetteville infrastructure and program development related to active transportation. It outlines a network of sidewalks, trails, and bicycle facilities to provide walkers, cyclists, and other users with clear pathways and connections to important city destinations.



Park and Recreation System Master Plan (2023): This plan was in development during the planning stage of the Urban Forestry Management Plan. In February 2023, the Park and Recreation System Master Plan was completed. It exemplifies the City's values in providing a thriving park system for all ages, abilities, and activities. The strategic plan will guide the future of Parks and Recreation for the next decade. It evaluated the existing conditions of the park network and identified areas for growth, improvement, and preservation.



Climate Action Plan: The goal of the Climate Action Plan will be to inform future policies, programs and actions undertaken by the City and to assist the City in its efforts to remain resilient to the anticipated changes in the climate to preserve the quality of life for those who live, work and play in Fayetteville.

The relevant plans and studies are summarized above to demonstrate the parallels among urban forestry and other planning efforts in the City. The Urban Forestry Management Plan's long-term framework aims to complement goals and policies within these City plans and studies that pertain to trees in Fayetteville. This evaluation of existing resources serves to reduce conflicting priorities in the City.

Tree Canopy Assessments (2002, 2010, 2013, 2015, 2017, 2019) and Studies (2020):

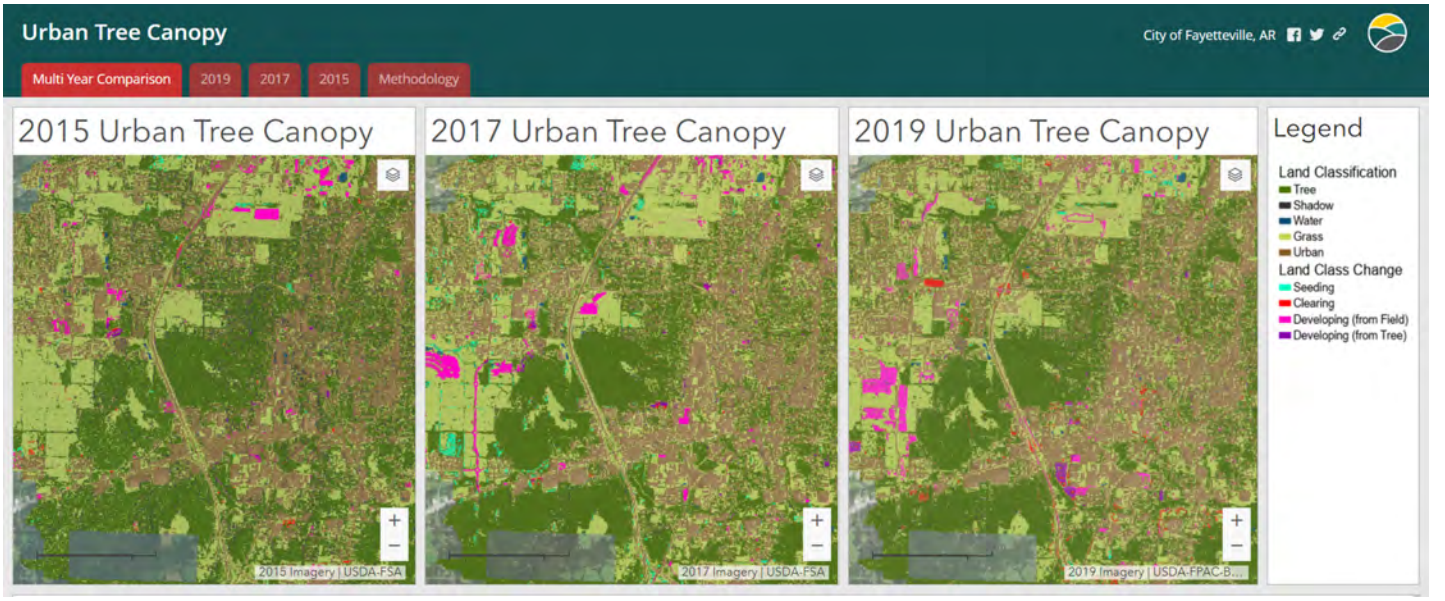


Figure 20. Comparison of canopy in 2015, 2017 and 2019

High-resolution GIS assessments of land cover were completed to identify the extent and opportunities for urban tree canopy cover. The City conducted these assessments based on 2002, 2010, 2013, 2015, 2017, and 2019 imagery to analyze canopy cover change. A consultant provided an analysis and report on the City's tree canopy cover change from 2002 to 2010 (in 2012), and in 2020, the City's GIS Department completed the Tree Canopy Cover and Environmental Equity study, report, and supporting web map for the 2013, 2015, 2017, and 2019 time periods to examine the correlations between canopy cover and socioeconomic data. (Tree Study)

The difference may be a result of canopy increase, improvements in technology, or as stated in the accuracy assessment for the 2012 UTC Assessment Report "The Producer's accuracy of 92% can be interpreted as up to 8% of the overall landscape may be tree cover but was classified as another land cover category. Conversely, the User's accuracy of 99% indicates that if a pixel is classified in the classification map as Tree Canopy, there is 99% confidence that the pixel is tree canopy in the reference map. When combined, these two figures indicate that 36.0% likely underestimates the true canopy percent (and that the Green Vegetation category probably contains some actual tree canopy). The accuracy assessment uses concepts defined as Quantity and Allocation disagreement (Pontius, et al., 2011) to estimate true land cover percent values based on statistical results" (see the "COF_Classification_Accuracy_Assessment_Document" PDF provided to the City in 2012 for more details). Therefore, 36% is likely underestimating the amount of tree canopy in 2010 by up to 8% meaning the canopy in 2010 could have been as high as 44%.

As shown in the previous figure, Fayetteville has demonstrated a proactive commitment to urban forest management by assessing tree canopy cover over several time periods and implementing the recommendations as resources allow. By monitoring the state of tree canopy cover, the City can better understand the urban ecosystem's health and make informed decisions. Fayetteville has also made strides in public and developer education on the significance of trees within the cityscape. Resources and guidance are provided to ensure responsible tree care and development practices, emphasizing the importance of preserving and enhancing the urban tree canopy. Additionally, the Urban Forestry staff have recognized policies and regulations that need to be updated to align with contemporary urban forestry standards, prioritizing the protection and growth of this vital green infrastructure. Furthermore, Fayetteville has invested in planting resilient tree species, making its urban forest more adaptive to climate challenges. These efforts reflect the City's commitment to enhancing the quality of life for its residents while fostering a greener, more sustainable future.

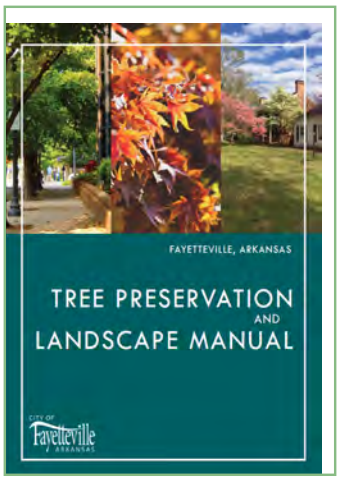
While Fayetteville's urban forestry efforts have made commendable progress, the 2024 Urban Forestry Management Plan builds on the progress and guides the City toward a long-term vision. The City must continue its commitment to reassessing canopy cover over time and expanding public education efforts to ensure a sustainable and thriving urban tree canopy. By successfully implementing the Plan, Fayetteville can bolster its urban forestry programs and grow a resilient urban forest.

TREE ORDINANCES IN FAYETTEVILLE

Chapter 167, Tree Preservation and Protection: This preservation ordinance within Fayetteville Code of Ordinances preserves and protects trees and natural areas in the City based on the type of project and its location. The regulations require a tree preservation plan and canopy cover retention or the planting of trees to meet minimum canopy cover requirements by zoning designation for proposed development projects.

Chapter 177 Landscape Regulations: In 2007 the Urban Forester (then titled Landscape Administrator) collaborated with other City staff to consolidate landscape requirements found throughout multiple sections of the Unified Development Code into this single ordinance (Chapter 177). The intention of consolidating requirements was to help meet the needs of those applying for development review. The ordinance aimed to meet the following goals: a greener, more attractive city with reduced heat, noise and air pollution; and increased property values. The City of Fayetteville requires developers to include landscaping in their building plans to beautify property, provide shade, and screen the perimeters of parking lots, utilities, incompatible uses, and vehicular use areas.





Tree Preservation and Landscape Manual (2016): The original manual was created in 1999, updated in 2006, and was condensed in 2016 in coordination with the Parks and Recreation Division and the Sustainability and Resilience Department. It was then approved by the Urban Forestry Advisory Board. The updated manual's primary purpose is to provide developers, engineers, architects, landscape architects, and contractors with the City's requirements for tree preservation and protection and landscape installation. The manual corresponds with the requirements detailed in the City of Fayetteville Unified Development Code Chapter 167: Tree Preservation and Protection and Chapter 177: Landscape Regulations.

Figure 21. Fayetteville's Tree Preservation and Landscape Manual provides the tree-related regulations and standards for entities involved in private development design and construction.



A cursory review of existing tree-related ordinances in Fayetteville was conducted based on industry tools and resources, comparisons of findings from benchmarking research, input gathered from internal stakeholders, and a cross-examination of regulations compared to industry standards and best practices. This integrated approach aims to balance goals for tree canopy cover, development, and other priorities in the future.

Appendix C provides a summary of the evaluation of Fayetteville's tree-related ordinances.

SUMMARY OF FAYETTEVILLE'S KEY URBAN FORESTRY PROGRAMS AND RESOURCES

- The Urban Forestry team in Public Works performs tree maintenance on street trees not adjacent to private property. They also maintain trees in parks and along the trails.
- Tree preservation and protection for new development is performed by the Urban Forester in Development Services. Residential reviews are performed by the Urban Forester in Parks, Natural Resources and Cultural Affairs.
- Development Services administers Chapter 167 of the Unified Development Code to ensure Fayetteville maintains, enhances, and preserves trees and the City's natural beauty.
- The City's Urban Forestry Advisory Board advises the City Council and the Mayor on urban forestry issues.
- Fayetteville Code of Ordinances Chapter 167 Tree Preservation and Protection to preserve and expand the City's urban forest. Chapter 177 regulates landscape for developments.
- Volunteer opportunities for tree stewardship and education.
- Tree City USA accreditation and Arbor Day celebrations.
- Amazing Trees of Fayetteville program and online inventory.
- Celebration of Trees Event and other events celebrating and educating attendees about Fayetteville's urban forest.
- The City has an invasive plant ordinance, encourages Ozark native trees, and discourages trees found to have issues.

STAKEHOLDER FEEDBACK ON CURRENT CONDITIONS

Internal and external engagement is critical to the success of an urban forestry management plan. By engaging with Fayetteville's staff, residents, businesses, and other stakeholders, urban forestry staff are given a better understanding of the needs and concerns of the community. Engagement was conducted throughout the development of Fayetteville's Urban Forestry Management Plan. The feedback and input gathered was used to shape a plan that is representative of the needs of all stakeholders in the City. The engagement conducted throughout the development of the Plan also helps to build support for Fayetteville's urban forest and to ensure the Plan is implemented effectively.

Internal Stakeholder Feedback

In August and September 2022, engagement with City staff in various departments to develop the Urban Forestry Management Plan began with an online survey to identify workflows, measures of success, concerns, priorities, and shared goals and outcomes as it relates to trees in the City. A total of 28 of the 59 (47%) invited staff and board / commission members participated in the survey and follow-up interviews as desired.

Staff participants represented the departments of Parks, Natural Resources and Cultural Affairs; Public Works; Environmental; and Development Services. In addition, members from the Urban Forestry Advisory Board, Parks, Natural Resources and Cultural Affairs Advisory Board, Environmental Action Committee, Planning Commission, and Keep Fayetteville Beautiful participated.

The figure on the following page provides a graphic summary of responses. Most respondents serve as advocates for public trees and park improvements, over 60% support community recreation and engagement, and half are involved with City planning. Over half of the respondents noted the staffing levels as a challenge, along with needed improvements as they relate to ordinances and infrastructure conflicts (50% each). 46% feel there is more to be done in terms of preparedness planning as well as 46% concerned with the sustainability of ecosystems.

The respondents noted their top priorities to address in the Plan as procuring funding for the City to purchase land for tree preservation and canopy expansion, supporting local businesses and others in the community to cooperatively grow and maintain the urban forest, and increase funding to purchase trees to be planted to support canopy goals.



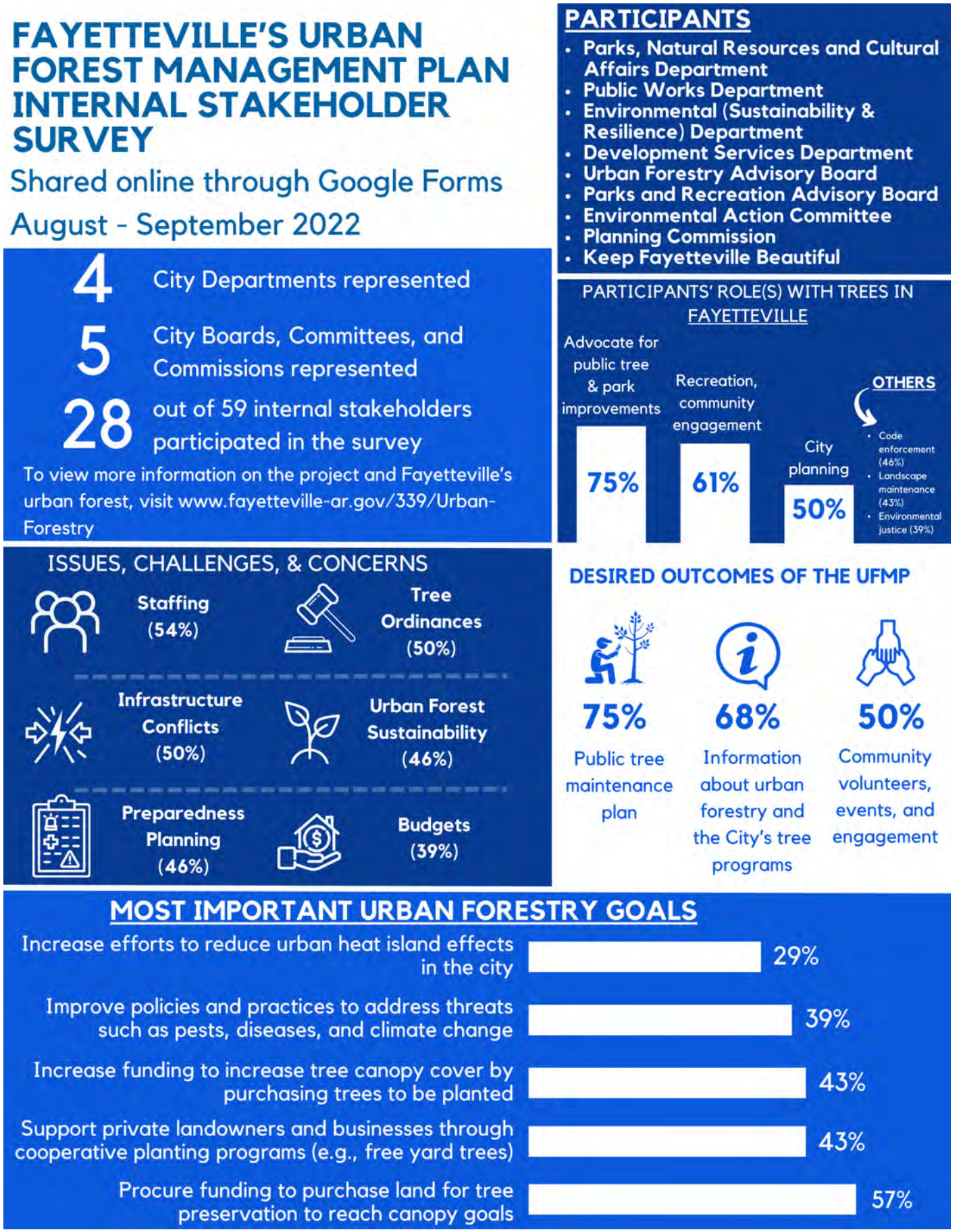


Figure 22. Summary of the feedback received from internal stakeholders.

EXTERNAL ENGAGEMENT

Project Website

To support the development of the Urban Forestry Management Plan's vision, goals, and recommended actions, the urban forestry consultants met with Urban Forestry staff to develop strategies for community education, outreach, and engagement. The project team utilized the City's "Speak Up Fayetteville" website (speakup.fayetteville-ar.gov) to share information about the project and opportunities for engagement. To raise awareness and encourage engagement in the project, the website included background information and resources, project timelines, draft outcomes, and the platform for launching the public survey.

Media and Messaging

Throughout the development of the Plan, information was shared about the project and the City's urban forest through various mediums including news outlets, City website content, press releases, and social media.

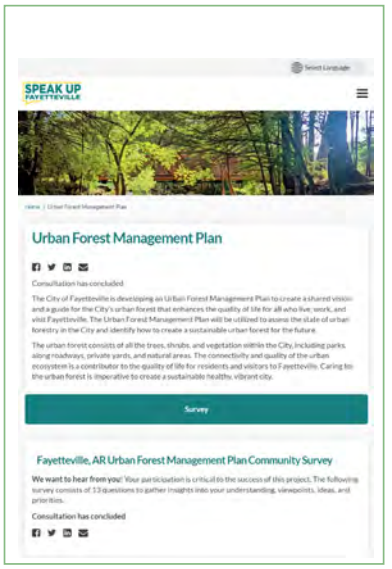


Figure 23. Example of the outreach conducted throughout the planning process.

Community Survey

From December 2022 through mid-January 2023, a 14-question online survey was launched on the City's Speak Up Fayetteville website to learn how trees impact the lives of Fayetteville's community members, to gather feedback on canopy goals and priority planting areas, to identify where the City should prioritize resources and investments, and to recognize the benefits and services provided by trees that the community values most.

A total of 169 responses were received. The following provides an overview of the engagement garnered from the effort followed by a summary infographic.



The majority of respondents own a home in Fayetteville (61%) and are between 25 and 35 years old (28%).

Respondents are engaged with their urban forest in that they understand and appreciate trees providing shade and reducing surface temperatures (62%) and would like to see trees planted where there is historically less canopy coverage (50%). The trees planted should be resilient to pests and diseases, changing climates, limited space, and storm events (40%). To improve public tree health, respondents support setting and achieving canopy goals that are based on reducing heat, improving ecosystems, expanding canopy cover in underserved communities, and increasing the benefits trees provide (74%). They would also like to see more trees and preservation incorporated into development projects (66%) and planting trees that can coexist with sidewalks and underground utilities (41%). Future resources and investments that result from the Plan should be focused on strengthening ordinances for private development

Figure 24. The project website for Fayetteville's Urban Forestry Management Plan.

(70%), purchasing land for conservation (54%), planting trees on public property (51%), and partnering with private property owners to plant trees on private property (41%). To achieve canopy goals, respondents would like to see parks and greenways prioritized (69%), followed by planting trees along streets (68%), on commercial and industrial property (60%), and on school and campus grounds (40%). The kinds of trees respondents would like to see planted include trees and priority areas that are climate-based (56%) and location-based using the right tree right place principle and replanting trees that were removed (25%). Most respondents support watering the street trees adjacent to their property during periods of drought (73%).

The success of this engagement effort is largely attributed to the City's commitment to share the survey and conduct outreach. The survey was announced on the City's website, the Speak Up Fayetteville project webpage, social media posts, press releases, news media, and shared throughout relevant partner networks.

As noted in the Introduction, Fayetteville's trees face multiple challenges from various sources. The urban forest is vulnerable to changing conditions due to urbanization, extreme weather, and pests and diseases.



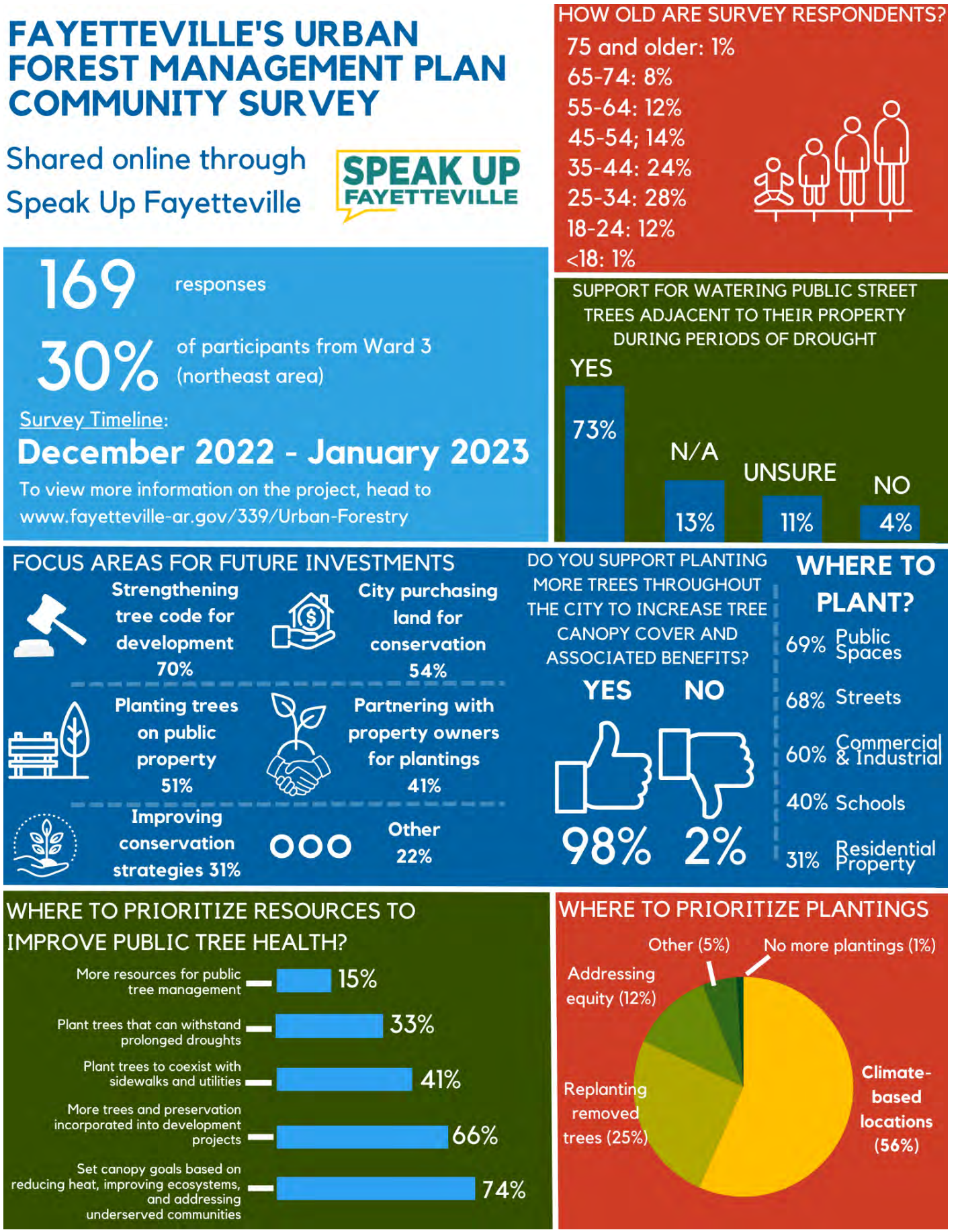


Figure 25. Infographic summary of the public's priorities and viewpoints regarding the urban forest

URBAN FOREST VULNERABILITIES DEVELOPMENT AND LAND USE CHANGE

The Northwest Arkansas Regional Planning Commission (NWARPC) estimates that Fayetteville will grow to a population of 142,496 by the year 2040. This will be an increase of an additional 48,547 people added to the most recent U.S. Census Bureau estimated population of 93,949 in 2020. Planning and anticipating the location, form, and function of land use and growth patterns enables the City and the existing residents to guide where and in what pattern this growth will occur. Relative to neighboring cities, Fayetteville has a large percentage of undeveloped land including swaths of canopy cover and native prairie land. However, according to the City's Urban Forestry Program, Fayetteville lost 35 acres of tree canopy cover in 2022 due to development. While the City's tree ordinances do require tree preservation, protection, and planting to mitigate canopy loss, it is projected that there will be a net loss of 20 acres of canopy solely for those development projects reported in 2022. Additionally, existing urban areas rezoned for more dense development reduce available space for trees and greenspace.

Fragmentation

Development often results in fragmentation of tree canopy, creating isolated populations that are less likely to cross-pollinate. This can reduce biological and genetic diversity of the ecosystem and change the species composition (Fahrig, 2003). It may also result in the loss of buffering potential, such as vegetative stabilization of stream banks. As sites become fragmented and the amount of ecosystem space is reduced, many plants and animals that rely on connected habitats may disappear from the region (Saunders, et al., 1991).

Altered Soils

Urban trees must often survive in compacted soils that have been altered for the built environment. A good growing medium for trees contains approximately 50% pore space (which allows the root system access to the air and water it needs to survive) and a layer of organic matter. In contrast, construction soils typically have less than 25% pore space and organic matter combined.

Competition for Space

Conflicts with hardscapes and utilities often occur when trees are not provided adequate space for root and canopy growth. In rights-of-way, trees may compete for space with signs and streetlights, underground utilities, and overhead electric and telephone lines. As trees outgrow available space, their roots can raise sidewalks as they search for water, air, and growing space. The resulting sidewalk repairs may require removal of the tree or application of alternative sidewalk solutions. The City has regulations and best management practices (BMPs) for addressing these situations.

The prevention of future conflicts requires streetscape design that considers the mature size of trees being planted as well as available technologies that allow trees to thrive in this environment. Examples of these unique designs are provided in the graphic below:



EASEMENTS



ROOT BARRIERS



SUSPENDED PAVEMENT



STRUCTURAL SOILS

Figure 26. Examples of the potential streetscape design solutions for preventing or mitigating tree and infrastructure conflicts.

To prevent and address negative impacts from development, the City of Fayetteville coordinates efforts to ensure projects adhere to City requirements such as tree canopy cover, stormwater management, public safety, and accessibility.

CLIMATE CHANGE IMPACTS

As the effects of climate change take hold, already stressed trees will decline more rapidly, and healthy trees will have to endure multiple stressors to survive and thrive. The extreme heat and drought will reduce water availability, the plant hardiness zone will shift and introduce invasive plant species, stronger storms will occur resulting in more downed trees and limbs due to the canopy declining, and existing and introduced tree pests and diseases will flourish as trees continue to weaken.

If the City does not commit to a long-term proactive approach and disciplined investment to improve the health and reliability of the public trees, Fayetteville will fight a costly, reactive and escalating battle against failing trees— which will have a detrimental impact to public safety, budgets, tree crews, road closures, and utility reliability. The negative environmental, public well-being and scenic impacts will also be significant.
With a quarter of Fayetteville's public street trees in fair or worse condition, and with climate change altering the types of species that thrive, the City's tree canopy is at considerable risk.



Figure 27. Emerald ash borer (EAB) insect (top), dieback (left), larvae (bottom left), borer holes (right), and larvae galleries (bottom right). Source: AR Department of Agriculture

URBAN TREE PESTS AND DISEASES

Pests and diseases add to the existing stresses faced by trees in an urban environment. Stressed trees are more vulnerable to insects and diseases, although some pests and diseases pose an equal threat to healthy trees. Climate change can create conditions that are favorable for the spread of pests and diseases. Also, prolonged drought stresses trees causing them to be more susceptible to pests and diseases.

Though emerald ash borer (EAB) was found in Arkansas in 2002, it is still a concern for the ash (Fraxinus) trees across the City. From the sample inventory of public trees in 2022, it is estimated that 2% (600 trees) are ash trees. Currently, the City does not treat any ash trees on public land, but ash trees are no longer planted or recommended.

The insect attacks and kills healthy as well as stressed trees, causing catastrophic loss to all ash species. Its impact on the structural integrity of host trees can cause these trees to become safety hazards.

Sudden oak death (SOD) is caused by Phytophthora ramorum, a fungus-like microorganism. At least 90 species of trees and woody ornamentals are hosts for SOD. Changing climates may cause SOD to become more widespread and harder to control. The disease produces rapid decline in oaks; death may occur within months to years later. Symptoms include bleeding cankers on the lower trunk. Other symptoms include leaf spots with dark margins and stem cankers. Control of SOD is focused on early detection and eradication of infected plants.



Figure 28. Sudden oak death (SOD) wood and bark discoloration (top) and lesions and discoloration of leaves (bottom). Source: AR Department of Agriculture

Dutch elm disease (DED) is caused by a fungus (Ophiostoma ulmi) that infects the vascular system of elm (Ulmus) trees. The disease propagates on a number of different elm species but the majority of cases in Arkansas have been found on American elm (Ulmus americana).



Figure 29. American elm identifying features (left), leaf flagging symptom of Dutch elm disease (middle), and gallery of bark beetles that are the vector for the Ophiostoma ulmi fungus. Source: University of Arkansas Cooperative Extension Service

Bacterial leaf scorch (BLS) is a systemic disease caused by the bacterium Xylella fastidiosa that disrupts the transportation of water through the tree. It is commonly transmitted by insects with piercing mouthparts, impacting sycamore, sweetgum, American elm, and various maple, oak, and other tree species. With higher temperatures and drought predicted, the impact of BLS on Fayetteville's trees is likely to increase.



A B C D

Figure 30. Bacterial leaf scorch observed on oak (A), redbud(B), elm (C), and maple (D) leaves. Source: University of Arkansas Cooperative Extension Service

There are other pests and diseases to monitor such as the jumping oak gall disease affecting white oak trees, tent caterpillars with a wide range of hosts, oak wilt, red oak borer insect, thousand cankers disease, laurel wilt disease, and the threat of Asian long-horned beetle that prefers maples but also has a wide range of preferred host tree species. Additional information regarding tree pests and diseases can be found at the University of Arkansas Cooperative Extension Service.

Urban Heat

Like many urban areas, Fayetteville is experiencing the detrimental effects of excessive summer heat. Urban heat is a phenomenon that describes the higher air and surface temperatures in urban areas compared to surrounding rural areas. The temperature difference is largely due to the prevalence of buildings, roads, and other elements of the built environment that absorb and retain heat. Increased emissions of greenhouse gases and reduced tree canopy serve to magnify these impacts. Without strategic intervention, urban heat threatens the well-being and health of the community, particularly vulnerable populations lacking the cooling shade of trees.

With urban heat rising, the concern of tree decline is at the forefront of planning in urban areas. To understand Fayetteville's urban forest vulnerability to urban heat, analyses were conducted to measure and project potential impacts on its trees. These impacts include:

- **Increased stress on trees:** Urban heat adds to stress trees are already facing from factors such as air pollution, drought, and pests, making it more difficult for trees to survive and thrive.
- **Reduced tree growth:** Urban heat can slow down tree growth, which can lead to a decline in the overall health of the urban forest.
- **Increased tree mortality:** Urban heat increases the risk of tree loss, which can lead to gaps in the urban forest.
- **Reduced air quality:** Urban heat tends to hold pollutants in the atmosphere, worsening air quality. This places an additional burden on trees' air purifying capabilities while also having a negative impact on human health and the environment.
- **Changes in plant communities:** Urban heat can lead to changes in the composition of plant communities, as some species are more tolerant of heat than others. This can lead to a loss of biodiversity in the urban forest

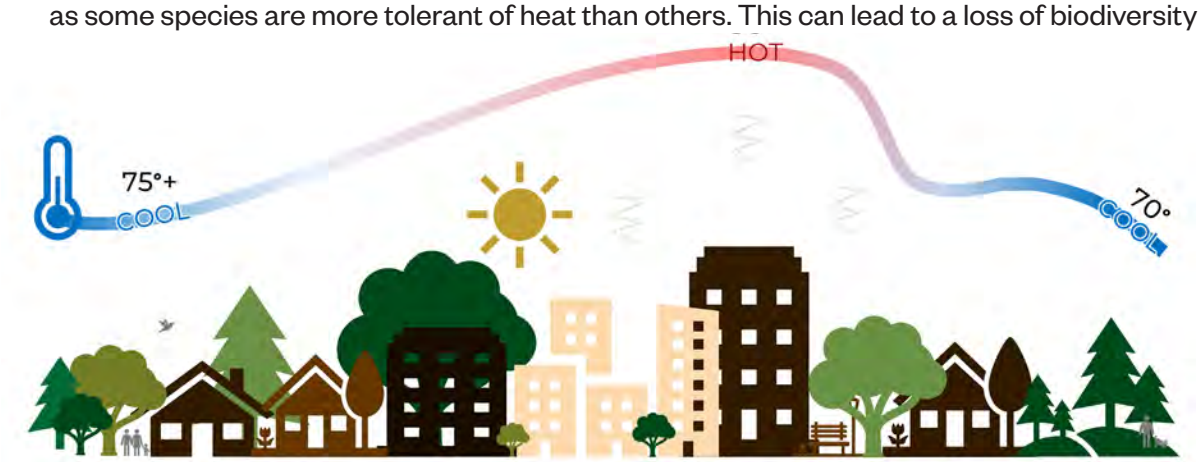


Figure 31. Illustration of the temperature difference in urban areas due to the urban heat island effect.

Changes in Plant Communities

Climate change will have a dramatic impact on the tree species that can survive and thrive in Fayetteville. To inform the Plan's recommendations, the USDA Forest Service Climate Change Tree Atlas was utilized to model habitat changes for tree species growing in the southeast region of the United States, which includes Arkansas. However, some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included (Iverson, et al., 2019).

The tables below list tree species that may be found growing in Fayetteville and their predicted vulnerability to habitat loss due to changing conditions. It also includes the proportion of those tree species that are currently in Fayetteville's public tree population based on the 2022 sample inventory. The percentages are then extrapolated to represent a public tree population of 25,000 trees (estimated).

SPECIES HABITAT PREDICTED TO INCREASE

Predicted Habitat Change	Tree Species Common Name	Percent of Fayetteville's Street Trees
Species Habitat Predicted to INCREASE Note: this list is not all inclusive or a recommendation, it is an ever-evolving list.	Princeton Elm	7%
	Post oak	6%
	Willow oak	6%
	Blackgum	4%
	New Harmony Elm	3%
	Red maple	3%
	American elm	3%
	Eastern redbud	3%
	~~Green ash~~	2%
	Eastern red cedar	1%
	Winged elm	1%
	Water oak	1%
	Eastern hophornbeam	1%
	Honeylocust	1%
	Flowering dogwood	1%
	Tulip tree	1%
	Osage orange	1%
	Shortleaf pine	1%
	Black cherry	1%
	Loblolly pine	0.5%
	American sycamore	0.4%
	Pecan	0.3%
	Overcup oak	0.3%
	Sweetgum	0.3%
	American holly	0.2%
	American hornbeam	0.2%
	Mockernut hickory	0.2%
	Southern red oak	0.2%
	Persimmon	0.2%
	Southern magnolia	0.1%
	Blackjack oak	0.1%
	River birch	0.1%
	~~White ash~~	0.1%
	Sassafras	0.04%
Total		**51% or 12,703 Trees**

Table 10. USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to increase (low emission scenario).

SPECIES HABITAT PREDICTED TO NOT CHANGE

Predicted Habitat Change	Tree Species Common Name	Percent of Fayetteville's Street Trees
Species Habitat Predicted to NOT Change Note: this list is not all inclusive or a recommendation, it is an ever-evolving list.	Baldcypress	3%
	Hackberry	3%
	White oak	2%
	Black walnut	1%
	Nuttall oak	1%
	Mulberry	1%
	Scarlet oak	0.4%
	Boxelder	0.3%
	Shumard oak	0.3%
	Swamp chestnut oak	0.1%
	American beech	0.1%
	Chinkapin oak	0.1%
	Pignut hickory	0.1%
	Bitternut hickory	0.04%
	Black Hickory	0.04%
Total		**12% or 2,913 Trees**

Table 11. USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas' predicted to not change (low emission scenario).

SPECIES HABITAT PREDICTED TO DECREASE

Predicted Habitat Change	Tree Species Common Name	Percent of Fayetteville's Street Trees
Species Habitat Predicted to DECREASE Note: this list is not all inclusive or a recommendation, it is an ever-evolving list.	Pin oak	5%
	Northern red oak	3%
	Sugar maple	3%
	Serviceberry	2%
	Bur oak	1%
	Silver maple	0.4%
	Shagbark hickory	0.4%
	American basswood	0.3%
	Black oak	0.2%
	Ohio buckeye	0.1%
	Black locust	0.1%
Total		**16% or 3,899 Trees**

Table 12. USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario).



Figure 32. Summary of the climate change vulnerability of Fayetteville's public street trees. Source: USDA Climate Change Atlas

Important Note: The USDA Forest Service Tree Atlas models predict habitat change for 134 native tree species in the eastern United States. The research is then modeled for tree species in the southeast U.S. including Arkansas. Some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included. With limited data currently available on the resilience and vulnerability of native Arkansas tree species, this table provides a glimpse of how the species' composition of Fayetteville's urban forest may change.
Web source: www.fs.usda.gov/nrs/atlas/tree/

Habitat Increase	No Habitat Change	Habitat Decrease
51%	12%	16%
or 12,703 public street trees	or 2,913 public street trees	or 3,899 public street trees

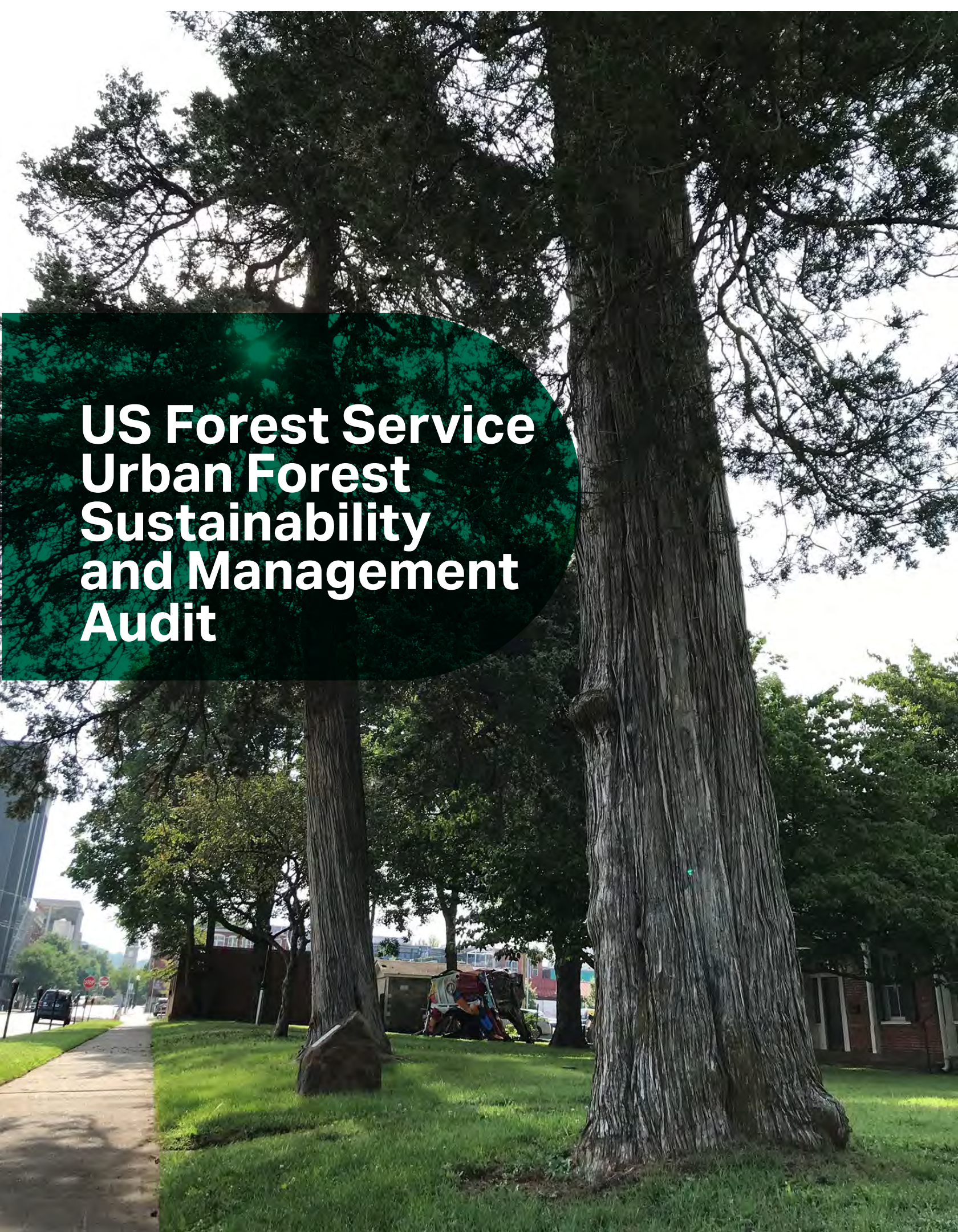
Table 13. Summary of the climate change vulnerability of Fayetteville's public street trees. Source: USDA Climate Change Atlas

According to the Climate Change Atlas and based on the 2022 sample inventory of Fayetteville's public street trees, 51% or an estimated 12,703 trees are expected to have their growing conditions and habitat improve and increase due to climate change. 12% or 2,913 public trees in Fayetteville are predicted to not be impacted by changing climates and 16% or 3,899 trees are predicted to be negatively impacted by climate change and experience habitat loss.

SUMMARY OF URBAN FOREST VULNERABILITIES

In summary, the key issues or challenges facing Fayetteville's urban forest that are addressed with the Urban Forestry Management Plan include:

- Managing the urban forest for sustainability and resiliency
- Addressing street tree maintenance needs
- Tree risk management
- The need for updated tree-related regulations
- Development pressure and construction / infrastructure conflicts
- Limited resources to address climate change impacts
- Strategic tree planting programs and initiatives
- Equitably expanding tree canopy cover, associated benefits, and levels of service
- Revitalizing and strengthening community tree stewardship



US Forest Service Urban Forest Sustainability and Management Audit

INDICATORS OF A SUSTAINABLE URBAN FOREST

Methodology

To assess the current state of Fayetteville's urban forest, the programs that manage it, and the community that shapes and benefits from it, a comprehensive evaluation was conducted using the framework of the U.S. Forest Service's Urban Forest Sustainability and Management Audit (Abbot, et al., 2015).

The framework was adapted from the Model of Urban Forest Sustainability (Clark, et al., 1997) and subsequent iterations. The primary objectives of the evaluation of Fayetteville's urban forest are defined by the authors and adapted by the Fayetteville Urban Forestry Management Plan consulting team:

- Engage the full spectrum of the organizations' management team
- Provide program direction for ongoing professional training
- Conduct a gap analysis of management practices and the health of urban forests
- Provide strategic direction to improve the health of the urban forest
- Optimize management for environmental justice and equitable distribution of resources

A sustainable system can be defined as one that survives or persists. In the context of urban forests, the objective can be stated as attempting to achieve the maximum long-term benefits over the greatest amount of time. Clark's framework provides specific criteria to evaluate sustainability along with measurable indicators. Social and economic factors as well as natural science are considered, as sustainability is often viewed as the "overlap between what is ecologically possible and what is societally desired by the current generation". Recognizing that both conditions will change over time, sustainability is addressed as a process rather than a goal (Clark, et al., 1997).

Clark's framework categorizes urban forest sustainability indicators in terms of the trees (or resource), the management, and the people who benefit from the urban forest. Within each category, a series of urban forestry industry standards and best management practices were used to evaluate Fayetteville's current performance level. Indicators were rated as low, medium, or high based on available data and information provided by stakeholders. Assessment results were used to identify areas where Fayetteville's urban forest can be improved and to develop recommendations.

The complete Urban Forest Audit for Fayetteville conducted in 2023 is available in Appendix B. The following provides a summary of the evaluation:

RESULT

Based on the analysis of findings from the needs assessment, Fayetteville scored a 73% in terms of urban forest sustainability and management as defined by the U.S. Forest Service, partners, and planning consultants. Based on similar audits completed by the urban forestry consultants, of the 16 audits, the average score is 64%. The City of Fayetteville scored relatively high when compared to other urban forestry audits completed by the consultants for other communities of similar size. Overall, the City scored highest in Professional Capacity and Training, Community, Green Asset Management, and Risk Management— all of which are at or above 75%. The Urban Forestry Management Plan provides guidance to maintain these strengths and to address shortcomings as opportunities.

Fayetteville's Urban Forest Audit Results (2023)



Figure 33. Summary of the 2023 Urban Forest Audit completed for Fayetteville's Plan.

URBAN FOREST AUDIT SUMMARY DISCUSSION

The main purpose of the urban forest audit is to apply the research and findings gathered throughout the planning effort to inform the Plan's goals, strategic actions, and targets. This audit or "gap analysis" enables the City's Urban Forestry Program to control different aspects of its program with data. This gap analysis identified the shortcomings that the program should overcome and by quantifying them, the program can make improvements. It also enables effective monitoring of Plan goals in that the audit categories and elements can be revisited at key intervals in the implementation process to measure progress and adapt strategies accordingly. For the comprehensive evaluation of all subcategories within the Urban Forest Audit, see Appendix B.

INTERPRETING THE URBAN FOREST AUDIT SCORES

The Urban Forest Audit System should serve as a baseline assessment from which progress can be measured and strategies can be adjusted using an adaptive management approach. Overall, Fayetteville scored a 73 out of 100 based on the consultants' evaluation. The scores resulting from the evaluation are informative but should not be considered a definitive assessment or a reason for excessive action due to a currently low score or inaction due to a high score. The following provides an interpretation of the scores for the City to consider when implementing the Plan's corresponding actions.

See Appendix B for details regarding scores for each Audit category and the criteria or indicators to improve scores for each category.

Category	Findings
Management Policy and Ordinances Rating of 71%	The City scored relatively average in this category due to the existing tree ordinances, development standards, and the Tree Preservation and Landscape Manual. The Tree-related Plans and Regulations section of this Plan summarizes existing tree ordinances and Appendix C provides a summary of an evaluation of these ordinances based on industry standards and best practices. The City's Comprehensive Plan includes urban forestry and tree canopy as a vital component in addressing climate change.
Professional Capacity and Training Rating of 89%	Staff have industry certifications, qualifications, and training. The Urban Forestry Program has staff for park and trail tree maintenance and to administer tree preservation and protection for new development. In addition, the program works with other departments, partners, and contractors to plant trees. In recent years, staffing levels increased but capacity should be evaluated periodically to ensure it aligns with the goals of this Plan and the service demands.
Funding and Accounting Rating of 67%	The City's adopted budgets have specific line items for the Urban Forestry Program and staff. The City's Tree Escrow accoun historically was the primary funding source for urban forestry activities. The figures reported for Arbor Day Foundation Tree City USA accreditation incorporate budgets from other departments but do not include the urban forestry budgets for Public Works' programs responsible for planting trees. Those programs in Parks, Natural Resources and Cultural Affairs are now funded primarily through the general funds.
Decision and Management Authority Rating of 63%	An Urban Forestry Advisory Board exists to advise on urban forestry matters. Currently, urban forest management is distributed across three groups in three different departments. The delineation of responsibilities is unclear and there is no single department or staff person designated as a point of contact for urban forestry. It is likely that communications and workflows could be improved with an adjusted program structure. Unique to other cities, Fayetteville's Urban Forester in Development Services has direct authority and oversight on tree preservation and protection for new development.
Tree-related Inventories Rating of 65%	Fayetteville completed a sample inventory of public trees and planting spaces along with a private tree sample inventory. In addition, the City conducted GIS analyses of urban tree canopy cover over four time periods and examined the correlation of tree canopy to socio-demographic data. Also, the Urban Forester actively tracks canopy gains and losses occurring on development projects— one of the most robust tracking systems the urban forestry consultants have seen. Within the City, the University of Arkansas has an inventory of its trees through its Arboretum Mapping Project.
Tree-related Plans Rating of 54%	Tracking and reporting of urban forest management activities, this Plan, and urban forestry referenced in the Comprehensive Plan and canopy goals in the Energy Action Plan resulted in higher than average scores for certain elements within this category. The City completed a Tree Canopy Cover and Environmental Equity Story Map and supporting reports.
Risk Management Rating of 78%	The Urban Forester in Parks, Natural Resources and Cultural Affairs is trained in tree risk assessments and the City has an adopted standard of care. The City completed a sample public tree inventory in 2022 to inform management strategies. The City also has an Emergency Operations Plan, actively manages invasive plant species and pests and diseases, and has lists and resources for recommended and prohibited trees.

Disaster Planning Rating of 64%	The City's maintenance staff and contractors address downed trees and limbs and collaborate when extensive response is needed.
Standards, and Best Practices Rating of 73%	Fayetteville has an average rating for this category though its strengths include tree ordinances, the Tree Preservation and Landscape Manual, Comprehensive Plan, Standard Details such as the Tree Preservation detail, clear guidance on the City's website relating to regulations and best practices, tree species lists, and tree protection requirements for construction and development.
Community Rating of 89%	Fayetteville has been a Tree City USA city consecutively since 1995, demonstrating the value placed on urban forests. This Plan included a public survey and has engaged and informed the public through an interactive project website— Speak Up Fayetteville. The City conducts Arbor Day events, has an Urban Forestry Advisory Board, engages the public through social media, website, and other platforms, addresses service requests, conducts the annual Celebration of Trees event, has an online resource for Amazing Trees in Fayetteville, provides education resources and trainings, and works closely with other community partners.
Green Asset Management Rating of 80%	The sample public tree inventory determined there are 54 unique tree genera and 111 unique tree species resulting in no tree species exceeding the recommended diversity thresholds. The size classes of public trees are in line with an ideal distribution and the majority (75%) of public trees are in good condition. Also, only 6%of trees are recommended for removal and the primary maintenance need is clearance pruning (8%). Most importantly, the City's Park Maintenance right-of-way crews proactively prune approximately 4,000 public trees per year resulting in an estimated 5.7-year rotation and the Urban Forestry Program conducts public park and trail tree maintenance.

Table 14. Interpretation of the 2023 Urban Forest Audit scores

The information provided in the table above describes the current conditions of Fayetteville's urban forest, the programs that manage it, and the community framework. As recommended in the Plan's monitoring methods, the City should use this framework to evaluate implementation progress, report successes, and inform changes to Plan actions. Many of the urban forest audit elements were given a rating of "In Development" as they previously did not exist but are addressed in this Urban Forestry Management Plan. This means that the City is already well underway in advancing its program and its Urban Forest Audit score.



Section 3: Vision for the Future and Recommendations

INTRODUCTION

This section provides guidance and recommendations for the City of Fayetteville to continue to provide high levels of service now and into the future over the next 10 years. The Urban Forestry Management Plan's recommendations include those that may only take a few months and others that will require a coordinated effort that may need to continue on beyond the 10-year timeframe.

PLAN VISION STATEMENT

"Healthy Trees, Healthy City: To cultivate a thriving, diverse, and well-maintained tree canopy that enhances the livability, health, and sustainability of our community for current and future generations."



Vision

What does the urban forest and its programs look like 10 years from now?

The vision guides direction on where Fayetteville is headed and helps guide recommendations for the future.

Guiding Principles

What are we aspiring to achieve?

These are the aspirations for the City over the next 10 years. They are key themes for organizing the Plan and include a citywide canopy cover goal.

Goals

How do we achieve our principles and vision?

The goals are specific opportunities for the City to move toward the 10-year vision.

Strategies

What is the approach to take?

Strategies provide the general direction or method to take to achieve the goals.

Priority Actions

What is the next step?

This is the prioritized list of steps to take.



GUIDING PRINCIPLES, GOALS, STRATEGIES, AND ACTIONS

A series of guiding principles supported by goals, strategies, and actions are provided to serve as a 10-year roadmap toward the urban forest vision.



GUIDING PRINCIPLES AND GOALS OVERVIEW

Fayetteville's Urban Forestry Management Plan was designed to guide the City in managing, protecting, and growing its urban forest. The goals, strategies, and priority actions were developed based on research and analysis of available data, extensive internal and external engagement, and an evaluation of urban forest sustainability criteria. The resulting goals and recommendations address the current conditions, existing and potential challenges, and shared priorities described in Section two of the Urban Forestry Management Plan. The Plan's long-term framework supports the shared vision for Fayetteville's urban forest.

To achieve the vision for the urban forest, a citywide canopy cover goal 44.4 % over 30 years was established as the cornerstone metric for tracking progress in implementing the Urban Forestry Management Plan. The canopy goal embodies the City's commitment to sustainability and community well-being. This metric can be used by the City for tracking and monitoring the urban forest and it resonates with residents, creating a tangible and shared vision of a lush and vibrant urban environment. Moreover, the canopy cover goal aligns with other goals and priorities in the City such as environmental stewardship, climate change resilience, public health, air quality enhancement, and temperature moderation. By using canopy cover as an overarching measure, Fayetteville ensures a comprehensive approach that not only improves the urban ecosystem but also fosters a sense of pride, unity, and responsibility among its residents.

Fayetteville's Tree Canopy Cover Goal

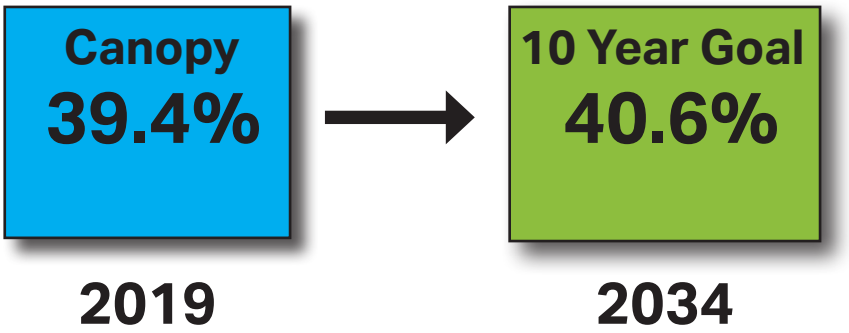


Figure 34. Fayetteville's 10-year canopy goal milestones and targets.

The 2023/2024 Urban Forestry Management Plan is a testament to Fayetteville's unwavering commitment to urban forestry. The overall 30-year goal is to increase canopy from 39.4% to 44.4%. The first step in achieving the 30-year goal is to focus on the actions necessary for the next ten years. The ten-year goal is to increase canopy by 1.2% to 40.6%.

To reach the 10-year goal, an average of 1,850 trees must be planted annually. The approach to reach this number is flexible and allows adjustments so that staff only plant trees they can be maintained to maturity. Planting trees that will reach maturity is a key aspect of this plan and goal for Urban Forestry staff.

There are three contributing tree planting sources: city-led planting, public planting through tree giveaways, and development of tree plantings.

City Plantings

Public Works Urban Forestry staff has maintained information that lets us know how many trees our maintenance staff can care for each year. Newly planted trees require regular watering, structural pruning, mulching, and monitoring for pests and diseases. After 3-5 years, the regular maintenance is lower and requires pruning every few years as needed. We use a 90% survival rate for our newly planted trees. Communication from Public Works Urban Forestry is key to knowing what our annual tree planting will be for the following year. The number of trees planted by the City will fluctuate based on the maintenance capacity of our Public Works Urban Forestry staff.

Development Plantings

It is estimated from available data that approximately 3,728 trees are planted annually due to development activities. The tree planting numbers presented in this plan are based on a no net canopy loss, meaning the number of trees removed, principally due to development, are replaced. Development activities that remove the canopy must be mitigated to reach the canopy goals, which is part of the standards and purpose in 177.01 B1: "Promoting reasonable conservation and replenishment of valued tree canopy and vegetation." Urban Forestry staff suspects this is insufficient to replace the lost canopy from development. Canopy has increased from 2012 to 2019, possibly due to the replacement canopy from development or more accurate imagery. More data is needed to study this information.

Public Plantings

Current tree giveaway programs such as "Celebration of the Trees" and "Invasive Bounty" provide about 1,350 trees annually. The survival rate for the trees given away is around 65%. This rate shows that approximately 75% (Roman 2014) of trees get planted, and minus 10% for our standard survival rate, it comes to a 65% survival rate.

Urban Forestry Staff has created a pilot program that works directly with property owners and homeowners' associations to add trees on streets, in lots, or around detention areas. These programs are currently adding

approximately 100 trees to the canopy. The survival rate for these trees is estimated at 90% since the homeowners will be planting them directly and maintaining trees on their property. The annual number of these types of plantings is targed to grow.

Below is an overview of initial planting efforts. Large trees are targeted for development and city plantings, but a mixture of tree sizes is used in the calculations. For calculations, it is assumed that 60% of trees will be large, 30% will be medium, and 10% will be small. Calculations use an average tree canopy diameter of 40 feet (~ 20 years), which equals 1,257 square feet of canopy per tree. The chart below indicates general city-wide efforts before implementing this plan and is used for estimating baseline conditions.

Planting sources	Annual Planting	Survival Rate	Net trees
City Planting	450	90%	405
Citizen Planting (Give Away)	1,350	65%	877
Citizen Planting (Neighborhood Planting)	100	90%	90
Total trees			1,373

The annual goal is 1,850 trees planted, and the City is currently adding 1,373 net trees (survive the first three years) annually. With increased effort, this goal can be achieved. These numbers will grow, as indicated in Appendix A. In five years, staff will reexamine the goals for tree planting as data from development, NAIP GIS Maps and new programs are established, giving more data to update planting goals.

Using this integrated approach, along with preservation and mitigating the loss of canopy, the City of Fayetteville can be confident this ambitious goal is achievable.

PRIORITY PLANTING AREAS

Maintaining and selecting locations for trees to reach maturity requires careful planning and consideration of the location. The following maps are recommended to be used when selecting tree planting areas, these areas are high priority and can have the biggest impact. Social, economic, and environmental considerations go into locating areas for tree planting projects.

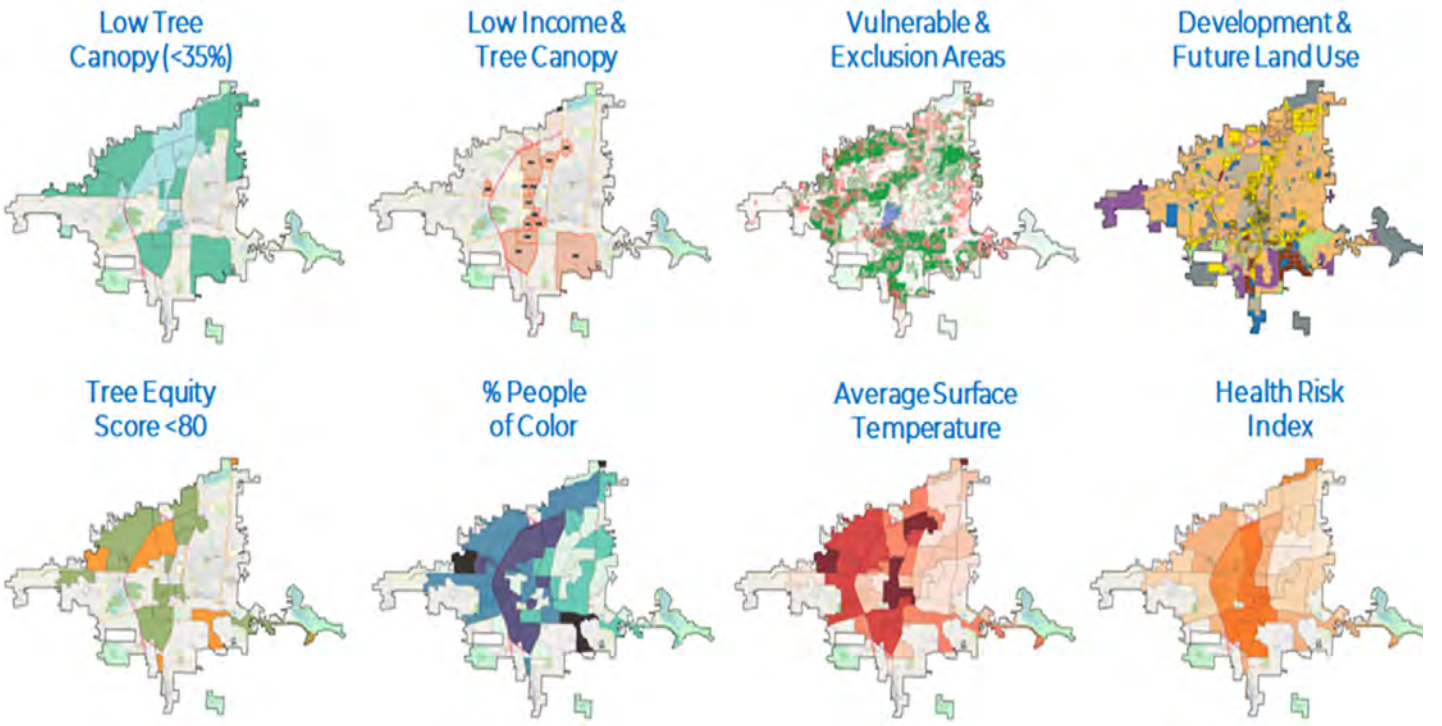


Figure 35. Scenqarios for priority planting areas to achieve canopy goals and the Plan's outcomes.

By identifying priority planting areas to achieve the canopy goal, tree planting and maintenance can be strategically targeted where trees will have the most beneficial impact. The figure above provides an illustration of the priority areas for consideration and Appendix A provides the criteria going into the priorities along with larger maps.

STAKEHOLDER- DRIVEN GUIDING PRINCIPLES AND GOALS

During the analysis of data, collection of information, and gathering of internal and external stakeholder input, a series of overarching guiding principles emerged that helped to set the Plan's direction and solidify its foundation. The following five principles summarize the community's priorities and are reinforced by the feedback received from internal stakeholder engagement sessions. These priorities along with the Urban Forest Audit and the Indicators of Sustainable Urban Forestry (detailed in Section 2) established the foundation of the Plan.

	Guiding Principles	Goals
A 	**Equitable and Resilient Canopy Cover** We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges.	**Goal A1:** Increase tree canopy cover citywide beginning in priority areas and purchased land. **Goal A2:** Implement a cooperative tree planting program with businesses, institutions, organizations, neighborhoods, and property owners. **Goal A3:** Plant trees that are resilient to current and future challenges such as climate change and tree pests.
B 	**Maintenance and Management** We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity.	**Goal B1**: Prioritize public tree maintenance and tree risk management. **Goal B2:** Reduce conflicts between trees and other infrastructure such as sidewalks and utilities. **Goal B3:** Manage harmful tree pests and diseases that are present or expected to impact the urban forest. **Goal B4:** Conduct ongoing industry and professional training for City staff interacting with trees in Fayetteville.
C 	**Tree Preservation and Protection** Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the city and best practices.	**Goal C1:** Establish or update policies and practices to reduce the urban forest's vulnerability to tree pests, diseases, and climate change impacts. **Goal C2:** Update or amend tree-related ordinances to support the citywide canopy cover goal and other goals in the Plan. **Goal C3:** Monitor and enforce tree-related ordinances.
D 	**Funding and Levels of Service** The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges.	**Goal D1**: Procure funding for the City to purchase land for tree preservation and planting and to achieve other City goals. **Goal D2:** Increase funding to purchase trees to be planted and supporting infrastructure in support of the canopy cover goal. **Goal D3:** Evaluate the staffing levels, structure, and resources for tree-related programs and adjust as needed to meet the goals of the Plan and growing demands of the urban forest.
E 	**Community Education, Engagement, and Stewardship** A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement.	**Goal E1:** Continue to achieve Tree City USA status and other industry recognitions. **Goal E2:** Create and implement an engagement strategy for all demographics and stakeholders in the community. **Goal E3:** Provide inclusive program offerings such as events, education, and training to meet the needs of all.

Figure 36. Guiding principals and goals.

A) EQUITABLE AND RESILIENT CANOPY COVER

We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges.

Stakeholder Input and Support

Experts and stakeholders stressed the importance of setting and achieving local and citywide canopy goals to support the long-term health and sustainability of the urban forest. For example, planted trees must be resilient to drought and extreme weather events while supporting biodiversity in the urban ecosystem. A diverse mix of tree species is necessary to ensure the ability of the urban forest to survive pest and disease outbreaks. Success is predicated on planting trees matched to the site in terms of soils, water availability, space, and desired function. Post-planting care is required for trees to become established and thrive in the urban environment.

GOAL A1: INCREASE TREE CANOPY COVER CITYWIDE BEGINNING IN PRIORITY AREAS AND PURCHASED LAND.

Goal A1 Strategies
a) Procure funding to purchase land for the City to preserve and plant trees.
b) Review and refine the priority planting areas provided by the Plan.
c) Continue to offer free trees to citizens.
d) Plant a minimum of 1,850 trees per year for 10 years and reassess citywide canopy cover.
e) Coordinate with other City plans and programs.
Goal A1 Priority Actions
Review, refine, and finalize the canopy cover goals and planting priorities. Consider the status of recommendations outlined in the 2012 Urban Tree Canopy Assessment Report (see Table 9 in the Urban Forestry Management Plan).
Develop a neighborhood-level and citywide planting plan to achieve the canopy goals. Align efforts with the Climate Action Plan, Energy Action Plan, the 2023 Park and Recreation System Master Plan, and other initiatives.
Fully integrate tree plantings into City projects. Use the recommendation to inform the annual tree planting plan for parks as recommended in Goal E3 of the 2023 Park and Recreation System Master Plan.
Continue to offer tree care information especially in the priority neighborhoods.
Monitor progress toward achieving the canopy goals and planting targets. Use high-resolution imagery to assess and monitor canopy cover every two years. At minimum, reassess canopy cover citywide and by planning boundaries by 2029 for a 10-year canopy change assessment.

GOAL A2: IMPLEMENT A COOPERATIVE TREE PLANTING PROGRAM WITH BUSINESSES, INSTITUTIONS, ORGANIZATIONS, NEIGHBORHOODS, AND PROPERTY OWNERS.

Goal A2 Strategies
a) Identify existing and potential stakeholders.
b) Collaborate and share resources to identify program funding opportunities.
c) Track progress and recognize successes.
d) Conduct pilot programs to determine efficient ways to assist private land owners with tree plantings.
Goal A2 Priority Actions
Draft a list of existing and potential stakeholders with input from multiple departments.
Create a task force or utilize the Urban Forestry Advisory Board to collaborate on program design, priority planting locations, funding, tree selection, and ongoing maintenance.
Utilize data management software to track the plantings and recognize partnerships and program success possibly during Arbor Day celebrations.

GOAL A3: PLANT TREES THAT ARE RESILIENT TO CURRENT AND FUTURE CHALLENGES SUCH AS CLIMATE CHANGE AND TREE PESTS.

Goal A3 Strategies
a) Use data and research to make decisions on approved tree species for planting.
b) Select the right tree for the right site.
c) Provide ongoing tree care and monitor the condition of tree plantings.
Goal A3 Priority Actions
Utilize the Climate Tree Atlas study in the Plan to adjust approve tree species lists.
Evaluate the composition of the urban forest to inform changes to tree species selection for planting to maintain diversity.
Provide watering and irrigation for public tree plantings.
Evaluate measures to improve the enforcement of regulations for post-planting maintenance within Chapters 167 and 177 of Fayetteville's Code of Ordinances.

B) MAINTENANCE AND MANAGEMENT

We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity.

Stakeholder Input and Support

The community would like to see more shade trees along streets and sidewalks, recognizing that this will require additional resources. Participants in the engagement to develop the Plan stated that they would like the City to maintain street trees in a routine, proactive manner. City staff are in support of cooperative planting programs with businesses, institutions, organizations, and individuals where trees can be planted in yards to shade sidewalks. The staff engaged in the planning effort also support improving policies and practices for better public tree maintenance addressing concerns such as tree pests, diseases, and climate change impacts.

GOAL B1: PRIORITIZE PUBLIC TREE MAINTENANCE AND TREE RISK MANAGEMENT.

Goal B1 Strategies
a) Assess the public tree population for maintenance needs and potential risks.
b) Develop a public tree maintenance plan.
c) Continue to assess and possibly increase Urban Forestry Staff in Public Works.
d) Stay current with industry research, tools, technology, standards, and best practices.
e) Focus on planting strategies and designs that produce long-lived trees.
Goal B1 Priority Actions
Periodically conduct sample inventories or windshield surveys of public trees to identify changes to maintenance and risk management priorities.
Create annual work plans and seek funds to implement those plans using the actions within Goal D3.
Track maintenance records for public trees. Continue to add assets and management data to databases that track total asset management for more efficient maintenance planning.
Acquire and maintain industry certifications and trainings for Urban Foresters.
Continue to manage invasive plant species on public properties and within public rights-of-way. Support controlled burns to manage invasives and wildlife on public properties.
Strengthen or establish public tree risk assessment and mitigation protocols.
Analyze the work plans in relation to staffing and possible contracting work.

GOAL B2: REDUCE CONFLICTS BETWEEN TREES AND OTHER INFRASTRUCTURE SUCH AS SIDEWALKS AND UTILITIES.

Goal B2 Strategies
a) Assess public trees for current and potential infrastructure conflicts.
b) Identify existing and potential alternative solutions to infrastructure conflicts.
c) Coordinate with internal and external stakeholders.
d) Ensure trees are planted with the proper soil volume as shown in City details.

Goal B2 Priority Actions
Establish or improve protocols and checklists for evaluating current and potential infrastructure conflicts which includes potential alternative solutions to the conflict.
Establish regular meetings and protocols with internal and external stakeholders for improved coordination during infrastructure and utility planning, design, construction, and maintenance phases.

GOAL B3: MANAGE HARMFUL TREE PESTS AND DISEASES THAT ARE PRESENT OR EXPECTED TO IMPACT THE URBAN FOREST.

Goal B3 Strategies
a) Identify the primary tree pests and diseases of concern.
b) Provide information for identifying tree pests and diseases.
c) Monitor public trees and the urban forest for tree pests and diseases of concern.
d) Create a preliminary emerald ash borer (EAB) plan.
Goal B3 Priority Actions
Develop and implement an integrated pest management or plant health care plan for public trees.
Integrate tree pest and disease education into the community education strategy (Goal E1 – E3).
Focus on education and technical assistance with large private landowners.

GOAL B4: CONDUCT ONGOING INDUSTRY AND PROFESSIONAL TRAINING FOR CITY STAFF INTERACTING WITH TREES IN FAYETTEVILLE.

Goal B4 Strategies
a) Identify the staff and training needs and secure the annual budget required.
b) Conduct internal cross-training and document training materials and protocols.
c) Continue involvement with state wide boards and commisisons.
Goal B4 Priority Actions
Utilize free and available online trainings and materials where appropriate.
Support the Urban Forestry Advisory Board in attending the free online Tree Board University program developed by the U.S. Forest Service.

C) TREE PRESERVATION AND PROTECTION

Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the City and best practices.

Stakeholder Input and Support

Preservation and protection of existing trees was identified as a high priority. Existing mature trees have an outsized impact on sustainability, environmental justice, wildlife and ecosystems, and human health. Exploring changes to the tree ordinances was raised in most engagement activities and sessions. Preservation and planting requirements should be robust but not unduly burdensome to developers. They should also be tailored to the biome, e.g., different standards for natural prairies compared to forested areas. Trees planted or protected should survive post-development and be replaced if they die. City staff are in support of procuring funding to purchase land for tree preservation in order to maintain and increase tree canopy cover.

GOAL C1: ESTABLISH OR UPDATE POLICIES AND PRACTICES TO REDUCE THE URBAN FOREST'S VULNERABILITY TO TREE PESTS, DISEASES, AND CLIMATE CHANGE IMPACTS.

Goal C1 Strategies
a) Quantify the urban forest's role in climate change mitigation.
b) Maintain tree regulations to minimize urban forest vulnerabilities.
c) Assesss development workloads and increase Urban Forestry Staff in Development Services.
Goal C1 Priority Actions
Calculate the carbon sequestration, storage, and avoided carbon generated from the citywide urban tree canopy cover and the public tree population using industry tools such as i-Tree. Utilize the data to build support and inform climate-related plans.
Update the Tree Preservation and Landscape Manual with any changes to tree-related ordinances.
As needed, update tree lists that prioritize native and climate-resilient tree species. Consider updates based on the diversity of the urban forest and existing / potential pests and diseases. At minimum, maintain a list of prohibited tree species reflective of the latest research and concerns.

GOAL C2: UPDATE OR AMEND TREE-RELATED ORDINANCES TO SUPPORT THE CITYWIDE CANOPY COVER GOAL AND OTHER GOALS IN THE PLAN.

Goal C2 Strategies
a) Monitor and track tree plantings and removals.
b) Adopt a no-net-loss policy for public trees.
c) Review and implement recommended changes to tree ordinances.
Goal C2 Priority Actions
Identify the departments, roles, and workflows (i.e., City Engineering and Transportation) and track public tree removals and plantings in a data management program.
Analyze the potential causes for canopy cover gains and losses as identified in the canopy assessments of four time periods.
Strengthen the mechanisms for tracking tree preservation, removals, plantings, mitigation, and canopy percentages for development projects. Use the tracking to inform potential changes to minimum canopy requirements for zoning designations as needed to support the canopy goal.

Review and refine the tree ordinance evaluation worksheet completed as part of the Plan (see Appendix C). Gather feedback from internal and external stakeholders before significant changes to ordinances are made. For example, develop incentives to preserve existing canopy instead of opting for mitigation and consider updating the penalties for illegal removal of protected trees.
Conserve open space and protect areas of significant riparian benefit, tree canopy, prairie, and other environmental resource through cluster development provisions, density controls, protective easements, and/or other development tools.
Update design standards to be more accommodating to trees and the necessary soil volume while balancing the needs for development.

GOAL C3: MONITOR AND ENFORCE TREE-RELATED ORDINANCES.

Goal C3 Strategies
a) Distribute information and resources regarding changes to tree regulations.
b) Establish a protocol when tree regulations are changed.
c) Recognize exemplary tree preservation practices and projects.
Goal C3 Priority Actions
Update information on the City's website and in materials as tree regulations change.
Consider developing a protocol for scheduled inspections, random spot checks, and recordkeeping.
Develop a program that recognizes exemplary and innovative development projects that preserve and expand tree canopy cover.

D) FUNDING AND LEVELS OF SERVICE

The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges.

Stakeholder Input and Support

During engagement exercises, concerns were raised regarding limited resources, staffing, funding, and time to address the current climate challenges. Additional resources in Development Resources, where code compliance officers are located, are needed to inspect, monitor, and enforce tree regulations. Proactive maintenance in Public Works is needed to water, plant new trees, and monitor new trees that will mitigate the impact of climate change. Stakeholders largely supported allocating additional resources to ensure the availability of urban forest resources now and in the future. City staff support increasing funding to purchase trees to plant towards a citywide canopy cover goal.

GOAL D1: PROCURE FUNDING FOR THE CITY TO PURCHASE LAND FOR TREE PRESERVATION AND PLANTING AND TO ACHIEVE OTHER CITY GOALS.

Goal D1 Strategies
a) Identify potential areas for land acquisition that meets Urban Forestry goals and City goals.
b) Coordinate with partners for land acquisition and management.
c) Lead by example and distribute information about land acquisition program.
Goal D1 Priority Actions
Review with internal partners the priority areas for tree planting and preservation to identify opportunities for land acquisition. Consider vacant land as an initial step and utilize the City Plan 2040's Enduring Green Network map and data.
Develop a multi-year program and allocate funding for land acquisition. Build support from land trusts and other organizations.
Implement best management practices and share information for private landowners to learn about the opportunities for urban forest stewardship on their own property(s).
Develop management plans for the properties purchased.

GOAL D2: INCREASE FUNDING TO PURCHASE TREES TO BE PLANTED AND SUPPORTING INFRASTRUCTURE IN SUPPORT OF THE CANOPY COVER GOAL.

Goal D2 Strategies
a) Identify the funding gap and funding source(s).
b) Communicate the benefits of a robust planting effort.
c) Develop and implement a tree planting program aligned with the canopy goal.
Goal D2 Priority Actions
Determine the funding gap to meet the goal of 1,850 per year.

Quantify the benefits and services provided by the 1,850 trees planted per year to communicate the future value added to Fayetteville's ecosystem, community, and economy.
Secure the necessary funding to meet the annual tree planting targets.
Provide bi-annual reports on canopy goal progress to justify continued funding for tree plantings.
Develop communications with local tree nurseries concerning the availability of the tree species for planting to reduce costs and address tree species diversity goals.

GOAL D3: EVALUATE THE STAFFING LEVELS, STRUCTURE, AND RESOURCES FOR TREE-RELATED PROGRAMS AND ADJUST AS NEEDED TO MEET THE GOALS OF THE PLAN AND GROWING DEMANDS OF THE URBAN FOREST.

Goal D3 Strategies
a) Track and report program activities and Plan implementation progress.
b) Analyze the organization of departments involved with trees in Fayetteville.
c) Conduct cost-benefit analyses and evaluate growing service demands and evaluate in house staffing levels, and their ability to meet the goals of this plan.
Goal D3 Priority Actions
Share with City departments and stakeholders the progress made in implementing the Plan by using the Monitoring section's guidelines. Successes and shortcomings build awareness and supporting for changes to staffing and program structure(s).
Evaluate staffing and contractor resources required to effectively plant trees aligned with canopy goals and to provide post-planting care.
Consider the benefits for consolidating tree programs into one department, section, or division to improve efficiencies and levels of service.
Consider the need and framework for establishing a City section specific to managing natural areas and open space (e.g., wetlands, bottomlands, prairies).
Secure funding to implement a tree watering program for newly planted public trees. Continuously explore avenues to ensure diverse funding sources and advocate for increased operations and capital funding to address priority tree maintenance and care needs.

E) COMMUNITY EDUCATION, ENGAGEMENT, AND STEWARDSHIP

A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement Stakeholder Input and Support.

Participants reported a perception of conflicting policies and priorities regarding the City's trees. City departments, partners, developers, and the community must have a common understanding of the challenges and opportunities surrounding the urban forest to develop a shared vision for addressing them. A public communications plan stemming from a citywide coordinated effort was seen as a necessary step in bringing clarity to the roles of City departments involved with the urban forest and tree care. Half of the internal stakeholders engaged support bolstering community engagement and volunteer efforts.

GOAL E1: CONTINUE TO ACHIEVE TREE CITY USA STATUS AND OTHER INDUSTRY RECOGNITIONS.

Goal E1 Strategies
a) Continue to track program activities and budgets.
b) Explore the opportunities and requirements for other recognition programs.
Goal E1 Priority Actions
Continue to track and annually report urban forestry activities of all partners and continue to maintain Arbor Day Tree City USA designation. Strive to continue to achieve Arbor Day Foundation Growth Awards and Sterling Tree City status.
Achieve an award from the American Public Works Association's Awards Program for innovative programs and outcomes resulting from this Plan.
Conduct a follow-up benchmarking exercise toward year 10 of this Plan to compare program budgets and activities to other Tree City USA communities in the region.

GOAL E2: CREATE AND IMPLEMENT AN ENGAGEMENT STRATEGY FOR ALL DEMOGRAPHICS AND STAKEHOLDERS IN THE COMMUNITY.

Goal E2 Strategies
a) Identify and collaborate with stakeholders to draft the strategy.
b) Implement the strategy as a coordinated effort.
c) Review and adapt the strategy as changes occur.
Goal E2 Priority Actions
Finalize a community outreach strategy and a communications plan to garner support, spur behavior change, and increase participation from the community. Use the data and recommendations from this Plan.
Increase outreach and marketing for improving and expanding tree canopy for the public good.
Implement the outreach strategy as a coordinated citywide effort by convening with other City departments and stakeholders. Gather input and feedback from the Urban Forestry Advisory Board.
As outlined in the community outreach strategy, gather input and feedback from the public regarding implementation of this Plan and changes to urban forestry programs.
Identify existing and potential partners and organizations to support community outreach and engagement that is inclusive and equitable.

GOAL E3: PROVIDE INCLUSIVE PROGRAM OFFERINGS SUCH AS EVENTS, EDUCATION, AND TRAINING TO MEET THE NEEDS OF ALL.

Goal E3 Strategies
a) Continue to implement programs and services through the lens of environmental stewardship.
b) Coordinate with new and existing community and regional partners.
c) Develop strategies for open participation that is inclusive .
Goal E3 Priority Actions
Use the outreach strategy from Goal E2 to identify community groups that represent all neighborhoods.
Identify low tree canopy neighborhoods for targeted engagement.
Coordinate with partners and secure funding for regular public events, training, and educational materials as outline in the outreach strategy.
Make the data and information from this Plan accessible to the public online.
Gather feedback for continual improvements to events, education, and trainings.

Table 15. Details of goals and strategies



Section 4: Implementation

IMPLEMENTATION

The framework of the goals and actions in the Urban Forestry Management Plan provides the City of Fayetteville with the means to measure progress and adapt to an ever-changing environment and availability of resources. Each of the goals align with the U.S. Forest Service's Urban Forest Audit System described and summarized in Section 2 of this Plan. The actions are intended to guide the City towards improvements in ranking for each of the nearly 130 elements within the 11 categories of urban forest management. As actions are implemented, the City may conduct new iterations of the Urban Forest Audit to gauge success, evaluate progress, and adjust accordingly. View the Evaluate section (page 100) of the Monitoring Plan for more information.

Based on the assessment of Fayetteville's urban forest resource, the programs that manage it, and the community that shapes and benefits from it, the following implementation summary is recommended. Implementing the Plan in this manner will effectively and efficiently address the City's shared challenges and priorities using available resources. As the Plan progresses, more resources will become available to implement the longer-term actions.

IMPLEMENTATION SUMMARY

A) Equitable and Resilient Canopy Cover			
Guiding Principle	We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges.		
Audit Category	Policy & Ordinances; Standards & Best Practices		
Goals	**Goal A1:** Increase tree canopy cover citywide beginning in priority areas and purchased land.	**Goal A2:** Implement a cooperative tree planting program with businesses, institutions, organizations, neighborhoods, and property owners.	**Goal A3:** Plant trees that are resilient to current and future challenges such as climate change and tree pests.
Strategies	a) Procure funding to purchase land for the City to preserve and plant trees.	a) Identify existing and potential stakeholders.	a) Use data and research to make decisions on approved tree species for planting.
	b) Review and refine the priority planting areas provided by the Plan.	b) Collaborate and share resources to identify program funding opportunities.	b) Select the right tree for the right site.
	c) Continue to offer free trees to citizens.	c) Track progress and recognize successes.	c) Provide ongoing tree care and monitor the condition of tree plantings.

	d) Plant 1,850 trees per year for 10 years and reassess citywide canopy cover.	d) Conduct pilot programs to determine efficient ways to assist private land owners with tree plantings.	
	e) Coordinate with other City plans and programs.		
Priority Actions	Review, refine, and finalize the canopy cover goals and planting priorities. Consider the status of recommendations outlined in the 2012 Urban Tree Canopy Assessment Report (see Table 9 in the Plan).	Draft a list of existing and potential stakeholders with input from multiple departments.	Utilize the Climate Tree Atlas study in the Plan to adjust approve tree species lists.
	Develop a neighborhood-level and citywide planting plan to achieve the canopy goals. Align efforts with the Climate Action Plan, Energy Action Plan, the 2023 Park and Recreation System Master Plan, and other initiatives.	Organize workshops or seminars that focus on the importance of the program.	Evaluate the composition of the urban forest to inform changes to tree species selection for planting to maintain diversity.
	Fully integrate tree plantings into City projects. Use the recommendation to inform the annual tree planting plan for parks as recommended in Goal E3 of the 2023 Park and Recreation System Master Plan.	Create a task force or utilize the Urban Forestry Advisory Board to collaborate on program design, priority planting locations, funding, tree selection, and ongoing maintenance.	Provide watering and irrigation for public tree plantings.
	Continue to offer tree care information especially in priority neighborhoods.	Utilize data management software to track the plantings and recognize partnerships and program success possibly during Arbor Day celebrations.	Enforce the post-planting regulations regarding maintenance within Chapters 167 and 177 of Fayetteville's Code of Ordinances.
	Monitor progress toward achieving the canopy goals and planting targets.		
	Reassess canopy cover citywide and by planning boundaries by 2029 for a 10-year canopy change assessment.		

Maintenance and Management			
Guiding Principle	We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity.		
Audit Category	Green Asset Management; Tree Inventories; Tree Plans		
Goals	Goal B1: Prioritize public tree maintenance and tree risk management.	Goal B2: Reduce conflicts between trees and other infrastructure such as sidewalks and utilities.	Goal B3: Manage harmful tree pests and diseases that are present or expected to impact the urban forest.
Strategies	a) Assess then need for more public works Urban Foresters.	a) Assess public trees for current and potential infrastructure conflicts.	a) Identify the primary tree pests and diseases of concern.
	b) Develop a public tree maintenance plan.	b) Identify existing and potential alternative solutions to infrastructure conflicts.	b) Provide information for identifying tree pests and diseases.
	c) Develop a plan for maintaining trees that are planted toward the canopy goal.	c) Coordinate with internal and external stakeholders.	c) Monitor public trees and the urban forest for tree pests and diseases of concern.
	d) Stay current with industry research, tools, technology, standards, and best practices.	d) Ensure trees are planted with the proper soil volume.	d) Create a preliminary emerald ash borer (EAB) plan.
	e) Focus on planting strategies and designs that produce long-lived trees.		
Priority Actions	Periodically conduct sample inventories or windshield surveys of public trees to identify changes to maintenance and risk management priorities.	Establish or improve protocols and checklists for evaluating current and potential infrastructure conflicts which includes potential alternative solutions to the conflict.	Develop and implement an integrated pest management or plant health care plan for public trees.
	Create annual work plans and seek funds to implement those plans using the actions within Goal D3.	Establish regular meetings and protocols with internal and external stakeholders for improved coordination during infrastructure and utility planning, design, construction, and maintenance phases.	Integrate tree pest and disease education into the community education strategy (Goal E1 – E3).
Goals Continued	Goal B1: Prioritize public tree maintenance and tree risk management.	Goal B2: Reduce conflicts between trees and other infrastructure such as sidewalks and utilities.	Goal B3: Manage harmful tree pests and diseases that are present or expected to impact the urban forest.

Priority Actions Continued	Track maintenance records for public trees. Continue to add assets and management data to databases that track total asset management for more efficient maintenance planning.		Focus on education and technical assistance with large private landowners.
	Acquire and maintain industry certifications and trainings for Urban Foresters.		
	Continue to manage invasive plant species on public properties and within public rights-of-way. Support controlled burns to manage invasives and wildlife on public properties.		
	Strengthen or establish public tree risk assessment and mitigation protocols.		
	Develop a framework and approach to utilize more biomass resulting from public tree maintenance, removals, and post-storm cleanup. Expand efforts beyond mulching by including logs for wood products for local craftsmen.		

Tree Preservation and Protection			
Guiding Principle	Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the City and best practices.		
Audit Category	Policy & Ordinances; Standards & Best Practices; Capacity & Training; Authority		
Goals	Goal C1: Establish or update policies and practices to reduce the urban forest's vulnerability to tree pests, diseases, and climate change impacts.	Goal C2: Update or amend tree-related ordinances to support the citywide canopy cover goal and other goals in the Plan.	Goal C3: Monitor and enforce tree-related ordinances.
Strategies	a) Assess development workloads and increase Urban Forestry in Development Services.	a) Monitor and track tree plantings and removals.	a) Distribute information and resources regarding changes to tree regulations.
	a) Quantify the urban forest's role in climate change mitigation.	b) Adopt a no-net-loss policy for public trees.	b) Establish a formal protocol.
	b) Maintain tree regulations to minimize urban forest vulnerabilities.	c) Review and implement recommended changes to tree ordinances.	c) Recognize exemplary tree preservation practices and projects.
Priority Actions	Calculate the carbon sequestration, storage, and avoided carbon generated from the citywide urban tree canopy cover and the public tree population using industry tools such as i-Tree. Utilize the data to build support and inform climate-related plans.	Identify the departments, roles, and workflows (i.e., City Engineering and Transportation) and track public tree removals and plantings in a data management program.	Update information on the City's website and in materials as tree regulations change.
	Update the Tree Preservation and Landscape Manual with any changes to tree-related ordinances.	Analyze the potential causes for canopy cover gains and losses as identified in the canopy assessments of four time periods.	Consider developing a protocol for scheduled inspections, random spot checks, recordkeeping, an on-site education.

	As needed, update tree lists that prioritize native and climate-resilient tree species. Consider updates based on the diversity of the urban forest and existing / potential pests and diseases. At minimum, maintain a list of prohibited tree species reflective of the latest research and concerns.	Strengthen the mechanisms for tracking tree preservation, removals, plantings, mitigation, and canopy percentages for development projects. Use the tracking to inform potential changes to minimum canopy requirements for zoning designations as needed to support the canopy goal.	Develop a program that recognizes exemplary and innovative development projects that preserve and expand tree canopy cover.
		Review and refine the tree ordinance evaluation worksheet completed as part of the Plan (see Appendix C). Gather feedback from internal and external stakeholders before significant changes to ordinances are made. For example, develop incentives to preserve existing canopy instead of opting for mitigation and consider updating the penalties for illegal removal of protected trees.	
Goals Continued	Goal C1: Establish or update policies and practices to reduce the urban forest's vulnerability to tree pests, diseases, and climate change impacts.	Goal C2: Update or amend tree-related ordinances to support the citywide canopy cover goal and other goals in the Plan.	Goal C3: Monitor and enforce tree-related ordinances.
Priority Actions Continued		Conserve open space and protect areas of significant riparian benefit, tree canopy, prairie, and other environmental resource through cluster development provisions, density controls, protective easements, and/or other development tools.	
		Update design standards to be more accommodating to trees and the necessary soil volume while balancing the needs for development.	
		Establish a policy for reassessing the citywide tree canopy cover at regular intervals to monitor the canopy goal.	

Funding and Levels of Service			
Guiding Principle	The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges.		
Audit Category	Green Asset Management; Community		
Goals	Goal D1: Procure funding for the City to purchase land for tree preservation and planting and to achieve other City goals.	Goal D2: Increase funding to purchase trees to be planted and supporting infrastructure in support of the canopy cover goal.	Goal D3: Evaluate the staffing levels, structure, and resources for tree-related programs and adjust as needed to meet the goals of the Plan and growing demands of the urban forest.
Strategies	a) Identify potential areas for land acquisition.	a) Identify the funding gap and funding source(s).	a) Track and report program activities and Plan implementation progress.
	b) Coordinate with partners for land acquisition and management.	b) Communicate the benefits of a robust planting effort.	b) Analyze the organization of departments involved with trees in Fayetteville.
	c) Lead by example and distribute information about the program.	c) Develop and implement a tree planting program aligned with the canopy goal.	c) Conduct cost-benefit analyses and evaluate growing service demands.
Priority Actions	Review the priority areas for tree planting and preservation to identify opportunities for land acquisition. Consider vacant land as an initial step and utilize the City Plan 2040's Enduring Green Network map and data.	Determine the funding gap for planting 1,850.	Develop a mission and vision statement for urban forest management in the City that align with the goals in this Plan.
	Develop a multi-year program and allocate funding for land acquisition. Build support from land trusts and other organizations.	Quantify the benefits and services provided by the 1,850 trees planted per year to communicate the future value added to Fayetteville's ecosystem, community, and economy.	Share with City departments and stakeholders the progress made in implementing the Plan by using the Monitoring section's guidelines. Successes and shortcomings build awareness and supporting for changes to staffing and program structure(s).
	Implement best management practices and share information for private landowners to learn about the opportunities for urban forest stewardship on their own property(s).	Secure the necessary funding to meet the annual tree planting targets.	Evaluate staffing and contractor resources required to effectively plant trees aligned with canopy goals and to provide post-planting care.

	Develop management plans for the properties purchased.	Provide annual reports on canopy goal progress to justify continued funding for tree plantings.	Determine the need for consolidating tree programs into one department, section, or division to improve efficiencies and levels of service.
Goals Continued	Goal D1: Procure funding for the City to purchase land for tree preservation and planting and to achieve other City goals.	Goal D2: Increase funding to purchase trees to be planted and supporting infrastructure in support of the canopy cover goal.	Goal D3: Evaluate the staffing levels, structure, and resources for tree-related programs and adjust as needed to meet the goals of the Plan and growing demands of the urban forest.
Priority Actions Continued	In the long-term, consider utilizing land acquired for pilot projects such as testing new tree species for the region and in-house tree production (i.e., tree nursery).	Coordinate with tree nurseries the tree species for planting to reduce costs and address tree species diversity goals.	Consider the need and framework for establishing a City section specific to managing natural areas and open space (e.g., wetlands, bottomlands, prairies).
			Secure funding to implement a tree watering program for newly planted public trees. Continuously explore avenues to ensure diverse funding sources and advocate for increased operations and capital funding to address priority tree maintenance and care needs.

Community Education, Engagement, and Stewardship			
Guiding Principle	A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement.		
Audit Category	Community		
Goals	Goal E1: Continue to achieve Tree City USA status and other industry recognitions.	Goal E2: Create and implement an engagement strategy for all demographics and stakeholders in the community.	Goal E3: Provide inclusive program offerings such as events, education, and training to meet the needs of all.
Strategies	a) Continue to track program activities and budgets.	a) Identify and collaborate with stakeholders to draft the strategy.	a) Implement programs and services through the lens of environmental justice.
	b) Explore the opportunities and requirements for other recognition programs.	b) Implement the strategy as a coordinated effort.	b) Coordinate with new and existing community and regional partners.
		c) Review and adapt the strategy as changes occur.	c) Develop strategies to remove barriers to participation.

Priority Actions	Continue to track and annually report urban forestry activities of all partners and continue to maintain Arbor Day Tree City USA designation. Strive to continue to achieve Arbor Day Foundation Growth Awards and Sterling Tree City status.	Finalize a robust community outreach strategy and a communications plan to garner support, spur behavior change, and increase participation from the community. Use the data and recommendations from this Plan.	Use the outreach strategy from Goal E2 to identify community groups that represent all neighborhoods.
	Achieve an award from the American Public Works Association's Awards Program for innovative programs and outcomes resulting from this Plan.	Increase outreach and marketing for improving and expanding tree canopy for the public good.	Identify low tree canopy neighborhoods for targeted engagement.
	Conduct a follow-up benchmarking exercise toward year 10 of this Plan to compare program budgets and activities to other Tree City USA communities in the region.	Implement the outreach strategy as a coordinated citywide effort by convening with other City departments and stakeholders. Gather input and feedback from the Urban Forestry Advisory Board.	Coordinate with partners and secure funding for regular public events, training, and educational materials as outline in the outreach strategy.
		As outlined in the community outreach strategy, gather input and feedback from the public regarding implementation of this Plan and changes to urban forestry programs.	Make the data and information from this Plan accessible to the public online.
		Identify existing and potential partners and organizations to support the implementation of the community outreach strategy and support engagement that is inclusive and equitable.	Gather feedback for continual improvements to events, education, and trainings.

MONITORING PLAN

This Urban Forestry Management Plan will be updated every ten years as outlined in the code. Revisions can be made in five years, and canopy data will be collected from GIS every two years and revised periodically. Better data will help reflect changes in the urban forest and incorporate changes in industry standards. Also, community response and industry recommendations should be considered to reach the established goals. This process should be overseen by an urban forestry working group consisting of community members with various skill sets and backgrounds. Examples include the City's Urban Forestry Program, Urban Forestry Advisory Board members, other City staff, and stakeholders. The monitoring of the plan should follow the evaluation, monitoring, reporting, and Revising methodology. Knowing how the City and its partners are doing will require a continual evaluation process. This section presents examples of how to monitor, analyze, and revise the Plan, which will keep stakeholders informed of the status of the Urban Forestry Program. To monitor progress toward implementing the Plan recommendations, an evaluation similar to the U.S. Forest Service's Urban Forest Audit (details below in the Evaluate section) conducted to develop the initial Plan should be completed. This evaluation will identify progress and shortfalls compared to the baseline audit.

In addition, a report card could be created based on the audit's outcomes and distributed to the public periodically. This will measure progress toward implementing the Plan's actions. The Report section provides a suggested structure for measuring and reporting success toward accomplishing each goal. Other indicators to measure progress may need to be developed to ensure a thorough and accurate evaluation.



EVALUATE



The U.S. Forest Service's Urban Forest Audit System provides a framework for routine evaluations of the urban forest, the programs that manage it, and the community that shapes and benefits from it. The deliverables to this Urban Forestry Management Plan project include guidance for completing an update to the audit completed in 2023 to develop the Plan. This audit system consists of 11 categories of urban forest management, sustainability, and community. Within the 11 categories are approximately 130 subcategories or elements. Each element was ranked or scored based on the consultants' evaluations in 2023 for the Urban Forestry Management Plan. It is recommended the City's urban forestry working group (or similar) complete a bi-annual audit to inform any alterations to actions and strategies.

About the Urban Forest Audit

The primary objectives of the audit are defined by the Urban Forest Audit System authors and adapted by the City's urban forestry consulting team to engage the full spectrum of the organizations' management team, provide program direction that increases the level of professionalism in management, conduct a gap analysis of management practices and the health of urban forests, provide strategic direction to improve the health of the urban forest, and optimize management for environmental justice and equitable distribution of resources.

1) Management Policy and Ordinances
2) Professional Capacity and Training
3) Funding and Accounting
4) Decision and Management Authority
5) Tree-related Inventories
6) Tree-related Plans
7) Risk Management
8) Disaster Planning
9) Standards and Best Practices
10) Community
11) Green Asset Management

Table 16. Categories for evaluation using the U.S. Forest Service's Urban Forest Audit System.

Urban Forest Audit Process

The process of analyzing the urban forest involved extensive information and document gathering and research to identify policies, practices, programs, and standards pertaining to categories of urban forest sustainability and management as defined by Clark et al. (1997), Kenney et al. (2011), and the Forest Service. The categories are listed in Table 16.

Each category has a series of subcategories pertaining to the specific category. As an example, the subcategories listed in Table 17 are in the Management Policy and Ordinances category:

1.01) Climate Change (Sustainability)
1.02) No Net Loss
1.03) Risk Management
1.04) Tree Canopy Goals
1.05) Tree Protection
1.06) Utility
1.07) Human Health
1.08) Wildlife Diversity/Habitat/Protection
1.09) Performance Monitoring
1.10) Private Tree Ordinances
1.11) Public Tree Ordinances
1.12) Development Standards
1.13) High-Conservation Value Forests
1.14) Urban Interface (WUI)

Table 17. List of subcategories within the Management Policy and Ordinances category of the audit

All available documents and plans were reviewed and tallied in the audit worksheet as part of the information discovery phase. Based on the evaluation of the documents and outcomes of all planning processes (i.e., research, City staff interviews, urban forest benchmarks, data analyses, and community engagement) each subcategory within the 11 categories was "ranked" using the following system:

0) Not Practiced - Component doesn't exist or is not practiced; 0 points
1) In Development - Component is in development as part of or aside from this Plan; 1 point
2) Adopted Practice - Component is routinely practiced; 2 points
3) Exceeds Adopted Practice - The component is exceeded; 3 points

The points were then totaled for an overall rating to provide a summary of the City's level of achieving each category of urban forest management and sustainability.

Urban Forest Audit Results for Fayetteville

#	Category	SOC* (% Achieved)	Base** (% Achieved)	Overall Rating	Overall (% Achieved)
1	Management Policy, Ordinances	50%	67%	20	71%
2	Professional Capacity and Training	100%	NA	16	89%
3	Funding and Accounting	75%	NA	8	67%
4	Decision, Management Authority	50%	100%	5	63%
5	Tree-related Inventories	NA	56%	17	65%
6	Tree-related Plans	NA	50%	13	54%
7	Risk Management	83%	50%	14	78%
8	Disaster Planning	NA	67%	9	64%
9	Standards and BMPs***	75%	69%	44	73%
10	Community	100%	NA	25	89%
11	Green Asset Management	NA	NA	16	80%
TOTAL		**76%**	**65%**	**187**	**73%**

*Standard of Care (SOC) elements represent the minimum group of urban forestry management "best practices" that a municipality should consider for implementation. SOC refers to the degree of prudence and caution required of an individual who is under a duty of care (i.e., legal obligation of the controlling authority, owner, or manager) to minimize risk. Neither state, regional, nor national minimum management components have been established for SOC but these are interim recommendations for consideration. (NA = not applicable)

**Base Practices (BP) elements represent additional urban forest management activities or components that may effectively expand a program beyond the SOC group (see footnote above). These elements are typically precursors to other "non-core" elements in the category. (NA = not applicable)

***Best Management Practices (BMPs)

Table 18. Outcomes of the urban forest audit completed in 2023 for Fayetteville's Plan.

Urban Forest Audit Summary Discussion

The main purpose of the urban forest audit is to apply the research and findings gathered throughout the planning effort to inform the Plan's goals, strategies, and actions. This audit or "gap analysis" enables the Urban Forestry Program to control different aspects of its program with data. This gap analysis identified the shortcomings that the Urban Forestry Program should overcome and by quantifying them, the program can make improvements. It also enables effective monitoring of Plan strategies in that the audit categories and elements can be revisited at key intervals in the Plan implementation process to measure progress and adapt strategies accordingly. For the comprehensive evaluation of all subcategories within the Urban Forest Audit, see Appendix B.

The information provided in the table above describes the current conditions of Fayetteville's urban forest, the programs that manage it, and the community framework. As recommended in the Plan's monitoring methods, the City should use this framework to evaluate implementation progress, report successes, and inform changes to Plan actions. Many of the urban forest audit elements were given a rating of "In Development" as they previously did not exist but are addressed in this Urban Forestry Management Plan. This means that the City is already well underway in advancing its program and its Urban Forest Audit score.



Figure 37. Results of the 2023 urban forest audit to utilize in Plan monitoring.

EVALUATE

Measuring accomplishment of the actions will require ongoing analysis. The outcomes of the Urban Forest Audit System in the Evaluate section can be used to monitor change over time. These benchmark values should be tracked, and a state of the urban forest report should be prepared and distributed to the public every 2 to 5 years. Analysis may include an updated public tree inventory, i-Tree benefits analyses, or urban tree canopy assessments. The state of the urban forest report should include the benchmark values as reported in the Plan and the Urban Forest Audit System as of 2023, so that the City can measure and compare changes to the urban forest. The report should reflect changes to the audit system that are measured.



The following table provides a summary of the benchmark values that can be used to monitor and report on Plan progress.



Primary Urban Forest Benchmark Values to Measure Plan Progress

2019 Urban Tree Canopy (UTC) Cover (Assessed in 2022)	
Tree Equity Score (2022)	87 out of 100
Urban Tree Canopy	39.4%
Short-term Canopy Goals	39.9% by 2029 (1,850 trees/year) 40.6% by 2034 (1,850 trees/year)
Long-term Canopy Goals	44.4% by 2054 (3,000 trees/year)
Total Trees to Reach 10-year Goal	18,500 trees by 2034 (1,850 trees/year)
Total Trees to Reach 30-year Goal	91,000 trees by 2054 (3,000 per year avg.)
Public Tree Counts (2022 estimates)	
Total Public Trees (alive or dead)	42,000 (estimated)
Total Public Street Trees	25,000
Total Public Street Planting Sites	TBD
Total Public Open Space Trees	Unknown
Tree Benefits (2022 estimates)	
Citywide (UTC Assessment)	2019: $76.5 million (total)
Ecosystem Benefits of Public Trees	2022: $4.2 million (annual estimate)
Tree and Budget Distribution (2021)	
Public Trees (street and park) per Capita	0.44
Budget per Capita	$6.66
Urban Foresters (3 departments)	8.00 (2023)
Total Public Trees per Staff	5,000 trees for every 1.0 FTE
Management Activities (2023)	
Public Trees Pruned	To be recorded at the end of the year
Public Trees Removed	To be recorded at the end of the year
Public Trees Planted	To be recorded at the end of the year
Number of Volunteers and/or Hours	To be recorded at the end of the year
Urban Forest Audit System (Total Score of 2023): 73%	
Management Policy and Ordinances	71%
Professional Capacity and Training	89%
Funding and Accounting	67%
Decision and Management Authority	63%
Tree-related Inventories	65%
Tree-related Plans	54%
Risk Management	78%
Disaster Planning	64%
Standards and Best Management Practices	73%
Community	89%
Green Asset Management	80%
Public Perception (2022)	
Tree-related priorities	62% want trees for shade
Preference for improving public tree health	74% for setting canopy goals, 66% for more trees and preservation in development
Where to prioritize future investments	70% for improved tree code for development

Table 19. Fayetteville's primary urban forest benchmark values to measure Plan progress.

REPORT



Based on the evaluation of Plan implementation progress, the City's urban forestry (or similar) should track, record, and report on the metrics described below that are measures or indicators of success based on the Urban Forest Audit utilized in developing the Plan's goals.

POLICY AND ORDINANCES

Urban forest policies are the foundation for preserving the environmental benefits, resiliency, and the character of Fayetteville's urban forest.

- List all City-led planning efforts.
- Describe related City-led tree planting efforts.
- Communicate citywide canopy goals.
- List recommended changes to City Code, policies, and manuals.
- Distribute any recommended tree list to city staff, partners, and residents.

CAPACITY, TRAINING, AND AUTHORITY

Fayetteville has the capacity and expertise to provide optimal levels of service for sound urban forest management.

- List the existing staff and supporting departments and partners.
- Summarize roles and responsibilities of the Urban Forestry Advisory Board.
- Describe existing and needed certifications, qualifications, and training.
- Report the number of volunteers and volunteer hours.

BUDGET AND FUNDING

Funding and resources enable comprehensive and sustainable urban forest management for the preservation and enhancement of tree benefits.

- Report the proportion of public trees to the City population.
- Report the number of volunteers and volunteer hours.
- List the unfunded urban forestry needs.
- Report the budget, and donations.

ASSESSMENTS AND PLANNING

A thorough understanding of the urban forest ensures data-driven decisions, sustainable and comprehensive planning, and amplified tree benefits.

- Report the number of public trees planted, pruned, and removed.
- Report the number of trees assessed for risk.
- Provide a summary of existing tree canopy cover citywide every two years.

	COMMUNITY ENGAGEMENT Sustainable urban forest management and equity is achieved through a partnership with the City and its residents resulting in improved well-being, human health, and local economies. • List existing and potential partners. • Report the number of planting events and trees planted. • Report the history/count of Tree City USA and supporting awards. • Report the number of volunteers, events, and volunteer hours. • Report the results of public surveys. • Report on the activities of the Urban Forestry Advisory Board.
	GREEN ASSET MANAGEMENT Fayetteville proactively manages the public trees, continues to grow and expand a healthy canopy, effectively mitigates climate change impact. List the existing and potential outreach platforms and initiatives. • Report the number of public trees pruned, removed, and planted. • Report the number of mitigation plantings and stormwater plantings. • Report progress towards canopy goals and tree planting targets. • Provide a map of planting areas for upcoming year. • Report on Urban Forestry Audit score every 5 years.

Table 20. Evaluation, monitoring, and reporting techniques to achieve the urban forestry goals.

REVISE

Completion of this Plan is a critical step towards meeting the vision for Fayetteville's urban forest. Continual monitoring, analysis, and reporting will help to keep urban forest partners involved and focused on accomplishing the actions. Plans are typically revised every 10 to 15 years; hence, the Plan will need formal revision to respond and adapt to changes as they develop. Formal revision of the Plan should coincide with the update of the City's Comprehensive Plan, Park and Recreation System Master Plan, Energy Action Plan, Tree Preservation and Landscape Manual, climate/sustainability and stormwater plans, and other relevant planning efforts. Recommendations and goals of each should be compared. Revisions to the Plan should occur with major events, such as newly discovered pests or diseases, changes in program budget and resources, or significant changes to industry standards or legal codes.

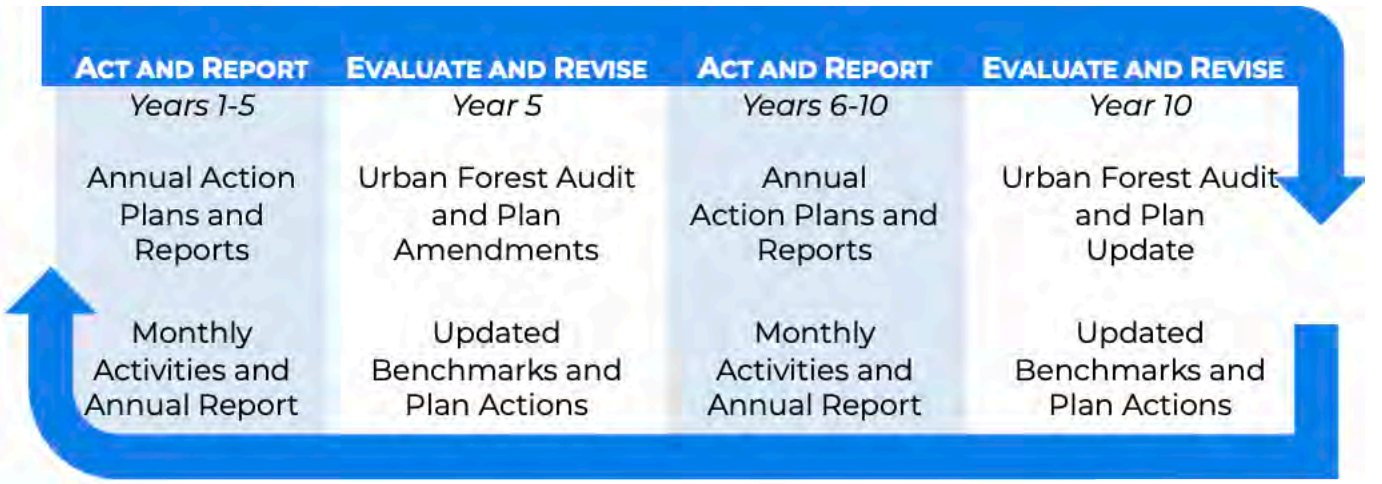


Figure 38. Example of the plan implementation, evaluation, and revision process.

Applying the Urban Forest Audit to Revise the Plan

The Urban Forest Audit can serve as the tool for the City to effectively Evaluate, Monitor, Report, and Revise the Plan as part of the implementation and monitoring protocols. As found in the 2023 Urban Forest Audit completed to develop the Plan, there are areas of urban forest management where the City is performing at a high level and other areas where improvements are needed. The goals and actions in the Plan address both these strengths and challenges. The following summarizes the relationship of the Plan's actions to the categories in the Urban Forest Audit. Each action in the Plan includes a reference to the Audit's category and subcategory (see Appendix B).

Ranking	Count	%	% of Total
1) In Development	63	25%	49%
2) Adopted Common Practice	62	48%	48%
0) Not Practiced	4	0%	3%
Category Total	**129**	**73%**	**100%**

Table 21. Summary count of the evaluations completed in the 2023 Urban Forest Audit.

Out of the nearly 130 elements (or subcategories) within the Audit, the majority (63 elements or 49%) ranked "1) In Development" followed by 62 (48%) elements ranked as "2) Adopted Common Practice". Most of the elements given the "In Development" ranking was a result of the outcomes from the Urban Forestry Management Plan or the strategic actions within the Plan to be implemented. As the Plan is being implemented, the status or score of the categories within the audit should change.



Conclusion

CONCLUSION

Trees are an integral part of the community and the ecological systems in which they exist. They provide significant economic, social, and ecological benefits, such as carbon sequestration, reduction of urban heat islands, energy savings, reduction of stormwater runoff, improvement of water quality, enhancement of human health and wellness, and increase the value of properties. Planting and maintaining trees helps Fayetteville become more sustainable and reduces the negative impacts on the ecosystem from urban development. Trees are as necessary as water, infrastructure, and energy to sustain healthy communities. The health of the urban forest is directly linked to the health of the region.

The Urban Forestry Management Plan is a roadmap for a strategic approach to manage Fayetteville's urban forest. The Plan contains goals and supporting actions that are critical to the long-term vitality of the forest. However, in order for the Plan to actually have an impact on the forest resource, it requires stewardship and financial resources to begin implementation. Further, it needs to be institutionalized as a document requiring implementation with a sense of urgency to get things started. Completion of the Urban Forestry Management Plan clearly demonstrates that City leadership understands that a healthy urban forest is critical to guaranteeing the long-term health and vitality of the community.

In order to accomplish the goals, the City should consider the following commitments:

- **Recognize that the trees of the urban forest are more than aesthetic enhancements.**
- **Recognize trees as the backbone of the urban ecosystem and an essential part of the community's green infrastructure.**
- **Promote the health and growth of the urban forest by following scientifically established best management practices for tree selection, planting, watering, and pruning.**
- **Promote a robust urban forest through policies and practices that reduce its vulnerability to known diseases or pest infestations, and future threats, including the anticipated effects of climate change.**
- **Engage in a continuous process of long-range planning for the growth and maintenance of the urban forest.**
- **Promote public appreciation of the urban forest through educational outreach programs.**
- **Support local businesses, institutions, organizations, and individuals in their efforts to grow and maintain the urban forest through community education.**
- **Proceed in a manner that is inclusive and transparent.**

Successful implementation of actions in this Plan will bring Fayetteville to a higher level of service that is more equitably distributed across the City resulting in a sustainable and thriving urban forest that benefits all residents and future generations— ultimately achieving the Plan vision: Healthy Trees, Healthy City: Fayetteville's urban forest is to cultivate a thriving, diverse, and well-maintained tree canopy that enhances the livability, health, and sustainability of our community for current and future generations.



Appendices and References

INDEX

Appendix B 2023 Urban Forest Audit Results 116
Appendix C Tree Ordinance Evaluation 127
References 133

List of Tables

Table 1 Summary of the vision and guiding principles for Fayetteville's Urban Forestry Management Plan 8
Table 2 Comparing public tree size class 28
Table3 Minimum canopy requirements by zoning designation according to Table 1 in Chapter 167 Tree Preservation and Protection Ordinance 34
Table 4 Potential vulnerability to canopy loss by easement type 39
Table 5 Summary of vulnerable canopy in City easements 39
Table 6 Summary of the land acres and the canopy cover within native prairie land 41
Table 7 Summary of the protected prairie-related areas. 41
Table 8 Tree canopy on university grounds 43
Table 9 Summary of the departments and staff involved in urban forest management in Fayetteville 44
Table 10 USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to increase (low emission scenario) 60
Table 11 USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas' predicted to not change (low emission scenario) 61
Table 12 USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario) 61
Table 13 Summary of the climate change vulnerability of Fayetteville's public street trees. Source: USDA Climate Change Atlas 62
Table 14 Interpretation of the 2023 Urban Forest Audit scores 67
Table 15 Details of Goals and Strategies 76-85
Table 16 Categories for evaluation using the U.S. Forest Service's Urban Forest Audit System 97
Table 17 List of subcategories within the Management Policy and Ordinances category of the audit 97
Table 18 Outcomes of the urban forest audit completed in 2023 for Fayetteville's Plan 98
Table 19 Fayetteville's primary urban forest benchmark values to measure Plan progress 101
Table 20 Evaluation, monitoring, and reporting techniques to achieve the urban forestry goals. 103
Table 21 Summary count of the evaluations completed in the 2023 Urban Forest Audit 104

List of Figures

Figure 1 The process to develop Fayetteville's Urban Forestry Management Plan 6
Figure 2 Maps displaying the location of Fayetteville, Arkansas within Washington County 10
Figure 3 A view of the Ozark Mountains from Fayetteville. Source: Experience Fayetteville 13
Figure 4 Human health and social benefits of trees 16
Figure 5. Illustration of types of trees in Fayetteville 25
Figure 6 Overview of Sample Inventory 26
Figure 7 Overview of the species results of the 2022 sample inventory of public tres 27
Figure 8 Map displaying the tree canopy mapped from 2019 imagery 32
Figure 9 Citywide tree canopy results (2019). Source: City of Fayetteville 32
Figure 10 Examples of the land cover class 32
Figure 11 Examples of the land cover classes analyzed as part of the 2019 tree canopy study. 33
Figure 12 Map showing the Tree Equity Scores for Census Block Groups in Fayetteville. Source: American Forests' Tree Equity Score Tool 35
Figure 13 Tree equity score inputs and Comparison of Tree Equity Scores for select Arkansas 36
Figure 14 Tree Equity Score comparisons for select U.S. cities. Source: American Forests' 36
Figure 15 An example of higher tree canopy cover east (right) of North Gregg Avenue 37
Figure 16 Examples of the types of easements found in the City of Fayetteville 38
Figure 17 Canopy cover within vulnerable easements 39
Figure 18 Map of the canopy within native and restored prairie land. 41
Figure 19 Map displaying tree canopy on University of Arkansas property within the urban core 45
Figure 20 Comparison of canopy in 2015, 2017 and 2019 48
Figure 21 Fayetteville's Tree Preservation and Landscape Manual provides the tree-related regulations and standards for entities involved in private development design and construction 49
Figure 22 Summary of the feedback received from internal stakeholders 52
Figure 23 Example of the outreach conducted throughout the planning process 53

Figure 24 The project website for Fayetteville's Urban Forestry Management Plan. 53
Figure 25 Infographic summary of the public's priorities and viewpoints regarding the urban forest 55
Figure 26 Examples of the potential streetscape design solutions for preventing or mitigating tree and infrastructure conflicts. 56
Figure 27 Emerald ash borer (EAB) insect (top), dieback (left), larvae (bottom left), borer holes (right), and larvae galleries (bottom right). 57
Figure 28 Sudden oak death (SOD) wood and bark discoloration and lesions and discoloration of leave 58
Figure 29 American elm identifying features, leaf flagging symptom of Dutch elm disease (middle), and gallery of bark beetles that are the vector for the Ophiostoma ulmi fungus. 58
Figure 30 Bacterial leaf scorch observed on oak (A), redbud(B), elm (C), and maple (D) leaves 58
Figure 31 Illustration of the temperature difference in urban areas due to the urban heat island effect. 59
Figure 32 Summary of the climate change vulnerability of Fayetteville's public street trees 62
Figure 33 Summary of the 2023 Urban Forest Audit completed for Fayetteville's Plan 65
Figure 34 Fayetteville's 10-year canopy goal milestones and targets 72
Figure 35 Scenqarios for priority planting areas to achieve canopy goals and the Plan's outcomes. 74
Figure 36 Guiding principals and goals 75
Figure 37 Results of the 2023 urban forest audit to utilize in Plan monitoring 99
Figure 38 Example of the plan implementation, evaluation, and revision process 104

Supplemental Material Contains more in-depth information and data.

Supplement 1- Urban Forestry Benchmarks
Supplement 2- Canopy Goal Setting and Priority Areas
Supplement 3- Tree Inventory Summary
Supplement 4- Public Survey Results
Supplement 5- Staff & Board Member Survey Results
Supplement 6- US Forest Service Urban Forest Audit
Supplement 7- Recommended Tree List and Sister City Climate City Assessment
Supplement 8- Invasive Plant Species Program Review
Supplement 9- Urban Tree Canopy Assessment Project 2012

APPENDIX A. CANOPY GOALS AND PLANTING TARGETS

Canopy Goal Assumptions Data from Fayetteville's tree canopy cover assessments (2019) and the American Forests Tree Equity Score (TES) tool were analyzed to identify a feasible canopy goal and to develop strategies to achieve it. The draft canopy goal was refined by examining the available land area, resources, other ongoing city priorities, future land use, land ownership types, opportunities to mitigate urban heat, and preservation of native prairie land. Other considerations were our climate, elevations, historic canopy coverage for the regions, topography, survey results, climate change atlas, invasive species, and development patterns. The goals were set to be achievable and flexible so that staff could take different strategic approaches to planting trees.

Using this integrated approach, the City of Fayetteville's ambitious and achievable goal is 44.4% tree canopy in 30 years— up from 39.4% based on 2019 imagery. To achieve this, the City and partners must preserve the existing canopy to the greatest possible extent, mitigate the lost canopy, and increase canopy coverage by planting trees.

- Existing tree canopy cover is based on imagery from 2019.
- Promote growing trees to maturity rather than focusing on a number.
- A no-net-loss strategy is sought, meaning the number of public trees removed for internal municipal projects and encouraging mitigation on private property.
- Development projects must continue to mitigate tree removal, dedicate tree preservation easements, and add street trees.
- Most new large neighborhoods are in previous pasture land.
- Supporting citizens and growing trees in existing neighborhoods with POA/HOA support.
- Trees that grow into large canopy trees are planted wherever feasible.
- The City will need to plant public street planting sites and consider converting impervious surfaces to planting sites and planting in parks and natural areas.
- Assumes a potential for young tree mortality post-planting is 10% with POA/HOA projects and City projects (the standard for Fayetteville is 10%).
- Assume a potential for trees given away with a mortality rate of 65% (10% is our mortality rate, and studies show around 75% make it into the ground from tree giveaways combined. The mortality rate is an optimistic 65%).
- $408 per tree is the average cost for contracted tree planting.
- Emphasis should be placed on planting native and highly adaptable trees that support strategies for climate resiliency and tree species diversity.

Priority Planting Areas to Achieve Canopy Goals and Tree Equity

Once the City finalizes local and citywide tree canopy goals, it is recommended to establish priority areas based on a variety of themes and community needs. Themes may include ownership type (public and private), areas of low existing tree canopy, Tree Equity Scores (TreeEquityScore.org), and greatest amount of available planting space while other themes may address air quality, stormwater reduction, water quality, and preserving native land cover (e.g., native prairie land). Others may evaluate opportunities to address disadvantaged areas, densely populated regions, loss due to development, and human health factors such as asthma cases, median age, and mental health. In any planting prioritization scenario, the scale may include U.S. Census Bureau Census Block Groups, Future Land Use Classes, neighborhoods, ownership (public, private, campus and institutional), and citywide.

Using the results from the 2019 Urban Tree Canopy Assessment and an analysis of canopy change over four time periods and analyses in a Geographic Information System (GIS), a series of recommended prioritization techniques is provided. The description of the prioritization techniques and scenarios is provided below followed by a series of corresponding priority maps.

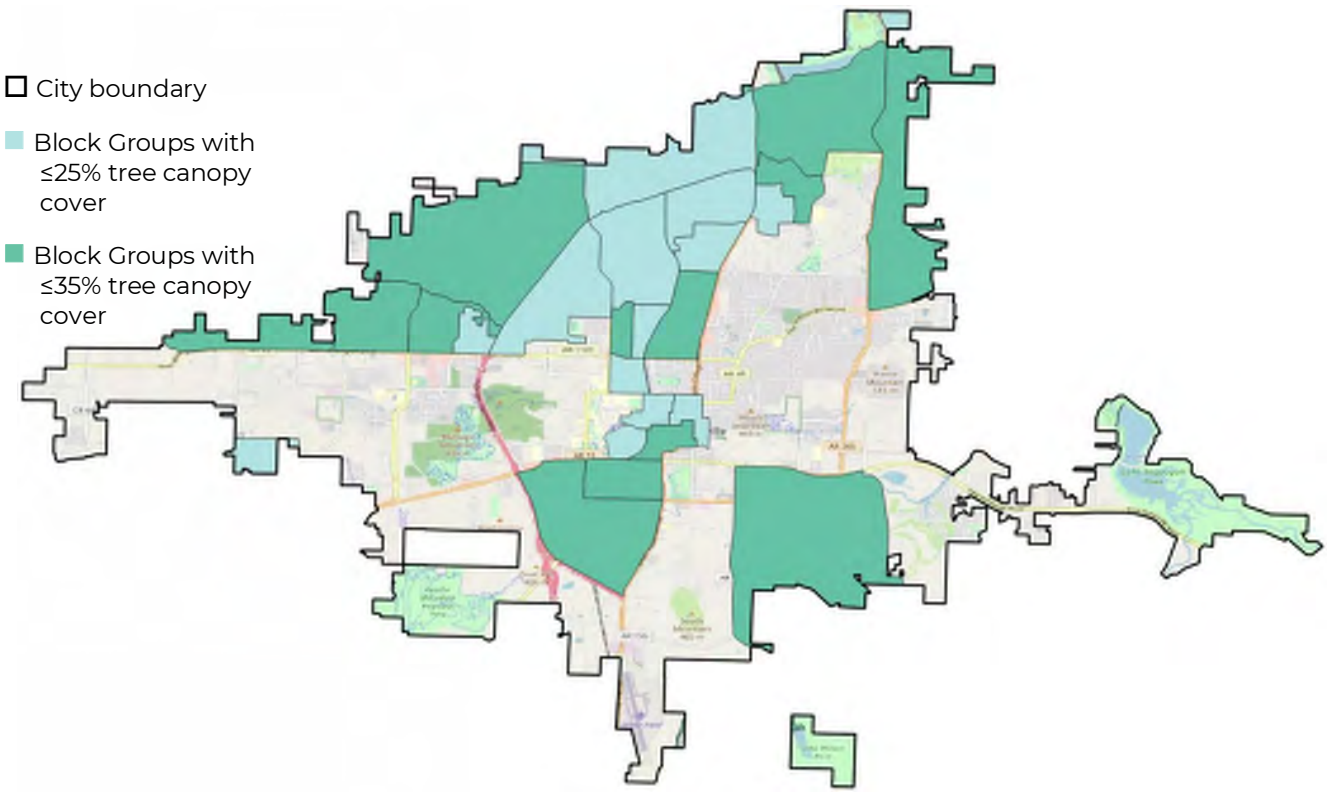
- **Low Tree Canopy:** It is important to understand the existing distribution of existing tree canopy across the City. This scenario shows Census Block Groups (CBGs) that are low in canopy cover (less than 35% canopy cover).
- **Low Income and Tree Canopy:** This scenario shows the CBGs with a high proportion of low-income populations and low amounts of tree canopy cover (less than 35%).
- **Vulnerable and Exclusion Areas:** Certain areas of the City may not be preferable to plant trees such as in native prairie land. Other areas are outside of the City's jurisdiction such as the University of Arkansas. And other areas such as easements have tree canopy that is vulnerable to change such as the removal of trees for a utility easement.
- **Development and Future Land Use:** With robust tree regulations in place, tree plantings in future land use areas can be considered to support a citywide canopy goal.
- **Tree Equity:** The American Forests' Tree Equity Score tool evaluates the correlation between tree canopy cover, surface temperatures, and socioeconomic data. Priority areas may include CBGs that have less than the citywide score of 87 out of 100.
- **Percent People of Color:** Redressing tree canopy cover inequities requires multiple facets of urban forest management though identifying canopy cover and the proportion of people of color within CBGs can assist in determining priority areas for plantings.
- **Average Surface Temperature:** Trees and green spaces have been proven to lower surface temperatures and mitigate urban heat island effects. Data from USGS Landsat 8 imagery, thermal bands.
- **Health Risk Index:** Research shows trees can improve human health through air quality improvements and encouraging physical activity. Priority areas are based on self-reported poor mental health, poor physical health, asthma, and coronary heart disease from the Centers for Disease Control.

View the maps on the following pages for examples of the listed planting priority techniques.

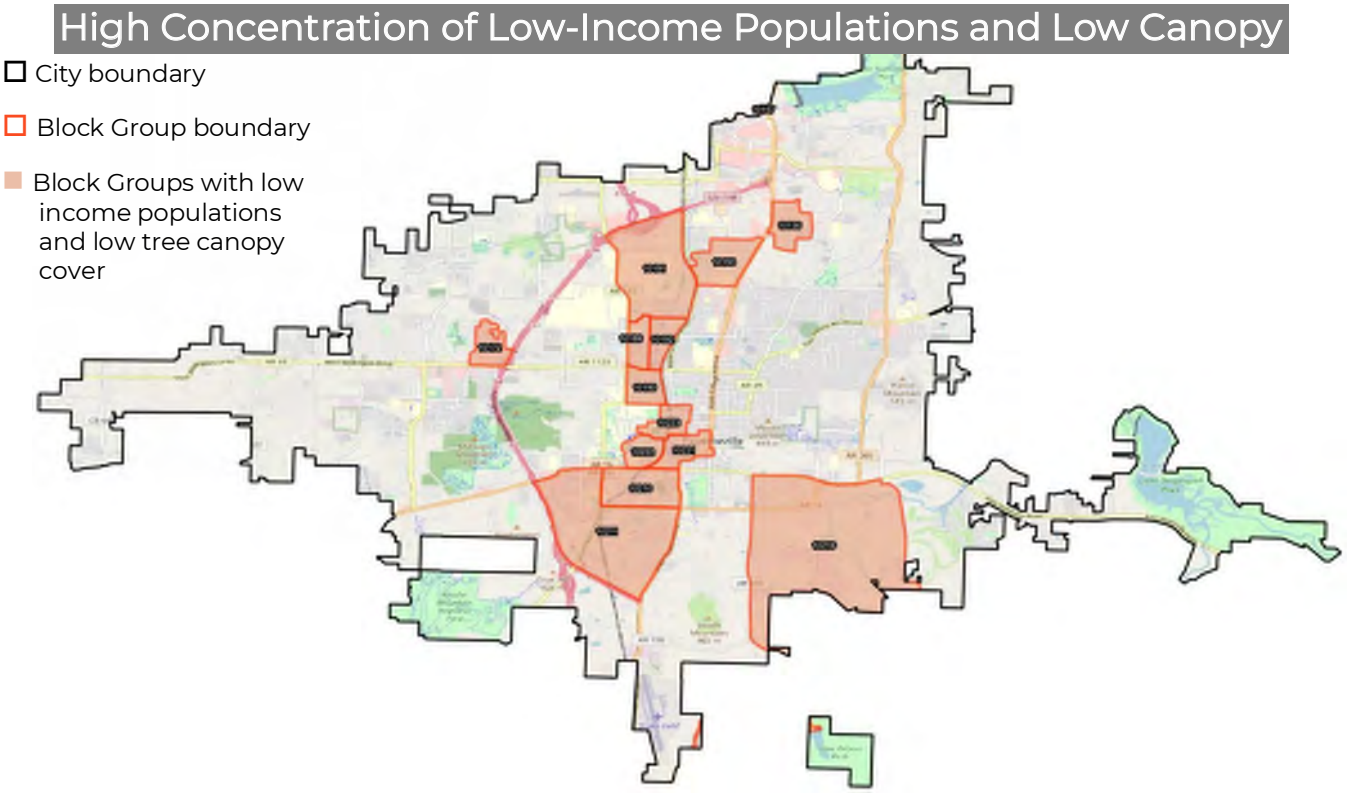
Priority Planting Maps by Theme

Figure 50. Priority planting maps by planting theme.

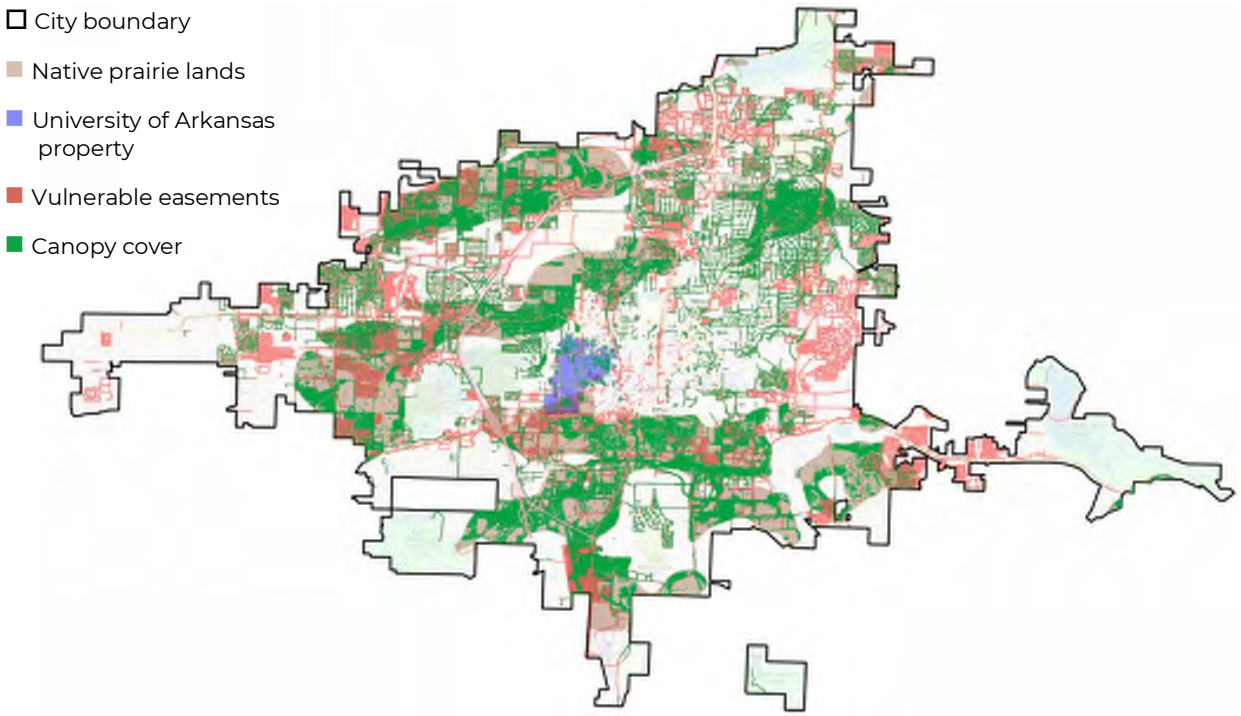
Areas with Low Tree Canopy Cover (<35%)



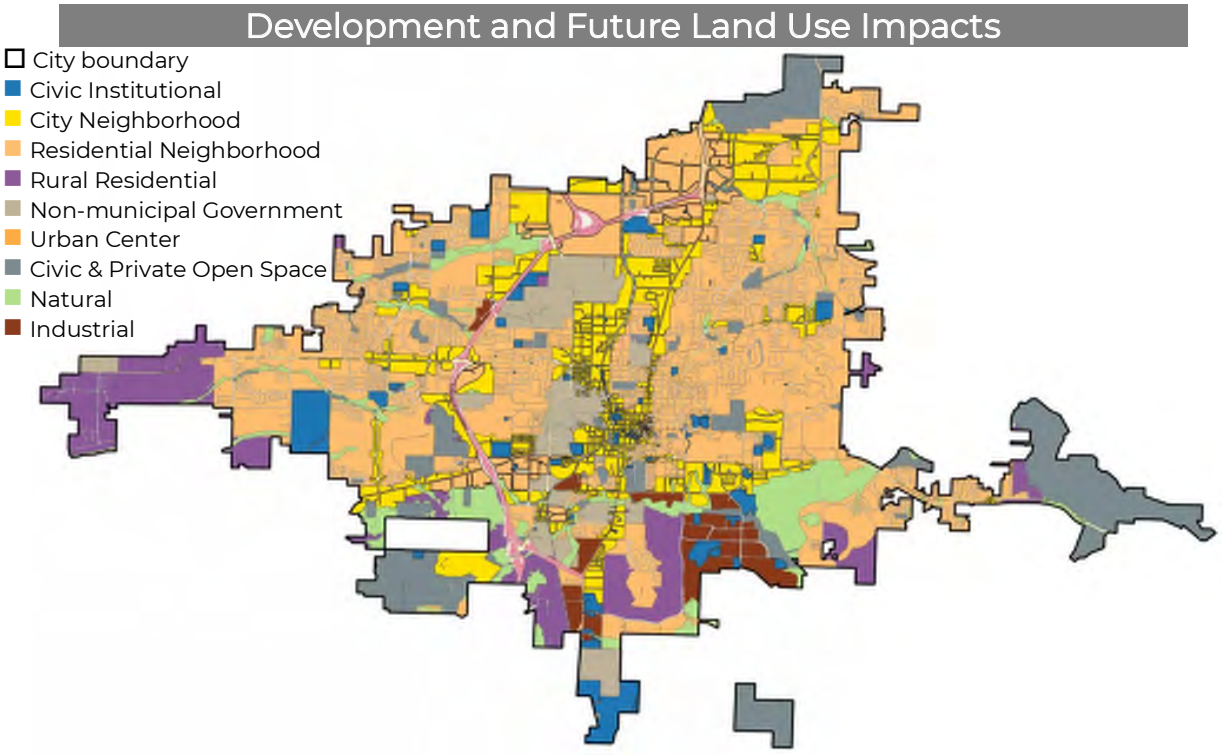
High Concentration of Low-Income Populations and Low Canopy



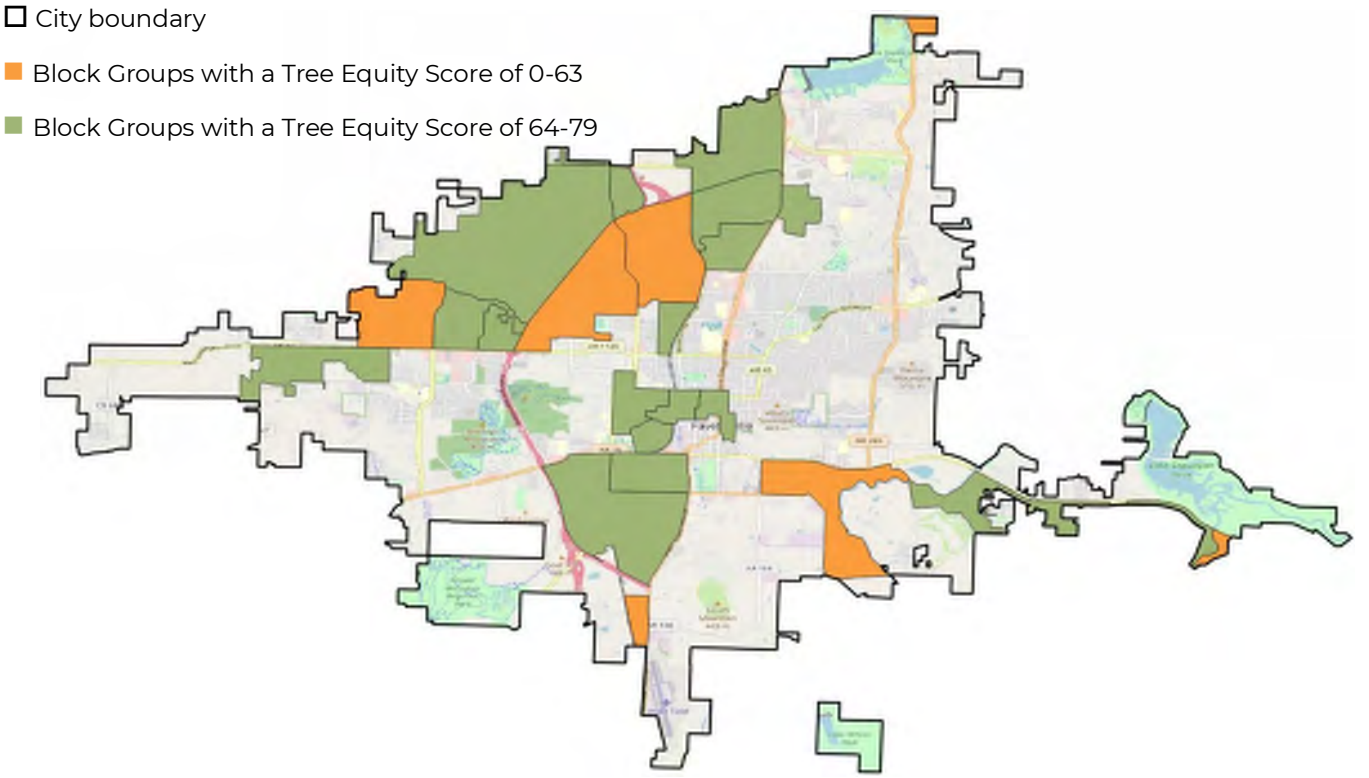
Vulnerable and Exclusion Areas



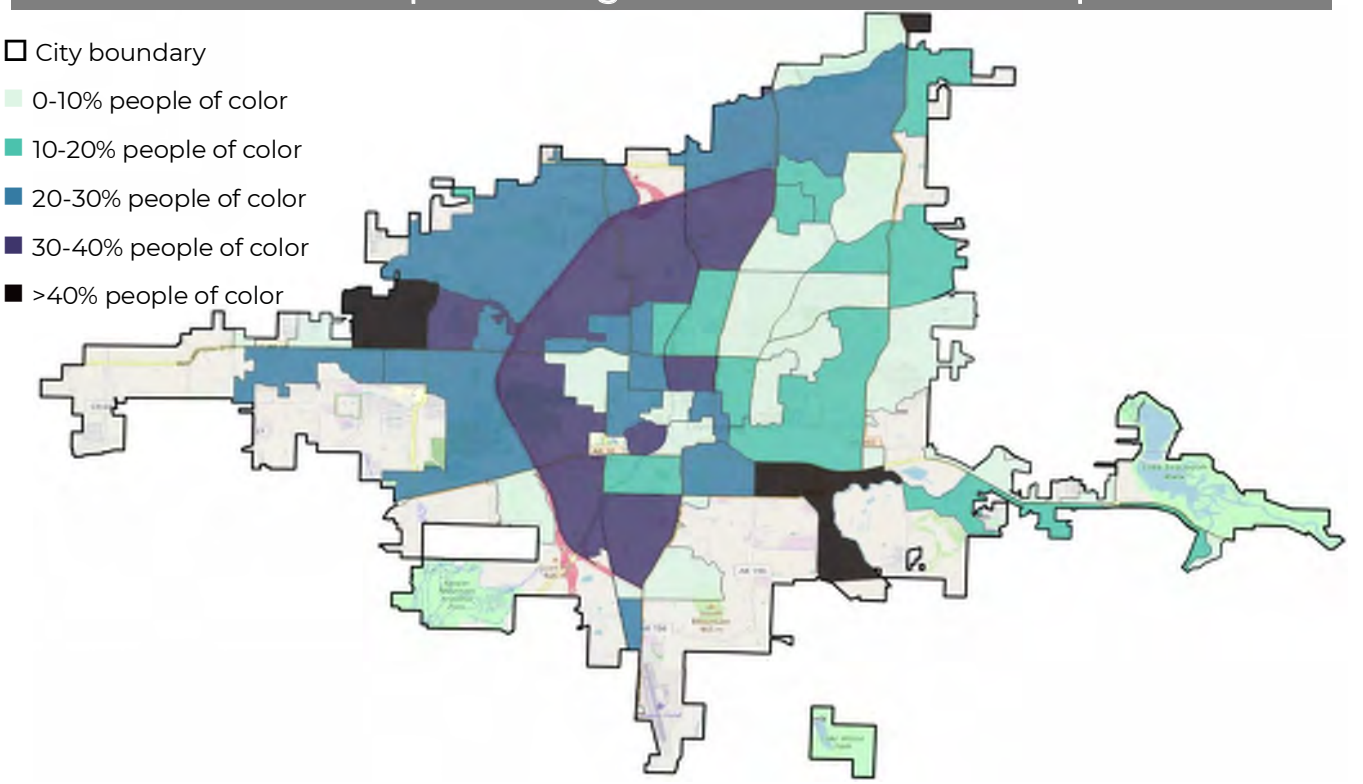
Development and Future Land Use Impacts



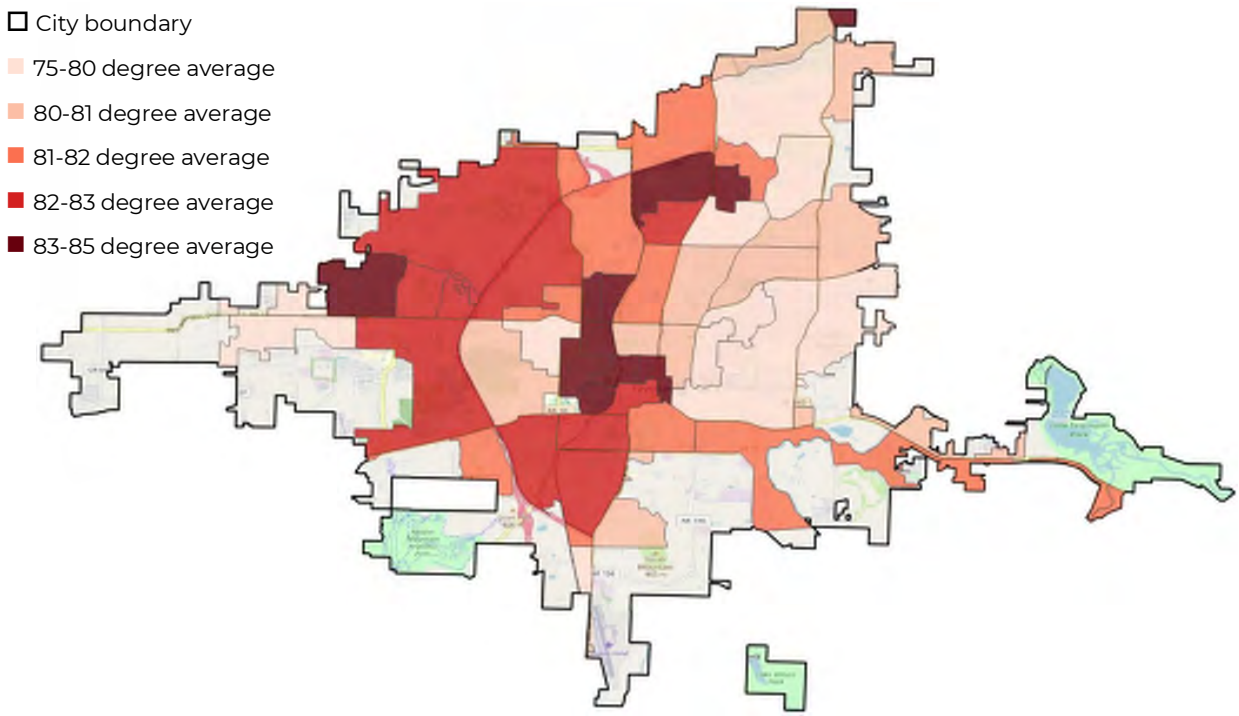
Areas with Tree Equity Scores Less Than 80 out of 100



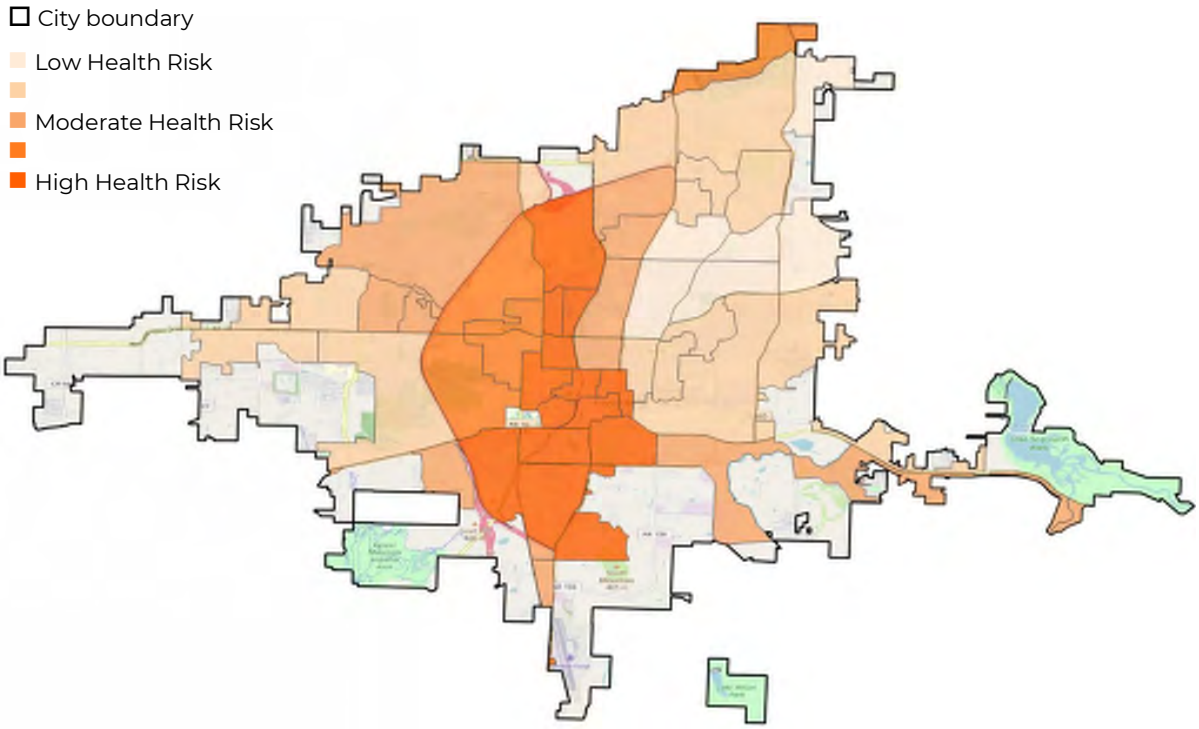
Census Block Groups with High Concentrations of People of Color



Areas with Higher than Average Surface Temperature



Health Risk Index Based on the Centers for Disease Control



APPENDIX B. 2023 URBAN FOREST AUDIT RESULTS

Urban Forest Audit Scoring Key

Not Practiced (0)	In Development (1)	Adopted Practice (2)

Table 21. Results of the 2023 Urban Forest Audit.

Management Policy

Category	Component Evaluated	Description or Criteria for Evaluation
1.00	Approved Policy Statements	Written policy statements approved by a governing body.
1.01	Climate Change (Sustainability)	Also referred to as Sustainability. With reference to urban trees. Addresses the long-term health and productivity of the natural resource.
1.02	No Net Loss	Can refer to trees, basal area, or canopy.
1.03	Risk Management	Should reference: ANSI A300 Part 9, ISA BMP, and prioritization funding mechanisms.
1.04	Tree Canopy Goals	Overall community/campus goal, or by designated "zone".
1.05	Tree Protection	Construction and/or landscape maintenance.
1.06	Utility	Utility pruning, planting, and installation policy (e.g. boring vs. trenching).
1.07	Human Health – Physical & Psychological	Recognizes and addresses the human health benefits of the natural resource (e.g., exercise, air quality, stress management, shade). Could also include Urban Heat Island (UHI) policies.
1.08	Wildlife Diversity/Habitat/Protection	Mammals, birds, or reptiles.
1.09	Performance Monitoring	Recognizes the annual or biennial calculation of metrics (e.g. some component of ecosystem services) for the purpose of tracking management performance.
1.10	Ordinance (Private)	Tree protection and management for trees on private property.
1.11	Ordinance (Public)	Tree protection and management for public trees.
1.12	Development Standards	US Green Building Council's LEED® rating systems (or similar internationally) LEED v4 BD+C (Sustainable Sites) LEED 4 ND (Neighborhood Pattern & Design, Green Infrastructure) ASLA's SITES® Rating System
1.13	High-Conservation Value Forests	Programs or policies for identification, acquisition, and/or protection of groups of trees or forests that provide unique public benefits.
1.14	Urban Interface (WUI)	Programs or policies that improve management of the urban interface for fire and/or invasive species.

Capacity and Training

Category	Component Evaluated	Description or Criteria for Evaluation
2.00	Professional Management	Provision for professional consultation.
2.01	Certified Arborist - Staff	International Society of Arboriculture
2.02	Certified Arborist - Contracted	International Society of Arboriculture
2.03	Certified Arborist - Other Resource	International Society of Arboriculture
2.04	Other Professional - Advising/directing UF management	This could be a professional in an allied field like Landscape Architecture.
2.05	Municipal Forestry Institute	Graduate of Society of Municipal Arborist's MFI program or similar
2.06	USFS Urban Forestry Institute or similar	Attendance at USFS UFI or similar
2.07	Campus/city arborist – ISA CA instructor for CEUs	Arborist routinely provides ISA CEU presentations/workshops.
2.08	Tree Board University or similar	On-line training modules from Oregon U&CF for Tree Board/Advisory Council or similar
2.09	Organizational Communications	Process, procedures, and protocol for cross-professional communications within the organization (all departments "touching" trees).

Funding and Accounting

Category	Component Evaluated	Description or Criteria for Evaluation
3.00	Urban Forestry Budget	
3.01	Budgeted Annually	Budget authorized/required for tree board, tree maintenance, and/or tree planting.
3.02	Contingency Budget Process	A protocol is in place to prioritize urban forestry management activities during budget shortfalls; e.g. during times of limited funding for: 1) risk management, 2) young tree care, 3) mulching.
3.03	Funding Calculated from Community Attribute	Budget in terms of per capita, per tree, or for performance (e.g. per tree weighted by size class or age.
3.04	Funding Based on Performance Monitoring	Budget connected with/based on ecosystem service (ES) monitoring and performance.
3.05	Urban Forestry Line Item	Is the budget specific to urban forest management?
3.06	Green Asset Accounting	Maintain green infrastructure data in the "unaudited supplementary disclosure of an entity's comprehensive annual financial report (CAFR)". GASB 34 implementation for municipalities.

Authority

Category	Component Evaluated	Description or Criteria for Evaluation
4.00	Authority	
4.01	Urban Forest Manager	Professional urban forest manager with authority over the program and day-to-day activity. Including designated budget line item.
4.02	Staff Authority	Designated staff with authority over the program and day-to-day activity. Including designated line item.
4.03	Communication Protocol	Established protocol and mechanism(s) for communication among all members of the urban forest management "community" in your municipality or organization (e.g. manager, department under control, advisory board, finance, field operations, public, NGOs, business community, developers).
4.04	Tree Board, Commission, or Advisory Council	Establishes a board for public participation (advisory or with authority).

Tree-related Inventories

Category	Component Evaluated	Description or Criteria for Evaluation
5.00	Inventories and Assessments	
5.01	Canopy Inventory (UTC)	Periodic (≤5 year) canopy inventory and assessment. Public & private.
5.02	Ecosystem Services	Recent (≤5 year) ecosystem services (ES) inventory & assessment? Public: 100% or street trees; Public & Private: Sample; or Campus. Or, are ES calculated annually or biennially based on partial re-inventory and projected growth as a monitoring tool.
5.03	Public Trees 🡻	🡻 Evaluate below 🡻
5.04	Street Trees	Is there a recent (5 year) inventory?
5.05	Parks/Riparian Areas	Is there a recent (5 year) inventory?
5.06	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.
5.07	Continuous inventory on a cycle (≤5 years; i.e. panel)	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services for the purpose of long-term monitoring of urban forest management performance (e.g. carbon or leaf surface).
5.08	Private Trees 🡻	🡻 Evaluate below 🡻
5.09	Campus (Educational)	Is there a recent (5 year) inventory?
5.10	Corporate	Is there a recent (5 year) inventory?
5.11	Other Private Property	Is there a recent (5 year) inventory?
5.12	Continuous inventory on a cycle (≤5 years; i.e. panel), inventory software	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services for the purpose of long-term monitoring of urban forest management performance (e.g. carbon or leaf surface).
5.13	Green Stormwater Infrastructure (GSI)	BMP stormwater mitigation practices and locations (e.g. Washington DC)
5.14	Spatial	Inventory data includes Lat/Long (i.e. GIS). Should address the spatial relationship between the natural resource and people (i.e. residents, visitors, activities) that would help manage the resource for benefits associated with proximity (air quality, recreation, stress mitigation, improved educational opportunity).
5.15	Maintenance and Planting Records Maintained	Planting details (nursery, species, size, cost, contractor, etc.) maintained with inventory or as separate database or recordkeeping system. Also pruning and removal histories.

Tree-related Plans

Category	Component Evaluated	Description or Criteria for Evaluation
6.00	Management Planning Activities	
6.01	Annual Maintenance Calendar	An annual calendar that defines typical activity by season. To support scheduling.
6.02	Public Trees ↓	↓ Evaluate below ↓
6.03	Street Tree Management	Is there a recent (5 year) plan for street trees?
6.04	Parks/Riparian Area Management	Is there a recent (5 year) plan ?
6.05	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.
6.06	Private Trees ↓	↓ Evaluate below ↓
6.07	Campus (Educational)	Is there a recent (5 year) plan for Campus trees?
6.08	Corporate	Is there a recent (5 year) plan?
6.09	Other Private Property	Is there a recent (5 year) plan?
6.10	Green Infrastructure	Is there a plan for green infrastructure (i.e. nodes & linkages)? Large-scale projects.
6.11	Other Written Plans	Other natural resource plans (e.g. tree canopy). May be a component of another plan.
6.12	Tree Planting	Is there a recent (3 year) tree planting plan?). May be a component of another plan.
6.13	UF as Part of a Comprehensive Plan	Is any UF management plan referenced in the comprehensive plan (i.e. county or municipality) or master plan (i.e. Campus)?
6.14	Urban Forest Planning and Management Criteria and Performance Indicators	Criteria and indicators based on *A Model of Urban Forest Sustainability* (Clark, J.R., Matheny, N.P., Cross, G., and Wake, V. 1997 Journal of Arboriculture.) or on work of W.A. Kenney, P.J.E. van Wassenaer, and A.L. Satel in *Criteria and indicators for strategic urban forest planning and management*. (2011)

Risk Management

Category	Component Evaluated	Description or Criteria for Evaluation
7.00	Risk Management Activities	
7.01	TRAQ Attained	At least one staff or consultant is TRAQ.
7.02	Annual Level 1 (ANSI A300 Part 9 & ISA BMP)	All trees in high occupancy areas visited annually.
7.03	Mitigation Prioritization	A protocol for prioritizing mitigation following Level 1 and Level 2 assessments. Reflects the controlling agency's threshold for risk.
7.04	Occupancy Areas Mapped	Has TRAQ staff/consultant discussed/mapped occupancy levels with controlling authority?
7.05	Recordkeeping, Reporting, and Communications	A process has been put in place to maintain records on requests, inspections, evaluations, and mitigation of risk; and on the communications among the managers related to those risk assessments.
7.06	Standard of Care Adopted	Controlling authority has adopted a Standard of Care (SOC) or risk management policy.
7.07	Tree Risk Specification	Is there a written specification that meets requirements of ANSI A300 (Part 9)? And, has it been discussed with the controlling authority with relevance to the controlling authority's threshold for acceptable risk?
7.08	Urban Tree Risk Management	The community has prepared and follows a comprehensive program for urban tree risk management.
7.09	Invasive Management	Plan to address and manage invasive: plants, insects, and disease.

Disaster Planning

Category	Component Evaluated	Description or Criteria for Evaluation
8.00	Disaster Planning Activities	
8.01	Response/Recovery Mechanism	Staff knowledge of the municipality's protocol for requesting disaster resources through the county or state with access to mutual aid and EMAC.
8.02	Urban Forestry as part of the County Disaster Plan	The UF plan (8.3) is incorporated into the county/municipal disaster plan; specifically in reference to debris management and risk mitigation.
8.03	Urban Forestry Disaster Plan	A separate/specific plan within the urban forestry management program (i.e. who to call, priorities).
8.04	Pre-disaster Contracts	Contracts are in place for critical needs.
8.05	Mitigation Plan	A mitigation plan has been developed for pre-disaster, recovery, and post-disaster.
8.06	EMAC Mission Ready Packages (MRP)	Municipality has published disaster resources with state EM and participates in inter-state Mutual Aid to support Urban Forest Strike Teams (UFST).
8.07	Urban Forest Strike Team	Participation in the UFST project.

Standards and Best Management Practices

Category	Component Evaluated	Description or Criteria for Evaluation
9.00	ANSI Standard & BMP Activities	
9.01	ANSI Standards	Reference and adherence to ANSI Standards for arboricultural practices (A300), safety (Z133), or Nursery Stock (ANSI Z60.1) (any or all).
9.02	Ages/Diameter Distribution	Specific management for the development of an age-diverse tree population
9.03	Arborist Standards	Standards of practice for arborists (i.e. Certification).
9.04	Best Management Practices (BMPs)	Establishes or references tree maintenance BMPs (i.e. written comprehensive standards & standards).
9.05	Fertilization and Mulching	Fertilization or mulching standards required for conserved & planted trees.
9.06	Lightning Protection Systems	BMP written to the ANSI A300 Standard.
9.07	Planting	Planting and transplanting standards required/specified.
9.08	Pruning	Pruning standards required for conserved & planted trees.
9.09	Removal	Infrastructure damage, stump grinding, etc.
9.10	Support Systems (Guying and Bracing)	BMP written to the ANSI A300 Standard.
9.11	Tree Risk	Tree risk assessment procedures; ISA BMP or equivalent.
9.12	Construction Management Standards	Written standards for: tree protection, trenching/boring in CRZs, pre-construction mulching, root or limb pruning, watering (any or all).
9.13	Design Standards	Standards for design that specifically require trees; standards for tree placement (i.e. location), soil treatment, and/or drainage.
9.14	Genus/Species Diversity	Suggests or requires diversity of plant material.
9.15	Green Stormwater Infrastructure (GSI)	BMPs for site level GI practices like rain gardens and swales. Small-scale projects.
9.16	Inventory Data Collection	Community has adopted or developed applicable standards for local urban tree inventory data collection to support QA/QC.
9.17	Minimum Planting Volume	Minimum required root zone volume.

Standards and Best Management Practices (continued)

Category	Component Evaluated	Description or Criteria for Evaluation
9.00	ANSI Standard & BMP Activities	
9.18	Minimum Tree Size	Minimum caliper for tree replacements, and/or minimum size of existing trees to receive tree density or canopy credit.
9.19	Root Protection Zone (CRZ)	Defines adequate root protection zone; Critical Root Zone (CRZ).
9.20	Safety	Safety logs, trainings, reference to ANSI Z133 Safety Standard
9.21	Topping	Prohibits topping or other internodal cuts (public & private).
9.22	Tree Species List	Identifies and publishes a list of the most desirable, recommended, and/or preferred species (may include native and non-native species); alternatively, a list of species prohibited.
9.23	Tree Quality Standards	Written standards for tree selection at nursery in addition to Z60.1.
9.24	Utility Right-of-Way (ROW) Management	Requirements for planting, pruning, and/or removal of trees within a utility ROW.
9.25	Urban Agriculture	Enabled urban food forestry practices.
9.26	Wood Utilization	Larger diameter material is processed for wood products.
9.27	Third-party forest products certification compliance	Examples: American Tree Farm System (ATFS), Forest Stewardship Council™ (FSC®).
9.28	Energy generation	Local or regional use of chips or other woody debris for co-generation facilities (an efficient process that uses one fuel to generate two types of energy— electrical and thermal).
9.29	Composting of Leaf and/or Other Woody Debris	Leaves and small woody debris are captured and used on-site or processed by someone by composting for reuse.
9.30	Watering Standards	

Community

Category	Component Evaluated	Description or Criteria for Evaluation
10.00	Activities that Build Community	
10.01	Social Media Website or Similar	Does your community/campus use social media platforms or similar to document and publicize your urban forestry program, activity, or events?
10.02	Education	The urban forest is used as an educational laboratory for class activity; Kids in the Woods, PLT, high school, or college level.
10.03	Private Property Tree Program	Does your community sponsor this program locally?
10.04	Public-facing Tree Inventory and Management Software	Public access to the community tree resource via an on-line mapping program (i.e. any Web Map Service; WMS).
10.05	Public Perception	Is public management consistent with private property requirements for tree protections and care? Does the Campus/public tree management reflect neighborhood norms?
10.06	Recognition Programs	Programs that raise awareness of trees or that use trees to connect the community to significant events or activities.
10.07	Arbor Day Celebration	Whether or not associated with Tree City USA.
10.08	Arboretum designation	Internal or third party arboretum designation.
10.09	Significant trees	For example: size, history.
10.10	Memorial/Honorarium	Tree planting or tree care programs than honor/memorialize individuals, organizations, or events.
10.11	Social Media	Does your community/campus make use of Twitter, Facebook, Blogs for internal or external outreach?
10.12	Active Communications	Press releases, regular news articles (print), “State of the Urban Forest” reports, periodic analysis of threats and opportunities.
10.13	Tree Care	Are volunteers trained and used for basic tree care (e.g. mulching, pruning, planting).
10.14	Tree Campus USA®, Tree City USA®, Tree Line USA®	Community/campus meets current qualifications for any of these programs.
10.15	Volunteer Opportunities	Ad hoc or scheduled. Any/all age groups. Tree Campus USA student activities.

Green Asset Management

Category	Component Evaluated	Description or Criteria for Evaluation
11.00	Observed Outcomes (Activity, Health)	
11.01	Deadwood	Look for evidence of periodic or ad-hoc deadwood removal (i.e. lack of dead limbs ≥ 2" in the trees or on the ground).
11.02	Genus Diversity	No genera exceed 20% of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local species of concern.
11.03	Mature Tree Care	Mature trees are retained in the landscape, and are of acceptable risk; i.e. veteran tree management.
11.04	Mulching	Evidence of adequate (i.e. spatial extent, depth, and material) roots zone mulching for all age classes.
11.05	Planting Site Volume Optimization	Are species & sites matched for optimization of above ground canopy; right tree in the right spot concept.
11.06	Rooting Volume Optimization	Are species & sites matched for optimization for below ground rooting volume; right tree in the right spot concept.
11.07	Species Diversity	No species/cultivars exceed 10% of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local genera of concern. Also evaluate the role of regionally local native species.
11.08	Soil Compaction	Observe evidence of soil compaction by users or staff during maintenance. Include "desire" lines and construction activity at time of evaluation.
11.09	Tree Health	Rate the overall tree health in all size (age) classes; look for crown dieback, decay, foliage density & color.
11.10	Young Tree Pruning	Look for evidence of periodic (e.g. every 3 years to year 9) structural pruning (e.g. subordination cuts, dominant central leader, co-dominant stems lower that 20').

APPENDIX C. TREE ORDINANCE EVALUATION

The following considerations are provided for Chapter 167 Tree Preservation and Protection and Chapter 177 Landscape Regulations of Fayetteville's Code of Ordinances. The evaluation is based on a checklist shown in the table on the following page. Considerations for changes may also pertain to City design standards, protocols, and manuals such as the Fayetteville Tree Preservation and Landscape Manual (referred to as the Tree Manual in this section). Based on this approach, the following summary provides the City with considerations for tree regulation changes in the future.

- Prior to any significant change(s) to tree ordinances, it is recommended that the City engage with internal and external stakeholders and the general public to gather input and feedback.
- Include references to the Urban Tree Canopy (UTC) assessments and the amount of tree canopy cover (39.4% based on 2019 imagery) and associated ecosystem benefits. Begin by updating section 167.01 Purpose and section 177.01 Purpose with these references and expand on the purpose to include the benefits of trees in mitigating climate change and other benefits and services not currently listed such as the human health and social benefits.
- Consider creating a section within Chapter 167 ("Definitions") that specifically defines and clarifies urban forestry-related terms. An example of a clarification could include descriptions and criteria for "significant trees", "priority trees" (listed in section 167.04.E.3), and trees within the "Tree Registry". As an alternative, the definitions could be listed in the Tree Manual and referenced in Chapter 167.
- Identify changes to resources needed to provide adequate staffing for administration, monitoring, and enforcement of tree-related ordinances. Update Code language accordingly.
- Consider a more nuanced approach to tree mitigation requirements for private development. For example, large mature and/or specimen trees that are approved for removal should have a greater requirement in terms of mitigation, replacement plantings, and/or fees. Explore mitigation and penalties for the unauthorized removal of private protected trees (Chapter 167) and public trees (Chapter 177). Periodically review and update canopy goal requirements as needed.
- Gather feedback to determine if any changes are necessary for public and private tree variances to the regulations. Develop incentives and regulations for projects to meet the canopy cover requirements (%'s) rather than defaulting to mitigation.
- During the periodic update to the Tree Manual, review the recommended tree species for planting and revise as needed based on the latest research and goals for tree species diversity. Periodically revisit the invasive plant species list in section 177.09 of Fayetteville's Code of Ordinances and update as needed based on the latest research, presence of species of concern, and the emergence of favorable habitats for new invasives to the region due to changing climates.
- Clarify roles and responsibilities for public street trees planted as part of private development projects (Chapter 177). Consider updating regulations for public street trees that are not planted as part of private development projects.
- Clarify regulations for trees in proximity or in conflict with overhead utilities.
- Review the evaluation table on the following page to finalize a scope of potential changes to tree-related ordinances.

Table 22. Tree ordinance evaluation checklist. Source: PlanIT Geo

Priority Level Key: 1 = High Priority, 3 = Low Priority " –" = adequate regulations in place

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Credentials				
Requires certified arborist for paid private tree work	X	167.07		-
Requires certified arborist for public tree work	X	167.07		-
Requires licensing of private tree care firms	X	167.07		-
Defines official authority for public tree management	X	Throughout Ch. 177		-
Public Tree Management and Protection				
Establishes/authorizes Urban Forester to regulate public trees	X	Throughout Ch. 177		-
Establishes/Authorizes City position (e.g., Mayor, City Administrator, DPW Director) to regulate public trees	X	177.02.B	Defines the authority and role of the Urban Forestry Advisory Board	-
Requires annual public tree work plans				2
Identifies formula for determining monetary tree value				1
Establishes responsibility for public tree maintenance (e.g., City, adjacent property owner)	X (Limited)	177.05 177.10	Chapter 177 does not define responsibility beyond those street trees planted as part of private development	1
Requires regular public tree maintenance	X (Limited)	177.10	Provided only for street trees planted as part of private development (3 years)	1
Requires particular types of maintenance (e.g., pruning)	X	167.06.A		-
Requires adherence to ANSI A300 standards and best management practices	X	167.06.A		-
Establishes permit system for work on public trees				3
Establishes provisions for penalties for non-compliance				2

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Public Tree Management and Protection (continued)				
Restricts public tree removal	X	167.06.C		-
Permit or approval required for tree removal, pruning or excavating near public trees				1
Prohibits damage to public trees (e.g., attaching ropes, signs, wires, chemicals, storing materials, excavation etc.)	X	177.01 167.06.D	"Damage" should be defined and prohibited rather than "remove and replace damaged landscape"	-
Restricts burning of solid wood waste				3
Establishes a wood utilization program				2
Establishes an insect/disease control strategy			Address pests/diseases of concern. Consider ability to remove diseased trees on private property if a hazard	1
Defines tree maintenance requirements on public property	X (Limited)	177.10	Only applies to street trees as part of private development	1
Prohibits tree topping	X	167.06.E		-
Regulates abatement of hazardous or public nuisance trees	X	167.08		-
Regulates removal of dead or diseased trees	X	167.08		-
Tree Fund	X (Limited)	177.10.A.5.b	Only applies to street trees as part of private development. Consider adjusting $250 fee-in-lieu and $425 3-year maintenance fees to align with industry and comparable cities' rates	1
Public Tree Planting				
Regulates tree species which may or may not be planted on **private** property (approved tree list)	X	167.04.I.6	Update periodically based on research and trends	-
Requires replacement of removed publicly owned trees	X (Limited)	177.01	Only applies to private development street trees	2
Regulates tree species which may or may not be planted on **public** property (approved tree list)	X	177.09 167.06	Revisit species list periodically and update as needed	-

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Private Tree Protection and Preservation				
Requires tree planting around reconstructed parking lots	X	177, 167.04 Ch. 167 Table 1		-
Requires tree plantings around new parking lots	X	167.04 Ch. 167 Table 1	Required for lots with 5 or more spaces	-
Requires tree plantings around new developments	X	167.04.I.4 Ch. 167 Table 1	Plantings are regulated in terms of canopy retention and high or low priority canopy	-
Restricts tree removal on private property	X (Limited)	167.04.L.3	Consider fees / fines for violation(s). Only restricted in tree preservation easements	-
Permit or approval required for tree removal on private property	X (Limited)	167.04	Only restricted in tree preservation easements	-
Requires preservation of trees during development on private property	X	167.04	Mitigation is an option and should be a last resort to preservation	-
Prohibits damage to preserved/protected trees	X	167.05		-
Prohibits damage or removal of trees on another person's property	X (Limited)	167.05	Mitigation is the only penalty though. Consider changes	3
Inventory of trees on site required	X	167.04	Requires a preservation plan	-
Identification of forests/woodlands required	X	167.04		-
Specific species and/or size of trees regulated (e.g., heritage/significant trees)	X (Limited)	167.04.E	Revisit periodically to determine if sizes reflect species significance and value. Needs more protection in Code	2
Location of Critical Root Zone/Dripline required	X	167.05	Specification provided in Tree Preservation and Landscape Manual	-
Minimum canopy coverage requirement set	X	167.04.C	Table 1 Consider updating canopy requirements using the canopy assessment data and canopy goals as needed	-

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Private Tree Protection and Preservation (continued)				
Identification of riparian buffers, natural areas, preservation zones	X	167.04.E.2		-
Tree protection/preservation plan required	X	167.04		-
Identification of prohibited activities in dripline/critical root zone	X	167.05	Also in Tree Preservation and Landscape Manual	-
Tree protection fencing required	X	167.04.H.2 167.04.H.3 167.05.B	Chain link or orange fence required	-
Location/type of other tree protection measures (e.g., root pruning, aeration, vertical mulching, trunk/soil protection, irrigation,) on development plans (e.g., site plans, construction plans, etc.)	X	167.04.H.2 167.04.H.3 167.05.B		-
Provide incentives for tree preservation	X (Limited)	167.04.I 167.04.J	On- and off-site mitigation offered, fee-in-lieu toward Escrow account. Reevaluate for additional incentives to preserve canopy rather than mitigate. No credits considered	1
Landscape plan with proposed landscaping and mitigation trees to be planted	X	167.04		-
Requires Grading plan to include protected/preserved trees	X	167.04.A.10		-
Utility plan with trees to include protected/preserved trees	X (Limited)	167.06.J	Consider referencing industry standards for utility pruning and to consult with Urban Forester for pruning or removing trees encroaching utilities (above and below ground, including proposed lights)	1

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Private Tree Protection and Preservation (continued)				
Tree planting requirements for removal of regulated trees	X	167.04.C	Consider a 2:1 replacement ratio for significant, specimen, special / priority trees or mitigation that is based on the diameter inches of tree(s) removed	-
Fee in Lieu of planting mitigation trees	X	167.04.J.4	Determine if Escrow Account fee per tree required and 3-year maintenance fee is adequate	-
Tree mitigation survival requirements	X	167.10	Binding 3-year maintenance and monitoring plan	-
New tree planting survival requirements	X	167.10	Binding 3-year maintenance and monitoring plan	-
Fine for removal of regulated trees			No penalties, fees, or fines listed. Only tree mitigation (planting) currently	1
Penalties established for damage and removal of preserved/saved trees			No penalties, fees, or fines listed	1
Bonding utilized to discourage tree removals			A tree bond requires a land developer to deposit a certain amount of money with the local authority during development. If the identified tree or trees are not present and healthy after the development, the funds are forfeited.	1
Tree Fund	X	167.04.J.4	City's Tree Escrow	-

References

Abbot, J., Hartel, D., Kidd, S., Macie, E., Mitchell, C., "Urban Forest Sustainability and Management Review" spreadsheet developed by Urban Forestry South (USDA Forest Service, Region 8, SRS-4952, Athens, GA. Original checklist develop in cooperation with Agnes Scott College Office of Sustainability, the ASC Arboretum Advisory Council, and the City of Austin, TX, 2015.

Alliance for Community Trees. 2011. Benefits of trees and urban forests: A research list. www.actrees.org.

Brook, R. D., Rajagopalan, S., Pope, C. A., Brook, J. R., Bhatnagar, A., et al., Particulate matter air pollution and cardiovascular disease: An update to the scientific statement from the American Heart Association, National Library of Medicine, June 2010.

Clark, J. R., Matheny, N. P., "A Model of Urban Forest Sustainability: Application to Cities in the United States." Journal of Arboriculture 24(2): pp. 17-30, March 1997.

Drescher, M. "Urban heating and canopy cover need to be considered as matters of environmental justice." National Library of Medicine, Proceedings of the National Academy of Sciences (PNAS), December 2019; 116(52): 26153-26154.

Endreny, T.A. Strategically growing the urban forest will improve our world. Nat Commun 9, 1160 (2018). https://doi.org/10.1038/s41467-018-03622-0

Environmental Protection Agency, What Climate Change Means for Arkansas, EPA 430-F-16-006, August 2016.

Fahrig, L. (2003). Effects of habitat fragmentation on biodiversity. Annual Review of Ecology Evolution and Systematics, 34, 487-515.

Fowler, A. (Ed) 2015. Arkansas Wildlife Action Plan. Arkansas Game and Fish Commission, Little Rock, Arkansas. 1678 pp.

Hauer, R., Petersen, W., "Municipal Tree Care and Management in the United States: A 2014 Urban & Community Forestry Census of Tree Activities." 2016.

Iverson, L.R., Peters, M.P., Prasad, A.M., and Matthews, S.N. (2019). Analysis of Climate Change Impacts on Tree Species of the Eastern US: Results of DISTRIB-II Modeling. Forests. 10(4): 302. https://doi.org/10.3390/f10040302.

Keet, C. A., Matsui, E. C., McCormack, M. C., Peng, R. D., Urban residence, neighborhood poverty, race/ethnicity, and asthma morbidity among children on Medicaid, Journal of Allergy and Clinical Immunology, Volume 140, Issue 3, 2017, Pages 822-827, ISSN 0091-6749.

Kellert, S.R., Wilson, E.O. 1993. The Biophilia Hypothesis. Island Press, Washington, DC. 484 pp.
Kim Y. J., Kim, E. J. Neighborhood Greenery as a Predictor of Outdoor Crimes between Low and High-Income Neighborhoods. Int J Environ Res Public Health. 2020 Feb 25;17(5):1470.

Konijnendijk, C., "Promoting health and wellbeing through urban forests – Introducing the 3-30-300 rule, LinkedIn, February 2021.

Leahy, I. (2017). Why We No Longer Recommend a 40 Percent Urban Tree Canopy Goal. American Forests, americanforests.org. Accessed January 2023.

McPherson, G.E., 2016. Structure, function and value of street trees in California, USA. Urban Forestry & Urban Greening 17 (2016) 104-115.

Mihandoust, S., Joseph, A., Kennedy, S., MacNaughton, P., Woo, M. Exploring the Relationship between Window View Quantity, Quality, and Ratings of Care in the Hospital. Int J Environ Res Public Health. 2021 Oct 12;18(20).

Miller, R. W. (1988). Urban Forestry: Planning and Managing Urban Greenspaces. New Jersey: Prentice Hall.

Miller, R. W., Hauer, R. J., & Werner, L. P. (2015). Urban Forestry: Planning and Managing Urban Greenspaces, Third Edition.

Northwest Arkansas Regional Planning Commission (NWARPC). Regional and Community Planning. Accessed February 2023, nwarpc.org.

Pontius, R. and M. Millones. 2011. Death to Kappa: birth of quantity disagreement and allocation disagreement for accuracy assessment. International Journal of Remote Sensing. 32, 15: 4407-4429.

Richards, N. A. 1983. "Diversity and Stability in a Street Tree Population." Urban Ecology 7(2):159–171.

Richards, N.A. 1993. Reasonable guidelines for street tree diversity. Journal of Arboriculture 19:344–349.

Roman, Lara, Battles, John J., McBride, Joe R. (2014) Determinants of establishing survival for residential trees in Sacramento County, CA. Landscape and Urban Planning. 22-31.

Saunders, D. A., Hobbs, R. J., Margules, C. R., Conservation Biology, Volume 5, No. 1, pp. 18-32. "Biological Consequences of Ecosystem Fragmentation: A Review." March 1991.

Taylor, A. F., Kuo, F. E., "Children With Attention Deficits Concentrate Better After Walk in the Park," Journal of Attention Disorders 12.5 (2009): 402-409.

Ulmer, J.M.; Wolf, K.L.; Backman, D.R.; Tretheway, R.L.; Blain, C.J.; O'Neil-Dunne, J.P.; Frank, L.D. Multiple health benefits of urban tree canopy: The mounting evidence for a green prescription. Health Place 2016, 42, 54–62.

Wolf, K. L., Lam, S. T., McKeen, J. K., Richardson, G. R. A., van den Bosch, M., Bardekjian, A. C., "Urban Trees and Human Health: A Scoping Review." International Journal of Environmental Research and Public Health, June 2020.

Woods & Poole Economics, Inc., Washington, D.C. Metropolitan Statistical Area Data Pamphlet, Washington County, Arkansas. Accessed February 2023, woodsandpoole.com.



Supplements

SUPPLEMENTS

1. Urban Forestry Benchmarks
    - Budget Comparison
2. Canopy Goal Setting and Priority Areas
    - Planting Priority Maps
    - Prairie Maps
3. Tree Canopy Inventory
    - Species Distribution
    - Ecosystem Benefits
4. Public Survey Summary
5. Staff and Board Member Survey Summary
6. US Forest Service Urban Forest Audit
7. Recommended Tree list and Sister City Climate City Assessment
    - Future Climate Comparison
    - Climate Change Species Recommendation
    - Climate Adaptation Report
8. Invasive Plant Species Program Review
9. 2012 Fayetteville Urban Tree Canopy Report





URBAN FOREST BENCHMARKS

Last Updated: 8/30/2023

A comparison summary of analogous Arkansas Tree City USA cities for the:

City of Fayetteville, AR
Urban Forest Management Plan

CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™ developers of TreePlotter

CONTENTS

Background and Overview 1
Background 1
Benchmarking Data Sources 1
Phase I Benchmarking Research 2
Summary of Communities for Benchmarking Research 2
Comparison Cities & Comparison Groups 2
Phase I Benchmarking Comparison 3
Urban Forestry Budgets (2021) 3
Urban Forestry Activities 10
Table Summary of Urban Forestry Budgets and Activities (2021) 15
Budget per Capita Summary (2021) 16
Phase II Benchmarking Research 17
Urban Forestry Budgets 17
Comparison of Public Tree Counts, Distribution, and Value 19
Phase III Benchmarking Research ..... Error! Bookmark not defined.

TABLES AND FIGURES

Tables

Table 1. Communities benchmarked for the Fayetteville, AR Urban Forest Management Plan....2
Table 2. Complete table summary of all benchmarking metrics in Phase I (2021)....15
Table 3. Summary of urban forestry budgets compared to city populations (per capita) in 2021....16

Figures

Figure 1. Comparison of urban forestry budgets in 2021....3
Figure 2. Comparison of urban forestry budgets per capita in 2021....4
Figure 3. Comparison of tree planting and initial care budgets in 2021....5
Figure 4. Comparison of tree maintenance budgets in 2021....6
Figure 5. Comparison of tree removal budgets in 2021....7
Figure 6. Comparison of management budgets in 2021....8
Figure 7. Comparison of other expenditures in 2021....9
Figure 8. Comparison of volunteer hours in 2021....10
Figure 9. Comparison of the number of trees planted in 2021....11
Figure 10. Comparison of the number of trees pruned in 2021....12
Figure 11. Comparison of the number of trees removed in 2021....13
Figure 12. Combined comparison summary of tree management activities in 2021....14
Figure 13. Comparison of urban forestry budgets (Hauer, 2014)....17
Figure 14. Urban forestry budget compared to the total municipal budget (Hauer, 2014)....17
Figure 15. Total municipal budgets (Hauer, 2014)....18
Figure 16. Average budget per public tree (Hauer, 2014)....18
Figure 17. Comparison of urban forestry budget per capita (Hauer, 2014)....18
Figure 18. Comparison of the number of public trees (Hauer, 2014)....19
Figure 19. Comparison of public trees per capita (Hauer, 2014)....19
Figure 20. Comparison of the number of public trees per full-time tree care employee (Hauer,2014) 19
Figure 21. Comparison of the acres of public parks and open space (Hauer, 2014)....20
Figure 22. Comparison of the value of public trees (Hauer, 2014)....20

BACKGROUND AND OVERVIEW

Background

The purpose of Urban Forest Benchmarking is to understand the level of effort and capacity necessary to satisfy the City's adopted goals, to identify industry trends and best practices, and to ensure urban forest sustainability. Benchmarks help to gauge the City's investment in its urban forest compared to other communities facing similar issues in urban forest management. The results of the benchmarking exercise enable the urban forestry planning consultants to develop realistic strategies and achievable targets that align with comparable communities and industry standards. It will also serve as one platform and tool for monitoring implementation of Fayetteville, AR's Urban Forest Management Plan (in development as of January 2023).

BENCHMARKING DATA SOURCES

Several data sources were reviewed and compiled to evaluate how Fayetteville's urban forest and associated programs compare to industry standards and communities of a similar size or geographic location and how its own operations have changed over time.

Phase I of the benchmarking process uses the Arbor Day Foundation's Tree City USA 2021 dataset and compares statistics provided by the City of Fayetteville and as reported to Arbor Day for Tree City USA accreditation. The dataset includes program metrics for over 3,700 communities and the data is used to identify cities of similar size, location, and program structure that also participate in the Tree City USA program. Using this dataset helps better understand how Fayetteville's urban forestry budget and activities compare to relevant cities. Relevant cities are determined by 1) proximity (within 50 and 100 miles of city center), 2) population size (percent difference and cities with more than 90,000 but less than 200,000 people), and cities outside of these parameters but are areas of interest. The Tree City USA dataset is largely focused on urban forestry budgets, per capita funding information, and volunteer hours. The number of trees planted, removed, and pruned are also summarized. The budget from Tree City USA application includes all departments, equipment, vehicles, and volunteer hours. It does not represent the budgeted amount for Urban Forestry Tree plantings.



Phase II of benchmarking involves comparing Fayetteville's urban forestry operations to findings from an in-depth study conducted by researchers Richard Hauer and Ward Peterson (2014). In this study, researchers interviewed urban forestry programs in various regions across the U.S. and among varying population classes. A total of 670 communities participated in the census. Specific study focus areas include community and staff profiles, funding, tree management policy and planning, volunteers and partnerships, contracting tree care activities, community tree populations, tree operations and management, and assistance programs. Data from this study was compared to data obtained from the City of Fayetteville for the purposes of determining program health as compared to accurate data across a range of scales and locations.

Phase III of benchmarking is comprised of presenting the findings to the City and allowing time for any further data collection or clarifications in order to ensure the highest quality analysis. This phase also includes internal quality controls to ensure data comparisons are as accurate as possible. Information gathered during this process will inform the development of realistic and attainable goals and strategies in the City's Urban Forest Management Plan.

PHASE I BENCHMARKING RESEARCH

Summary of Communities for Benchmarking Research

Understanding the urban forest policies, management approaches, budgets, and programs of comparable communities and nationwide averages provides comparative data to benchmark the City's performance, present and future. While existing tree data describes the current conditions, benchmarks offer guidance to bring Fayetteville's urban forestry policies and practices into alignment with similar-sized cities in Arkansas and nationwide, enhancing urban forest management. A summary of the cities used for benchmarking Fayetteville can be found in (Table 1) below.

COMPARISON CITIES & COMPARISON GROUPS

Table 1. Communities benchmarked for the Fayetteville, AR Urban Forest Management Plan

Comparison Criteria	Community	County	Pop.*	Difference	Distance**
STUDY AREA	**Fayetteville**	**Washington**	**93,580**	**0**	**0.0**
AR Cities >25k Pop	Springdale, AR	Washington/Benton	87,609	-5,971	8.9
AR Cities >25k Pop	Rogers, AR	Benton	71,112	-22,468	22.7
AR Cities >25k Pop	Bentonville, AR	Benton	56,734	-36,846	27.0
AR Cities >25k Pop	Bella Vista, AR	Benton	30,808	-62,772	34.8
AR Cities >25k Pop	Fort Smith, AR	Sebastian	89,576	-4,004	58.1
AR Cities >25k Pop	Conway, AR	Faulkner	65,121	-28,459	159.7
AR Cities >25k Pop	Hot Springs, AR	Garland	38,114	-55,466	185.9
AR Cities >25k Pop	N. Little Rock, AR	Pulaski	64,162	-29,418	187.0
City Interest	Lawrence, KS	Douglas	98,193	4,613	267.4
City Interest	Columbia, MO	Boone	126,853	33,273	314.7
Pop. Group Nation	Springfield, MO	Greene	169,724	76,144	150.3
Pop. Group Nation	Topeka, KS	Shawnee	125,963	32,383	293.8
Pop. Group Nation	Norman, OK	Cleveland	128,097	34,517	243.0
Pop. Group Nation	Champaign, IL	Champaign	90,739	-2,841	541.1
Pop. Group Nation	Asheville, NC	Buncombe	93,350	-230	822.2
Pop. Group Nation	Edmond, OK	Oklahoma	93,697	117	211.6
Pop. Group Nation	Reading, PA	Berks	95,112	1,532	1204.6
Pop. Group Nation	Fishers, IN	Hamilton	99,116	5,536	628.7
AVERAGE			90,403	-3,353	297.9

Comparison Criteria	Pop.*	Difference
State Average	**22,685**	**-70,895**
Nationwide Average	**42,602**	**-50,878**

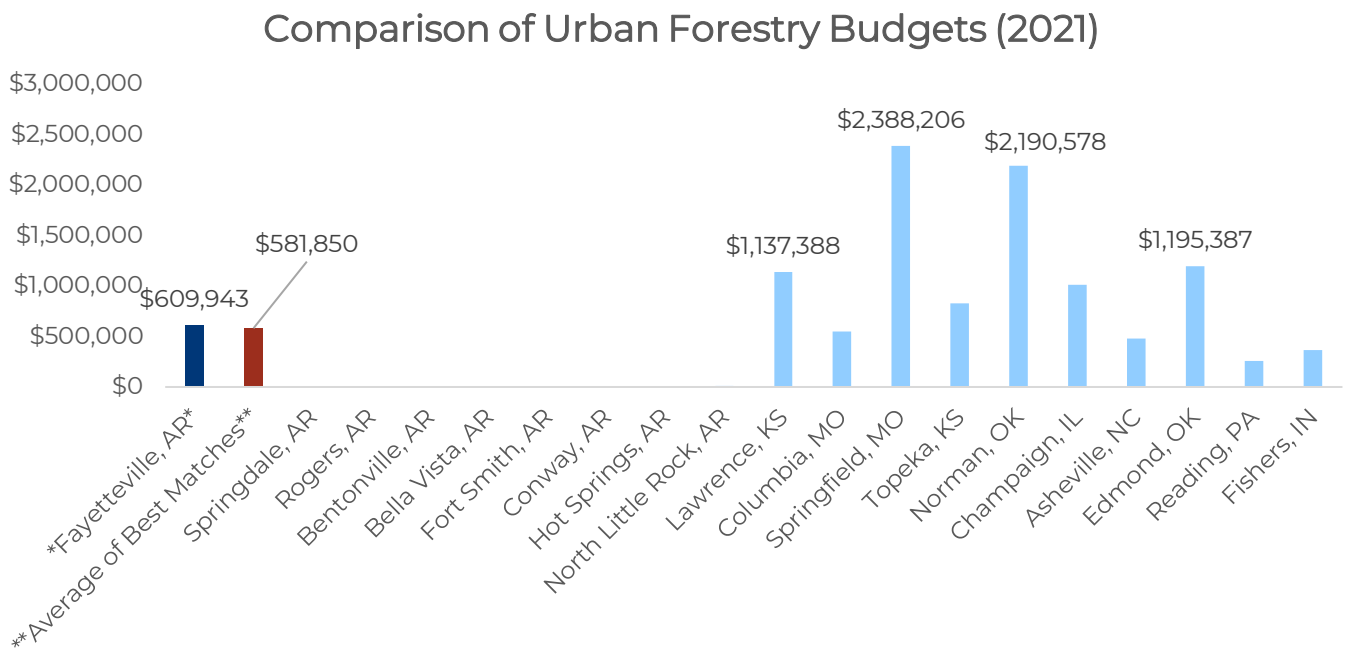
* Population as of 2021 TC USA reporting

** Driving distance from the study area in miles

After the City reviewed the draft list of communities, the list was refined as shown above and the following summaries were updated to serve as the second round of benchmarking.

Phase I Benchmarking Comparison

URBAN FORESTRY BUDGETS (2021)



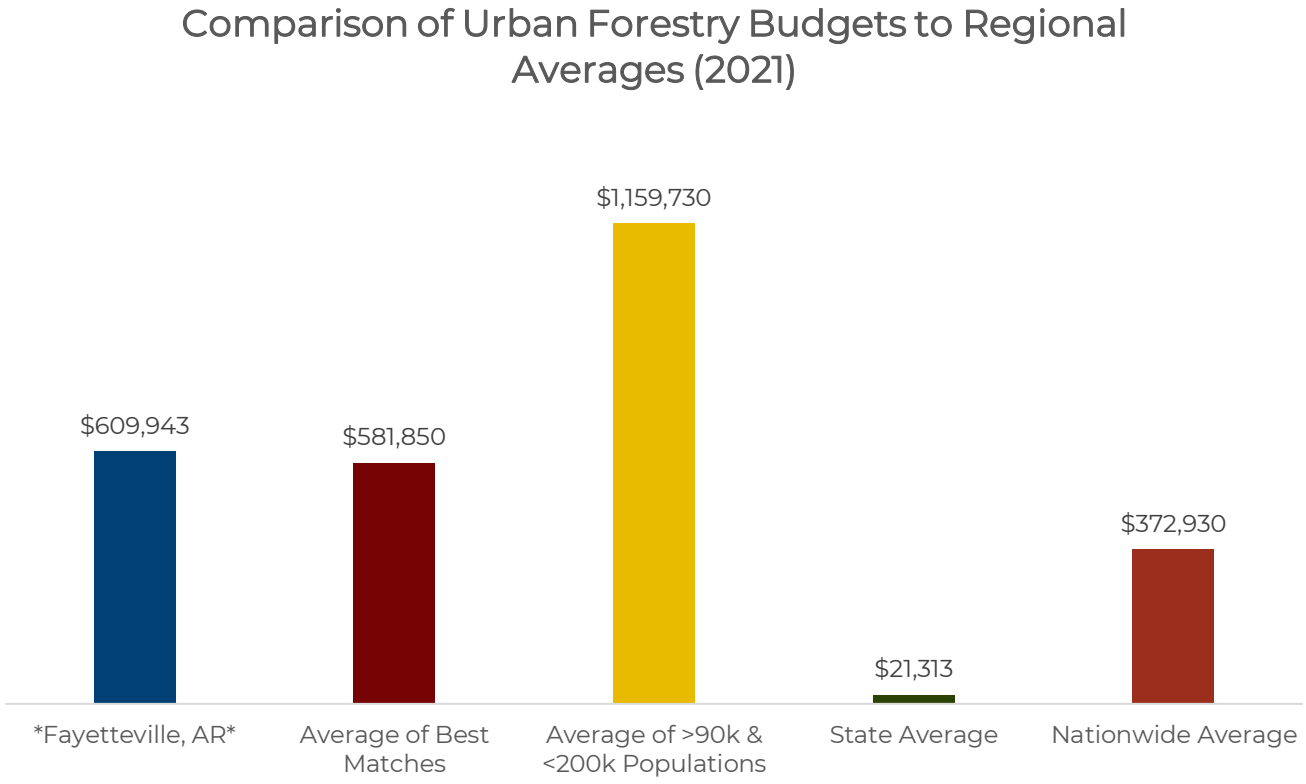
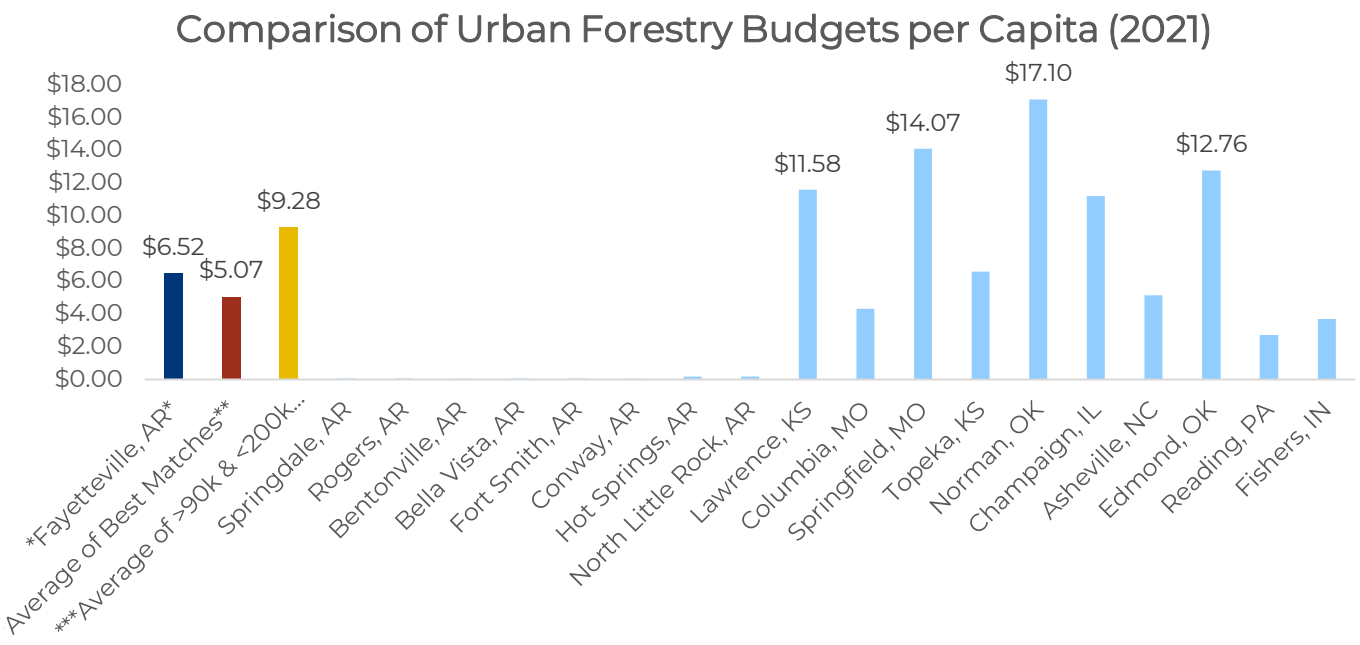


Figure 1. Comparison of urban forestry budgets in 2021



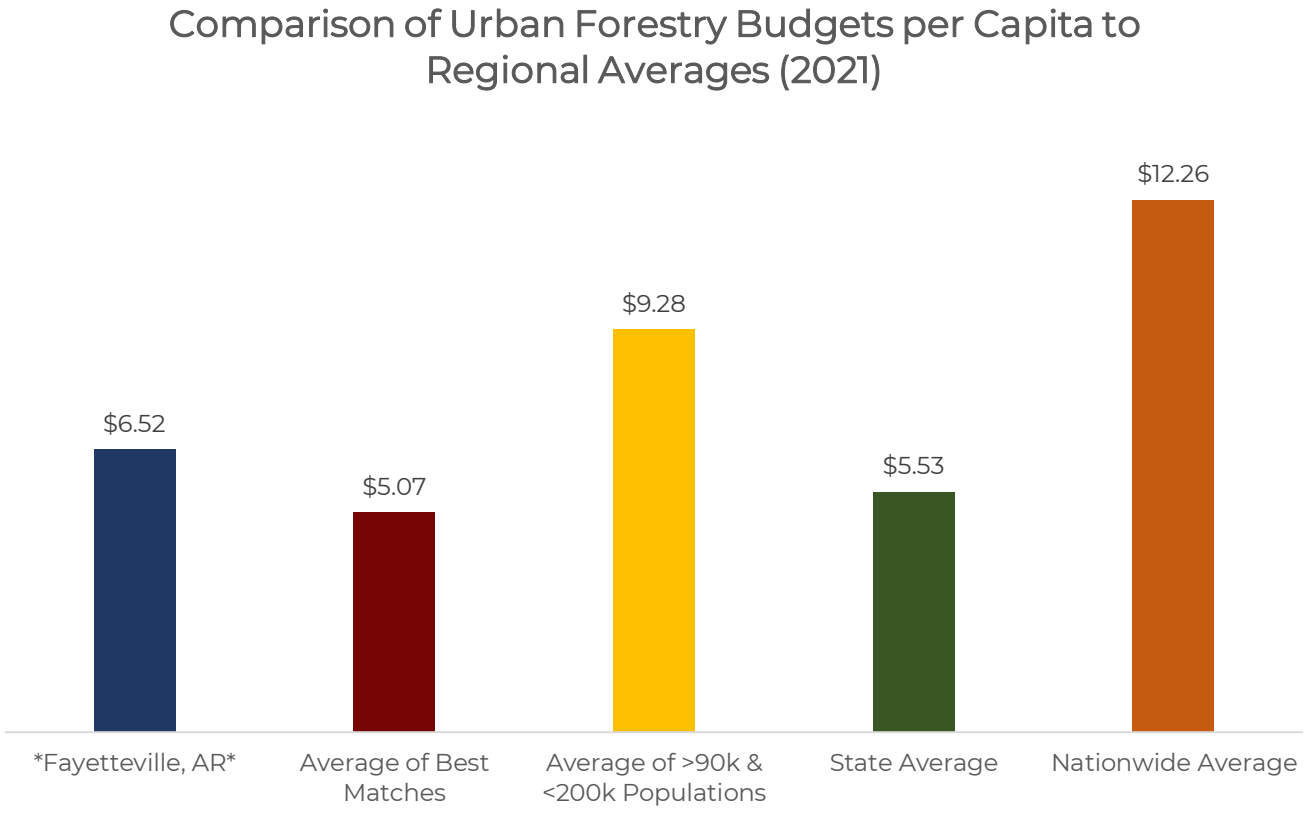
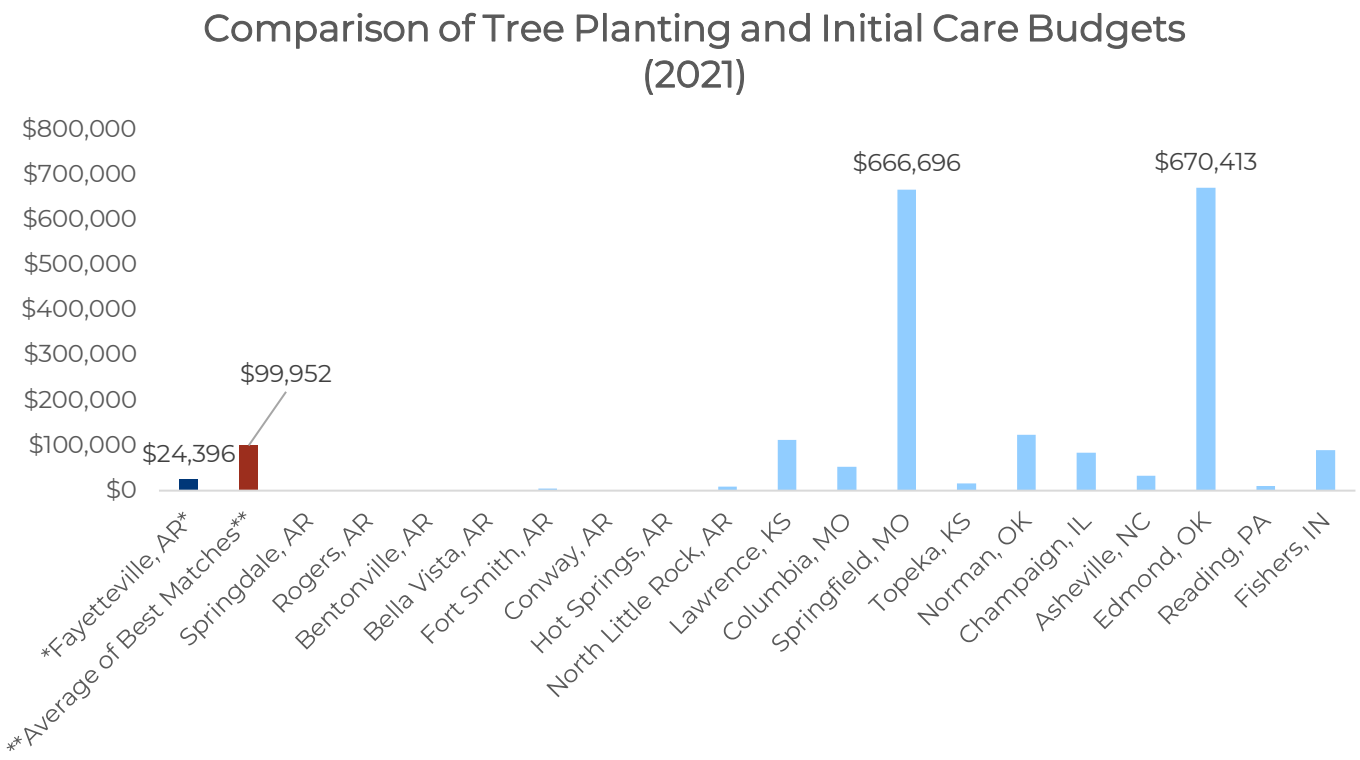


Figure 2. Comparison of urban forestry budgets per capita in 2021



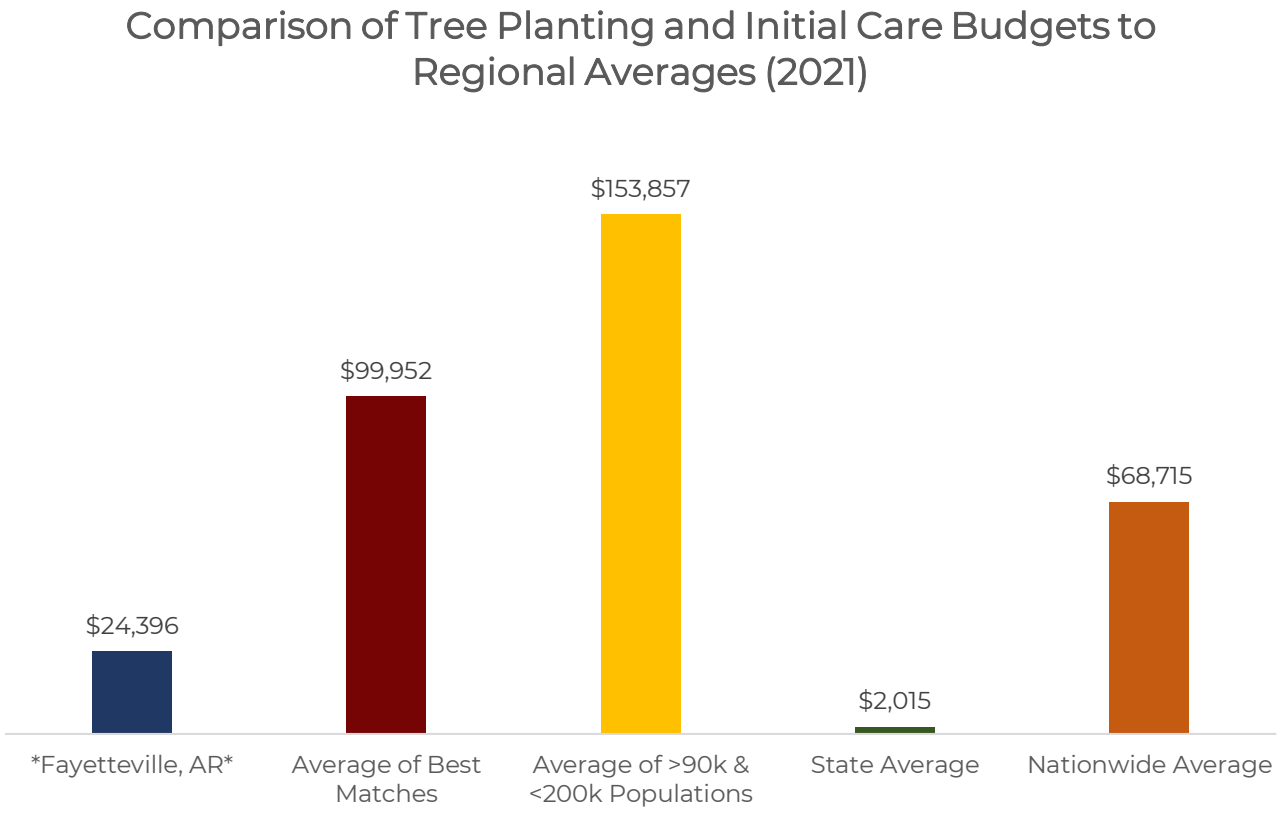
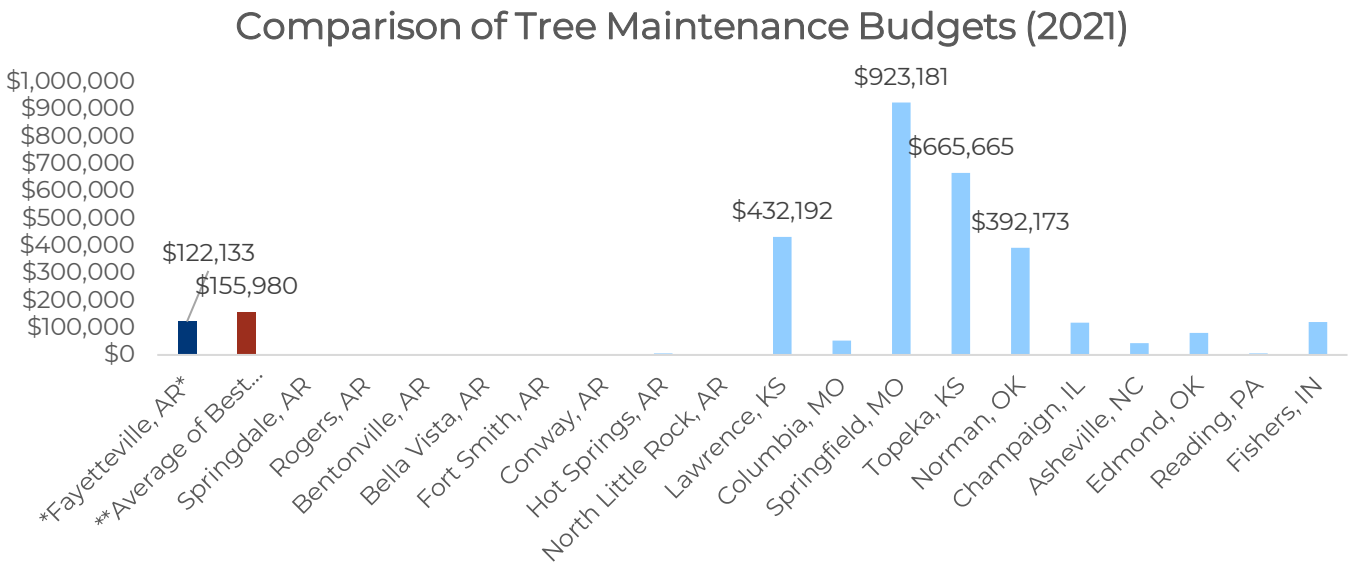


Figure 3. Comparison of tree planting and initial care budgets in 2021



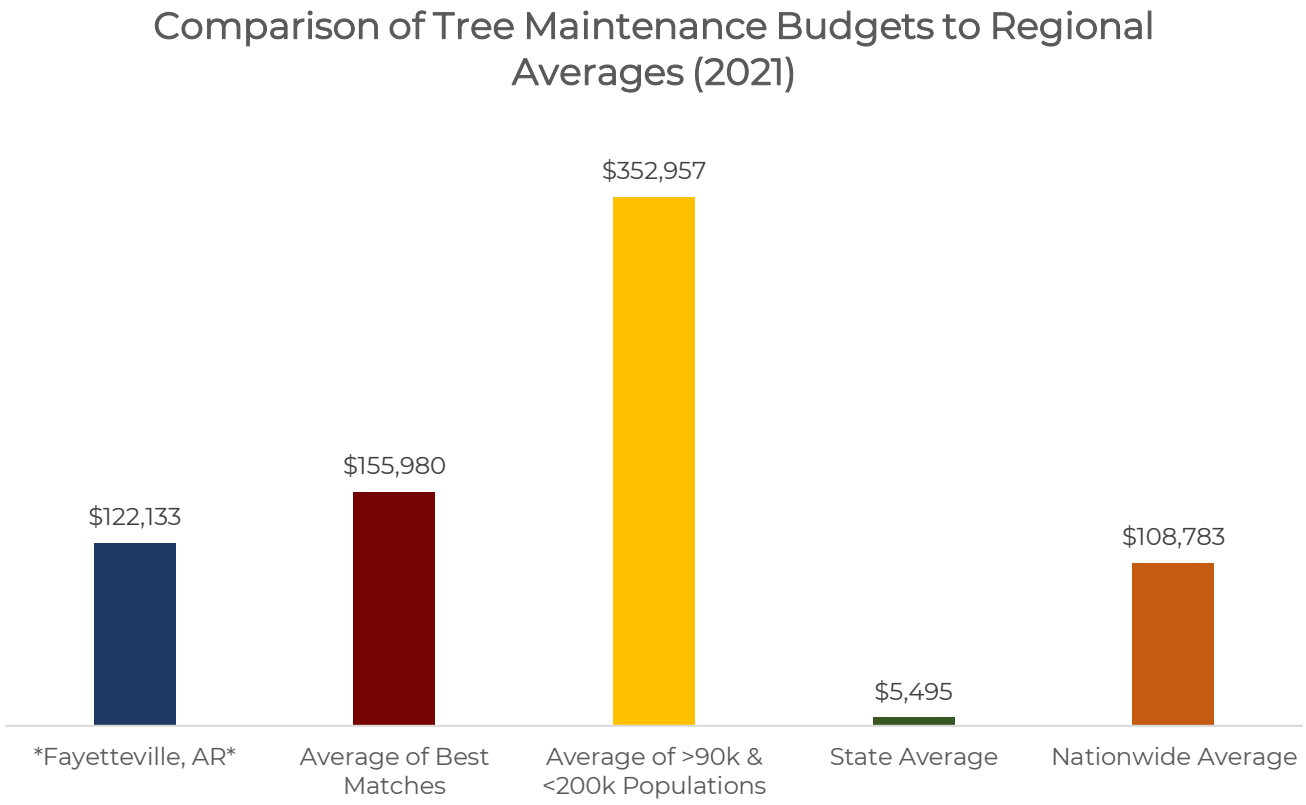
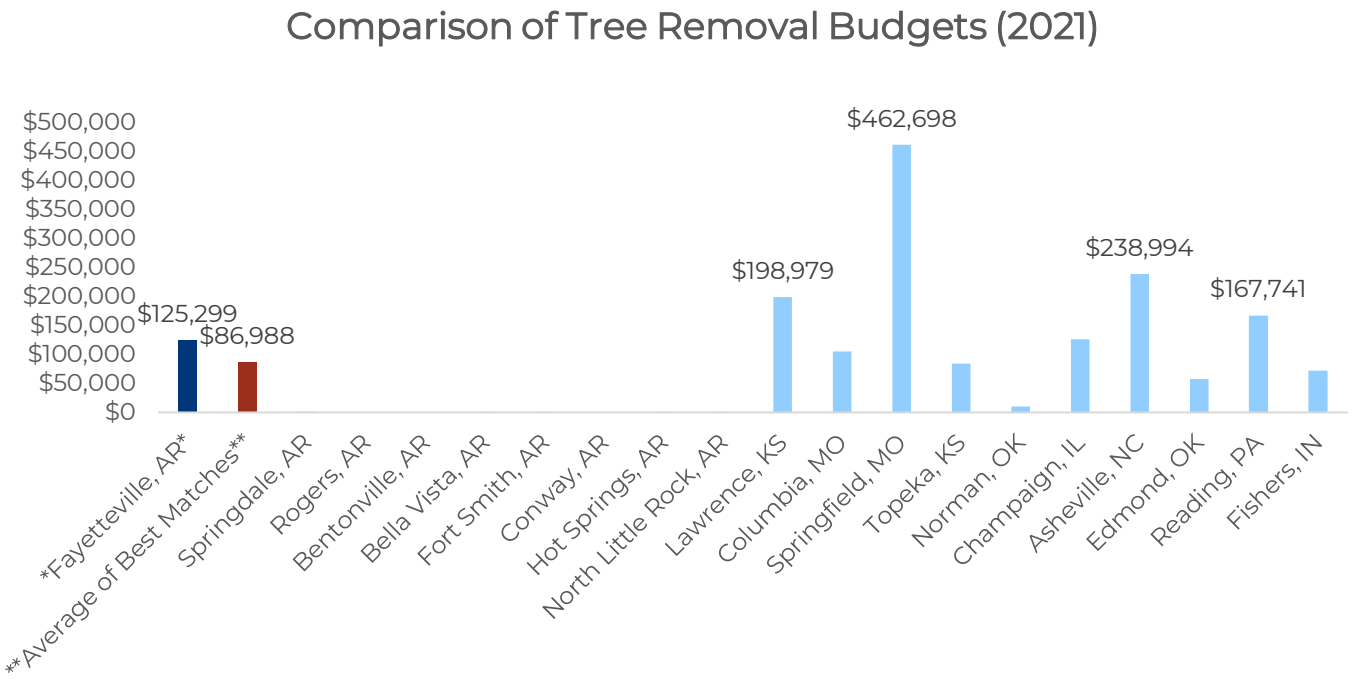


Figure 4. Comparison of tree maintenance budgets in 2021



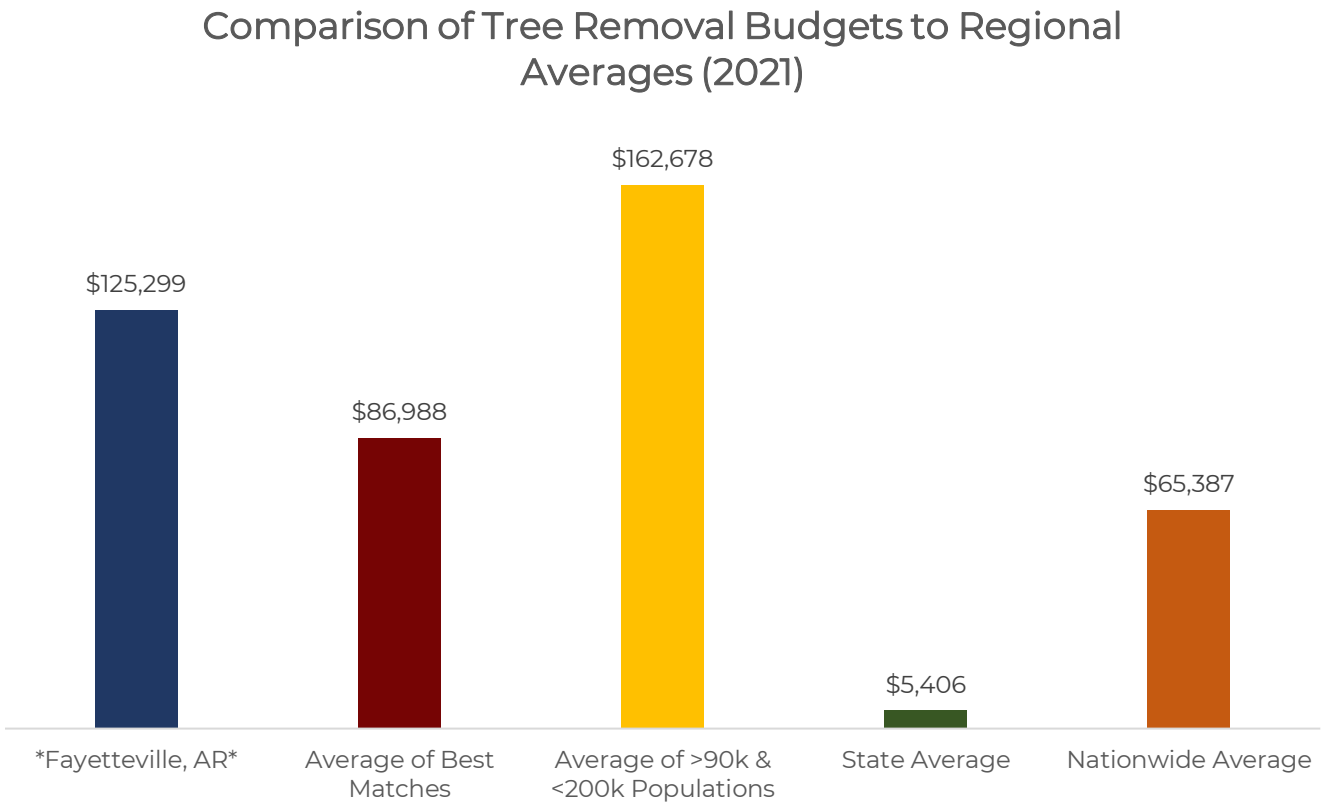
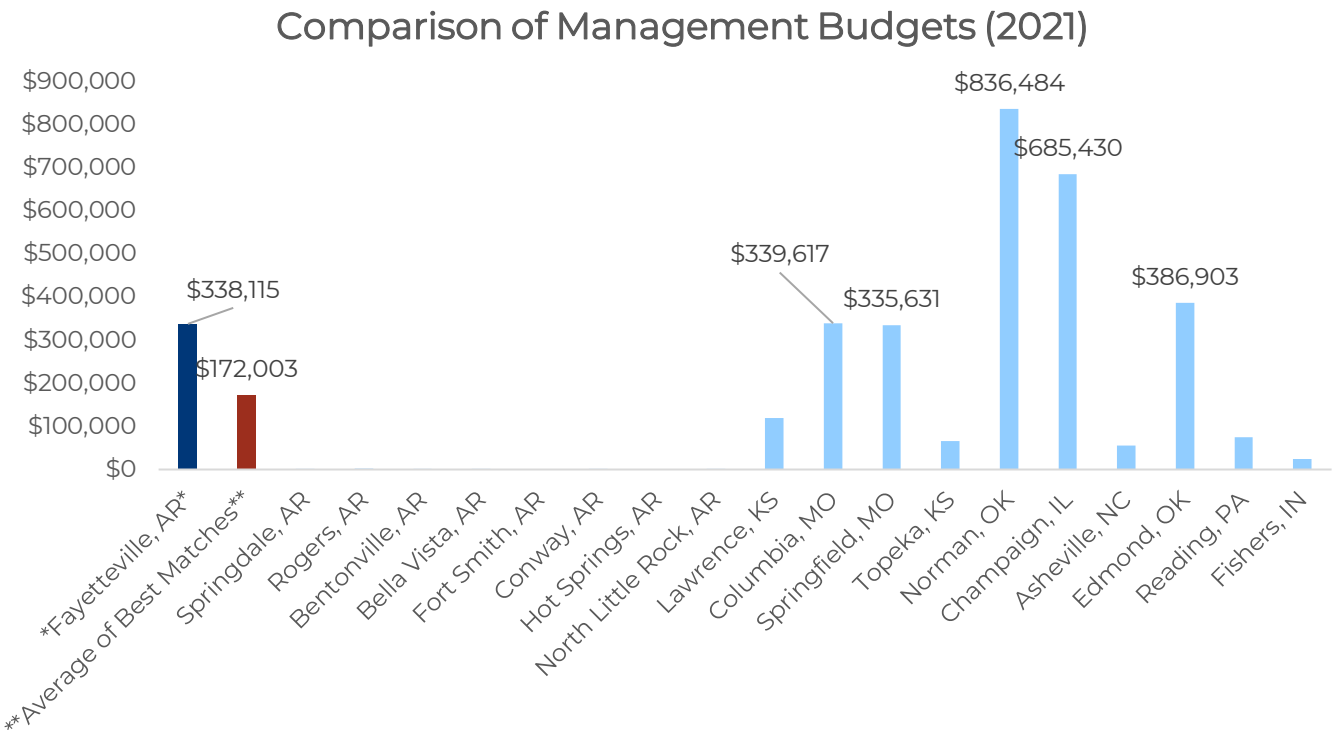


Figure 5. Comparison of tree removal budgets in 2021



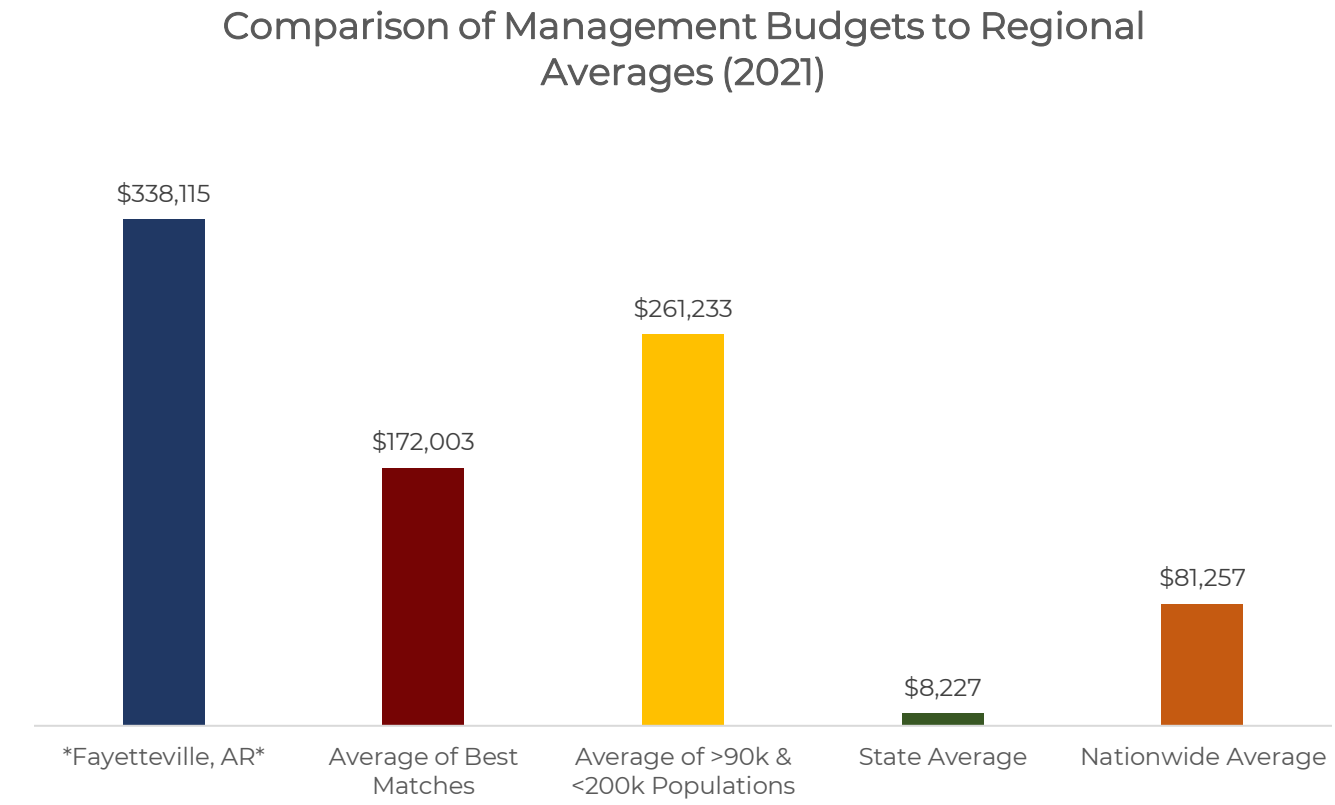
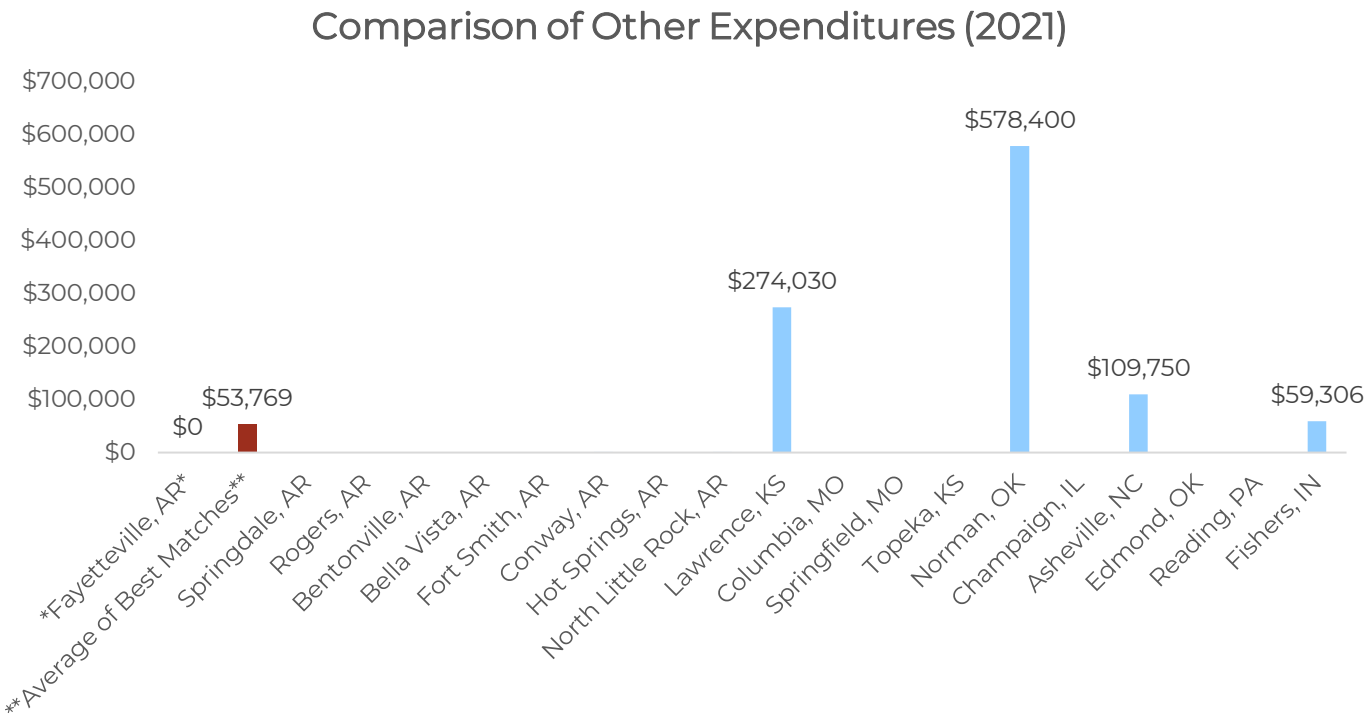


Figure 6. Comparison of management budgets in 2021



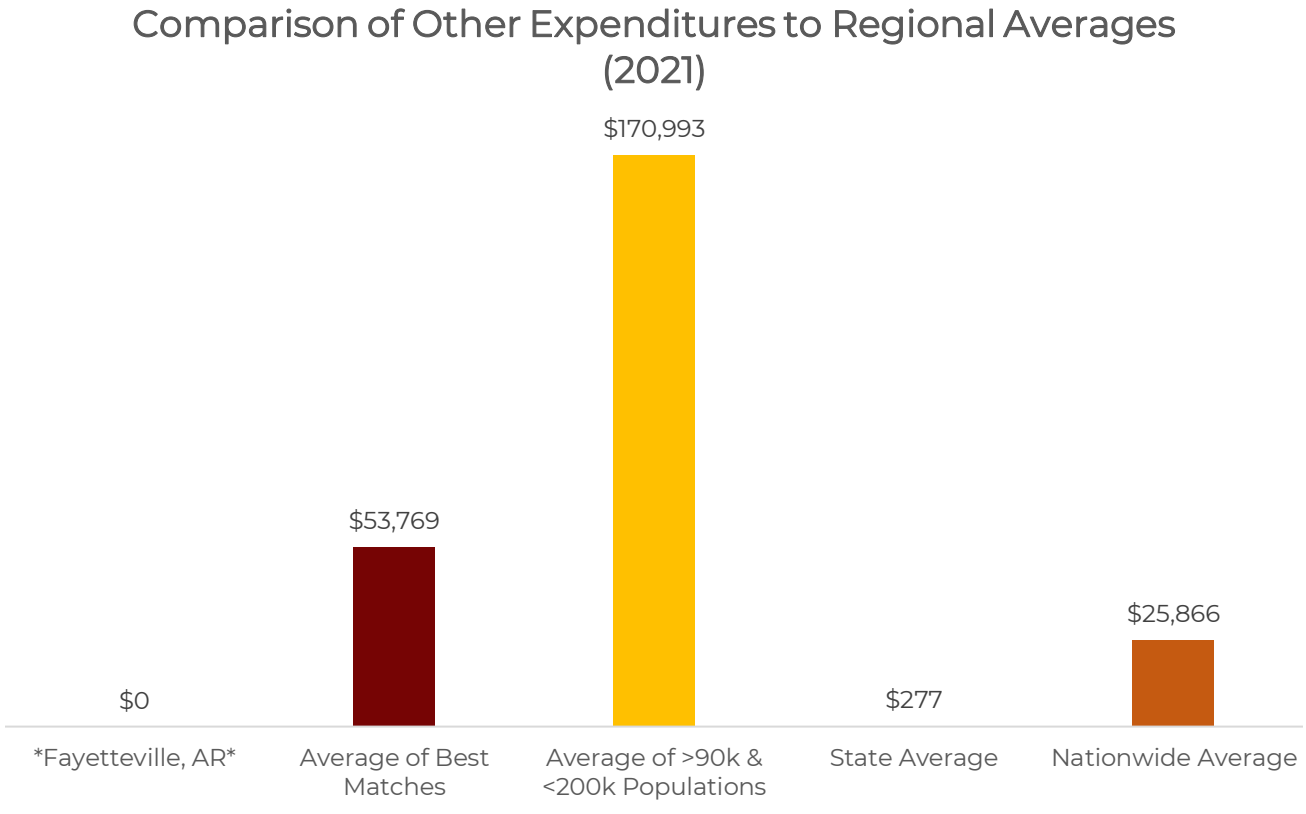
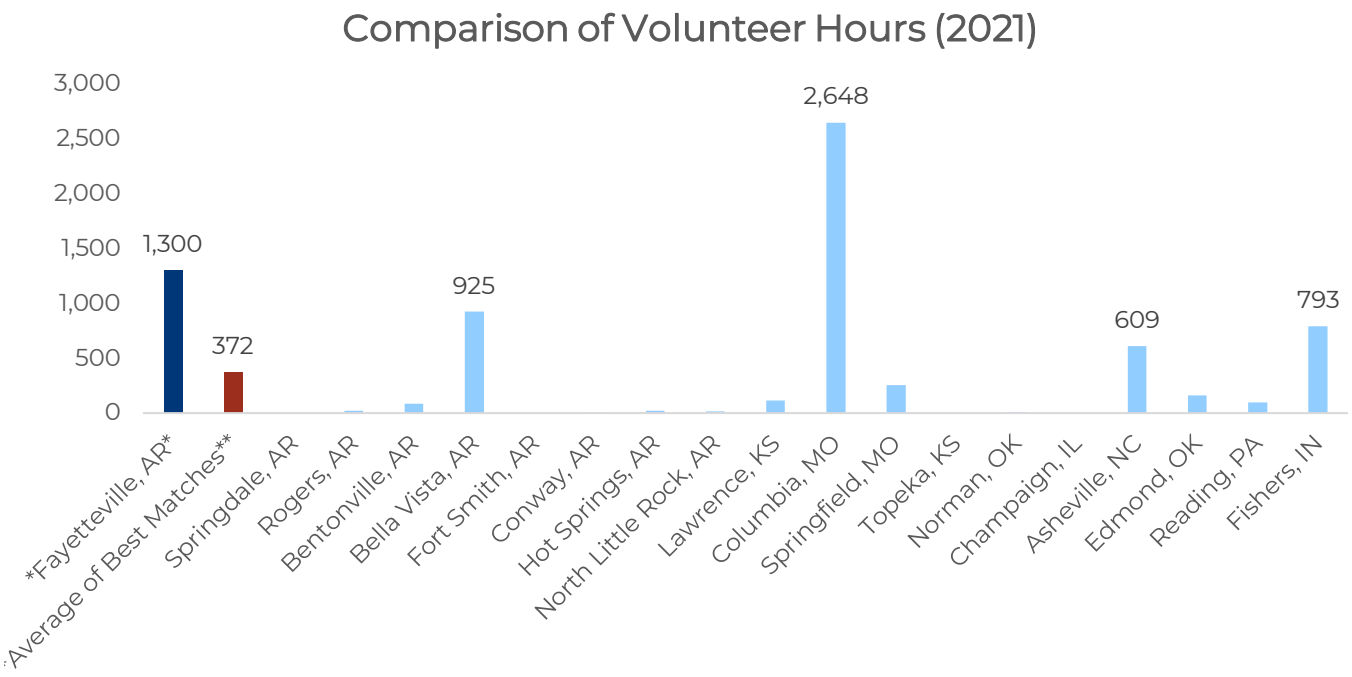


Figure 7. Comparison of other expenditures in 2021

URBAN FORESTRY ACTIVITIES



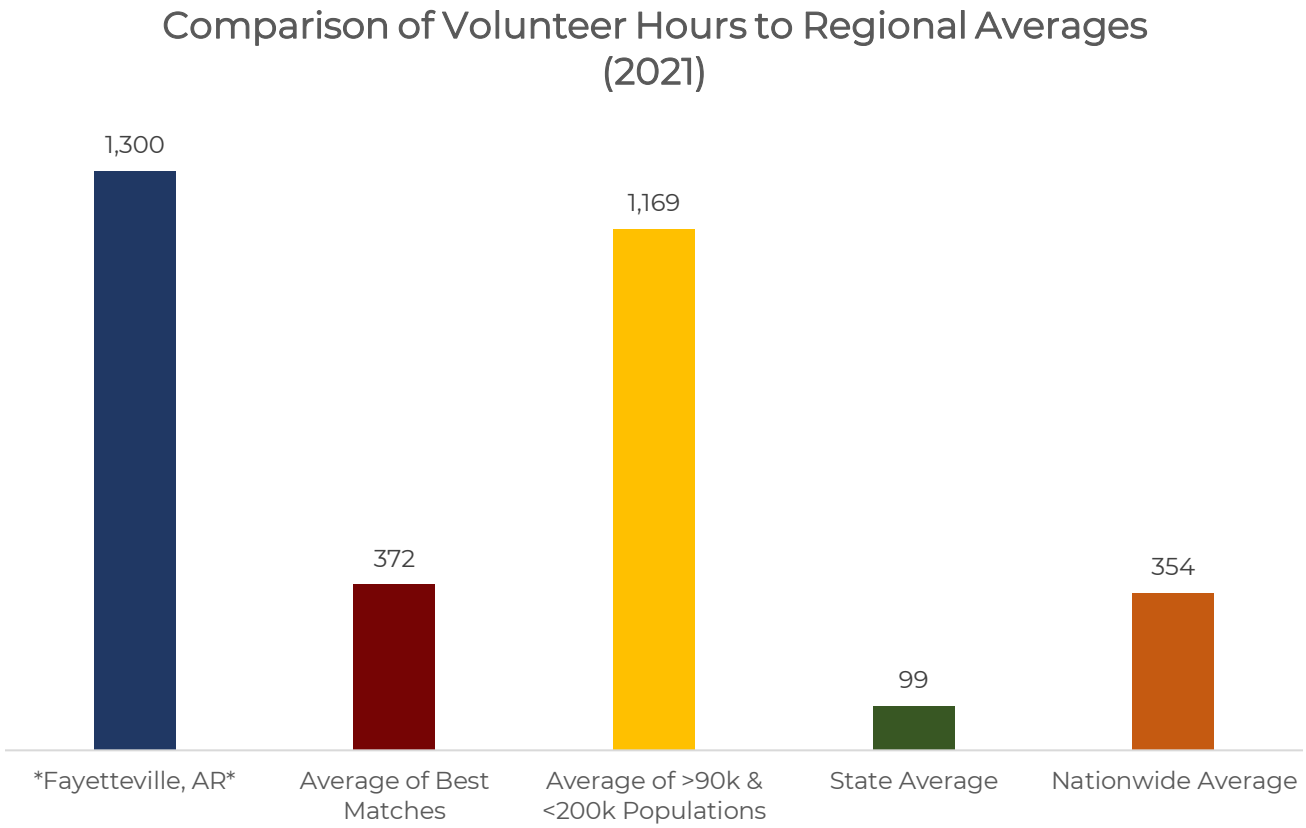
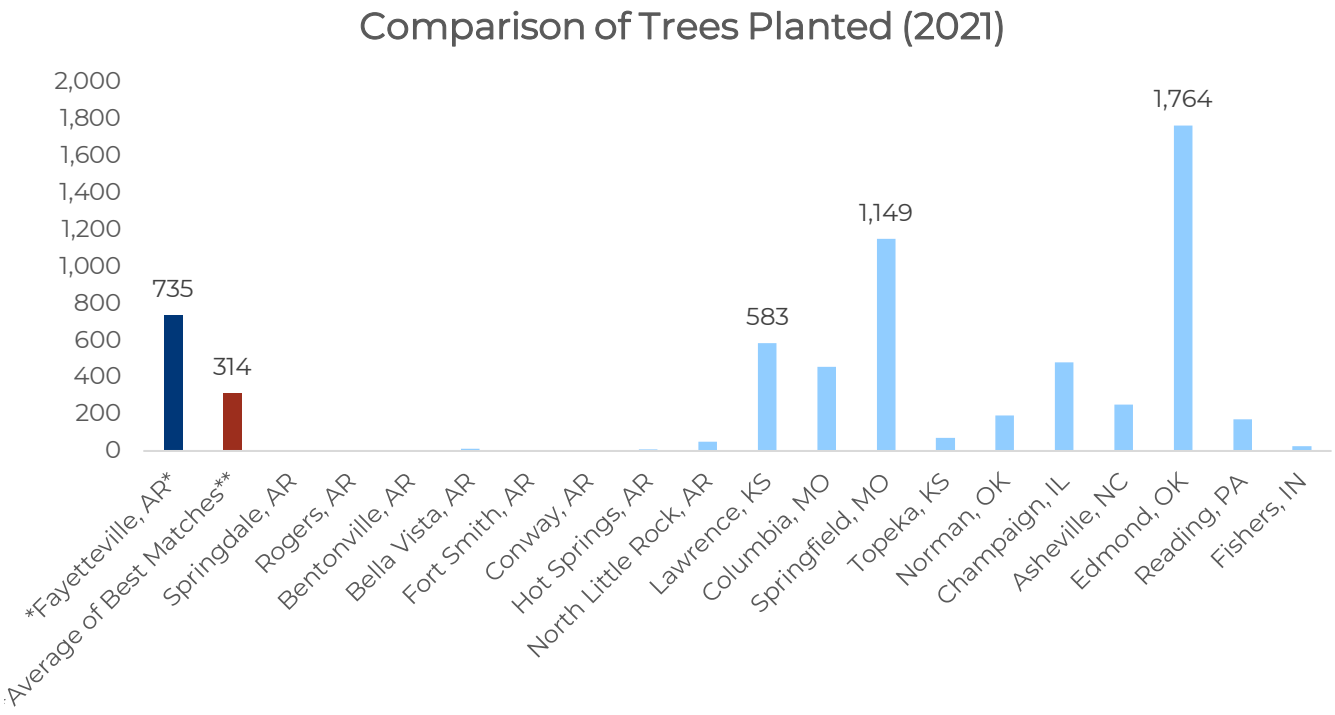


Figure 8. Comparison of volunteer hours in 2021



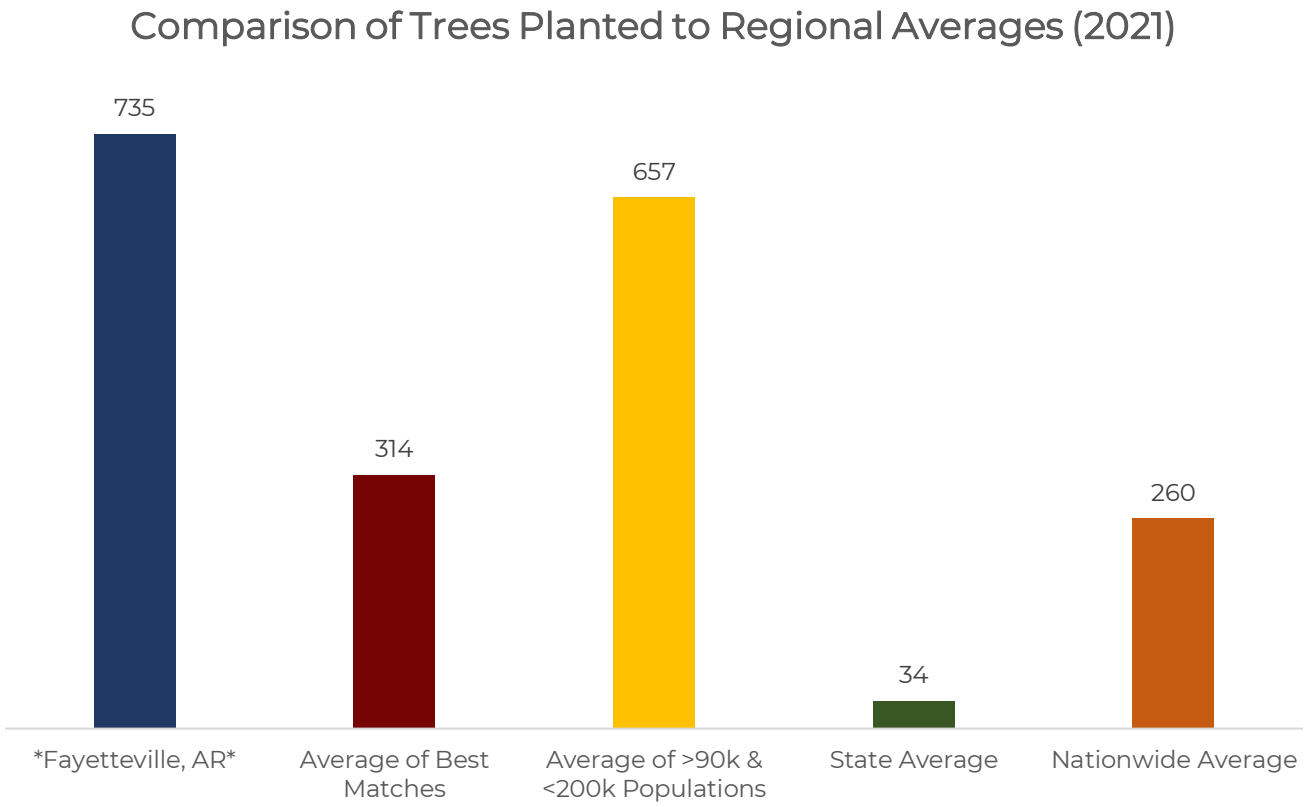
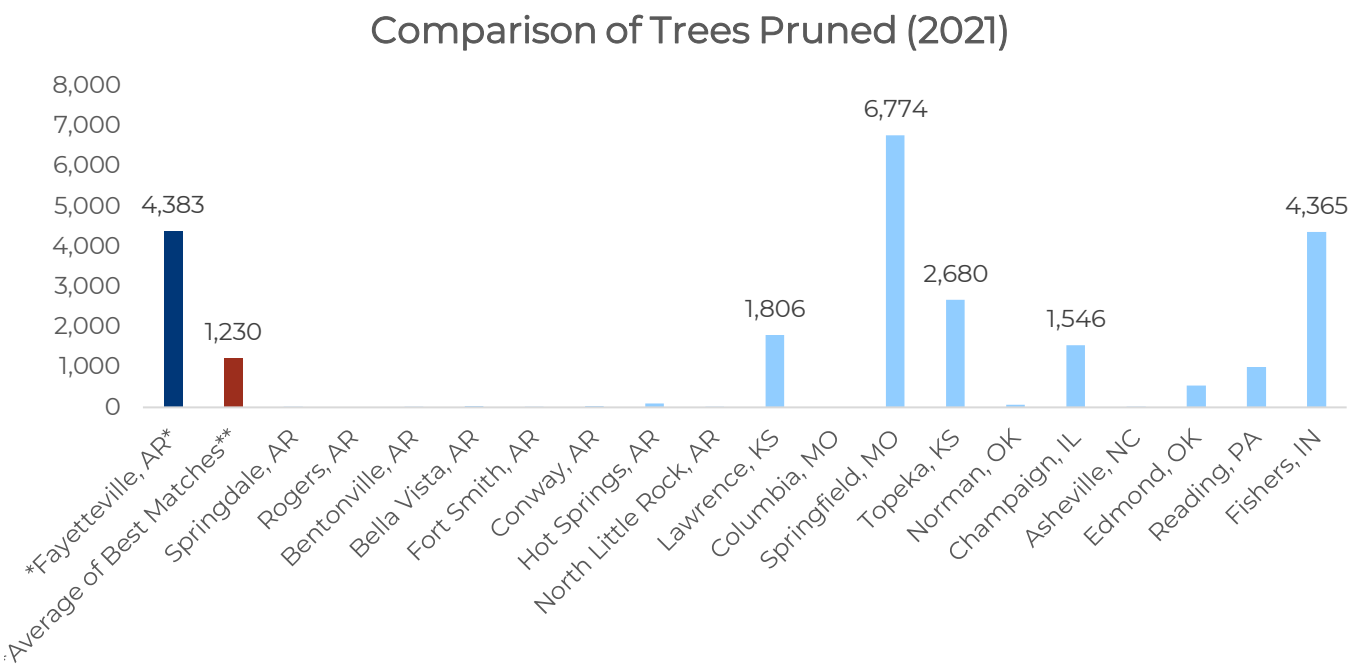


Figure 9. Comparison of the number of trees planted in 2021



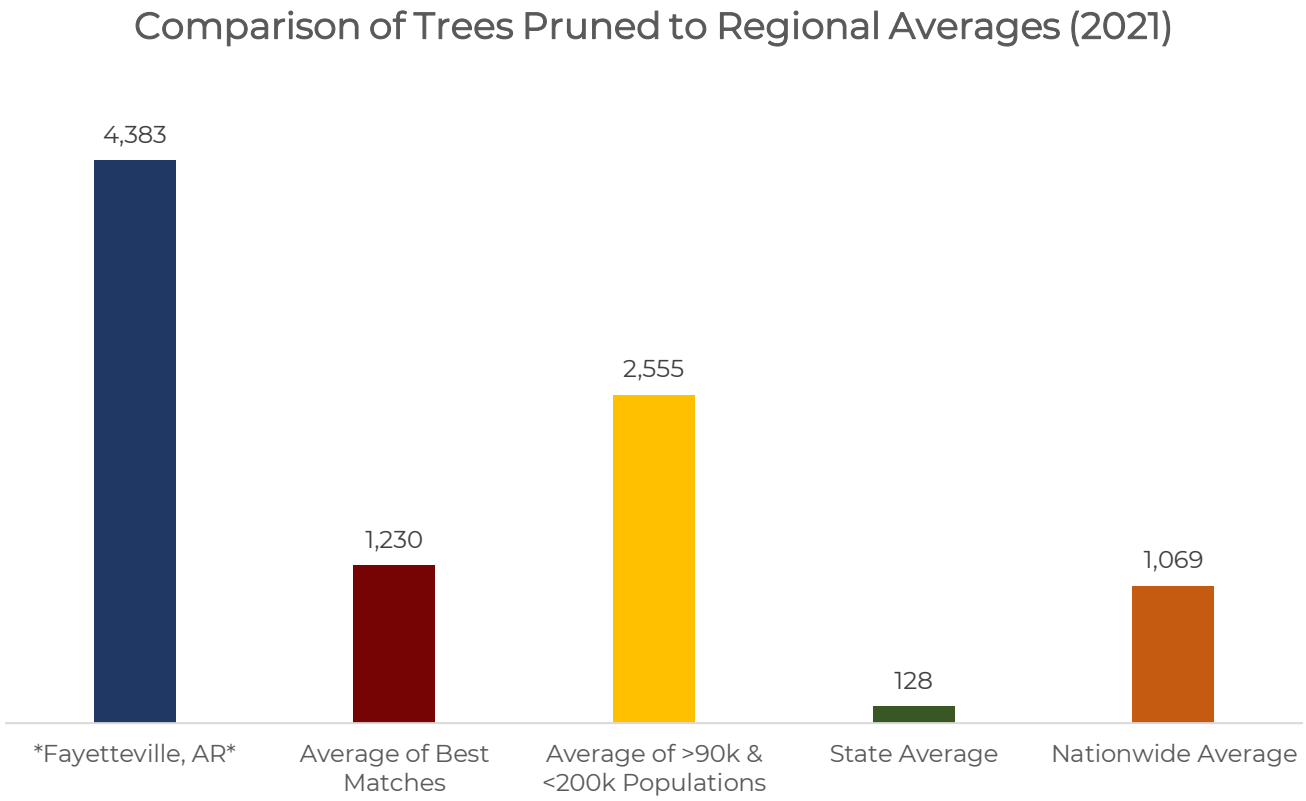
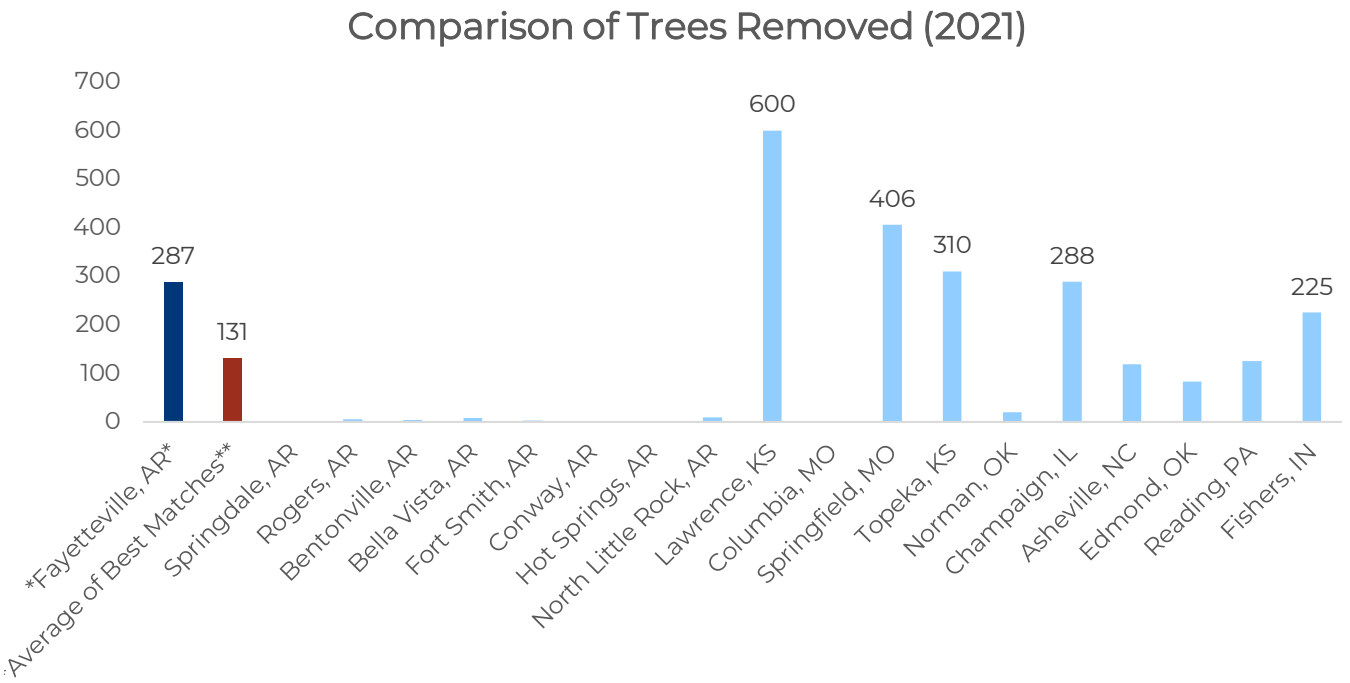


Figure 10. Comparison of the number of trees pruned in 2021



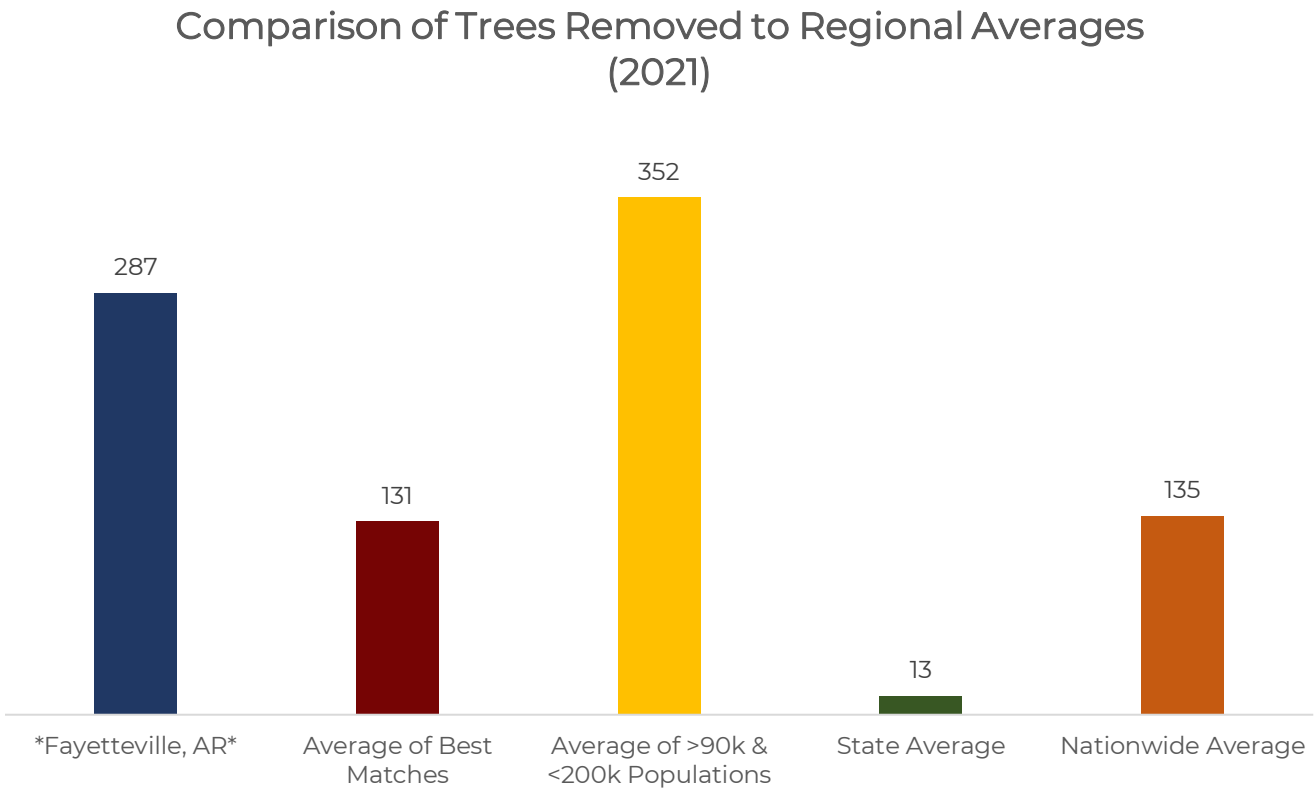
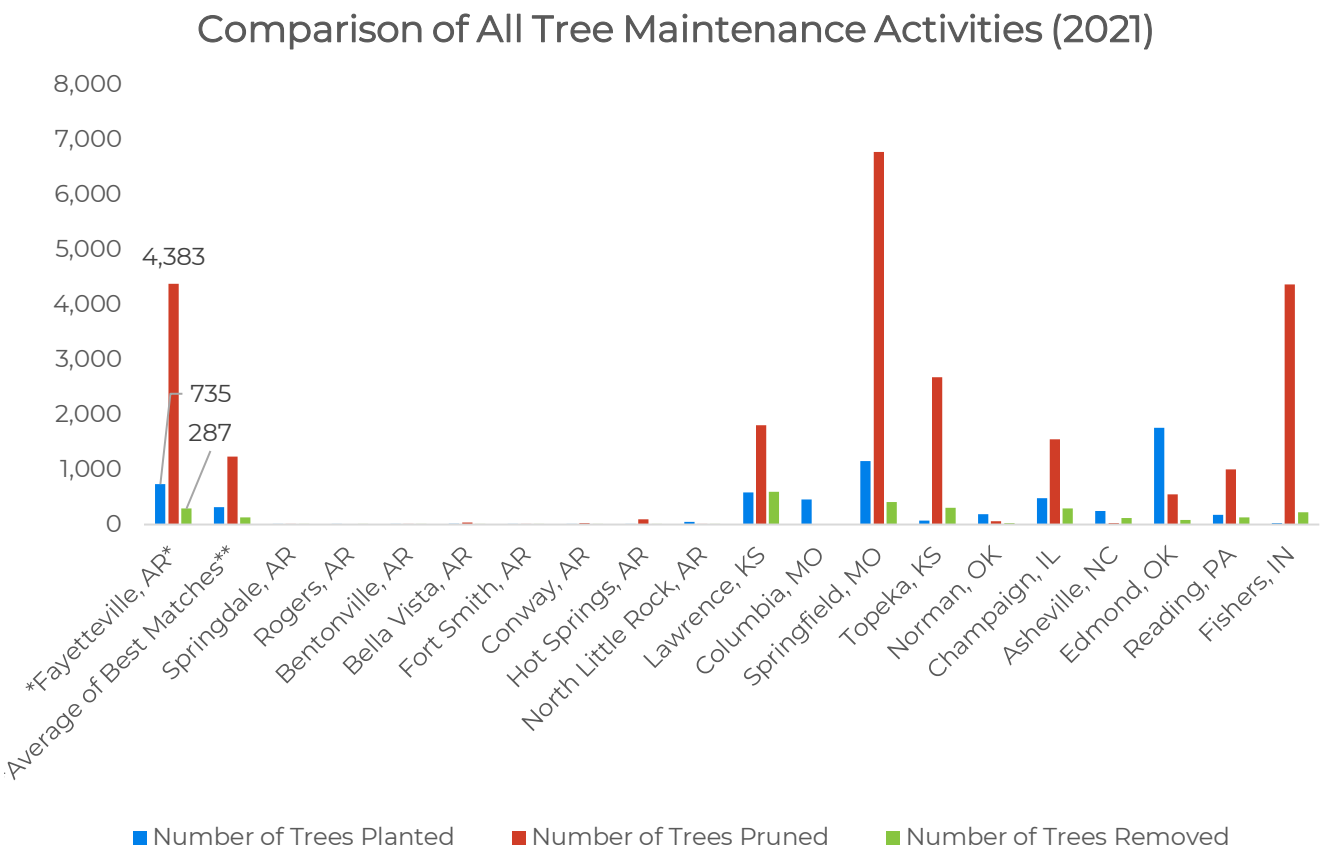


Figure 11. Comparison of the number of trees removed in 2021



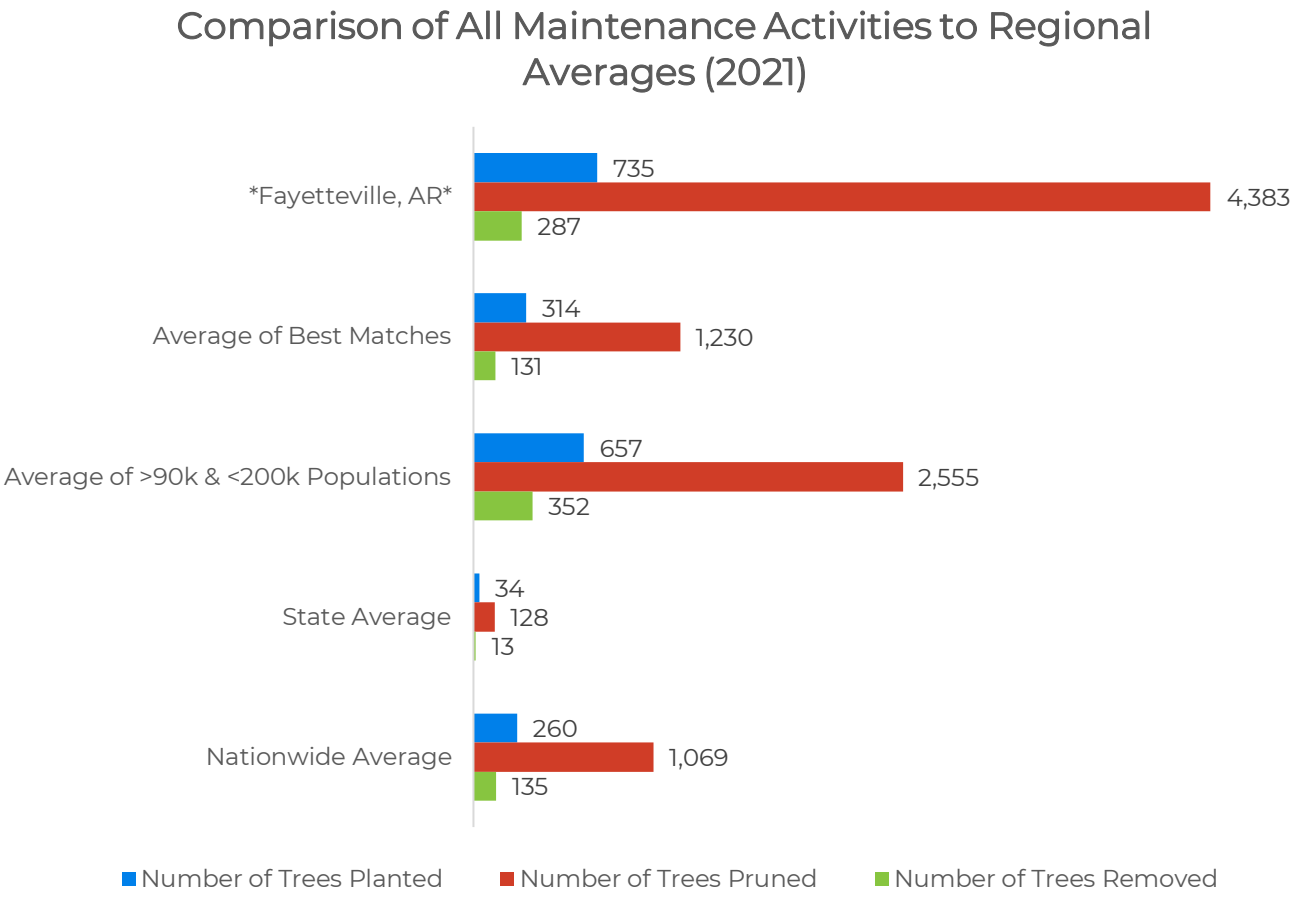


Figure 12. Combined comparison summary of tree management activities in 2021

TABLE SUMMARY OF URBAN FORESTRY BUDGETS AND ACTIVITIES (2021)

Community	Tree Planting and Initial Care	Tree Maintenance	Tree Removal	Management	Utility Line Clearance	Other Expend-itures	Overall Budget
Fayetteville, AR	$24,396	$122,133	$125,299	$338,115	$0	$0	$609,943
Average of Best Matches	$99,952	$155,980	$86,988	$172,003	$13,158	$53,769	$581,850
Average of >90k & <200k Populations	$153,857	$352,957	$162,678	$261,233	$58,013	$170,993	$1,159,730
Springdale, AR	$600	$300	$1,450	$1,400	$0	$0	$3,750
Rogers, AR	$700	$1,400	$0	$1,500	$0	$0	$3,600
Bentonville, AR	$229	$0	$0	$20	$0	$0	$249
Bella Vista, AR	$800	$200	$225	$75	$0	$0	$1,300
Fort Smith, AR	$3,900	$1,000	$100	$0	$0	$0	$5,000
Conway, AR	$680	$384	$0	$121	$0	$31	$1,216
Hot Springs, AR	$734	$6,000	$350	$0	$0	$0	$7,084
N. Little Rock, AR	$8,790	$500	$580	$680	$0	$100	$10,650
Lawrence, KS	$112,105	$432,192	$198,979	$120,082	$0	$274,030	$1,137,388
Columbia, MO	$52,595	$52,595	$105,191	$339,617	$0	$0	$549,998
Springfield, MO	$666,696	$923,181	$462,698	$335,631	$0	$0	$2,388,206
Topeka, KS	$15,302	$665,665	$84,165	$65,531	$0	$0	$830,663
Norman, OK	$123,521	$392,173	$10,000	$836,484	$250,000	$578,400	$2,190,578
Champaign, IL	$84,566	$117,944	$126,849	$685,430	$0	$0	$1,014,789
Asheville, NC	$33,155	$42,587	$238,994	$55,908	$0	$109,750	$480,394
Edmond, OK	$670,413	$80,522	$57,549	$386,903	$0	$0	$1,195,387
Reading, PA	$9,911	$4,835	$167,741	$75,567	$0	$0	$258,054
Fishers, IN	$90,000	$120,000	$72,600	$25,000	$0	$59,306	$366,906

Table 2. Complete table summary of all benchmarking metrics in Phase I (2021)

BUDGET PER CAPITA SUMMARY (2021)

Community	Overall Budget	Per Capita Budget
Fayetteville, AR	$609,943	$6.52
Average of Best Matches	$581,850	$5.07
Average of >90k & <200k Populations	$1,159,730	$9.28
Springdale, AR	$3,750	$0.04
Rogers, AR	$3,600	$0.05
Bentonville, AR	$249	$0.00
Bella Vista, AR	$1,300	$0.04
Fort Smith, AR	$5,000	$0.06
Conway, AR	$1,216	$0.02
Hot Springs, AR	$7,084	$0.19
North Little Rock, AR	$10,650	$0.17
Lawrence, KS	$1,137,388	$11.58
Columbia, MO	$549,998	$4.34
Springfield, MO	$2,388,206	$14.07
Topeka, KS	$830,663	$6.59
Norman, OK	$2,190,578	$17.10
Champaign, IL	$1,014,789	$11.18
Asheville, NC	$480,394	$5.15
Edmond, OK	$1,195,387	$12.76
Reading, PA	$258,054	$2.71
Fishers, IN	$366,906	$3.70

Table 3. Summary of urban forestry budgets compared to city populations (per capita) in 2021

PHASE II BENCHMARKING RESEARCH

Note: The following comparisons use Fayetteville's 2021 metrics whereas the metrics for the comparison populations are based on 2014 data. The urban forestry planning consultants will need 2014 metrics from the City or data from the US Forest Service for 2021 in order to finalize the Phase II benchmarking. The following study is a preliminary exercise intended for internal use and for initial comparisons from which strategies may be developed.

URBAN FORESTRY BUDGETS

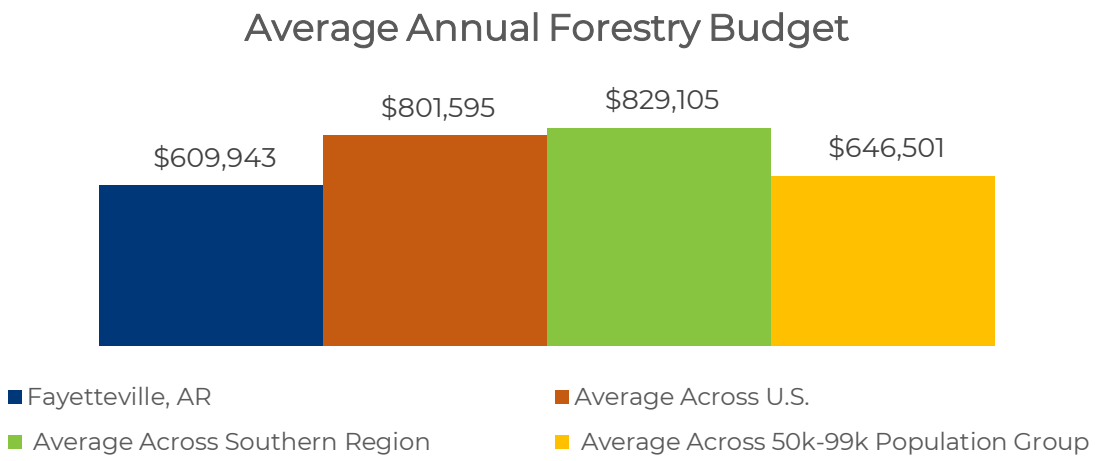


Figure 13. Comparison of urban forestry budgets (Hauer, 2014)

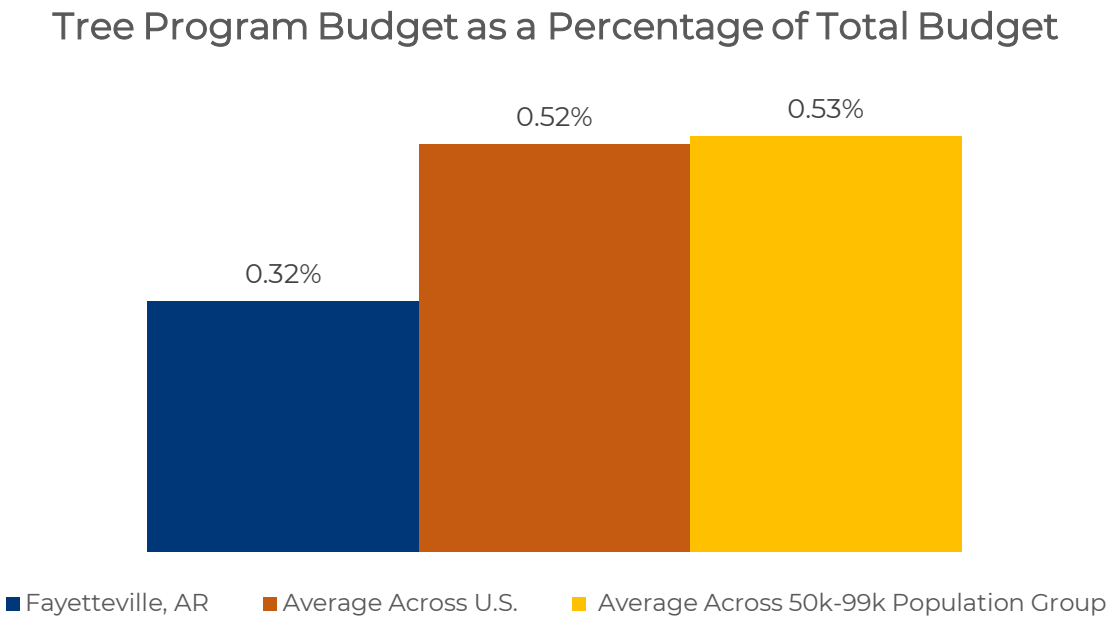


Figure 14. Urban forestry budget compared to the total municipal budget (Hauer, 2014)

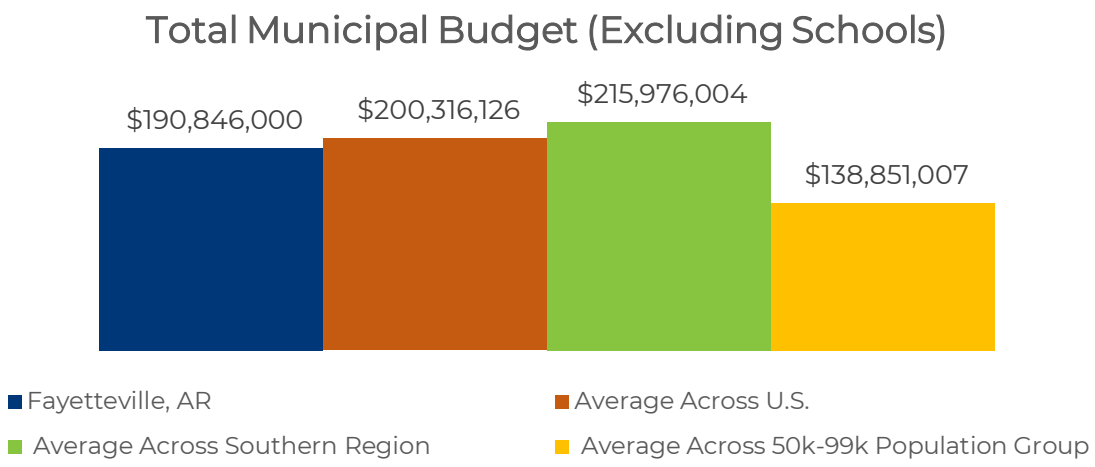


Figure 15. Total municipal budgets (Hauer, 2014)

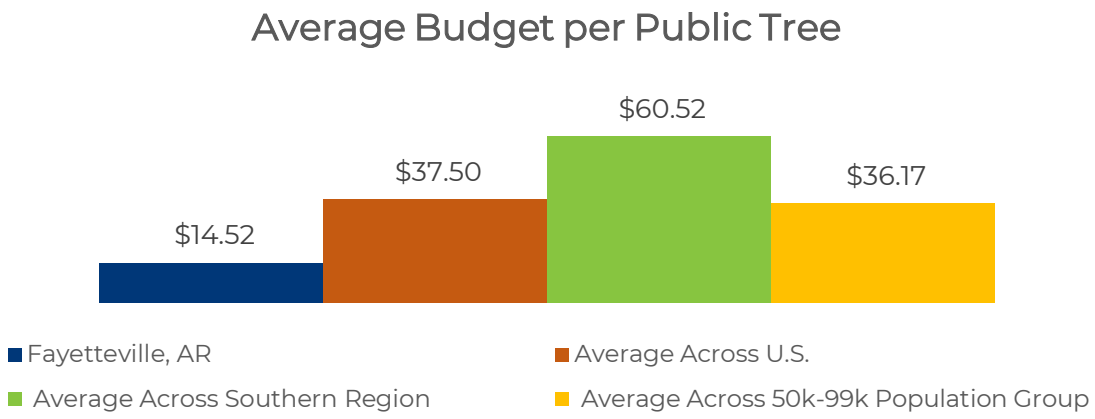


Figure 16. Average budget per public tree (Hauer, 2014)

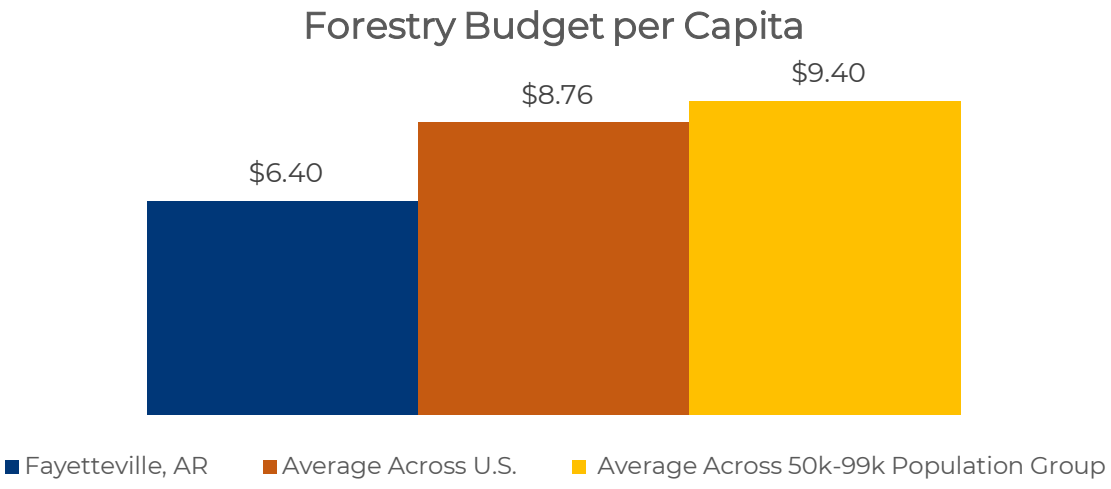


Figure 17. Comparison of urban forestry budget per capita (Hauer, 2014)

COMPARISON OF PUBLIC TREE COUNTS, DISTRIBUTION, AND VALUE

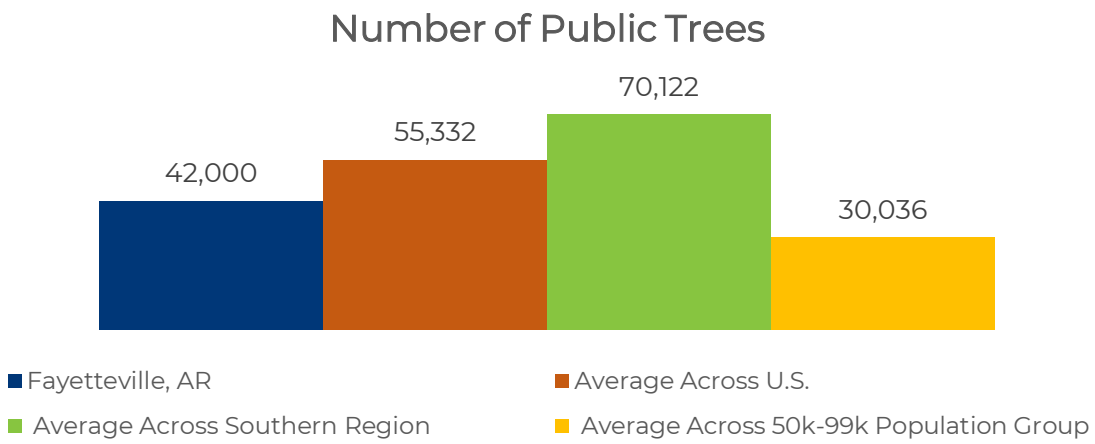


Figure 18. Comparison of the number of public trees (Hauer, 2014)

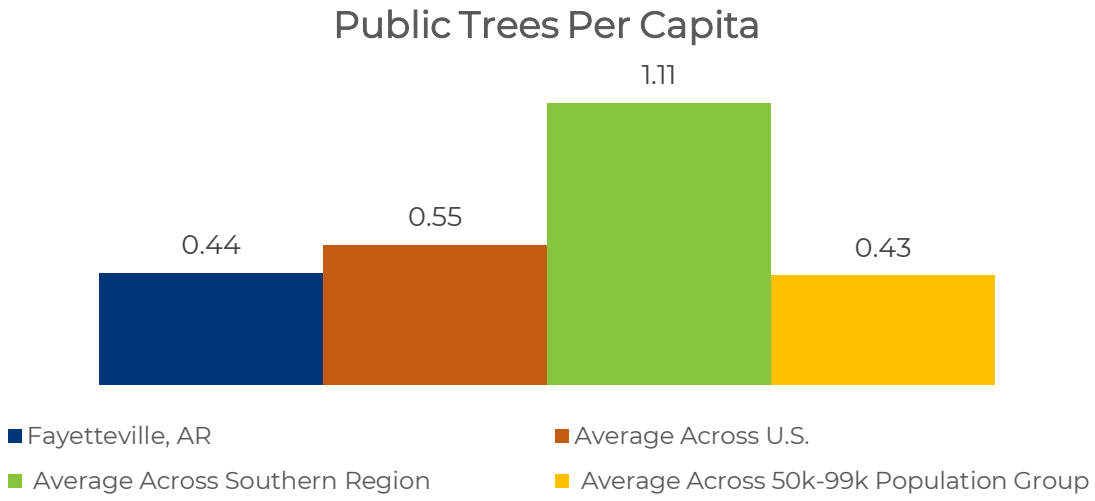


Figure 19. Comparison of public trees per capita (Hauer, 2014)

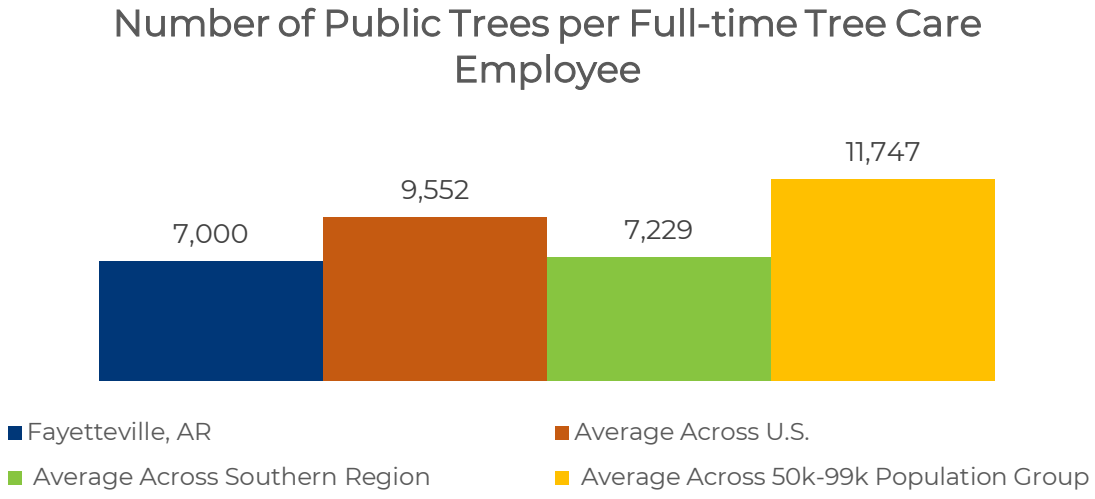


Figure 20. Comparison of the number of public trees per full-time tree care employee (Hauer, 2014)

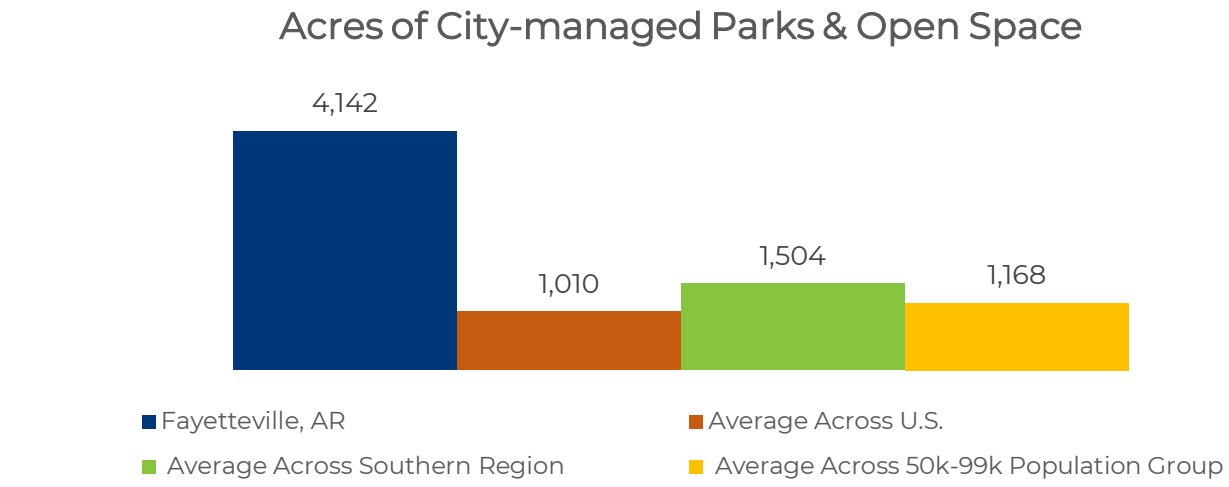
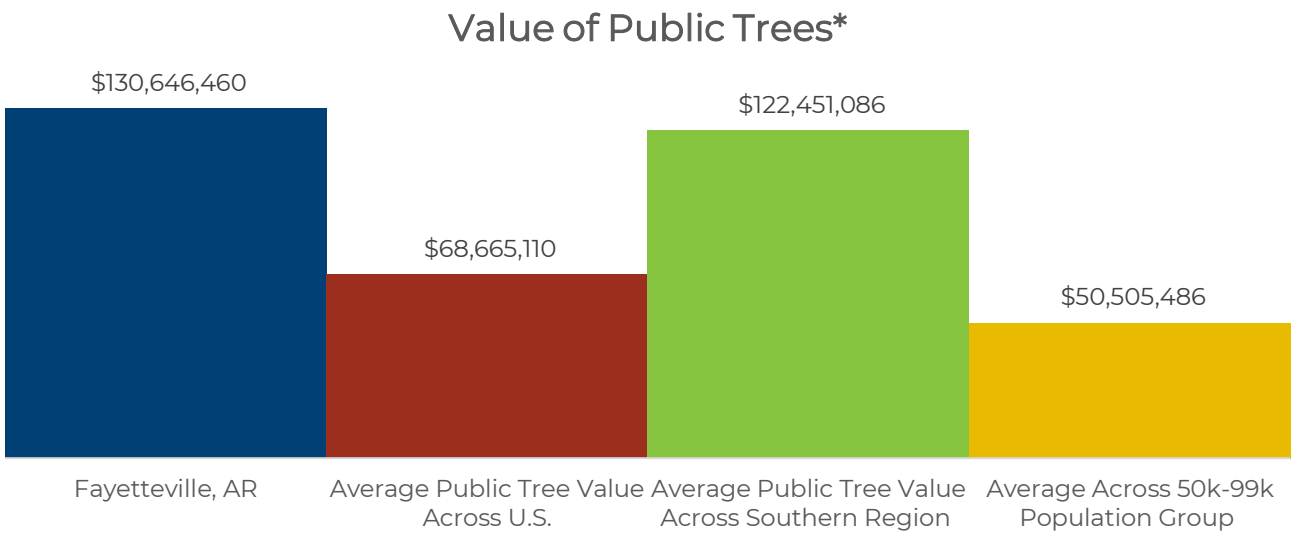


Figure 21. Comparison of the acres of public parks and open space (Hauer, 2014)



** Value of Fayetteville's public trees is based on the $1.3 million in ecosystem benefits and services ($110.63 per tree on average) plus the structural value of public trees estimated at $3,000 per tree on average based on regional research.*

Figure 22. Comparison of the value of public trees (Hauer, 2014)



Fayetteville, AR

URBAN FORESTRY MANAGEMENT PLAN

Canopy Goal Setting & Priority Areas

August 2023

Canopy Goals for Consideration

Milestones	Year Range	City Acres	Starting Canopy Ac	Total New Canopy Ac	Starting Canopy %	New Canopy %	Total Trees Added	Total Added Benefits	Total Carbon Seq. (lbs)
Year 1	2023	35,712	14,081	14,105	39.4%	39.5%	1,000	$18,559	149,592
Years 2-5	2024-2027	35,712	14,105	14,244	39.5%	40%	6,000	$111,354	897,552
Years 6-8	2028-2030	35,712	14,244	14,396	40%	40%	6,500	$120,634	972,348
Years 9-10	**2031-2032**	**35,712**	**14,396**	**14,512**	**40%**	**40.6%**	**5,000**	**$92,795**	**747,960**
Years 11-15	2033-2037	35,712	14,512	14,815	41%	41%	13,000	$241,267	1,944,696
Years 16-18	2038-2040	35,712	14,815	15,025	41%	42%	9,000	$167,031	1,346,328
Years 19-20	2041-2042	35,712	15,025	15,165	42%	42.5%	6,000	$111,354	897,552
Years 21-25	2043-2047	35,712	15,165	15,619	42%	44%	19,500	$361,901	2,917,044
Years 26-28	2048-2050	35,712	15,619	15,969	44%	45%	15,000	$278,385	2,243,880
Years 29-30	2051-2052	35,712	15,969	16,202	45%	45%	10,000	$185,590	1,495,920
TOTAL	30 Years			2,120	45.4%	5.9%	91,000	$1,688,869	13,612,872

Minus 10% cumulative canopy loss = 44.4% in 30 years (2023 – 2052). Considers 10% will be small canopy trees, 30% medium canopy, and 60% large canopy trees.

A 10-year goal requires a total of 18,500 trees with an average of 1,850 trees per year

If pursuing a 30-year goal, 91,000 total trees needed with an average of 3,000 trees per year needed.

Scenario B) Detailed Planting Targets to Establish a 10-year Canopy Goal

Milestone	Year	Total City Acres	Canopy Ac (2019)	Canopy % (2019)	Planting Scenarios (# of Trees)	New Canopy Acres Added	Total Canopy Acres	New % Canopy	Total Added Ecosystem Benefits	All Plantings: Future Carbon Sequestered by Large Trees (249.32 lbs/tree)	All Plantings: Total Future Carbon Sequestered
Year 1	**2023**	**35,712**	**14,081**	**39.4%**	**1,000**	**23.3**	**14,105**	**39.5%**	**$18,559**	**149,592**	**149,592**
	2024	35,712	14,081	39%	1,000	23.3	14,128	40%	$18,559	149,592	149,592
	2025	35,712	14,081	39%	1,500	35.0	14,163	40%	$27,839	224,388	224,388
	2026	35,712	14,081	39%	1,500	35.0	14,198	40%	$27,839	224,388	224,388
Year 5	2027	35,712	14,081	39%	2,000	46.6	14,244	40%	$37,118	299,184	299,184
	2028	35,712	14,081	39%	2,000	46.6	14,291	40%	$37,118	299,184	299,184
	2029	35,712	14,081	39%	2,000	46.6	14,338	40%	$37,118	299,184	299,184
Year 8	2030	35,712	14,081	39%	2,500	58.3	14,396	40%	$46,398	373,980	373,980
	2031	35,712	14,081	39%	2,500	58.3	14,454	40%	$46,398	373,980	373,980
Year 10	**2032**	**35,712**	**14,081**	**39%**	**2,500**	**58.3**	**14,512**	**40.6%**	**$46,398**	**373,980**	**373,980**
	2033	35,712	14,081	39%	2,500	58.3	14,571	41%	$46,398	373,980	373,980
	2034	35,712	14,081	39%	2,500	58.3	14,629	41%	$46,398	373,980	373,980
	2035	35,712	14,081	39%	2,500	58.3	14,687	41%	$46,398	373,980	373,980
	2036	35,712	14,081	39%	2,500	58.3	14,745	41%	$46,398	373,980	373,980
Year 15	2037	35,712	14,081	39%	3,000	69.9	14,815	41%	$55,677	448,776	448,776
	2038	35,712	14,081	39%	3,000	69.9	14,885	42%	$55,677	448,776	448,776
	2039	35,712	14,081	39%	3,000	69.9	14,955	42%	$55,677	448,776	448,776
Year 18	2040	35,712	14,081	39%	3,000	69.9	15,025	42%	$55,677	448,776	448,776
	2041	35,712	14,081	39%	3,000	69.9	15,095	42%	$55,677	448,776	448,776
Year 20	2042	35,712	14,081	39.4%	3,000	69.9	15,165	42.5%	$55,677	448,776	448,776
	2043	35,712	14,081	39%	3,000	69.9	15,235	43%	$55,677	448,776	448,776
	2044	35,712	14,081	39%	3,500	81.6	15,316	43%	$64,957	523,572	523,572
	2045	35,712	14,081	39%	4,000	93.2	15,409	43%	$74,236	598,368	598,368
	2046	35,712	14,081	39%	4,000	93.2	15,503	43%	$74,236	598,368	598,368
Year 25	2047	35,712	14,081	39%	5,000	116.5	15,619	44%	$92,795	747,960	747,960
	2048	35,712	14,081	39%	5,000	116.5	15,736	44%	$92,795	747,960	747,960
	2049	35,712	14,081	39%	5,000	116.5	15,852	44%	$92,795	747,960	747,960
Year 28	2050	35,712	14,081	39%	5,000	116.5	15,969	45%	$92,795	747,960	747,960
	2051	35,712	14,081	39%	5,000	116.5	16,085	45%	$92,795	747,960	747,960
Year 30	2052	35,712	14,081	39.4%	5,000	116.5	16,202	45.4%	$92,795	747,960	747,960

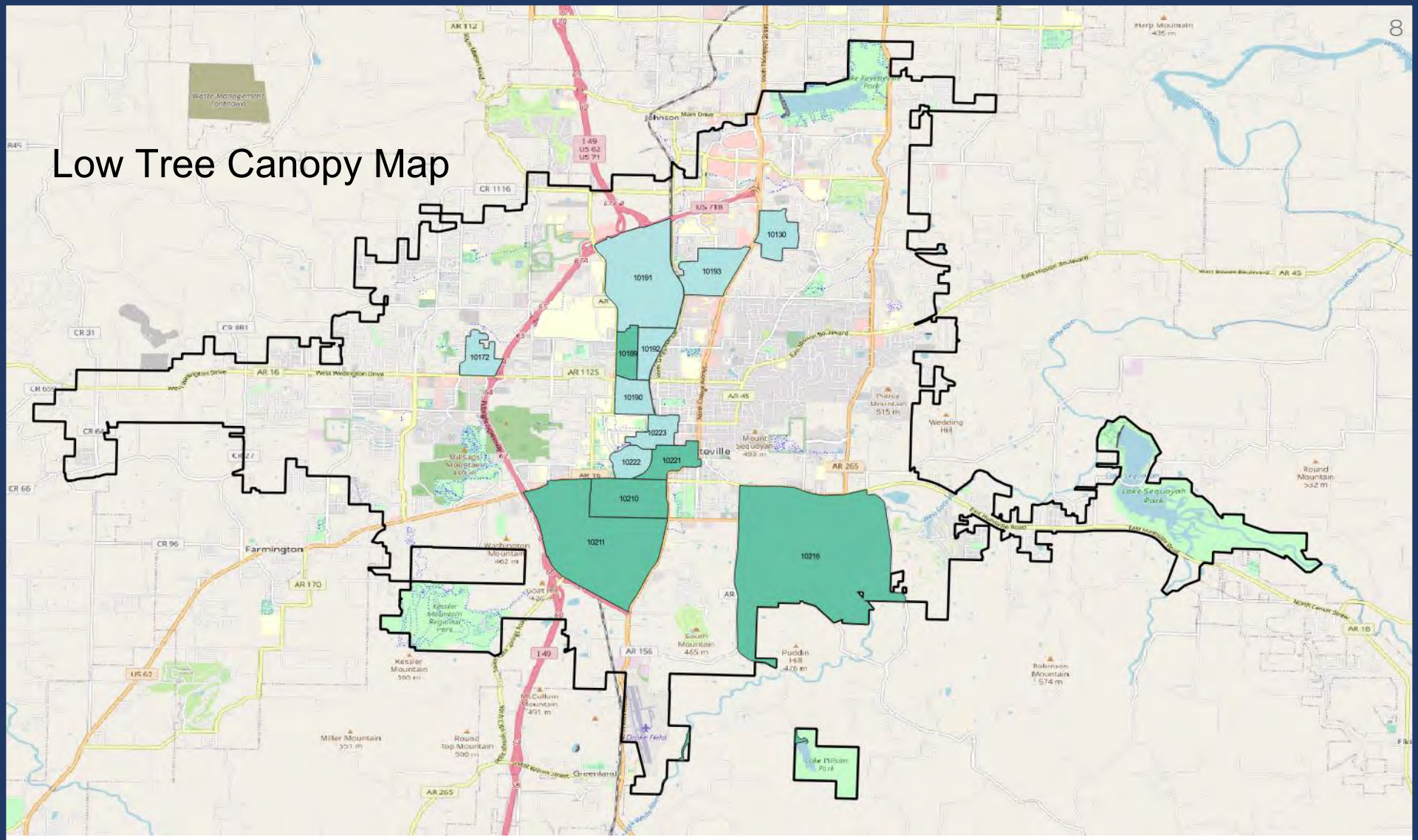
Scenario B) Milestones for 40.6% Canopy in 10 years

Milestones	Year Range	City Acres	Starting Canopy Ac	Total New Canopy Ac	Starting Canopy %	New Canopy %	Total Trees Added	Average Trees per Year	Total Added Benefits	Total Carbon Sequestered (lbs)
Year 1 thru Year 5	2023-2027	35,712	14,081	14,244	39.4%	39.9%	7,000	1,400	$129,913	1,047,144
Year 6 thru Year 10	**2028-2032**	**35,712**	**14,244**	**14,512**	**39.9%**	**40.6%**	**11,500**	**2,300**	**$213,429**	**1,720,308**
TOTALS	10 Years			431		1.2%	18,500	1,850	$343,342	2,767,452

Scenario B) Estimated Costs for 40.6% Canopy in 10 Years

Year Range	Starting Canopy %	New Canopy %	% Change	Total Trees Added	Total Added Benefits	Total Carbon Sequestered (lbs)	Average Trees Per Year	Average Subcontract Planting Cost Per Tree	Estimated Annual Cost	Estimated 10-Year Cost
2023 – 2032	39.4%	40.6%	1.2%	18,500	$343,342	2,767,452	1,850	**$408**	**$754,486**	**$7,544,855**

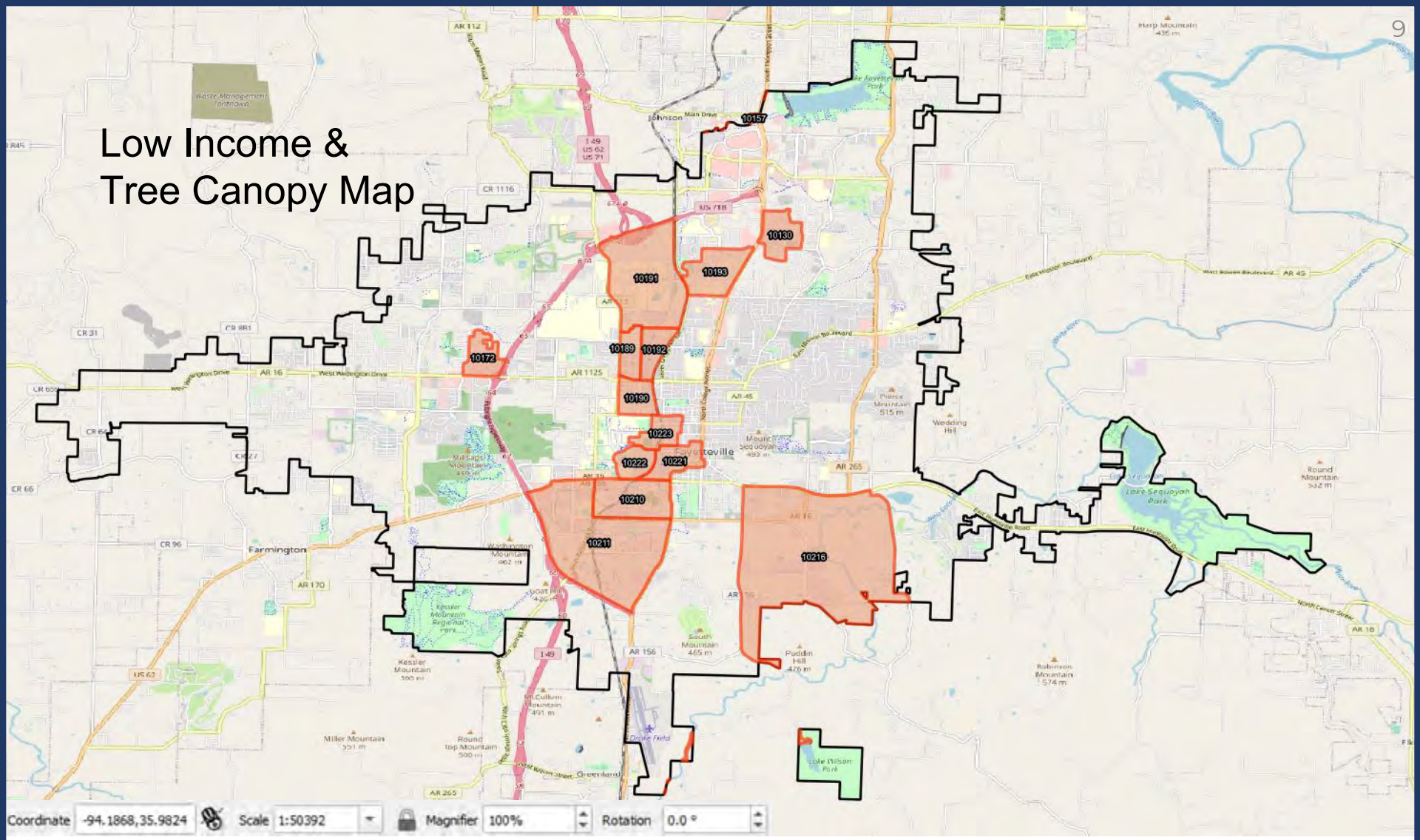
Low Tree Canopy Map



Priority Planting Areas Legend

- City Boundary
- Block Groups with ≤25% tree canopy cover
- Block Groups with ≤35% tree canopy cover

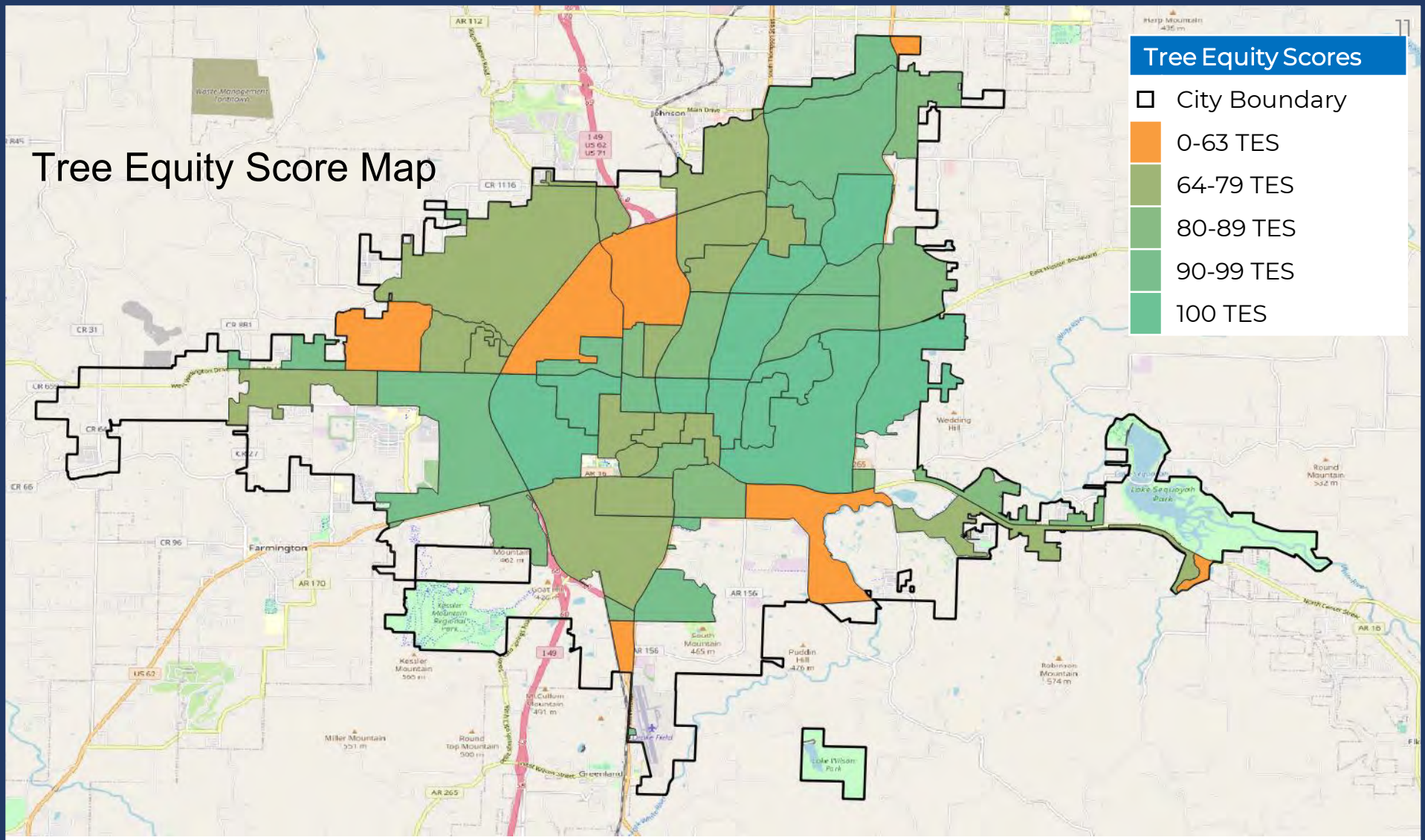
Low Income & Tree Canopy Map



Priority Planting Areas Legend

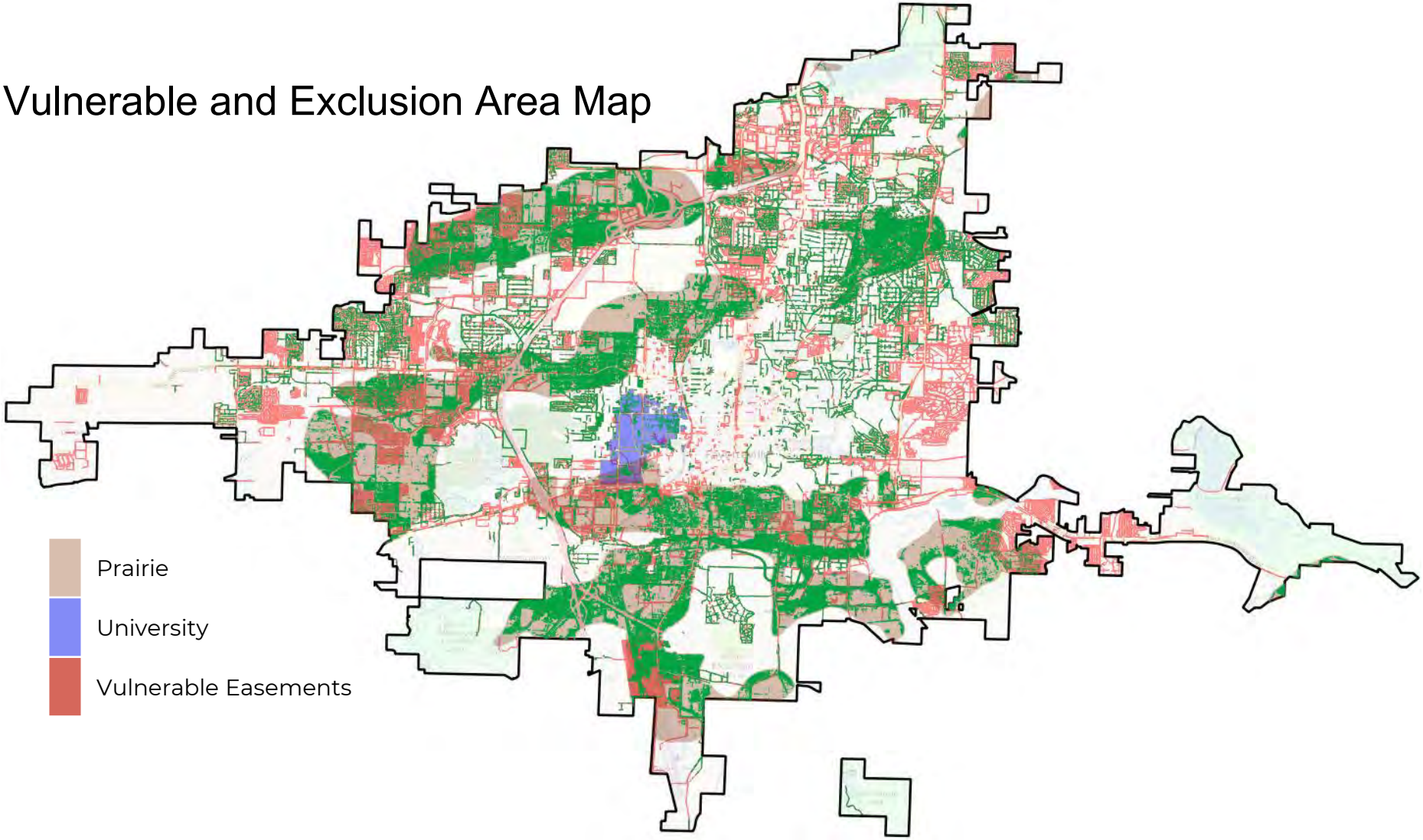
- City Boundary
- Block Group Boundary
- Block Groups with Low Income Populations and Low Tree Canopy

Tree Equity Score Map

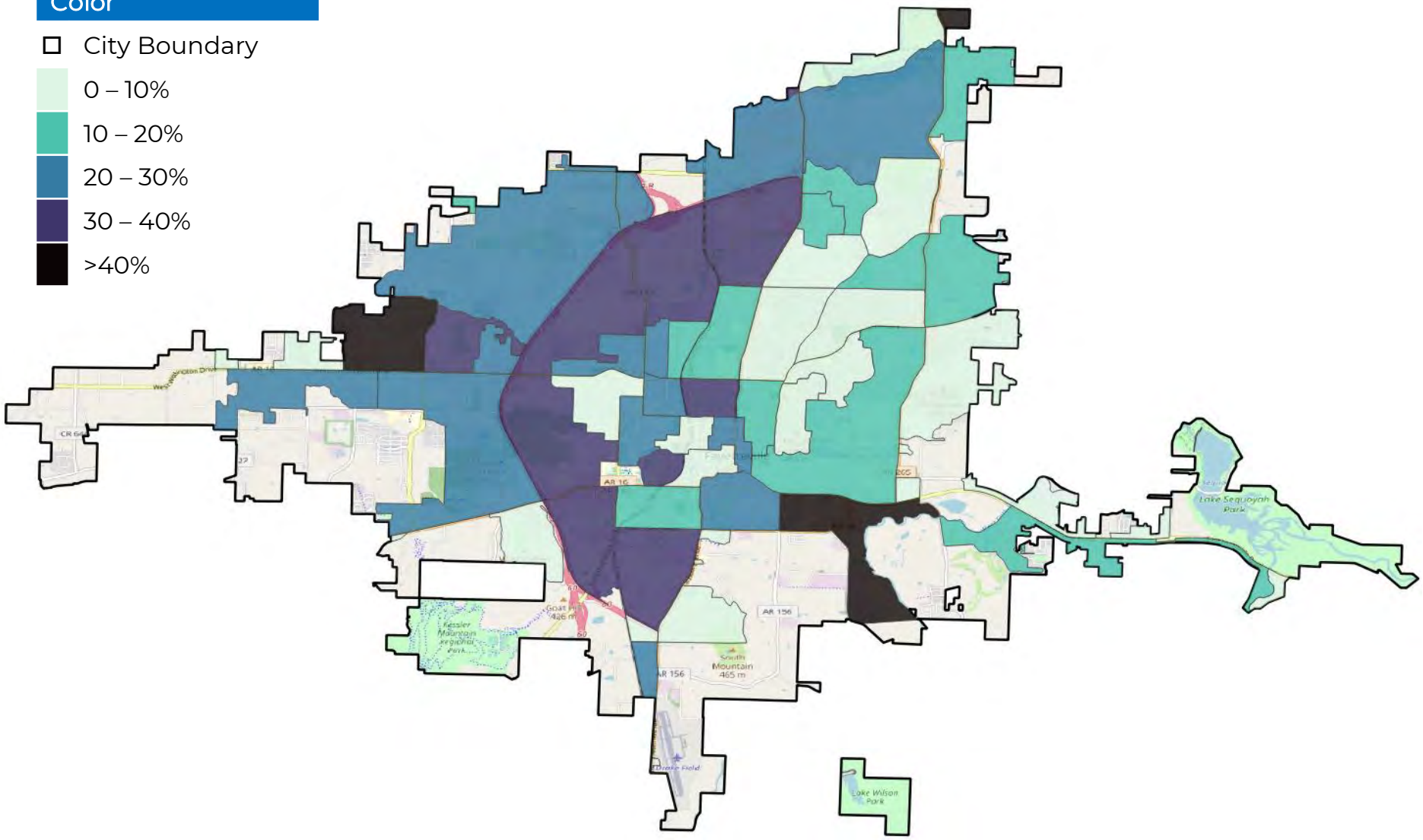


Canopy Cover

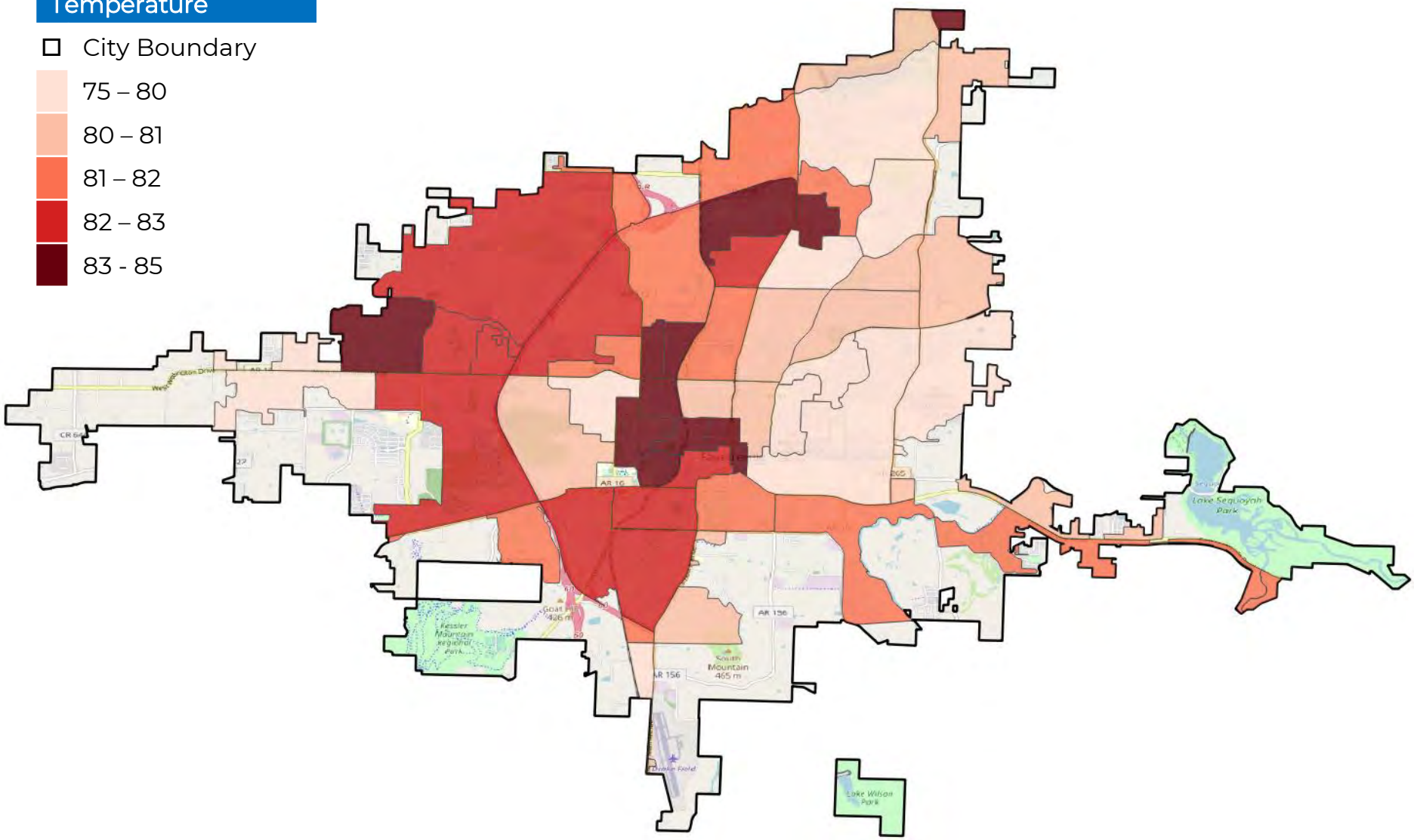
Vulnerable and Exclusion Area Map



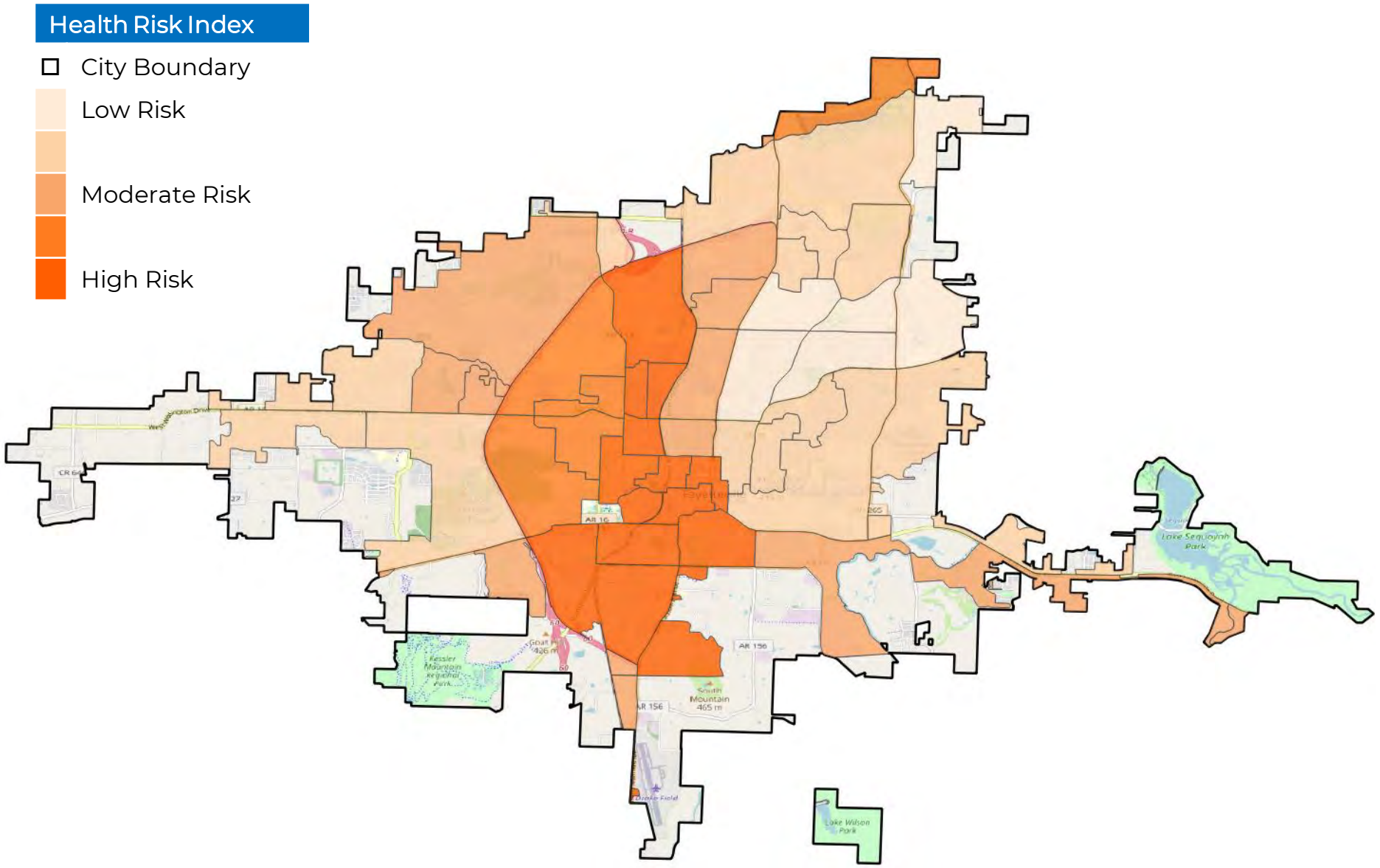
Percent People of Color (All People Not White Non-Hispanic, US Census Bureau American Community Survey 2014-2018 Source)



Urban Heat (Surface Temperature Data from USGS Landsat 8 imagery, thermal bands)

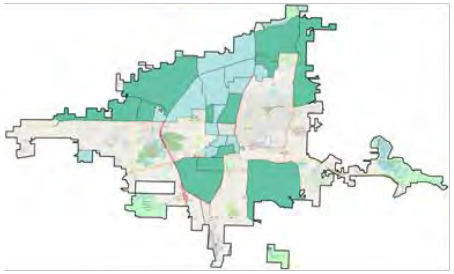


Health Risk (Self-reported Poor Mental Health, Poor Physical Health, Asthma, & Coronary Heart Disease – CDC Source)



Summary of Priority Planting Area Scenarios

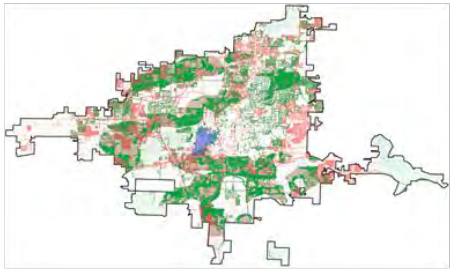
Low Tree Canopy (<35%)



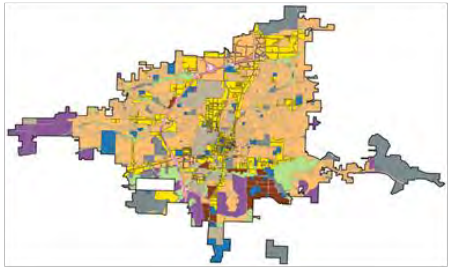
Low Income & Tree Canopy



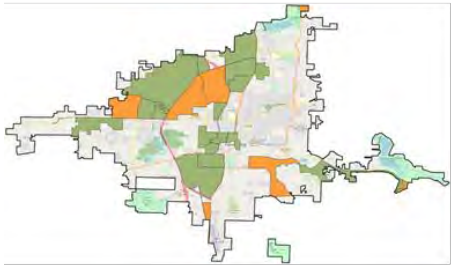
Vulnerable & Exclusion Areas



Development & Future Land Use



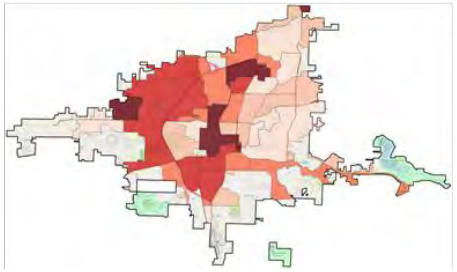
Tree Equity Score <80



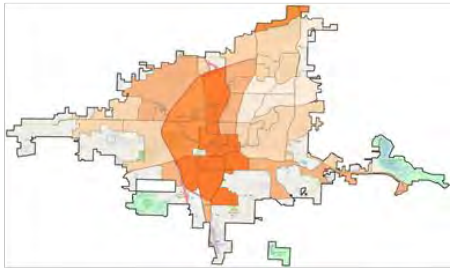
% People of Color



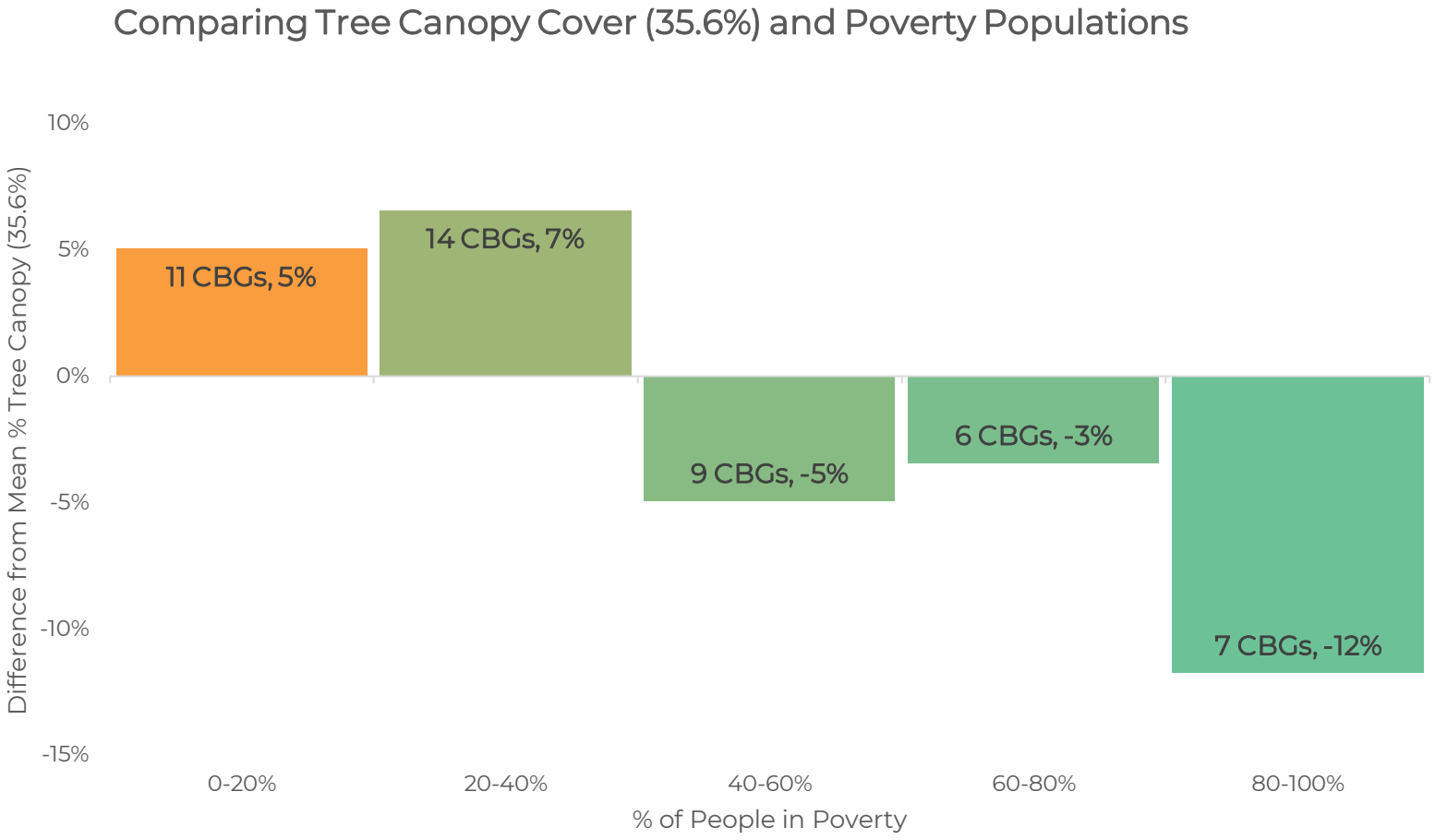
Average Surface Temperature



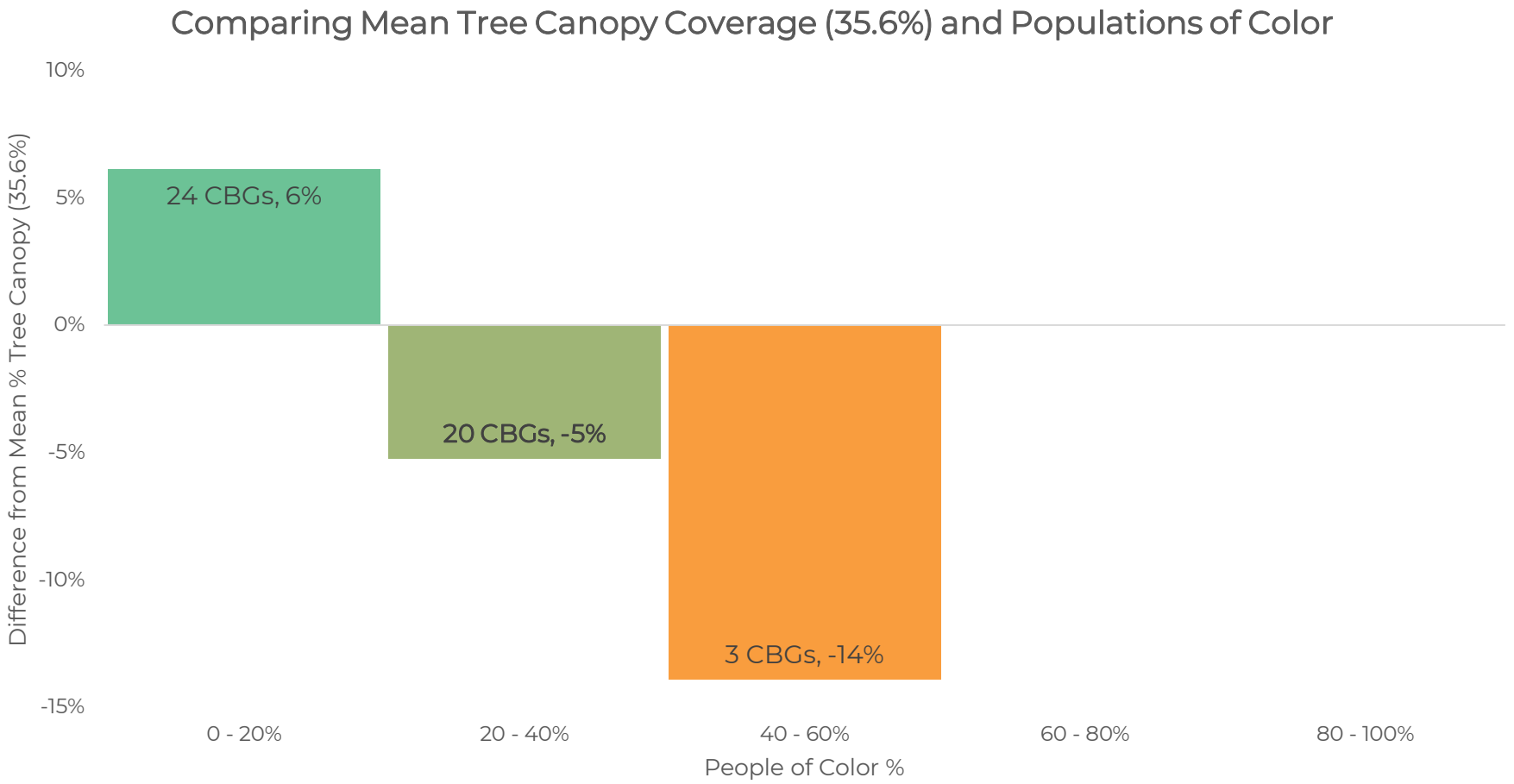
Health Risk Index



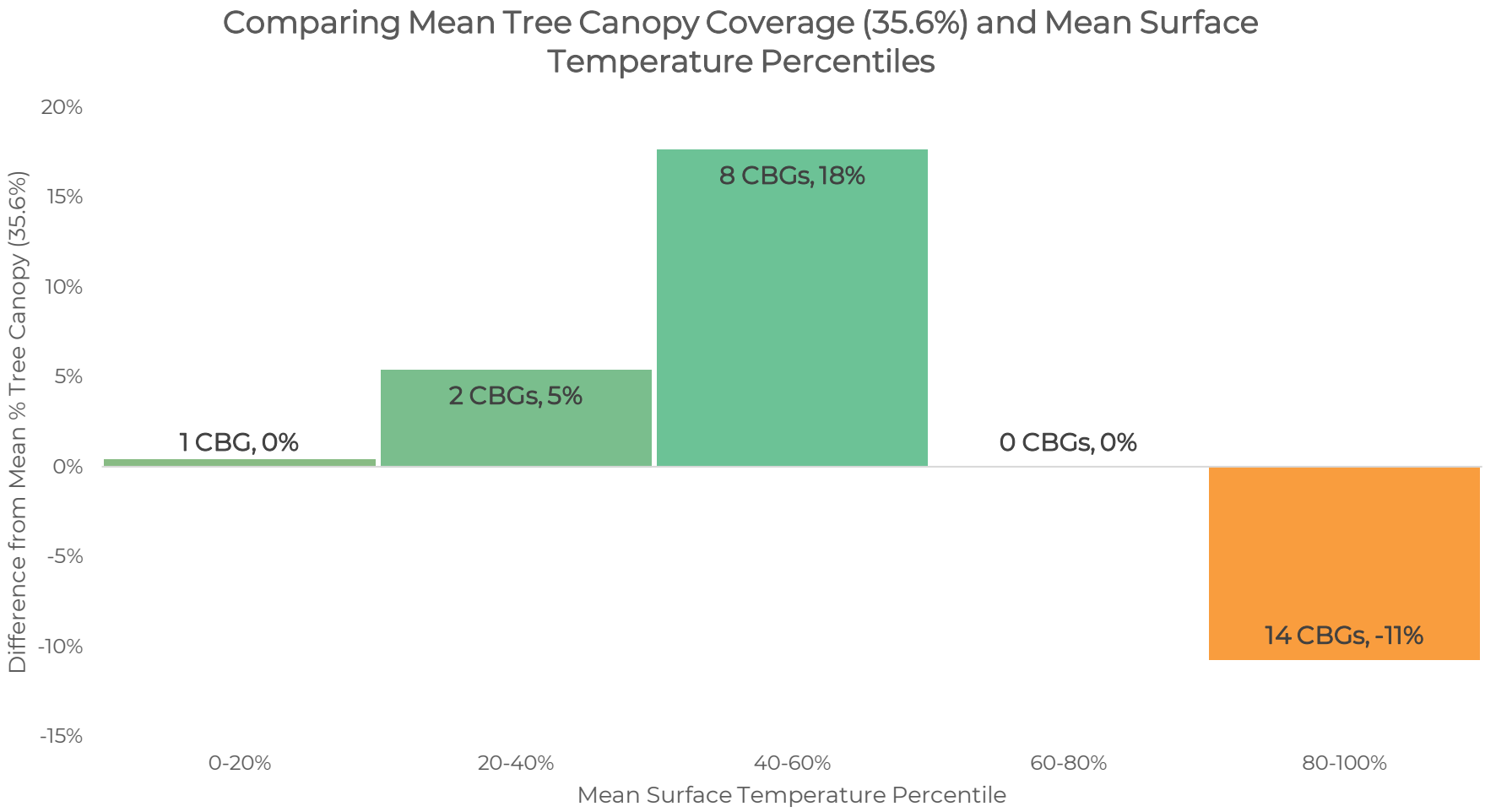
Analysis of the Populations in Poverty Compared to the Mean Canopy Cover (35.6%)



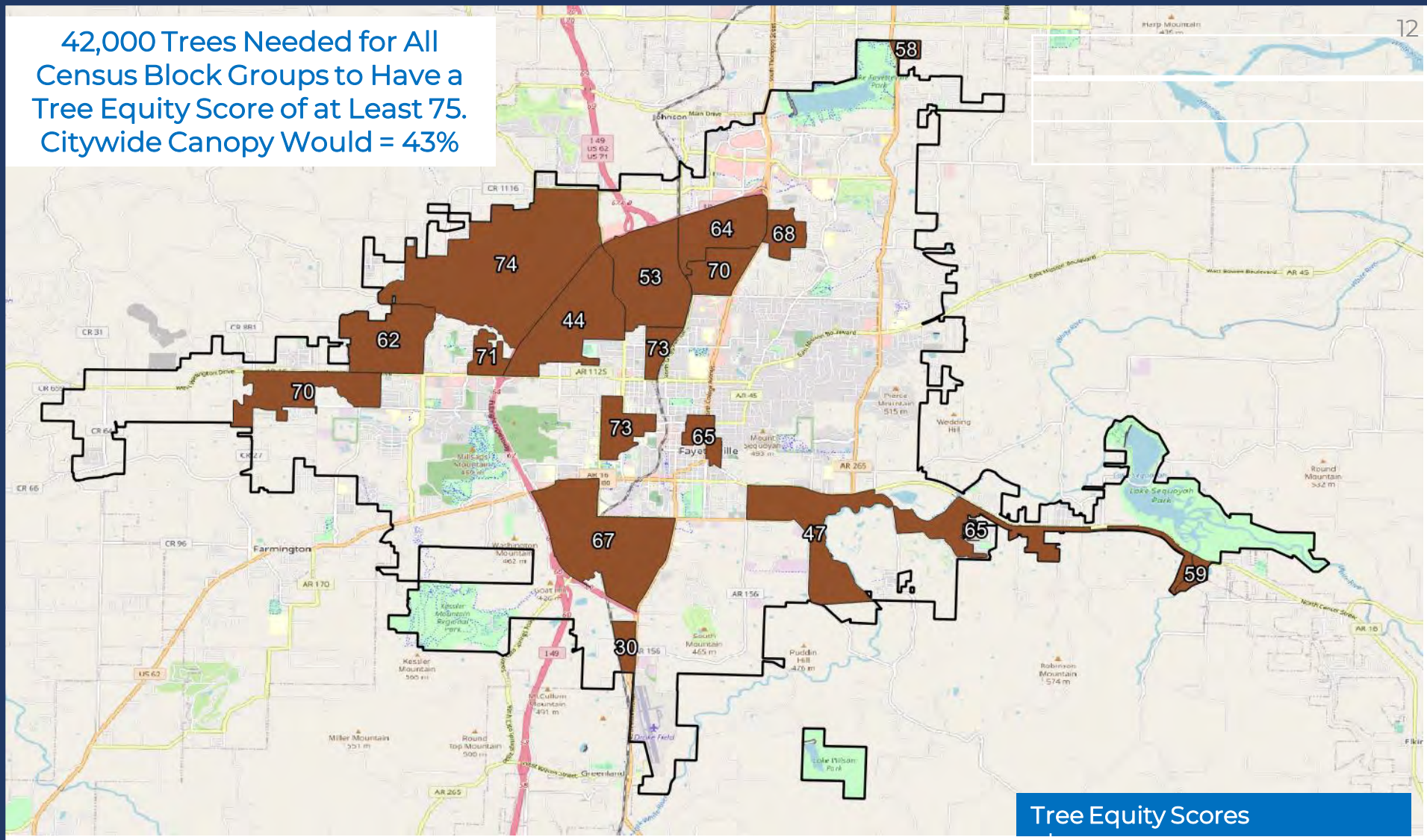
Analysis of the Populations of Color Compared to the Mean Canopy Cover (35.6%)



Analysis of Surface Temperatures and the Mean Canopy Cover (35.6%)



42,000 Trees Needed for All Census Block Groups to Have a Tree Equity Score of at Least 75. Citywide Canopy Would = 43%

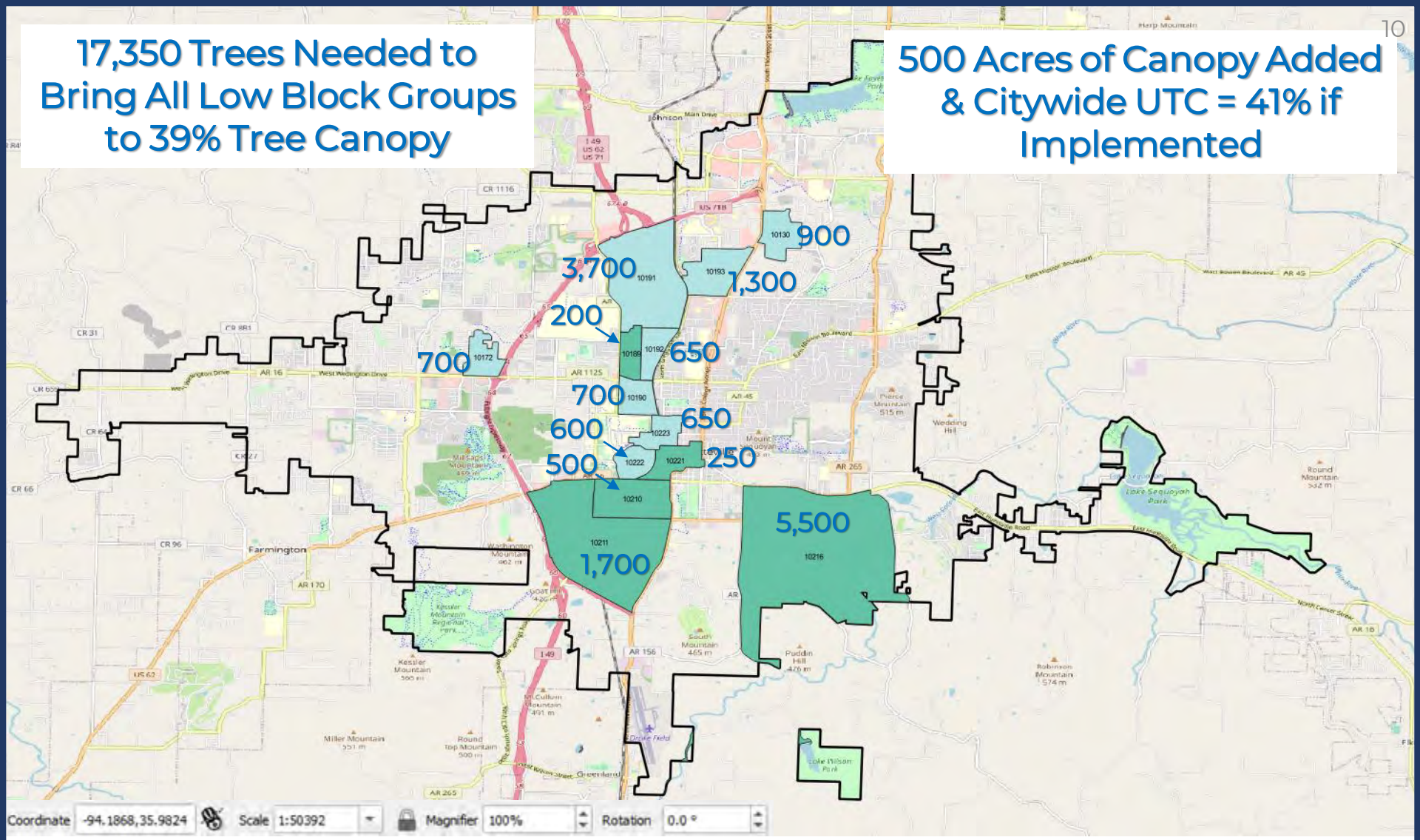


Tree Equity Scores

- City Boundary
- Block Groups with < 75 TES

17,350 Trees Needed to Bring All Low Block Groups to 39% Tree Canopy

500 Acres of Canopy Added & Citywide UTC = 41% if Implemented



Priority Planting Areas Legend

- ☐ City Boundary
- Block Groups with ≤25% tree canopy cover
- Block Groups with ≤35% tree canopy cover
- # Number of trees needed to reach City UTC of 39%

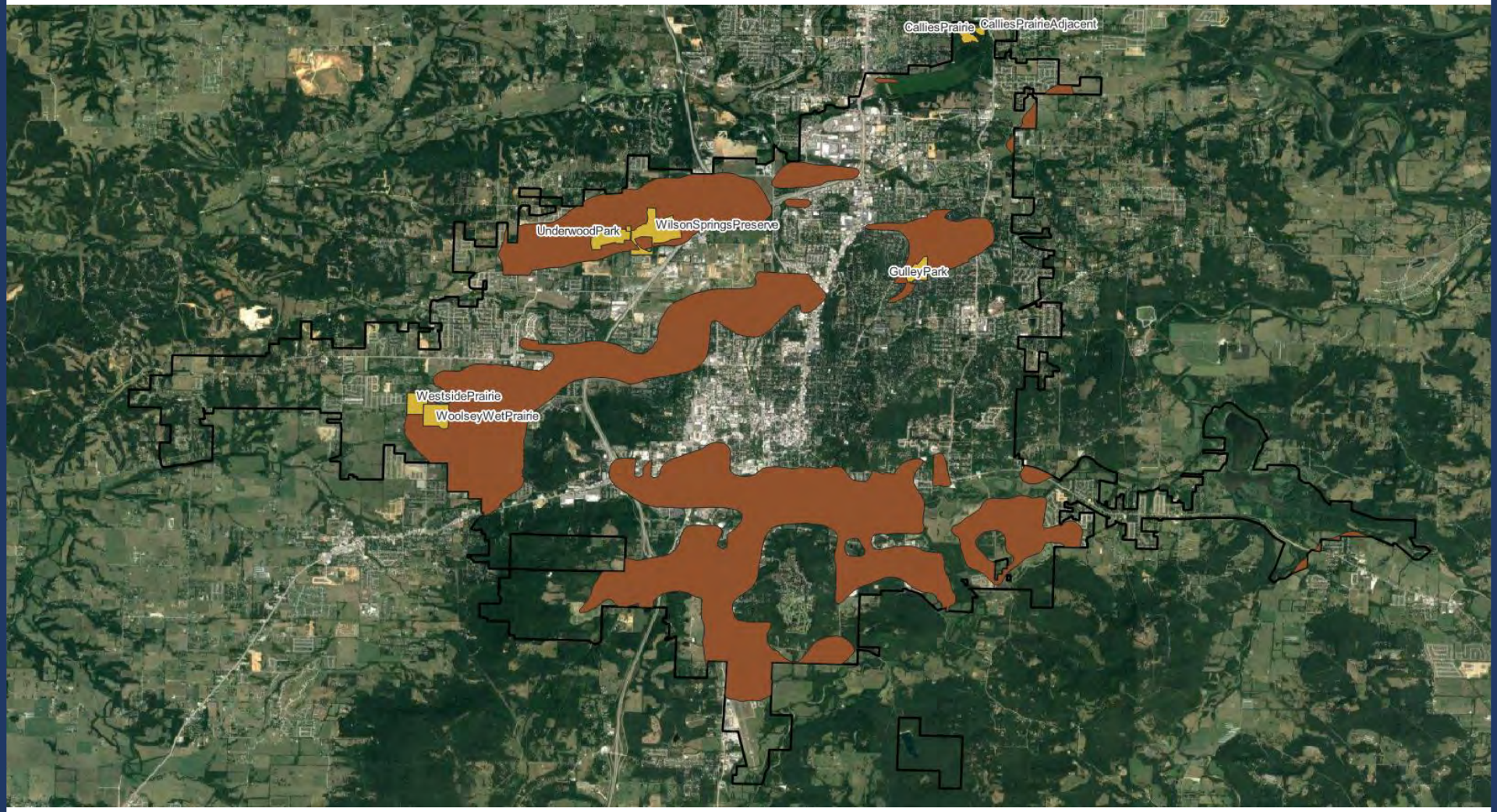
Exclusion or Vulnerable Areas

Prairies Delineated Based on List Provided by City Staff



Protected Prairie-related Areas	Acres
Woolsey Farmstead and Wet Prairie Sanctuary	50
Westside Prairie	40
Wilson Springs Preserve	121
Underwood Park	5 (estimated)
Callies Prairie	33
Gulley	3
TOTAL	252 acres

Native Prairie & Prairies Delineated Based on List Provided by City Staff

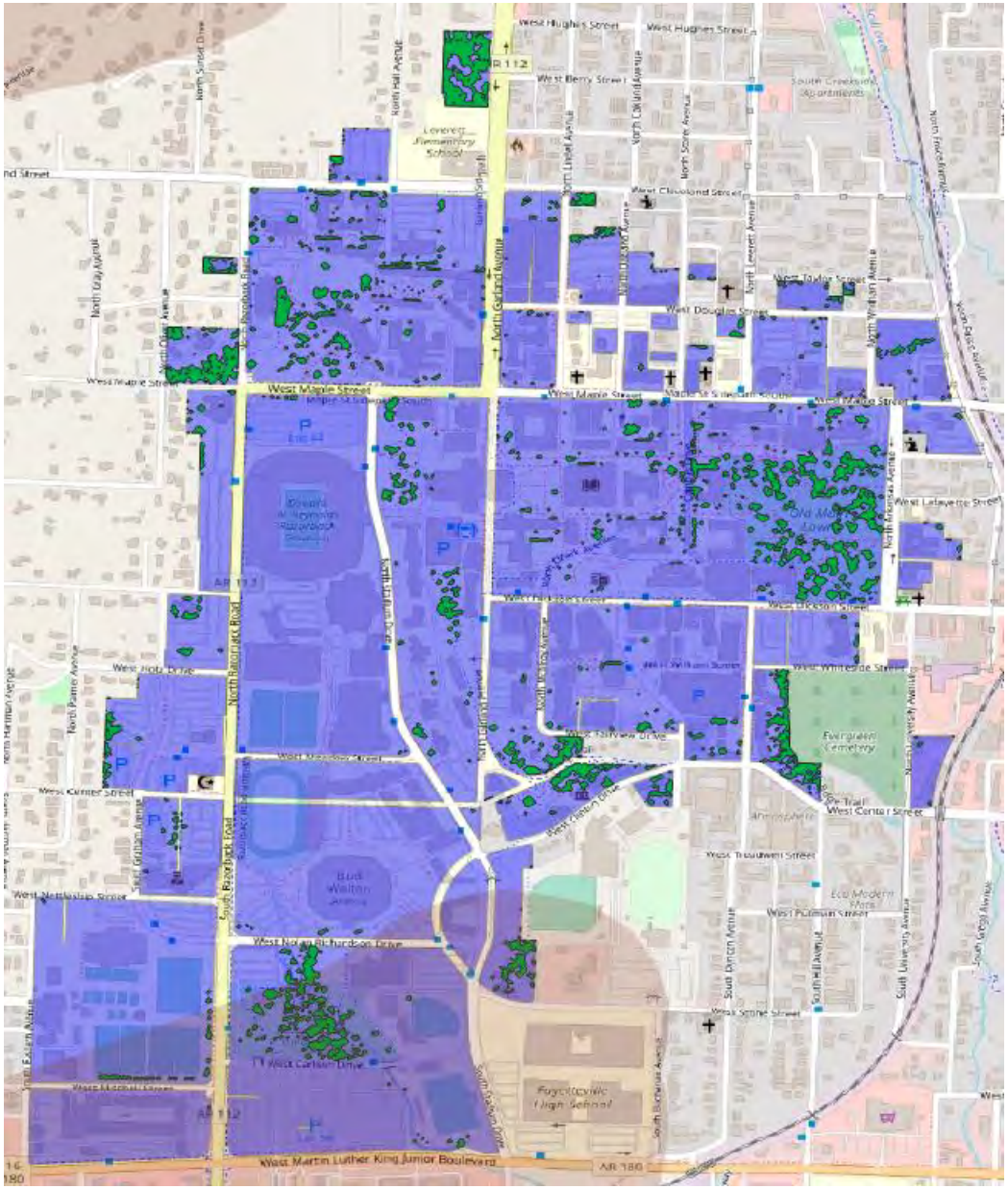


GIS layer provided by:
Marson Nance, CLM
Director of Land Stewardship & Research
Northwest Arkansas Land Trust

Total Prairie Acres	9,769
Total Canopy Acres in Prairie	1,957
Canopy % in Prairie	20%

NORTHWEST ARKANSAS LAND TRUST

University of Arkansas Canopy

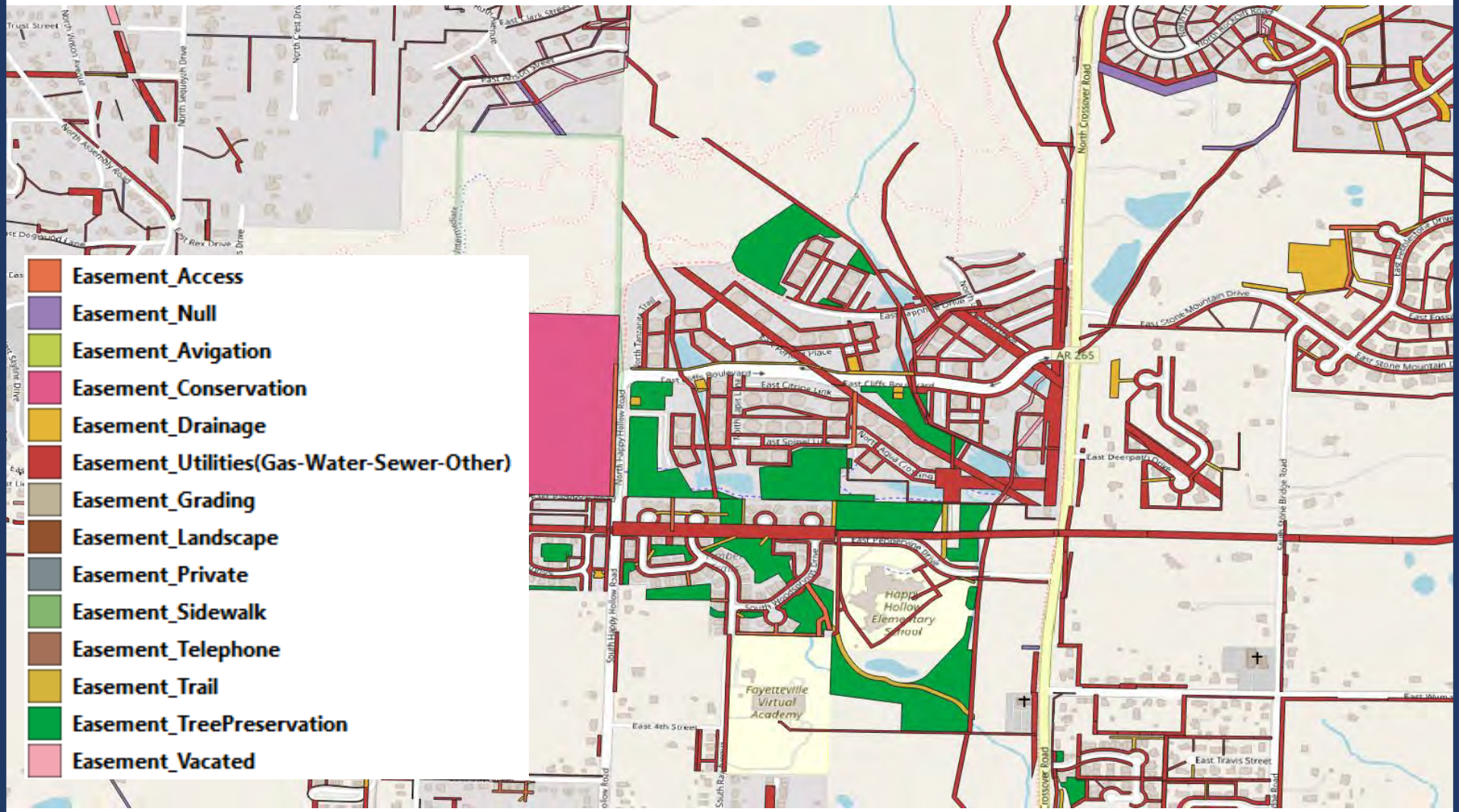


University Acres	Canopy Area (Ac)	Canopy %
377.0	22.0	6%

Citywide Acres	35,712
Citywide Canopy Acres	14,081.24
Citywide Canopy %	39.43%
Citywide Canopy Acres Excluding University	14,059.27
Citywide Canopy % Excluding University	**39.37%**

- University of Arkansas property
- Canopy within University of Arkansas property

Easements Example



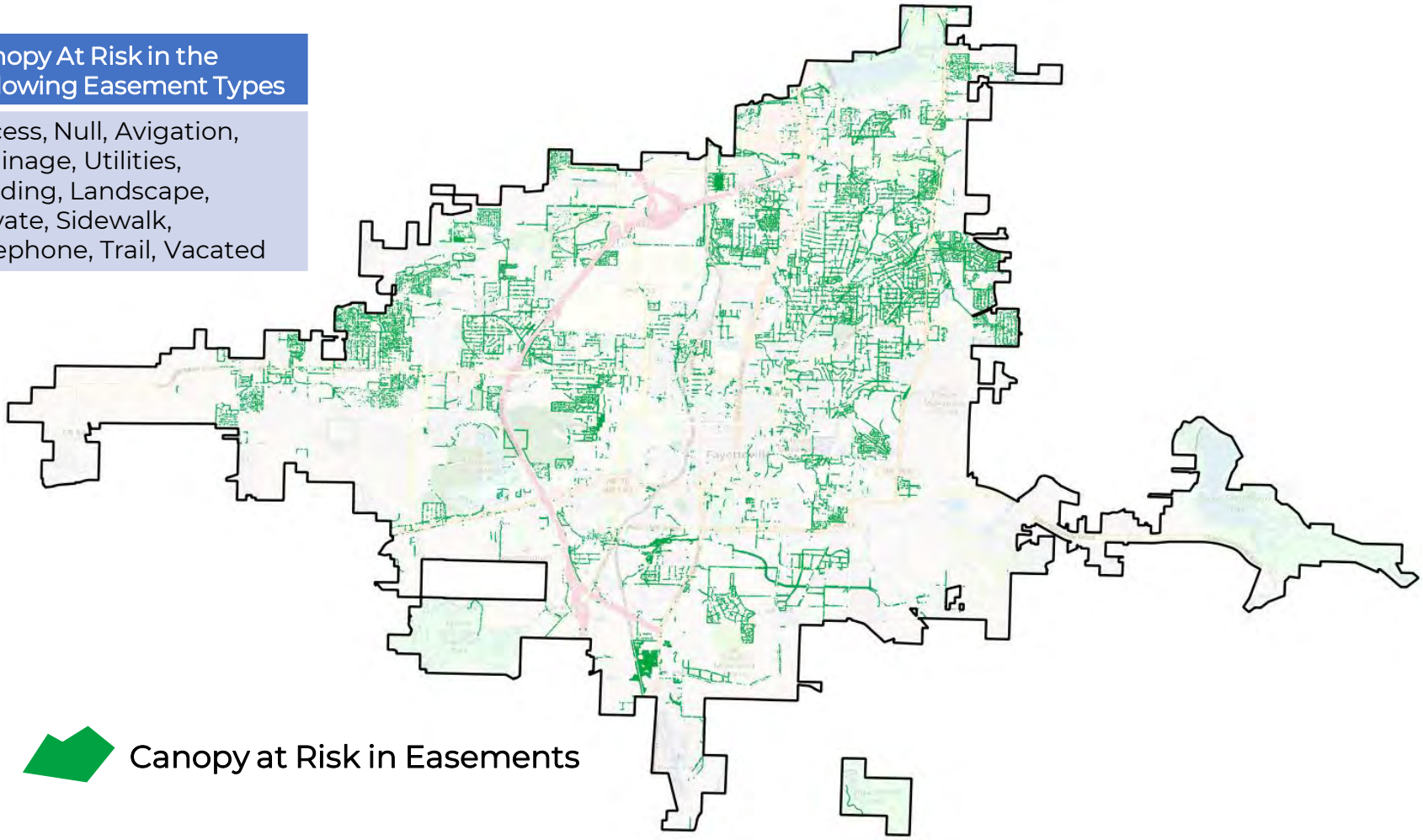
Canopy Likely Preserved	Canopy At Risk ("Vulnerable Easements"	Areas to Proactively Preserve
Conservation(?), Tree Preservation	Access, Null(?), Avigation, Drainage, Utilities, Grading, Landscape, Private, Sidewalk, Telephone, Trail, Vacated	Access, Landscape, Sidewalk, Trail, Vacated

Canopy in At Risk Easements

Acres of Vulnerable Easements	Canopy Acres of Vulnerable Easements	% Canopy of Vulnerable Easements
3,980.6	1,015.0	25%

Canopy At Risk in the Following Easement Types

Access, Null, Avigation, Drainage, Utilities, Grading, Landscape, Private, Sidewalk, Telephone, Trail, Vacated

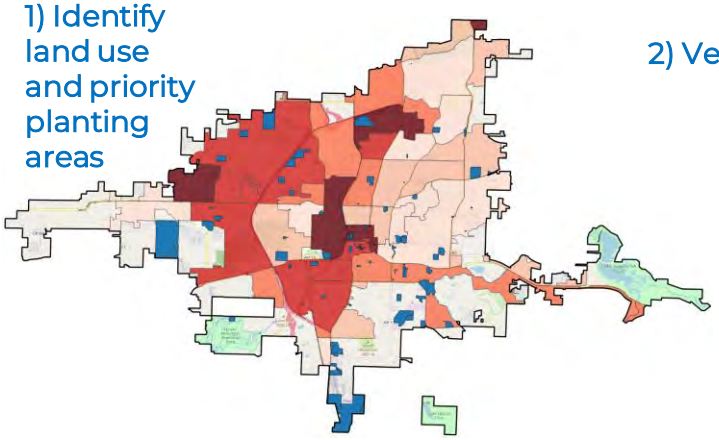


Canopy at Risk in Easements

Applying Canopy Goals & Priority Planting Areas with Consideration of Exclusion Areas

Priority Planting in Civic Institutional Land Use Areas to Achieve Canopy Goals

1) Identify land use and priority planting areas



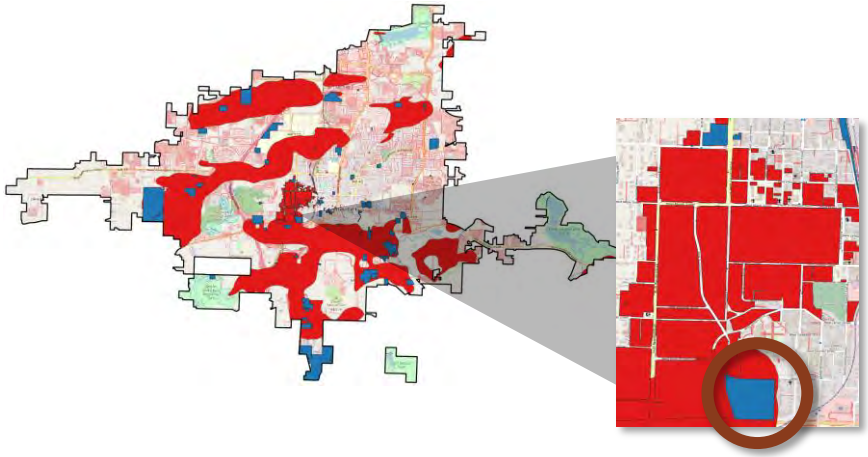
Average Surface Temperature

- City Boundary
- Civic Institutional Land Use
- 75 – 80
- 80 – 81
- 81 – 82
- 82 – 83
- 83 - 85

2) Verify and confirm the canopy goal and number of trees to plant for the land use

Future Land Use	Current Canopy %	Modeled Canopy %	Timeframe (years)	# of Trees per Year
Urban Center	16%	16%	30	1
City Neighborhood	30%	31%	30	106
Residential Neighborhood	41%	46%	30	1,050
Rural Residential	48%	53%	30	1,032
Non-Muni Government	17%	19%	30	55
Civic Institutional	30%	32%	30	74
Civic & Private Open Space	62%	65%	30	202
Natural	62%	65%	30	480
Industrial	30%	30%	30	3
Citywide	39%	44.7%	30 Years	3,003

3) Identify and remove non-plantable areas (university, easements, prairie)



Legend

- City Boundary
- Civic Institutional Land Use
- University grounds, vulnerable easements, and prairie
- Not plantable

4) Identify Possible Planting Area in priority area for the land use and determine planting locations



5) Continue to identify possible planting areas in priority areas for the land use to strategize how and where to plant 74 trees per year for 30 years to reach the 32% canopy goal for the Civic Institutional land use as shown in the table above in step #2



TREE INVENTORY SUMMARY

An internal summary of the public and private sample tree inventory to inform the

City of Fayetteville, AR
Urban Forest Management Plan

April 2023

CITY OF FAYETTEVILLE ARKANSAS

PlanITGeo developers of TreePlotter

CONTENTS

Tree Inventory Overview 1
About 1
Tree Inventory Database 1
Tree Inventory Counts 1
Data Fields Collected 2
Public Tree Sample Inventory Summary 3
Public Data Highlights (Sample Inventory) 3
Public Tree Location and Growing Space (Sample Inventory) 4
Public Tree Structure (Sample Inventory) 5
Public Tree Condition and Maintenance Needs (Sample Inventory) 7
Public Tree Conflicts (Sample Inventory) 8
Ecosystem Benefits and Services of the Public Tree Sample Inventory 10
Private Tree Sample Inventory Summary 11
Private Data Highlights (Sample Inventory) 11
Private Tree Location and Growing Space (Sample Inventory) 12
Private Tree Structure (Sample Inventory) 13
Private Tree Condition and Maintenance Needs (Sample Inventory) 15
Private Tree Conflicts (Sample Inventory) 16
Ecosystem Benefits and Services of the Private Tree Sample Inventory 18
Public Park and Trail Sample Tree Inventory 19
Summary of Sample Tree Inventories in Public Parks 19
Possible Public Planting Sites 20
Summary of Possible Planting Sites on Public Property 20
Estimated Characteristics of All Public Trees 21
Methodology 21
Public Tree Status 21
Public Tree Location and Growing Space (Estimated for All Public Trees) 21
Public Tree Structure (Estimated for All Public Trees) 23
Public Tree Condition and Maintenance Needs (Estimated for All Public Trees) 25
Public Tree Conflicts (Estimated for All Public Trees) 27
Estimated Ecosystem Benefits and Services of All Public Trees 28
Estimated Characteristics of All Private Trees 29
Methodology 29
Private Tree Status 29
Private Tree Location and Growing Space (Estimated for All Private Trees) 29
Private Tree Structure (Estimated for All Private Trees) 31
Private Tree Condition and Maintenance Needs (Estimated for All Private Trees) 33
Private Tree Conflicts (Estimated for All Private Trees) 35
Estimated Ecosystem Benefits and Services of All Private Trees 36

TABLES AND FIGURES

Tables

Table 1. Counts for the public and private sample tree inventory 1
Table 2. Data fields collected as part of the 2022 sample tree inventory 2
Table 3. Summary of the sample public tree inventory 3
Table 4. Ecosystem benefits and services of the sample public trees 10
Table 5. Summary of the sample private tree inventory 11
Table 6. Ecosystem benefits and services of the sample private trees 18
Table 7. Tree data summaries for parks inventoried in 2022 19
Table 8. Summary of possible public planting sites inventoried in 2022 20
Table 9. Estimated ecosystem benefits and services of all public trees 28
Table 10. Estimated ecosystem services and benefits of all private trees 36

Figures

Figure 1. Distribution of (sample) public trees by land use 4
Figure 2. Distribution of (sample) public trees by growing spaces 4
Figure 3. Distribution of (sample) public trees by planting site width 5
Figure 4. Distribution of (sample) public trees by genus (top 10) 5
Figure 5. Distribution of (sample) public trees by tree species (top 10) 6
Figure 6. Comparison of Fayetteville's (sample) public tree sizes classes to the ideal distribution (Richards, 1993) 6
Figure 7. Distribution of (sample) public trees by condition 7
Figure 8. Observations of the (sample) public trees 7
Figure 9. Recommended tree work for (sample) public trees 8
Figure 10. Summary of utility conflicts of (sample) public trees 8
Figure 11. Existing clearance conflicts of the public tree sample inventory 9
Figure 12. Distribution of (sample) private trees by land use 12
Figure 13. Distribution of growing space for the (sample) private trees 12
Figure 14. Distribution of (sample) private trees planting site widths 13
Figure 15. Distribution of (sample) private tree genera (top 10) 13
Figure 16. Distribution of (sample) private tree species (top 10) 14
Figure 17. Comparison of Fayetteville's (sample) private tree size classes to the ideal distribution (Richards, 1993) 14
Figure 18. Distribution of (sample) private trees by condition 15
Figure 19. Summary of observations from the private sample tree inventory 15
Figure 20. Recommended tree work for the (sample) private tree inventory 16
Figure 21. Summary of the wire conflicts for the (sample) private tree inventory 16
Figure 22. Existing clearance conflicts of the (sample) private tree inventory 17
Figure 23. Estimated status of all public trees 21
Figure 24. Estimated adjacent land use of all public trees 21
Figure 25. Estimated growing space of all public trees 22
Figure 26. Estimated planting site widths of all public trees 22
Figure 27. Estimated tree genera diversity for all public trees (top 10) 23
Figure 28. Estimated tree species diversity for all public trees (top 10) 24
Figure 29. Estimated distribution of diameter classes for all public trees compared to the ideal distribution (Richards,) 25
Figure 30. Estimated condition of all public trees 25
Figure 31. Estimated observations and defects of all public trees 26
Figure 32. Estimated tree work needed for all public trees 26
Figure 33. Estimated wire conflicts for all public trees 27
Figure 34. Estimated clearance conflicts of all public trees 27
Figure 35. Estimated status of all private trees 29
Figure 36. Estimated land use of all private trees 29
Figure 37. Estimated growing space of all private trees 30
Figure 38. Estimated planting site widths of all private trees 30
Figure 39. Estimated tree genera diversity of all private trees (top 10) 31
Figure 40. Estimated tree species diversity of all private trees (top 10) 32
Figure 41. Estimated distribution of diameter classes for all private trees compared to the ideal distribution (Richards,) 33
Figure 42. Estimated condition of all private trees 33
Figure 43. Estimated observations and defects of all private trees 34
Figure 44. Estimated tree work needed for all private trees 34
Figure 45. Estimated wire conflicts of all private trees 35
Figure 46. Estimated clearance conflicts of all private trees 35

TREE INVENTORY OVERVIEW

About

In October 2022, a sample inventory of public and private trees in Fayetteville, Arkansas was conducted by PlanIT Geo's Certified Arborists accredited by the International Society of Arboriculture. The scope of the public and private tree sample inventory was prepared as part of the City's Urban Forest Management Plan ("UFMP" or "Plan") project that is currently underway as of November 2022. The tree inventory is intended to gather data that informs the current extent, structure, characteristics, and maintenance needs of the urban forest that can be addressed in the UFMP.

Due to limited funding, a comprehensive inventory was not conducted though sampling methods were used in order to extrapolate the data to represent the total public and private tree populations, respectively. To do this, a sample inventory of public trees along approximately 5 percent of linear road miles (25 miles) was conducted. For public trees in parks, approximately 10 percent of City park acres were inventoried. The locations for the public tree inventory were determined by the City's Urban Forester and PlanIT Geo's Field Services team. For the private tree sample, an inventory of trees on private property was conducted when adjacent to public trees being inventoried. Data collection for private trees was not conducted on or within private property— the inventory was conducted within public rights-of-way (i.e., sidewalks) to provide a snapshot of the extent, structure, and characteristics of private trees. In addition to trees, possible available public planting sites were also inventoried based on criteria provided by the City's Urban Forester.

In November 2022, the Consulting Team developing the UFMP reviewed and analyzed the tree inventory datasets and provided summary worksheets and this draft summary report. The following details the draft outcomes of the analysis. Additional analyses such as ecosystem benefits and extrapolating the data to represent the Citywide urban forest remains to be done as part of the UFMP project.

Note, the public and private tree sample inventory analysis was conducted in the months of November and December 2022. Due to ongoing tree maintenance and the dynamic characteristics of trees, changes such as condition, tree size, and maintenance needs may have changes since the analysis.

Tree Inventory Database

www.pg-cloud.com/FayettevilleAR

Tree Inventory Counts

Tree Population / Feature	Public Datasets	Private Datasets
Total Data Points	3,076	850
Total Tree Points (alive and dead)	2,712	848
Possible Planting Sites (includes removed and stump)	364	2 (stumps)
Total Living Trees	2,568	830
Total Dead Trees	144	18

Table 1. Counts for the public and private sample tree inventory

Data Fields Collected

TreePlotter Tab	Data Field	Public Tree Dataset	Private Tree Dataset
Tree Tab	Primary ID	X	X
	Status	X	X
	Common Name	X	X
	Scientific Name	X	X
	Number of Stems	X	X
	Condition	X	X
	DBH	X	X
	DBH Range	X	X
	Observations	X	X
	Private Parcel Tree?	X	X
	Genus/Species Code	X	X
	Crown Light Exposure	X	X
Location Tab	Address	X	X
	Growing Space Type	X	X
	Land Use	X	X
	Planting Site Width	X	X
Management Tab	Tree Work	X	X
	Wires	X	X
	Clearance Conflicts	X	X
	User	X	X
	Date Added	X	X
	Last Modified	X	X
	Last Modified User	X	X

Table 2. Data fields collected as part of the 2022 sample tree inventory

PUBLIC TREE SAMPLE INVENTORY SUMMARY

Includes public street, median, park, and trail trees

Public Data Highlights (Sample Inventory)

Field	Value
Data Points	2,740 public data points
Alive & Dead Trees	2,568 (95%) Alive 144 (5%) Dead
Adjacent Land Use	68% Park/Vacant/Other 15% Single Family
Primary Growing Space Type	Other (Maintained): 39% Planting Strip: 27%
Primary Planting Site Width	Class II (medium) 6-10 feet: 42% (1,151 trees) Class III (large) 11+ feet: 36% (964 trees)
Number of Unique Tree Genera	54
Most Common Tree Genera	*Quercus*: 31% (838 trees) *Ulmus*: 15% (411 trees) *Acer*: 8% (213 trees)
Proportion of Top 10 Tree Genera	Top 10 comprise 74% of public trees
Number of Unique Tree Species	111
Most Common Tree Species	Princeton elm: 7% (189 trees) Post oak: 6% (175 trees) Willow oak: 6% (165 trees)
Proportion of Top 10 Tree Species	Top 10 comprise 44% of public trees
Tree Size Classes	55% 0-6in DBH (1,499 trees) 19% 6-12in DBH (516 trees) 14% 12-18in DBH (367 trees) 6% 18-24in DBH (158 trees) 4% 24-30in DBH (122 trees) 2% >30in DBH (50 trees)
Average Diameter / Largest Tree	8.1 inch average / 62 inch baldcypress
Tree Condition	0.04% Excellent (1 tree) 75% Good (2,043 trees) 15% Fair (394 trees) 5% Poor (130 trees) 5% Dead (144 trees)
Observations	30% Crown Dieback (813 trees) 6% Cavity Decay (174 trees)
Recommended Tree Work	Clearance Prune: 8% (217 trees) Remove Tree: 6% (162 trees) Utility Prune: 3% (72 trees)
Wire Conflicts	Wires present & conflicting: 72 trees (3%)
Clearance Conflicts	Pedestrian: 2% (53 trees) Building: 1% (37 trees)
Ecosystem Benefits	$7,767 Overall Annual Value

Table 3. Summary of the sample public tree inventory

Public Tree Location and Growing Space (Sample Inventory)

Adjacent Land Use of Public Trees

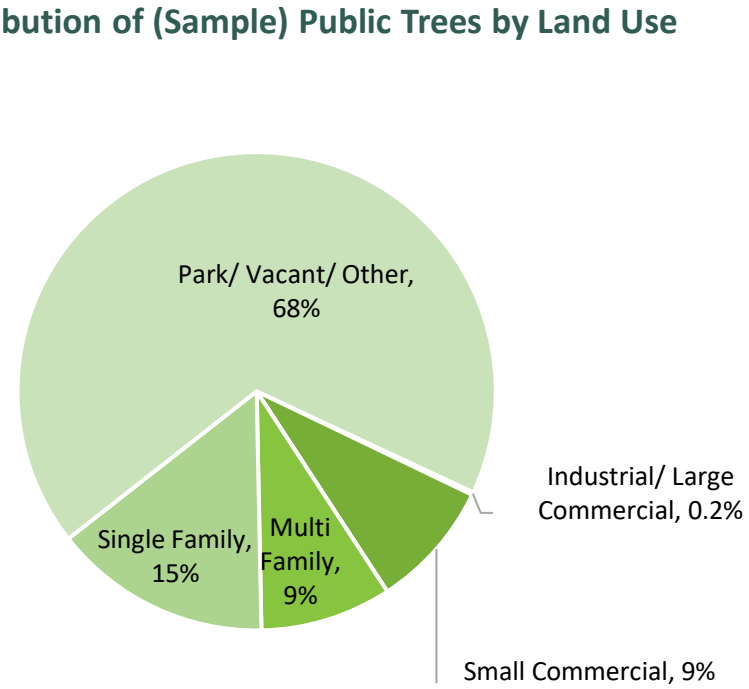


Figure 1. Distribution of (sample) public trees by land use

Growing Space Type of Public Trees

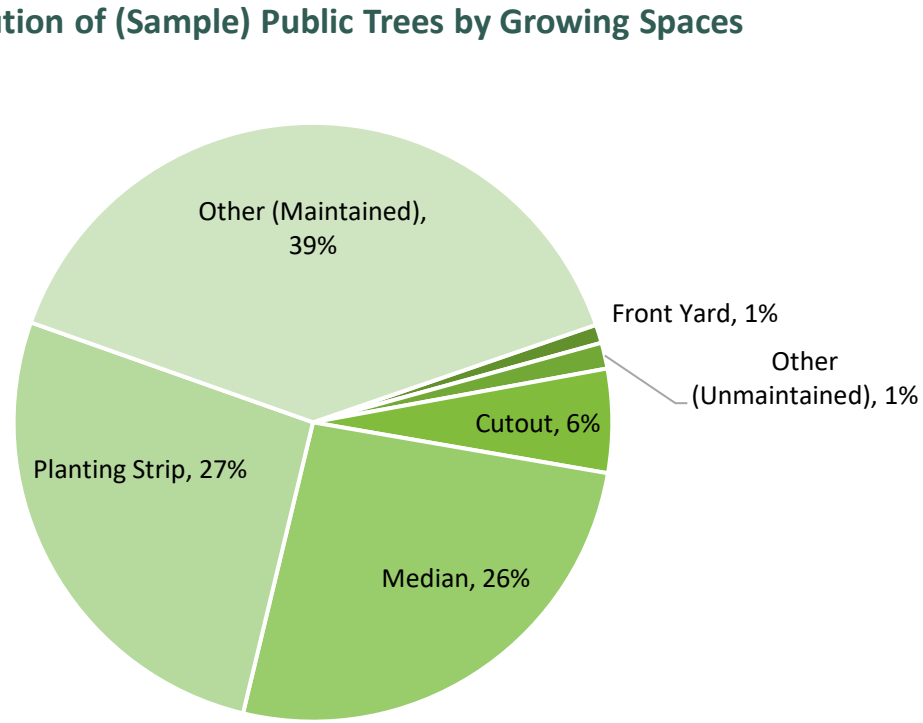


Figure 2. Distribution of (sample) public trees by growing spaces

Existing Tree Planting Site Width of Public Trees

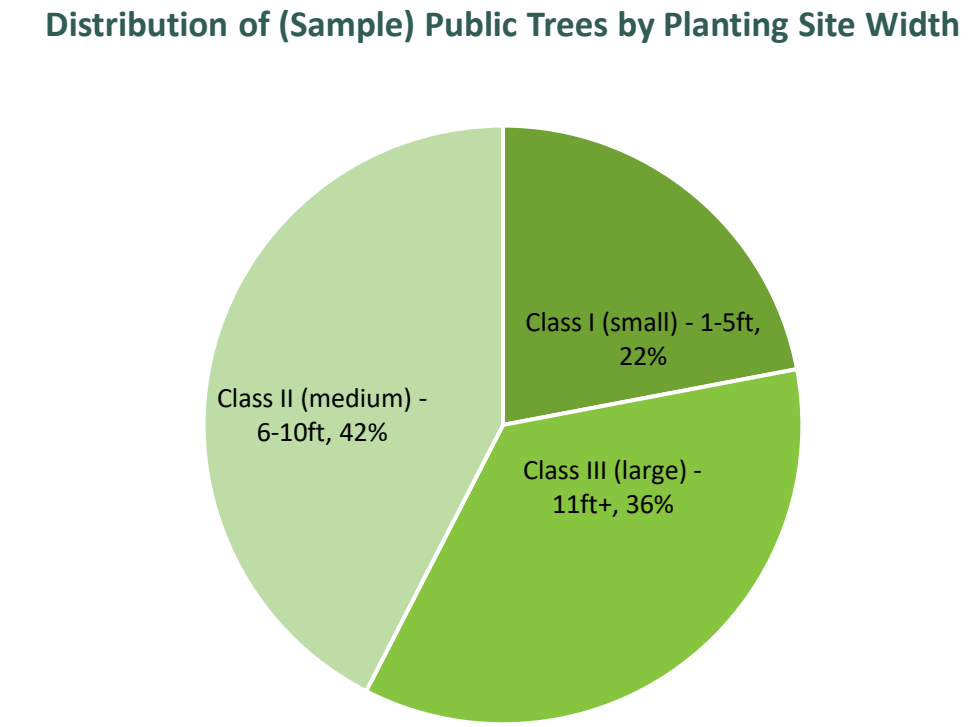


Figure 3. Distribution of (sample) public trees by planting site width

Public Tree Structure (Sample Inventory)

Public Tree Genera Composition

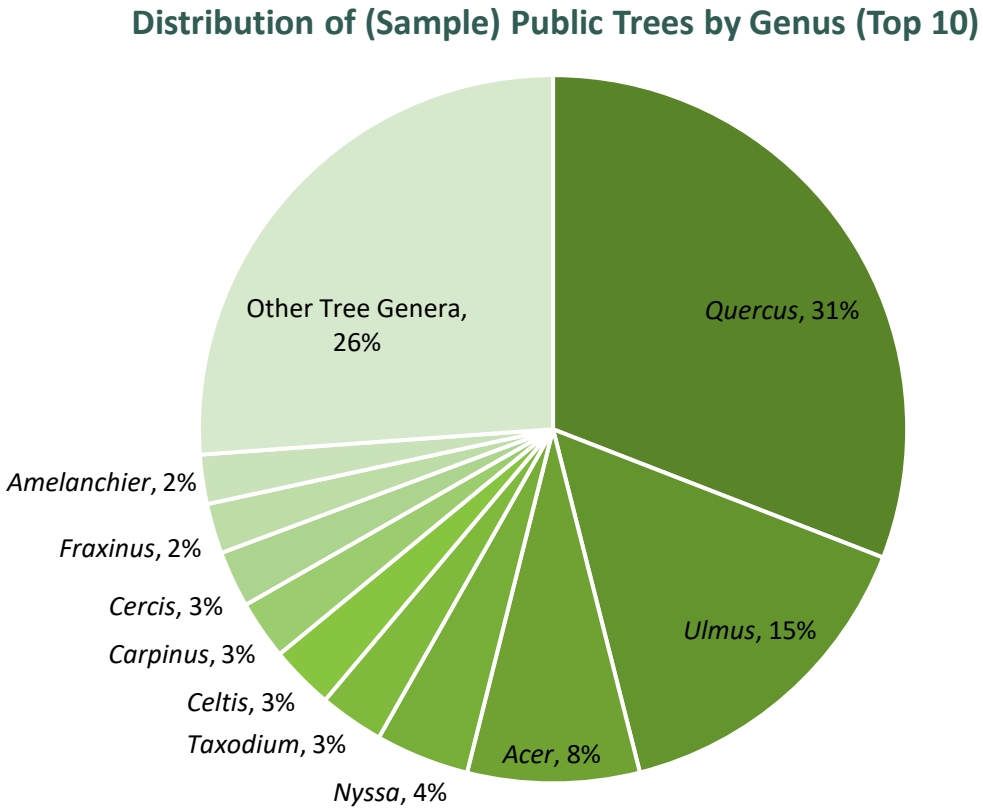


Figure 4. Distribution of (sample) public trees by genus (top 10)

Public Tree Species Composition

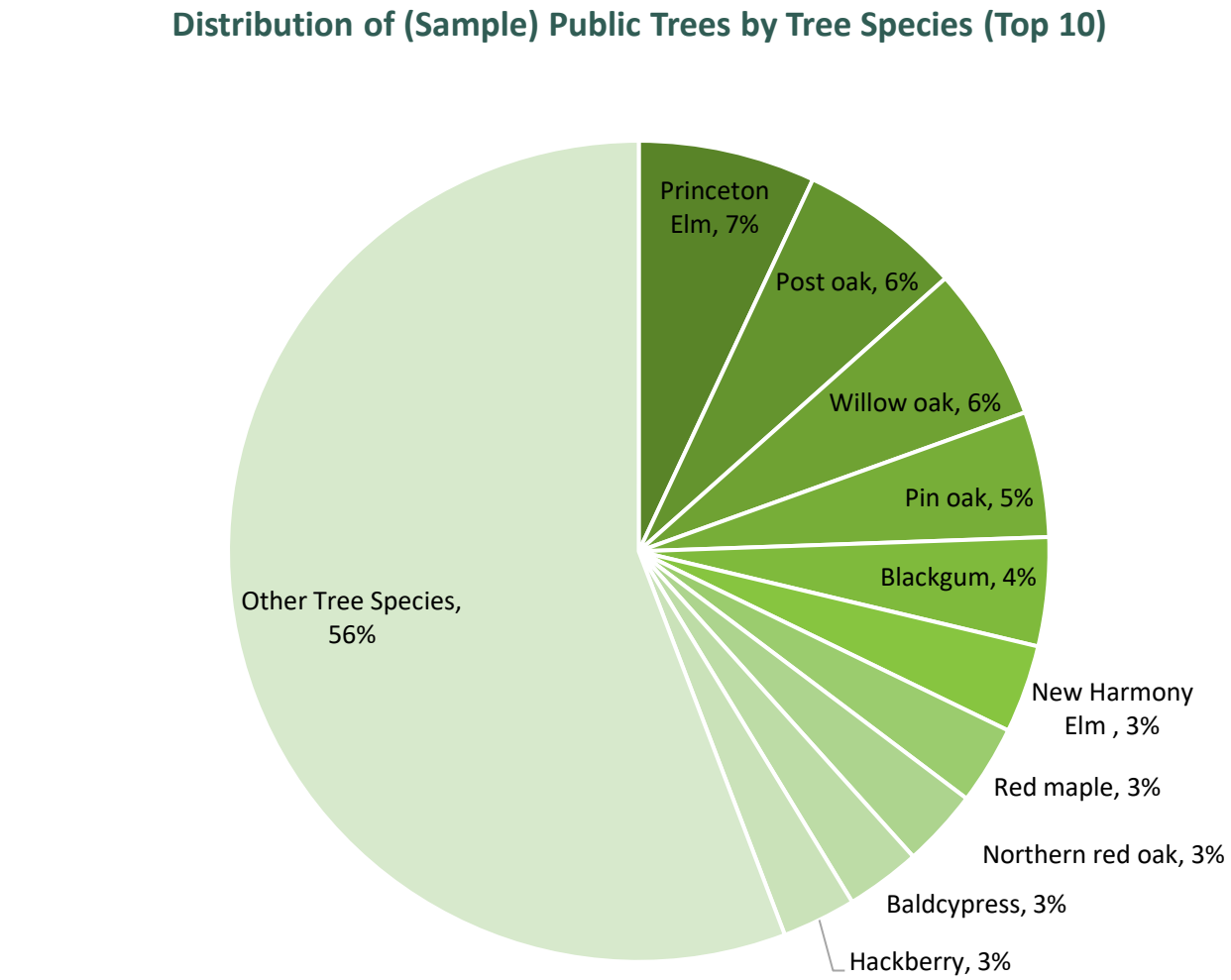


Figure 5. Distribution of (sample) public trees by tree species (top 10)

Public Tree Size Classes and Relative Age Distribution

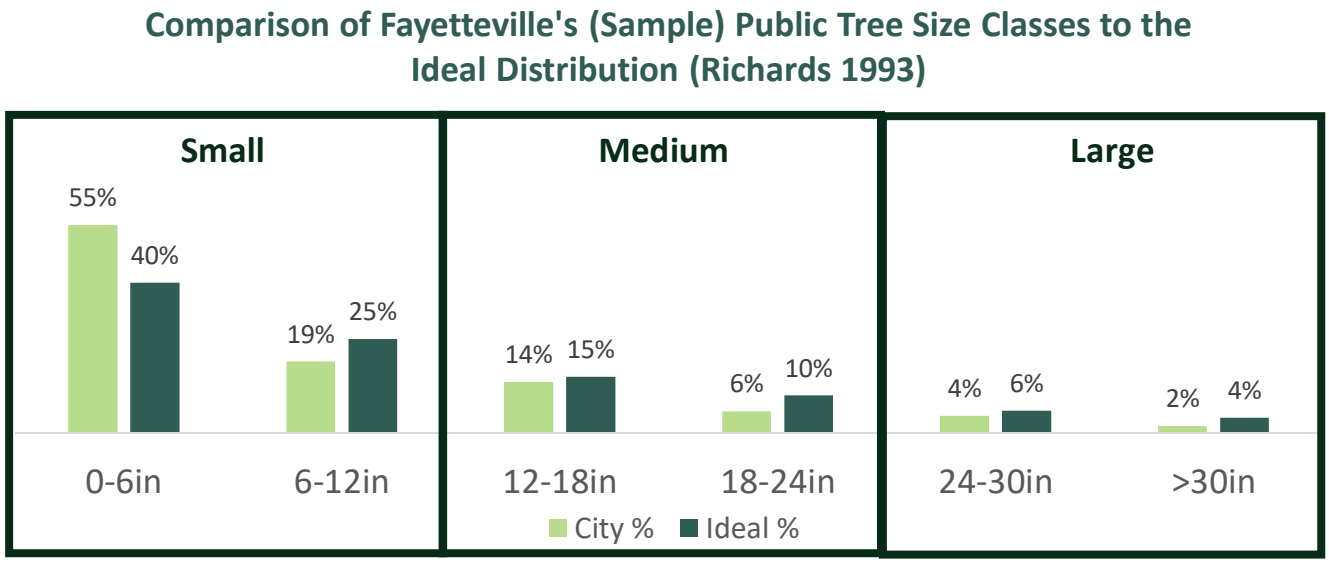


Figure 6. Comparison of Fayetteville's (sample) public tree sizes classes to the ideal distribution (Richards, 1993)

Public Tree Condition and Maintenance Needs (Sample Inventory)

Public Tree Condition

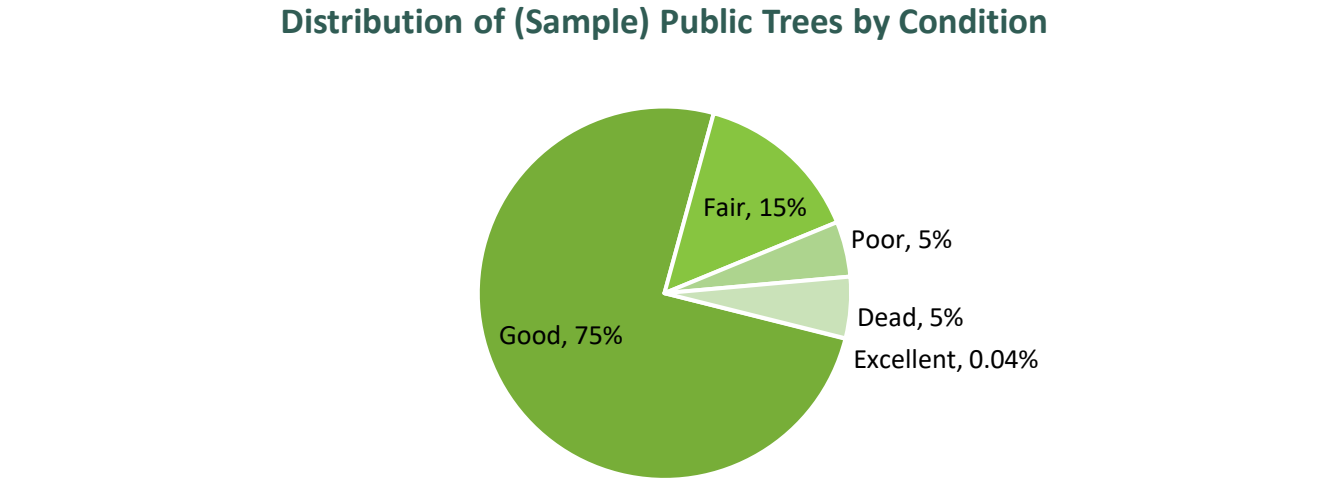


Figure 7. Distribution of (sample) public trees by condition

Public Tree Observations

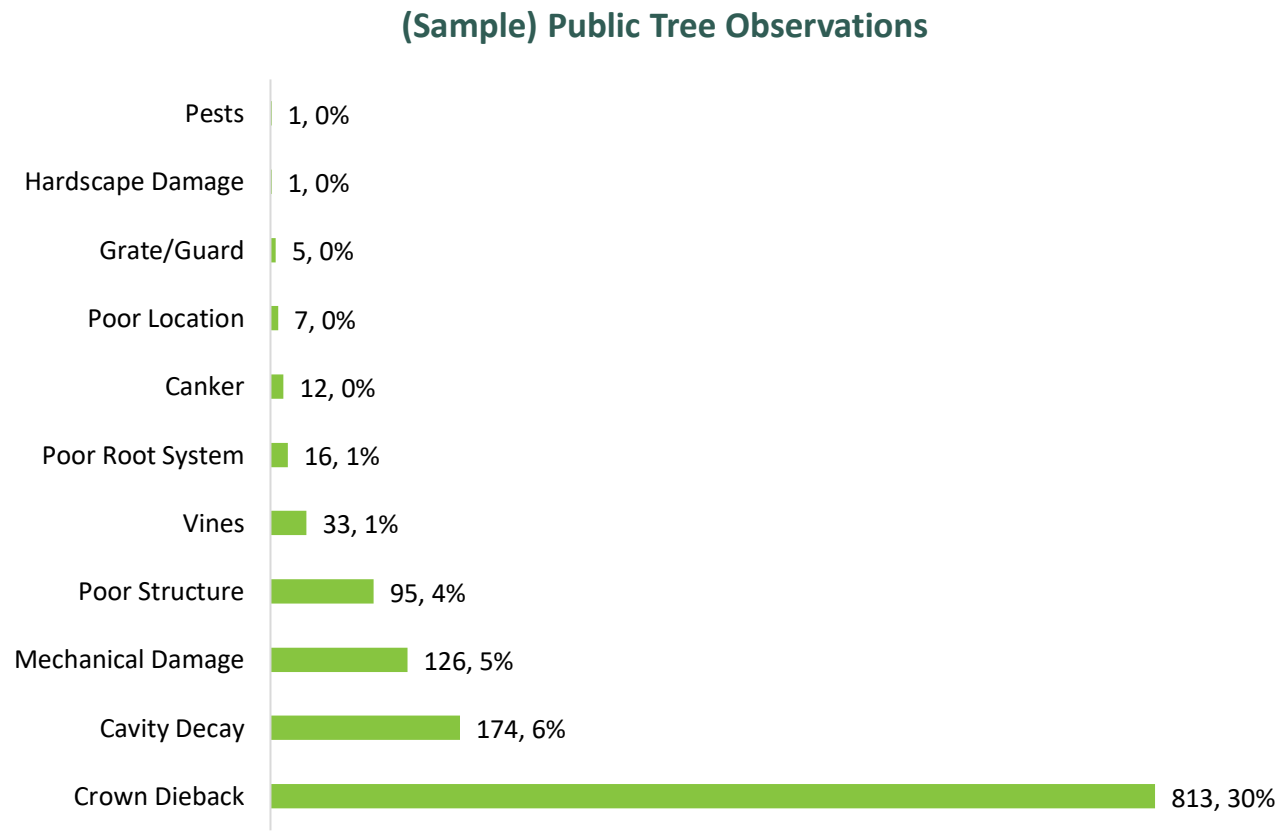


Figure 8. Observations of the (sample) public trees

Recommended Maintenance of Public Trees ("Tree Work")

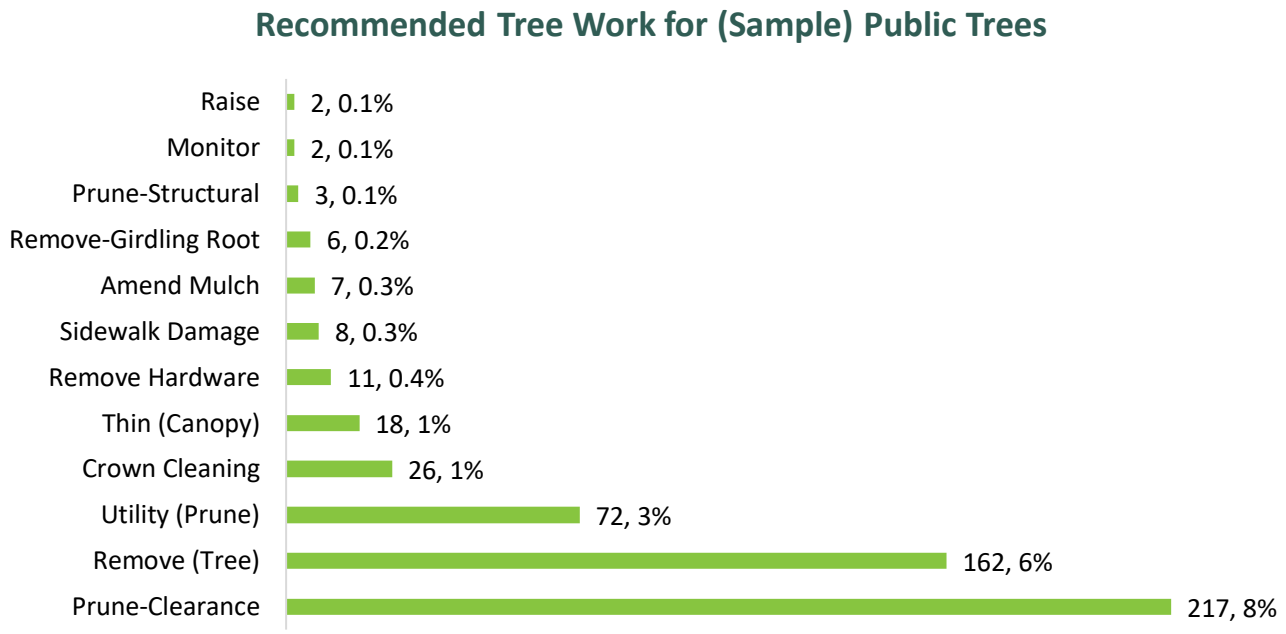


Figure 9. Recommended tree work for (sample) public trees

Public Tree Conflicts (Sample Inventory)

Public Tree Wire Conflicts

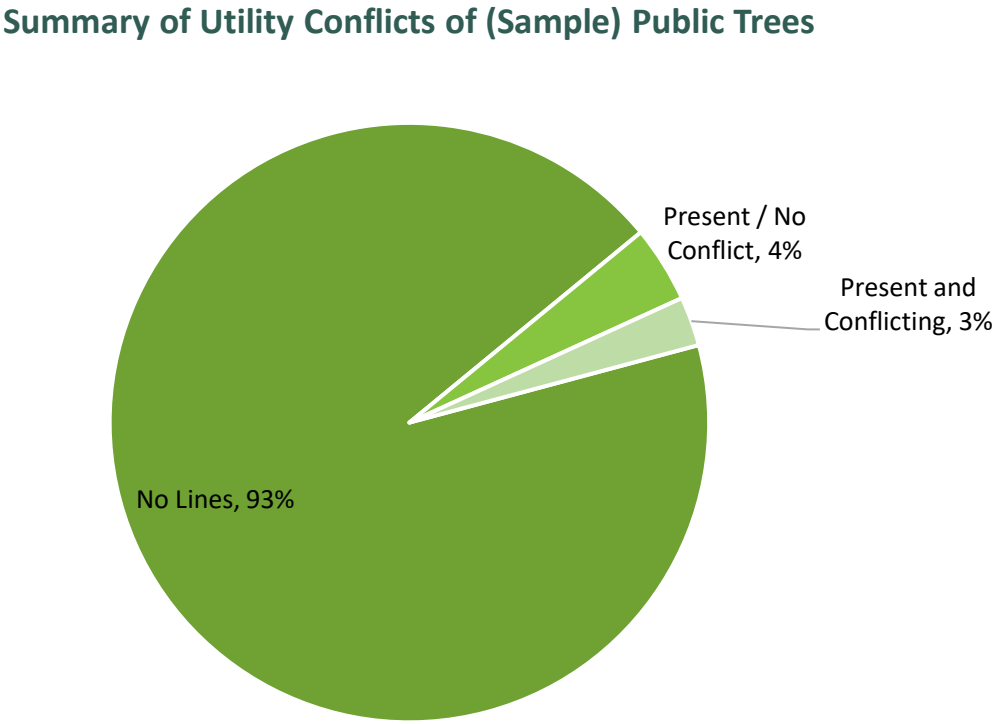


Figure 10. Summary of utility conflicts of (sample) public trees

Public Tree Clearance Conflicts

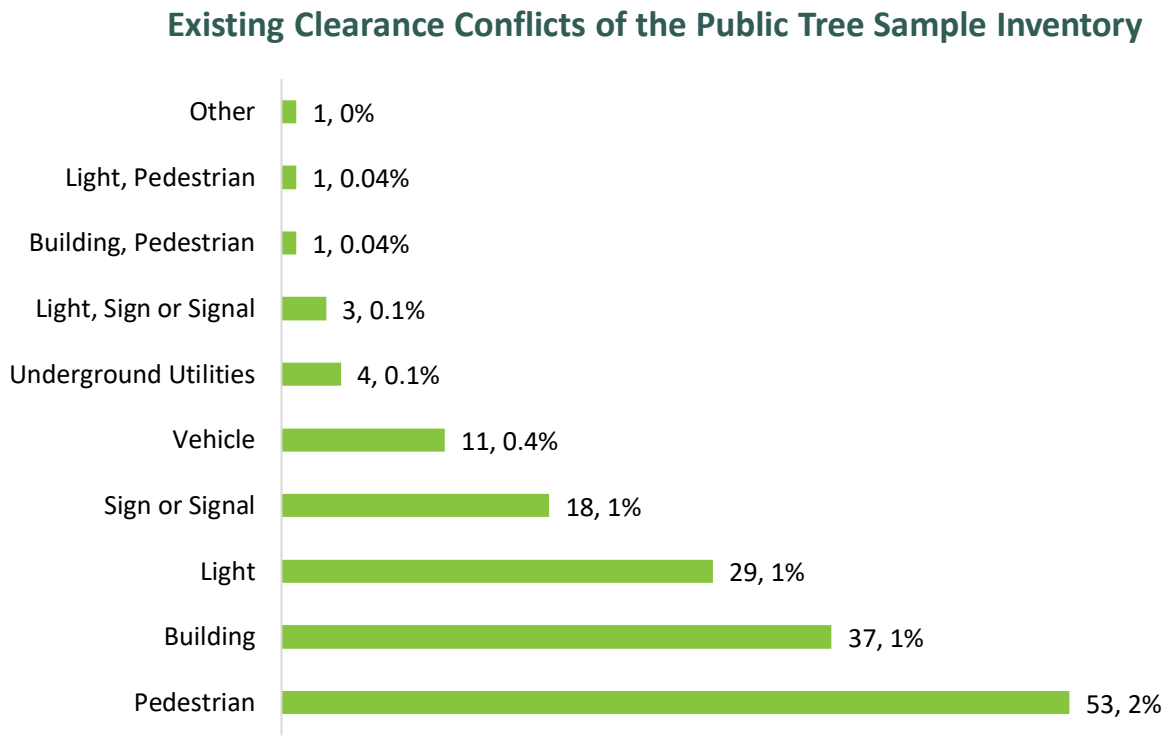


Figure 11. Existing clearance conflicts of the public tree sample inventory

Ecosystem Benefits and Services of the Public Tree Sample Inventory

Table 4. Ecosystem benefits and services of the sample public trees

ECOSYSTEM BENEFITS	AMOUNT FOR 2712 TREES	AVERAGE PER TREE	TOTAL FOR 25,000 PUBLIC TREES
Overall Monetary Benefit ($)	$7,767	$2.86	$71,599.65
Air Quality Monetary Benefit ($)	$2,598	$0.96	$23,949.30
CO (Carbon Monoxide) Pollution Removed (lbs)	12	0.004480	112.00
CO Removed Monetary Benefit ($)	$8	$0.003	$71.72
NO2 (Nitrogen Dioxide)Pollution Removed (lbs)	55	0.02	505.90
NO2 Removed Monetary Benefit ($)	$11.1	$0.004	$102.69
O3(Ozone) Pollution Removed (lbs)	1,046	$0.39	$9,643.25
O3 Removed Monetary Benefit ($)	$1,233	$0.45	$11,366.70
PM2.5 (Particulate Matter 2.5 microns) Pollution Removed (lbs)	28	0.01	257.65
PM2.5 Removed Monetary Benefit ($	$1,339	$0.49	$12,343.93
SO2 (Sulfur dioxide) Pollution Removed (lbs)	21	0.01	189.07
SO2 Removed Monetary Benefit ($)	$0.01	$0.000004	$0.09
Pollutants Removed (lbs)	1,169	0.43	10776.27
Carbon Sequestrated Monetary Benefit ($)	$3,646	$1.34	$33,613.57
Carbon Sequestered (lbs)	156,765	57.8	1445102.2
Stormwater Monetary Benefit ($)	$1,524.53	$0.56	$14,053.56
Evaporation (ft^3)	289,960	106.9	2672938.6
Interception (ft^3)	290,397	107.1	2676967.0
Transpiration (ft^3)	613,646	226.3	5656762.4
Potential Evaporation (ft^3)	2,500,561	922.0	23050897.7
Evapotranspiration (ft^3)	1,892,393	697.8	17444623.9
Runoff Avoided (ft^3)	22,804	8.4	210213.8
CO2 Storage (lbs)	5,348,466	1972.1	49303704.8
CO2 Storage Monetary Benefit ($)	$124,391	$45.87	$1,146,668.05
Carbon Dry Weight (lbs)	2,917,345	1075.72	26892933.08
Carbon Storage (lbs)	1,458,672	537.86	13446459.26

"lbs" = pounds; "gal" = gallons; "ft^3"= cubic feet

PRIVATE TREE SAMPLE INVENTORY SUMMARY

Private Data Highlights (Sample Inventory)

Field	Value
Data Points	850
Alive & Dead Trees	848
Adjacent Land Use	39% Single Family 27% Multi Family
Primary Growing Space Type	Other (Maintained): 70% Front Yard: 19%
Primary Planting Site Width	Class III (large) 11+ feet: 62% Class II (medium) 6-10 feet: 20%
Number of Unique Tree Genera	34
Most Common Tree Genera	*Quercus*: 19% (159 trees) *Acer*: 12% (103 trees) *Pinus*: 9% (75 trees)
Proportion of Top 10 Tree Genera	Top 10 comprise 78% of private trees
Number of Unique Tree Species	64
Most Common Tree Species	Pin oak: 9% (76 trees) Loblolly pine: 8% (65 trees) Red maple: 8% (64 trees)
Proportion of Top 10 Tree Species	Top 10 comprise 57% of private trees
Tree Size Classes	39% 0-6in DBH (334 trees) 20% 6-12in DBH (171 trees) 23% 12-18in DBH (198 trees) 10% 18-24in DBH (83 trees) 5% 24-30in DBH (44 trees) 2% >30in DBH (18 trees)
Average Diameter / Largest Tree	10.2 inch average / 34 inch tulip tree
Tree Condition	0.1% Excellent (1 tree) 70% Good (594 trees) 24% Fair (202 trees) 4% Poor (33 trees) 2% Dead (20 trees)
Observations	41% Crown Dieback (346 trees) 9% Cavity Decay (75 trees)
Recommended Tree Work	Clearance Prune: 9% (74 trees) Remove Hardware: 6% (53 trees) Remove (Tree): 3% (23 trees)
Wire Conflicts	Wires present & conflicting: 17 trees (2%)
Clearance Conflicts	Building: 4% (33 trees) Pedestrian: 3% (23 trees)
Ecosystem Benefits	$3,295 Overall Annual Value

Table 5. Summary of the sample private tree inventory

Private Tree Location and Growing Space (Sample Inventory)

Adjacent Land Use of Private Trees

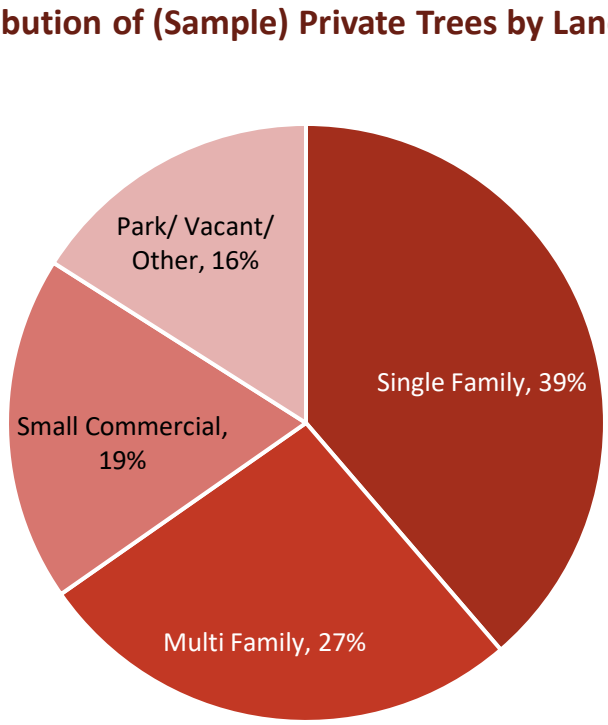


Figure 12. Distribution of (sample) private trees by land use

Growing Space Type of Private Trees

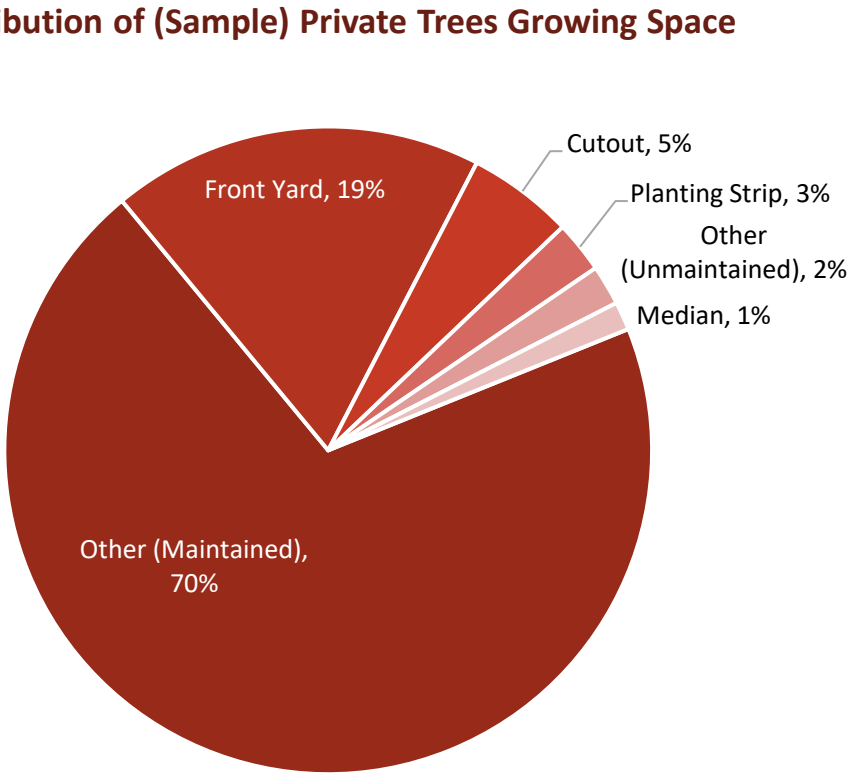


Figure 13. Distribution of growing space for the (sample) private trees

Existing Tree Planting Site Width of Private Trees

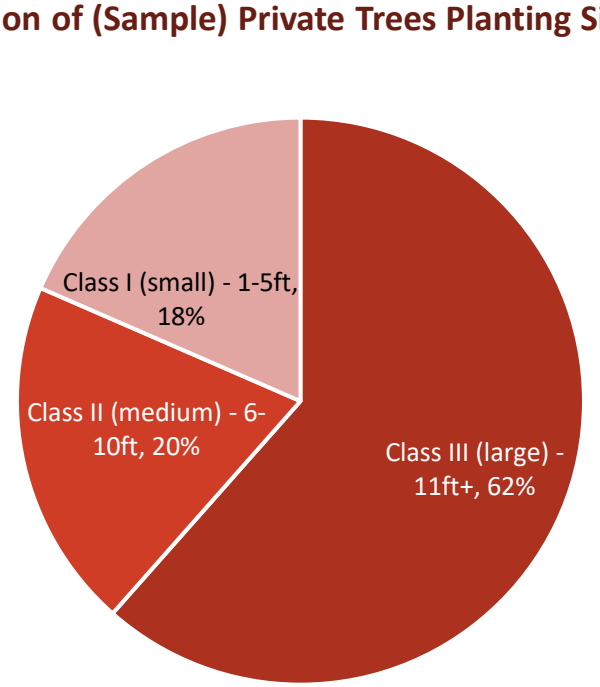


Figure 14. Distribution of (sample) private trees planting site widths

Private Tree Structure (Sample Inventory)

Private Tree Genera Composition

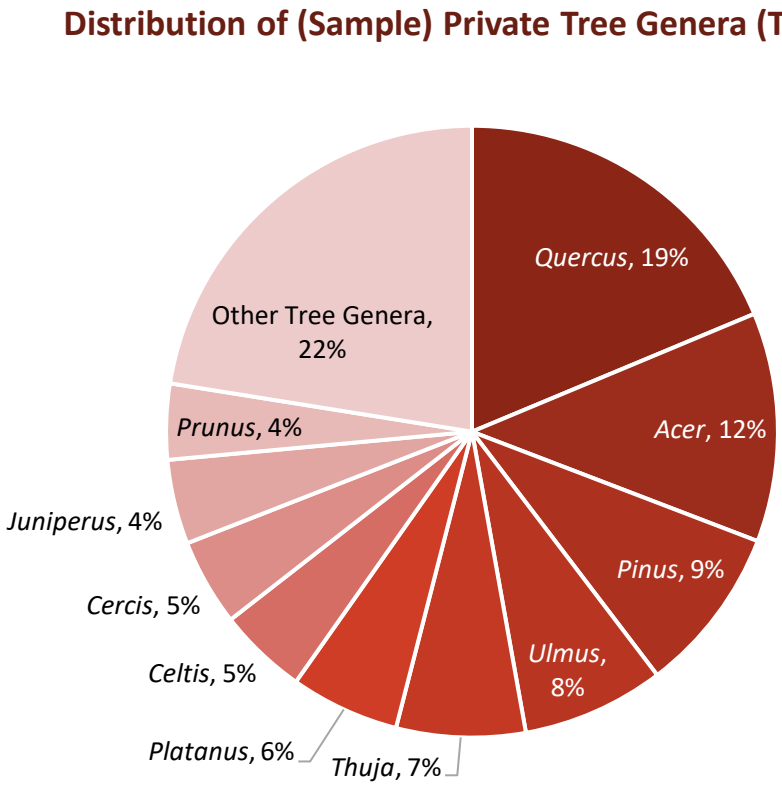


Figure 15. Distribution of (sample) private tree genera (top 10)

Private Tree Species Composition

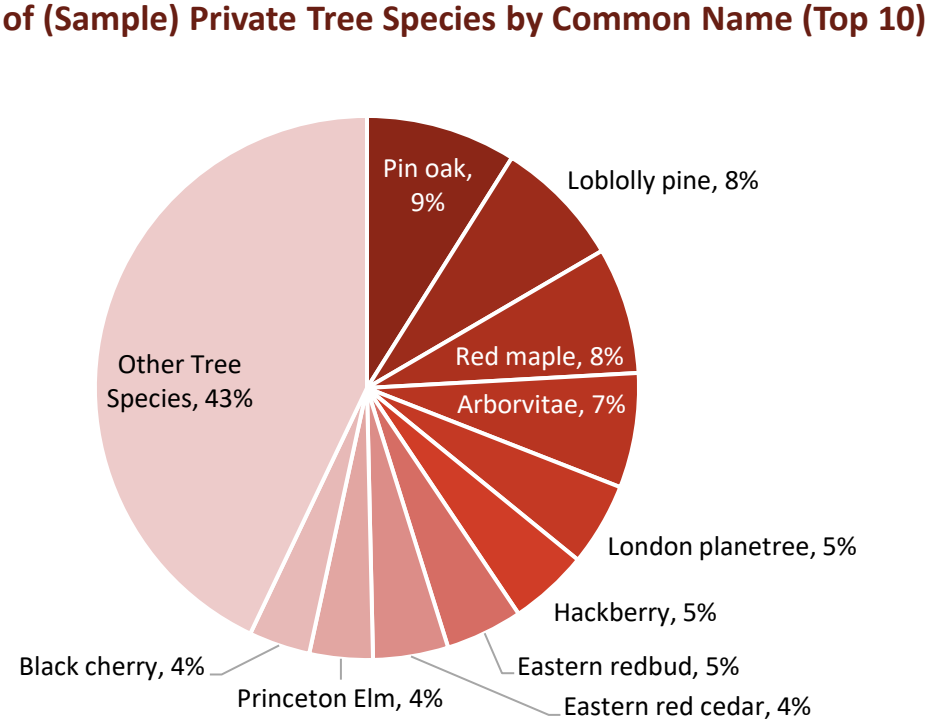


Figure 16. Distribution of (sample) private tree species (top 10)

Private Tree Size Classes and Relative Age Distribution

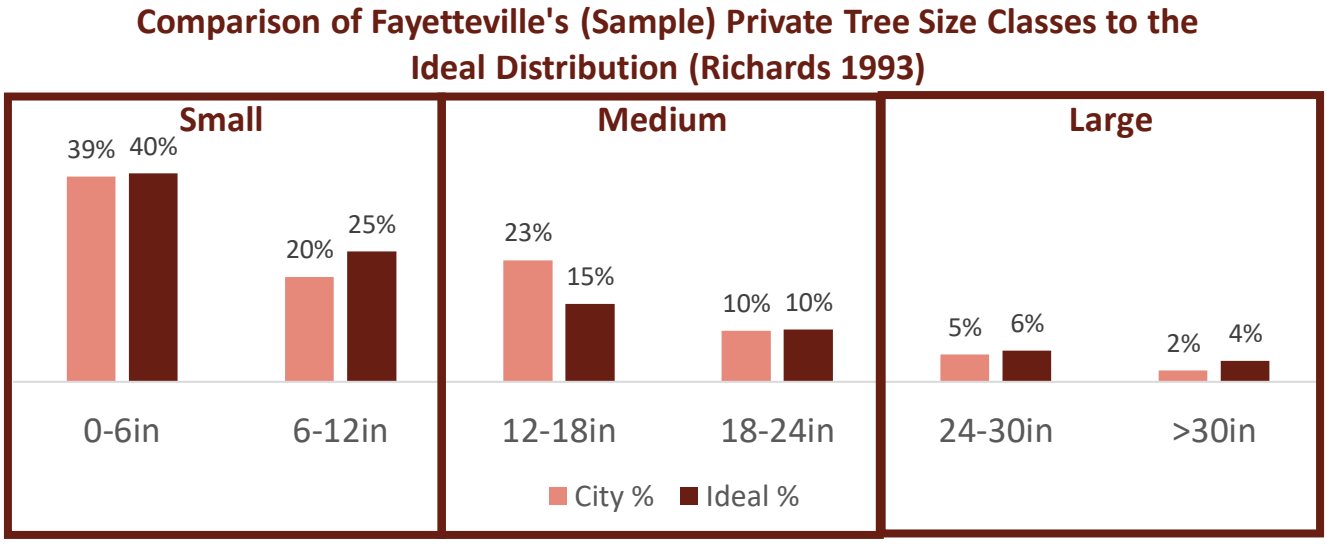


Figure 17. Comparison of Fayetteville's (sample) private tree size classes to the ideal distribution (Richards, 1993)

Private Tree Condition and Maintenance Needs (Sample Inventory)

Private Tree Condition

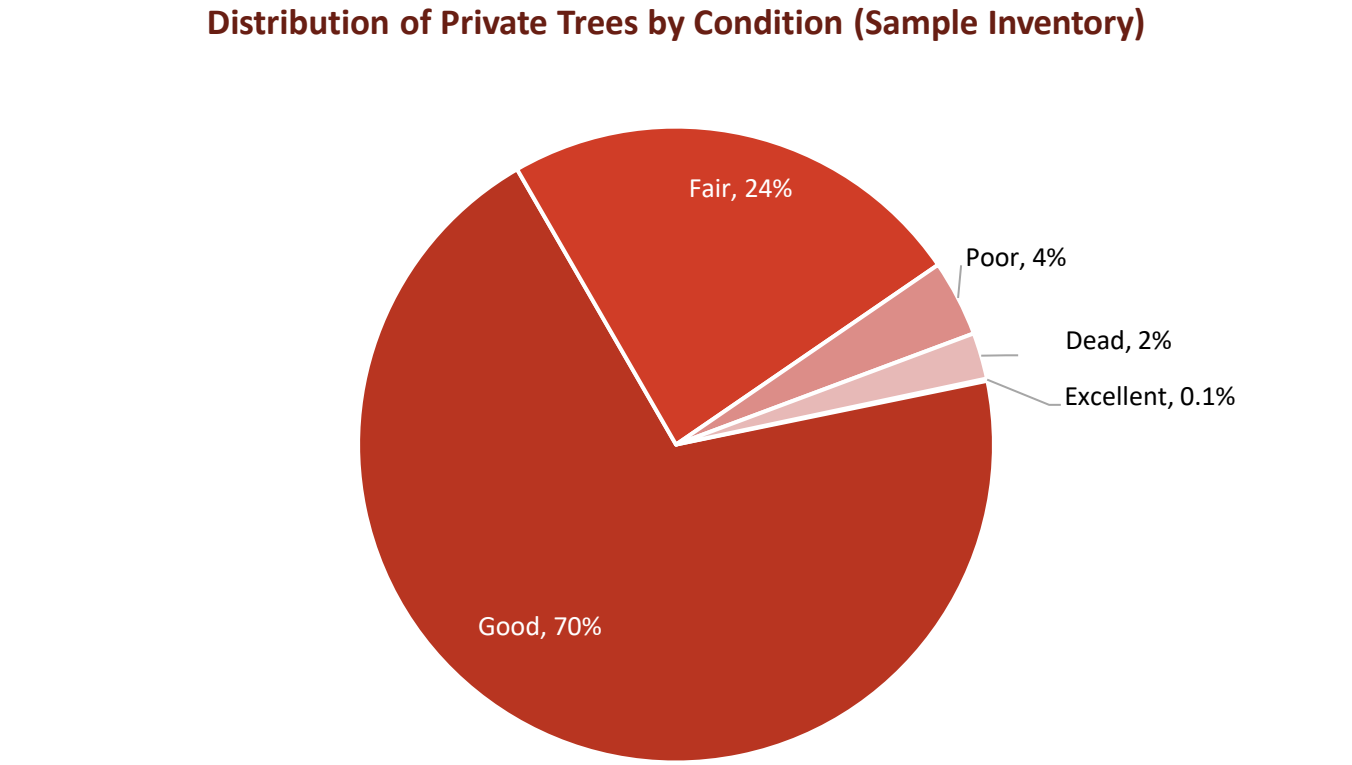


Figure 18. Distribution of (sample) private trees by condition

Private Tree Observations

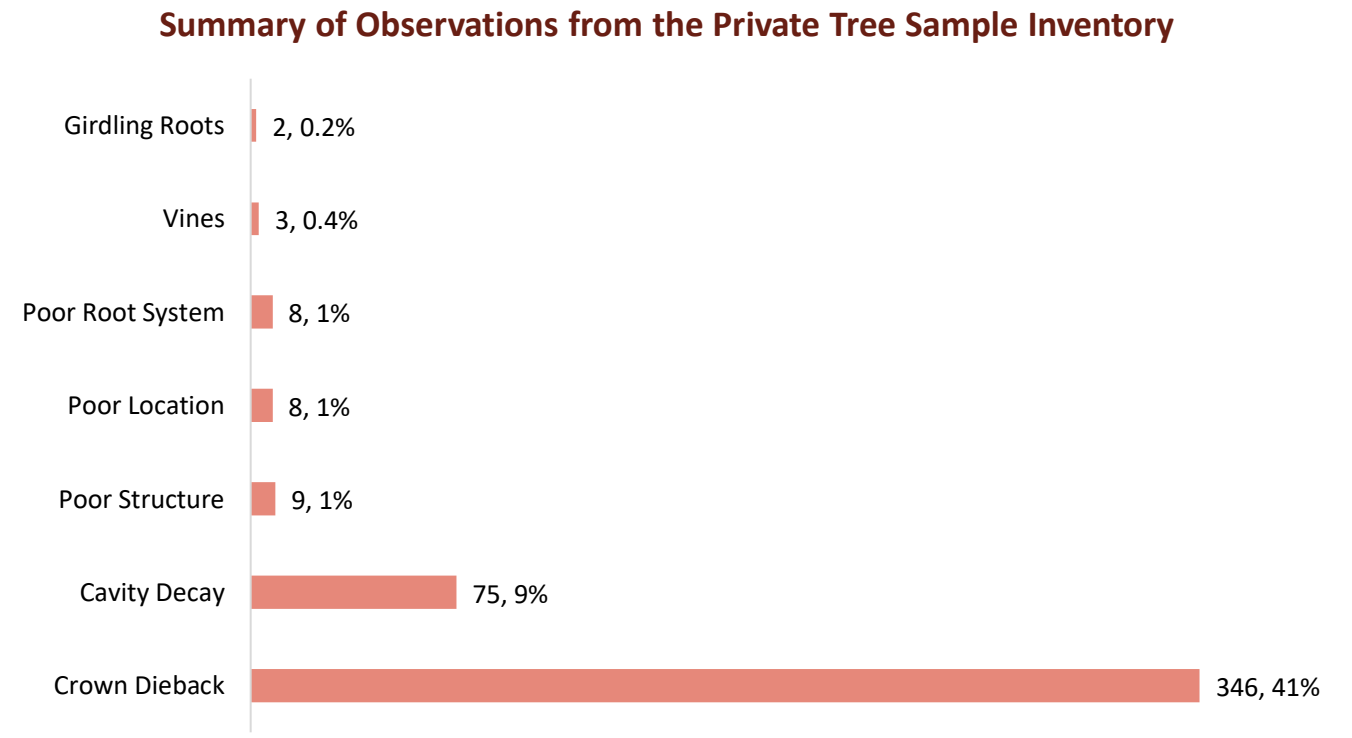


Figure 19. Summary of observations from the private sample tree inventory

Recommended Maintenance of Private Trees ("Tree Work")

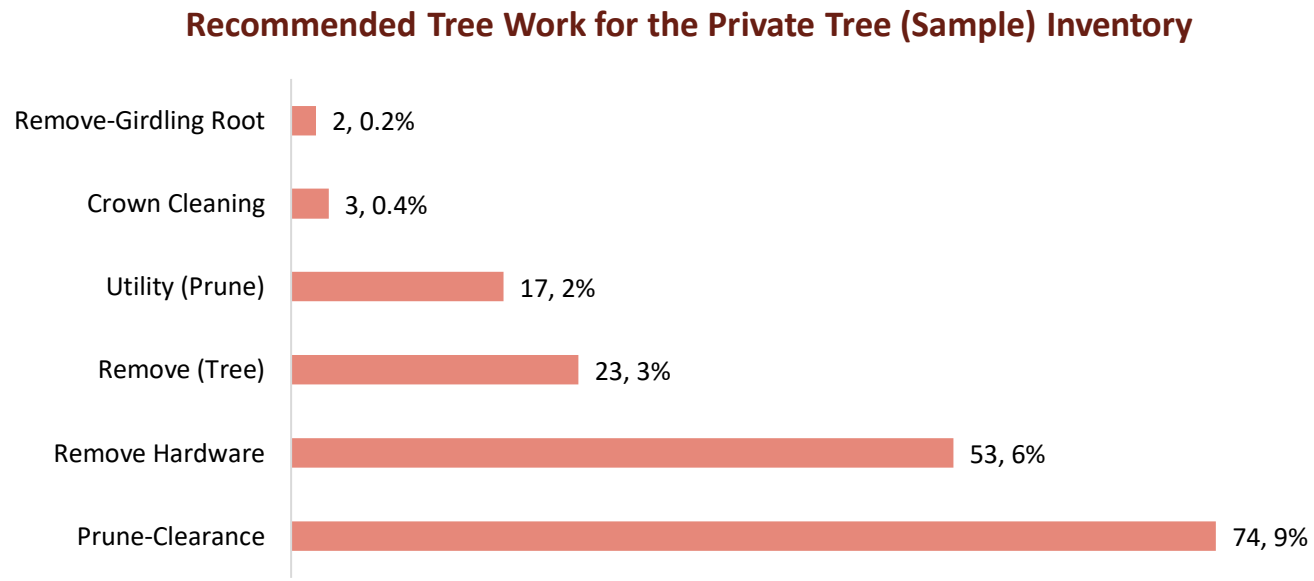


Figure 20. Recommended tree work for the (sample) private tree inventory

Private Tree Conflicts (Sample Inventory)

Private Tree Wire Conflicts

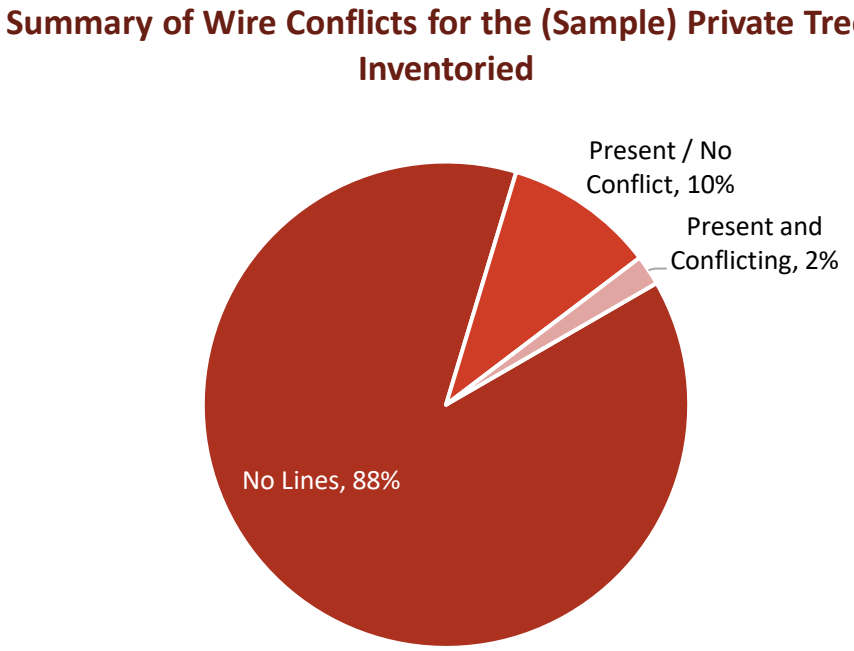


Figure 21. Summary of the wire conflicts for the (sample) private tree inventory

Private Tree Clearance Conflicts

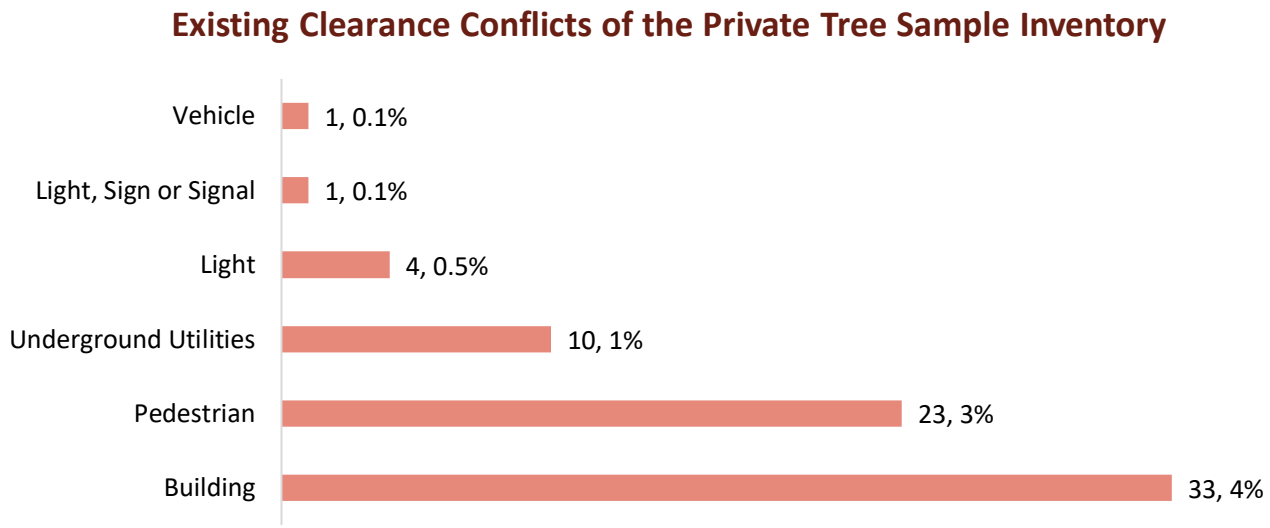


Figure 22. Existing clearance conflicts of the (sample) private tree inventory

Ecosystem Benefits and Services of the Private Tree Sample Inventory

Table 6. Ecosystem benefits and services of the sample private trees

ECOSYSTEM BENEFITS	Amount 830 Private trees	AVERAGE PER TREE
Overall Monetary Benefit ($)	$3,295	$3.97
Air Quality Monetary Benefit ($)	$1,153	$1.39
CO (Carbon Monoxide) Pollution Removed (lbs)	5	0.006
CO Removed Monetary Benefit ($)	$3	$0.00
NO2 (Nitrogen Dioxide)Pollution Removed (lbs)	25	0.03
NO2 Removed Monetary Benefit ($)	$5.0	$0.01
O3(Ozone) Pollution Removed (lbs)	422	0.51
O3 Removed Monetary Benefit ($)	$496	$0.60
PM2.5 (Particulate Matter 2.5 microns) Pollution Removed (lbs)	14	0.02
PM2.5 Removed Monetary Benefit ($	$647	$0.78
SO2 (Sulfur dioxide) Pollution Removed (lbs)	9	0.01
SO2 Removed Monetary Benefit ($)	$0.00	$0.00
Pollutants Removed (lbs)	475	0.57
Carbon Sequestrated Monetary Benefit ($)	$1,656	$2.00
Carbon Sequestered (lbs)	71,206	85.79
Stormwater Monetary Benefit ($)	$486.00	$0.59
Evaporation (ft^3)	93,621	112.80
Interception (ft^3)	93,762	112.97
Transpiration (ft^3)	198,003	238.56
Potential Evaporation (ft^3)	807,155	972.48
Evapotranspiration (ft^3)	610,884	736.00
Runoff Avoided (ft^3)	7,272	8.76
CO2 Storage (lbs)	2,015,538	2428.36
CO2 Storage Monetary Benefit ($)	$46,876	$56.48
Carbon Dry Weight (lbs)	1,099,385	1324.56
Carbon Storage (lbs)	549,692	$662.28

"lbs" = pounds; "gal" = gallons; "ft^3" = cubic feet

PUBLIC PARK AND TRAIL SAMPLE TREE INVENTORY

Summary of Sample Tree Inventories in Public Parks

Data Field	Wilson Park	Farmers Market	Frisco Park	Greathouse Park	Mt. Sequoyah Gardens	Mt. Sequoyah Trail
# of Data Points	485	41	61	95	48	179
Most Common Tree Genera	*Quercus* (41%)	*Prunus* (37%)	*Amel-anchier* (31%)	*Ulmus* (25%)	*Cercis* (19%)	*Quercus* (53%)
Most Common Tree Species	Post oak (19%)	Yoshino flowering cherry (37%)	Service-berry (31%)	Green ash (22%)	Eastern redbud (19%)	Post oak (38%)
Primary Condition	Good (84%)	Good (100%)	Good (80%)	Good (46%)	Good (67%)	Good (88%)
Primary Size Class	6-12in (21%)	6-12in (54%)	0-3in (41%)	6-12in (45%)	6-12in (46%)	12-18in (50%)
Tree Work	Clearance Prune (8%)	Clearance Prune (17%)	Remove Tree (3%)	Remove Tree (6%)	Crown Cleaning (13%)	Remove Tree (3%)
Primary Observation	Crown Dieback (35%)	Poor Root System (32%)	Crown Dieback (23%)	Poor Location (13%)	Crown Dieback (60%)	Poor Structure (12%)
Primary Clearance Conflict	Lights 4%	Buildings (17%)	None	None	Buildings (4%)	None

Table 7. Tree data summaries for parks inventoried in 2022

POSSIBLE PUBLIC PLANTING SITES

Summary of Possible Planting Sites on Public Property

Field	Value
Counts	Proposed Planting Sites: 336 Stumps: 28 Dead Trees: 144
Proposed Planting Site Widths	Class I (small) 1-5 feet: 80 (16%) Class II (medium) 6-10 feet: 316 (62%) Class III (large) 11+ feet: 112 (22%)
Growing Space of Proposed Sites	Cutout: 275 (54%) Median: 192 (38%) Other (Maintained): 38 (7%)
Adjacent Land Use of Proposed Sites	Park/Vacant/Other: 260 (51%) Single Family: 140 (28%) Small Commercial: 50 (10%)
Wire Conflicts	No Lines: 470 (93%) Wires Present, No Conflict: 34 (7%) Wires Present, Conflicting: 4 (0.8%)
Diameter of Stumps	3-6in: 20 (71%) 12-18in: 4 (14%) 0-3in: 2 (7%)

Table 8. Summary of possible public planting sites inventoried in 2022

ESTIMATED CHARACTERISTICS OF ALL PUBLIC TREES

Methodology

Based on a total of 470 (500) linear road miles in the City and the inventory of public trees along 5% of roadways, the urban forestry consultants utilized research data from the 2014 Urban & Community Forestry Census of Tree Activities (Hauer, et al.) to estimate the total public tree population. For communities of similar size, population, population density, and linear road miles, the average public tree population is 25,000 trees. Based on these estimates, the sample public tree data (2,712 alive or dead trees) was extrapolated to represent 25,000 public trees. The following summaries provide estimates of public tree extent, growing space, structure, characteristics, and maintenance needs:

Public Tree Status

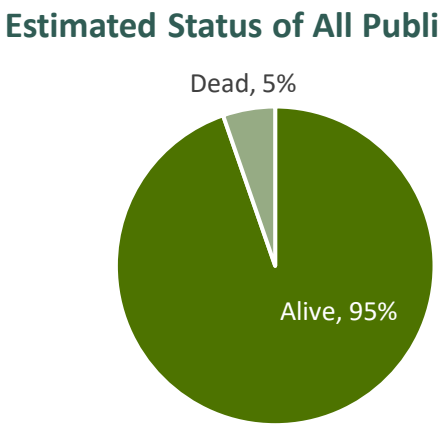


Figure 23. Estimated status of all public trees

Public Tree Location and Growing Space (Estimated for All Public Trees)

Adjacent Land Use of Public Trees

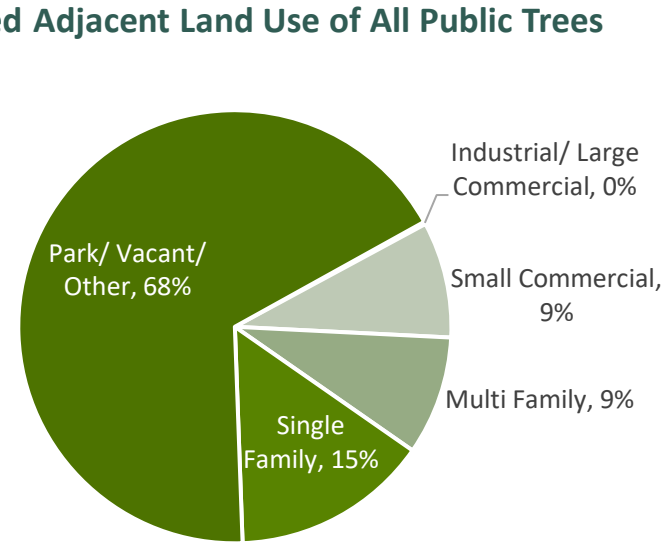


Figure 24. Estimated adjacent land use of all public trees

Growing Space Type of Public Trees

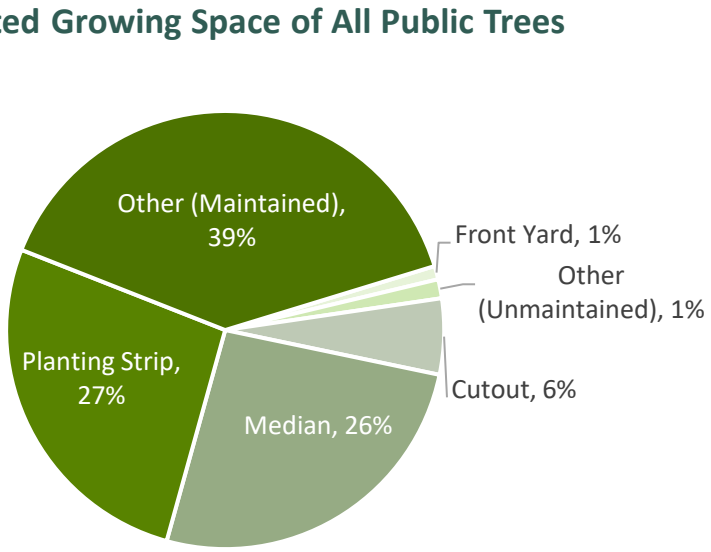


Figure 25. Estimated growing space of all public trees

Existing Tree Planting Site Width of Public Trees

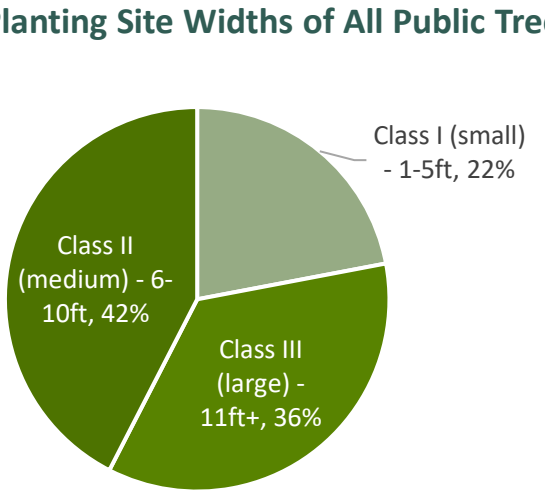


Figure 26. Estimated planting site widths of all public trees

Public Tree Structure (Estimated for All Public Trees)

Public Tree Genera Composition

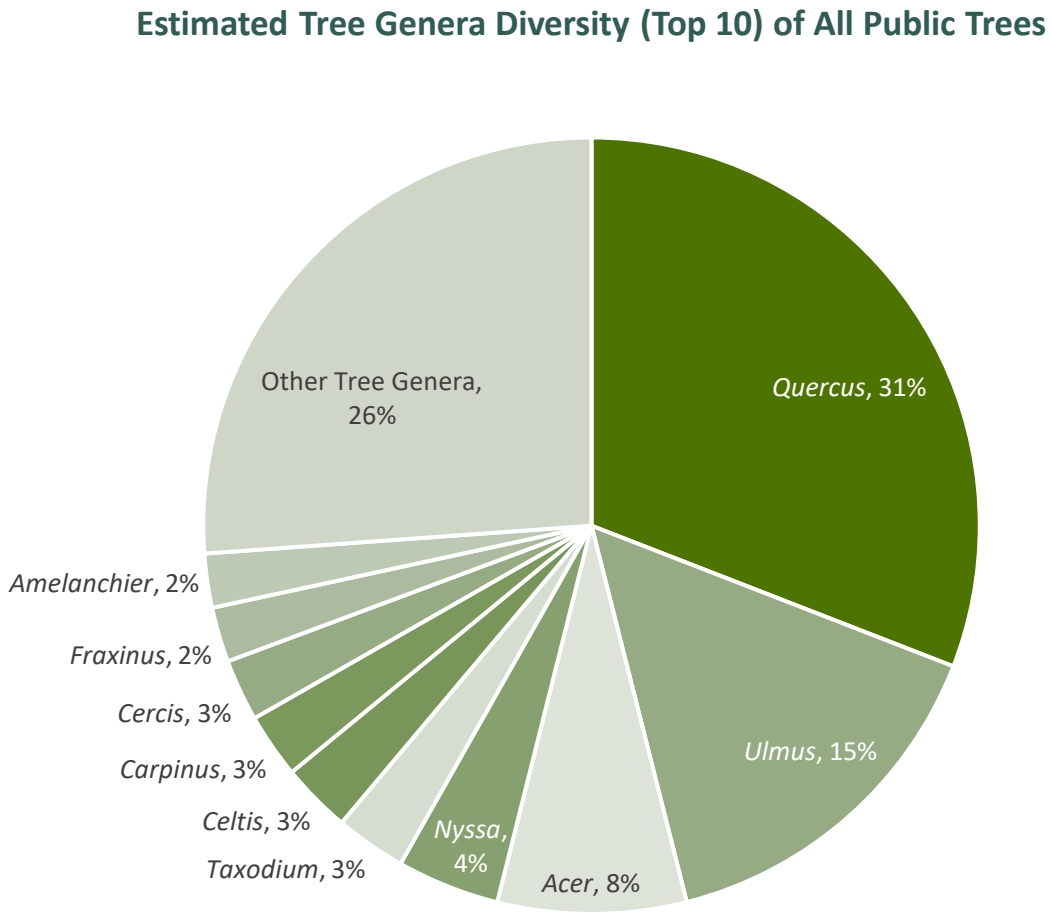


Figure 27. Estimated tree genera diversity for all public trees (top 10)

Public Tree Species Composition

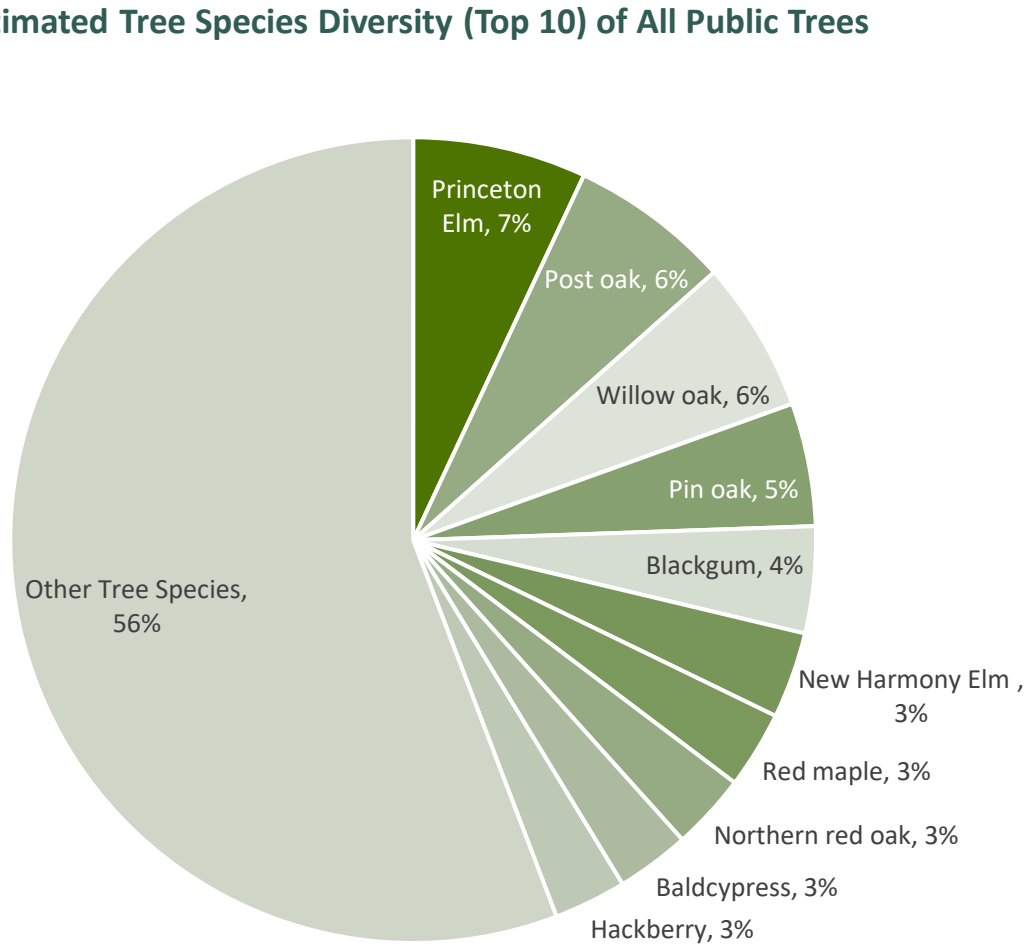


Figure 28. Estimated tree species diversity for all public trees (top 10)

Public Tree Size Classes and Relative Age Distribution

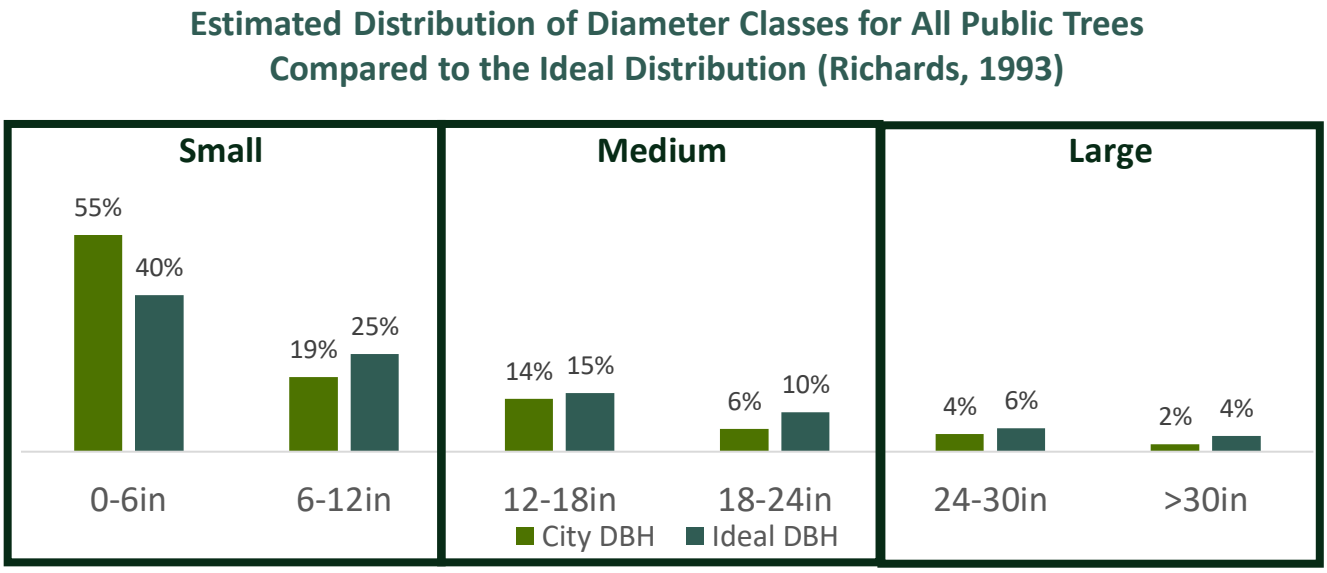


Figure 29. Estimated distribution of diameter classes for all public trees compared to the ideal distribution (Richards, 1993)

Public Tree Condition and Maintenance Needs (Estimated for All Public Trees)

Public Tree Condition

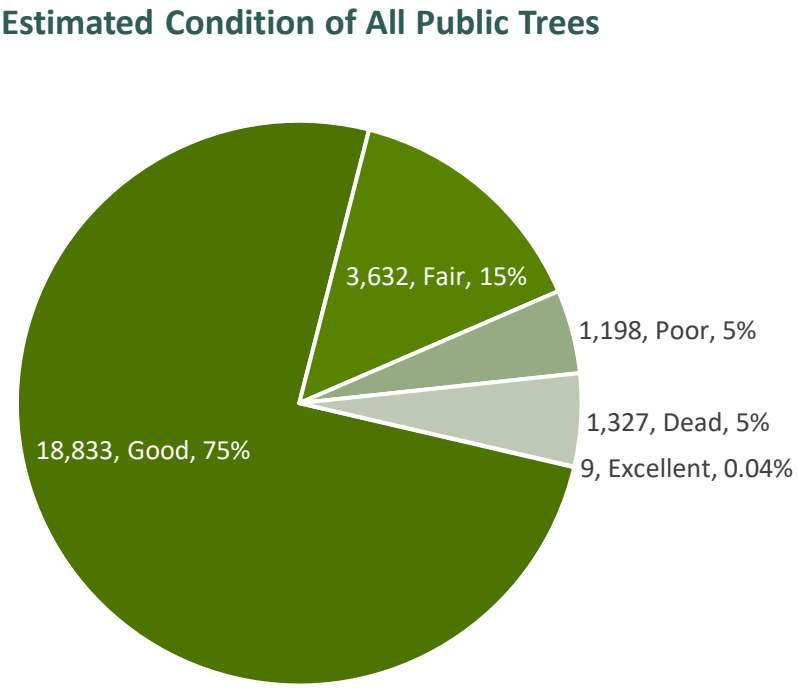


Figure 30. Estimated condition of all public trees

Public Tree Observations

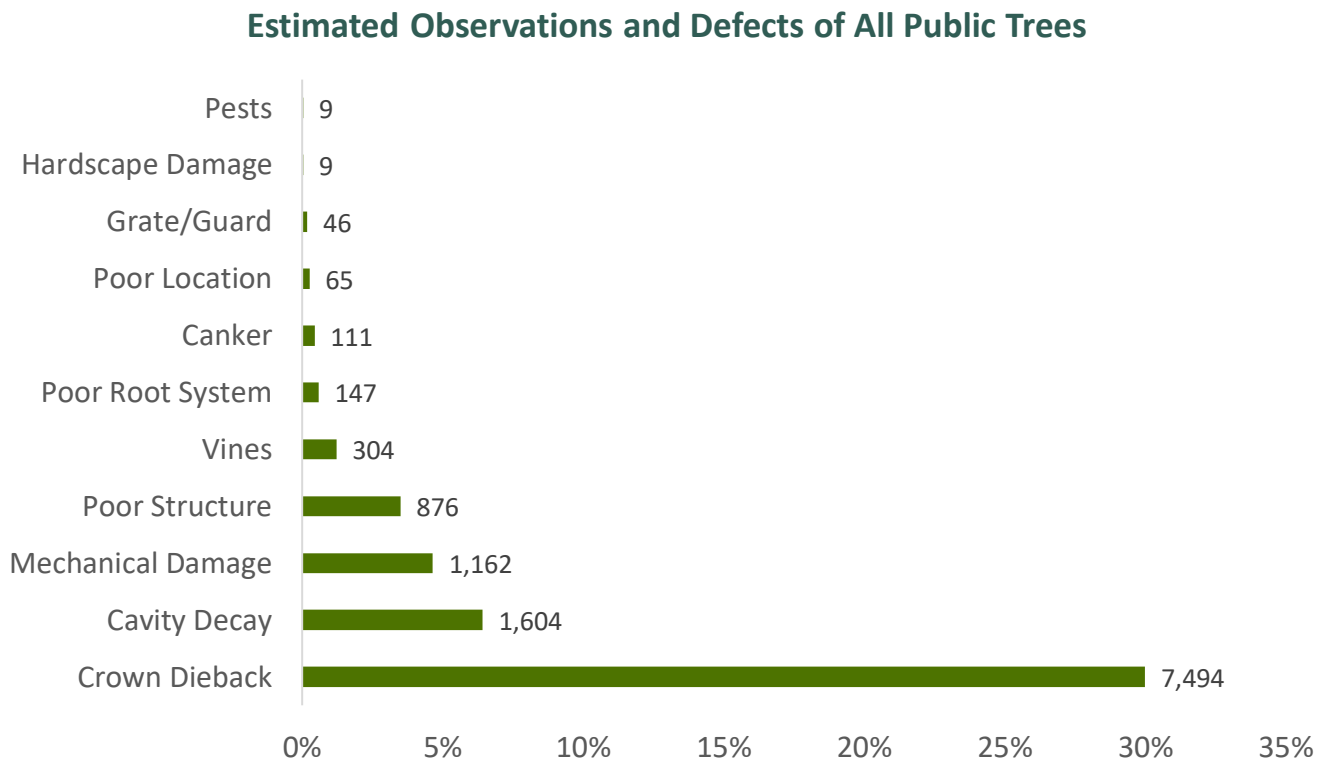


Figure 31. Estimated observations and defects of all public trees

Recommended Maintenance of Public Trees ("Tree Work")

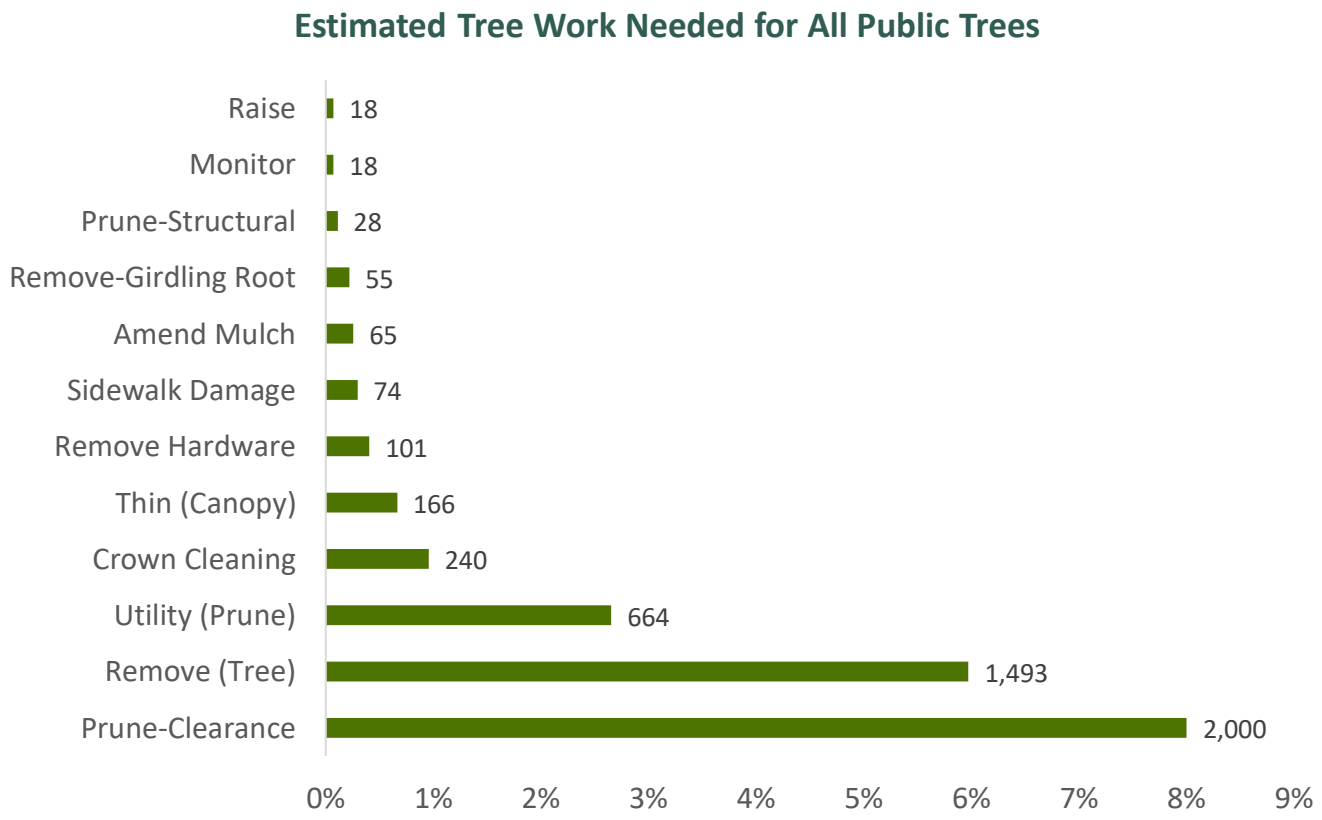


Figure 32. Estimated tree work needed for all public trees

Public Tree Conflicts (Estimated for All Public Trees)

Public Tree Wire Conflicts

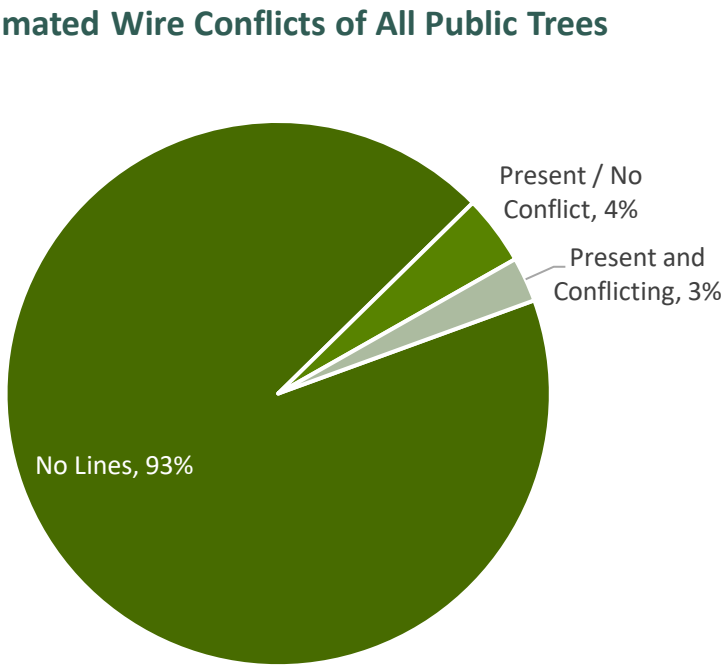


Figure 33. Estimated wire conflicts for all public trees

Public Tree Clearance Conflicts

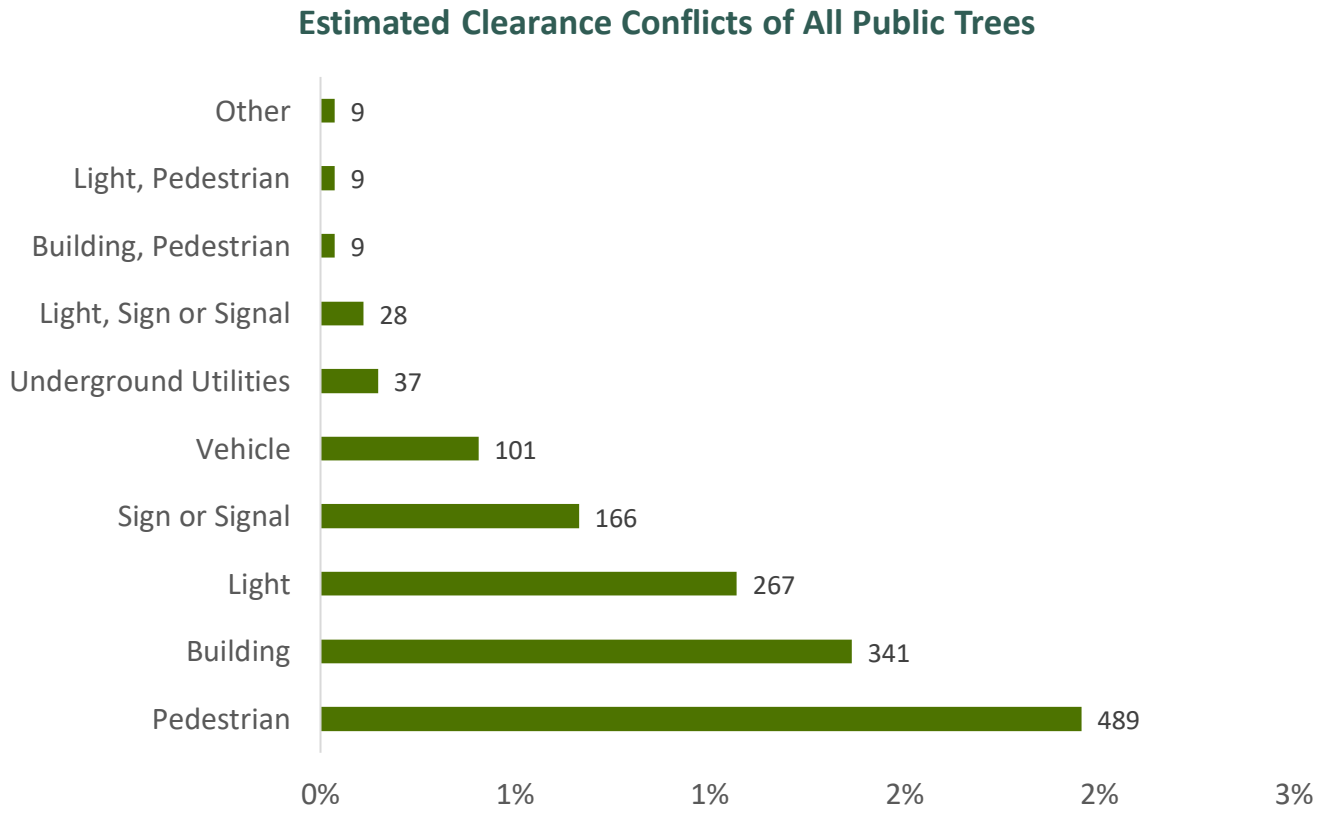


Figure 34. Estimated clearance conflicts of all public trees

Estimated Ecosystem Benefits and Services of All Public Trees

Table 9. Estimated ecosystem benefits and services of all public trees

Metric	Amount	Alternative Unit	Equivalent
Overall Monetary Benefit	$71,600		
Air Quality Monetary Benefit	$23,949		
Pollutants Removed	10,776 lbs	5 tons	
Carbon Monetary Benefit	$33,614		
Carbon Stored	1,445,102 lbs	723 tons	
Evaporation	2,672,939 ft^3	19,994,971 gal	30 Olympic pools
Interception	2,676,967 ft^3	20,025,105 gal	30 Olympic pools
Potential Evaporation	23,050,898 ft^3	172,432,701 gal	261 Olympic pools
Evapotranspiration	17,444,624 ft^3	130,494,858 gal	198 Olympic pools
Runoff Avoided	210,214 ft^3	1,572,508 gal	2 Olympic pools
Stormwater Monetary Benefit	$14,054		
Transpiration	5,656,762 ft^3	42,315,524 gal	64 Olympic pools
CO Pollution Removed	112 lbs		
CO Removed Monetary Benefit	$72		
NO2 Pollution Removed	506 lbs		
NO2 Removed Monetary Benefit	$103		
O3 Pollution Removed	9,643 lbs	5 tons	
O3 Removed Monetary Benefit	$11,367		
PM2.5 Pollution Removed	258 lbs		
PM2.5 Removed Monetary Benefit	$12,344		
SO2 Pollution Removed	189 lbs		
SO2 Removed Monetary Benefit	$0.09		
CO2 Sequestered	1,445,101 lbs	723 tons	
CO2 Sequestered Monetary Benefit	$33,613		
CO2 Storage	49,303,705 lbs	24,652 tons	
CO2 Storage Monetary Benefit	$1,146,668		
Carbon Dry Weight	26,892,933 lbs	13,446 tons	
Carbon Storage	13,446,459 lbs	6,723 tons	

"lbs" = pounds; "gal" = gallons; "ft^3" = cubic feet

ESTIMATED CHARACTERISTICS OF ALL PRIVATE TREES

Methodology

A total of 850 private trees were inventoried as a sample. These trees were located in private parcels adjacent to public streets that were visited during the public tree inventory. According to Fayetteville's Mobility Plan, there are a total of 470 linear road miles and the inventory crews inventoried along a total of 25 linear road miles or approximately 5% of roadways. The private parcels included in the sample inventory had a total acreage of 342 acres. Using the City's Zoning classifications and GIS data, a total of 32,150 acres exist across the City. Therefore, the inventory crews visited 1% of all private parcels. Based on these figures, it is estimated that there are a total of 79,884 private trees, or approximately 80,000 private trees in maintained areas of properties. The following summaries provide estimates of private tree extent, growing space, structure, characteristics, and maintenance needs:

Private Tree Status

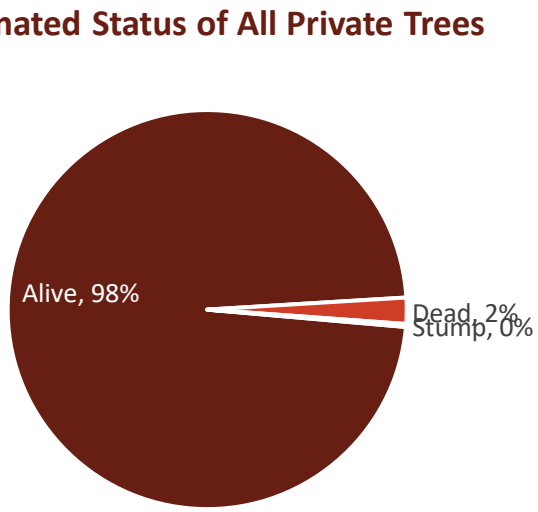


Figure 35. Estimated status of all private trees

Private Tree Location and Growing Space (Estimated for All Private Trees)

Land Use of Private Trees

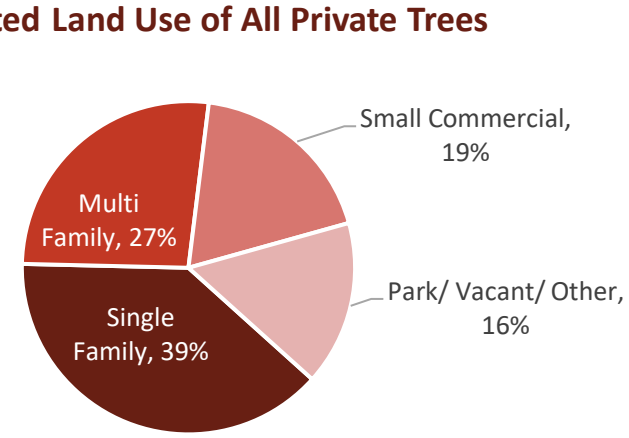


Figure 36. Estimated land use of all private trees

Growing Space Type of Private Trees

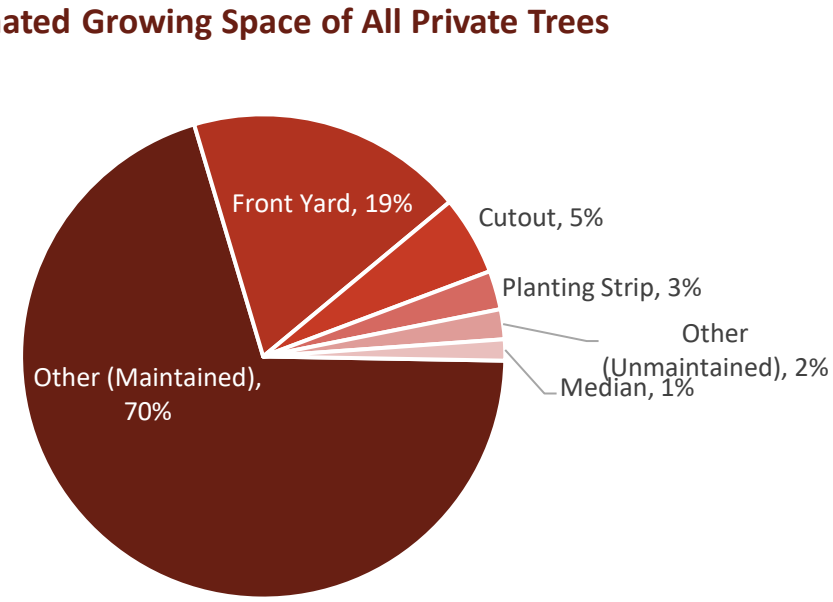


Figure 37. Estimated growing space of all private trees

Existing Tree Planting Site Width of Private Trees

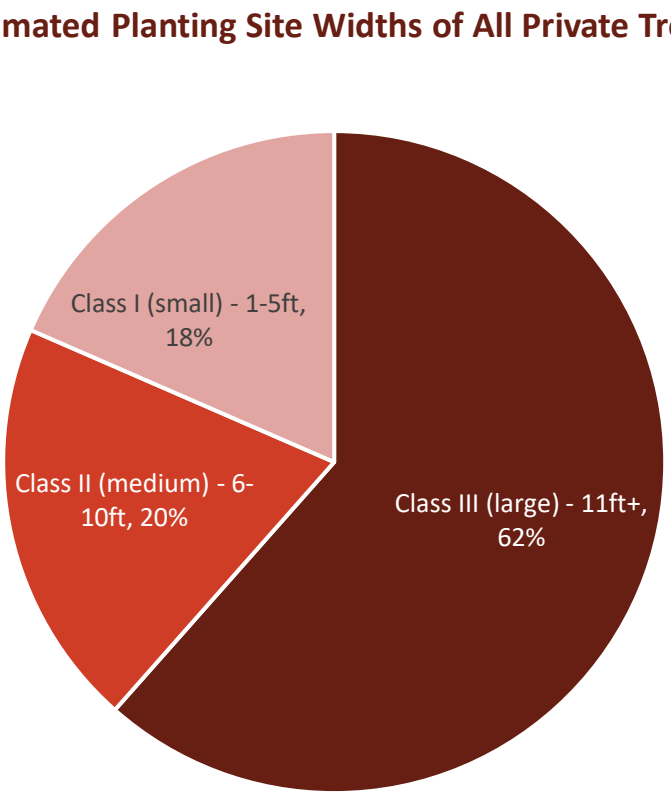


Figure 38. Estimated planting site widths of all private trees

Private Tree Structure (Estimated for All Private Trees)

Private Tree Genera Composition

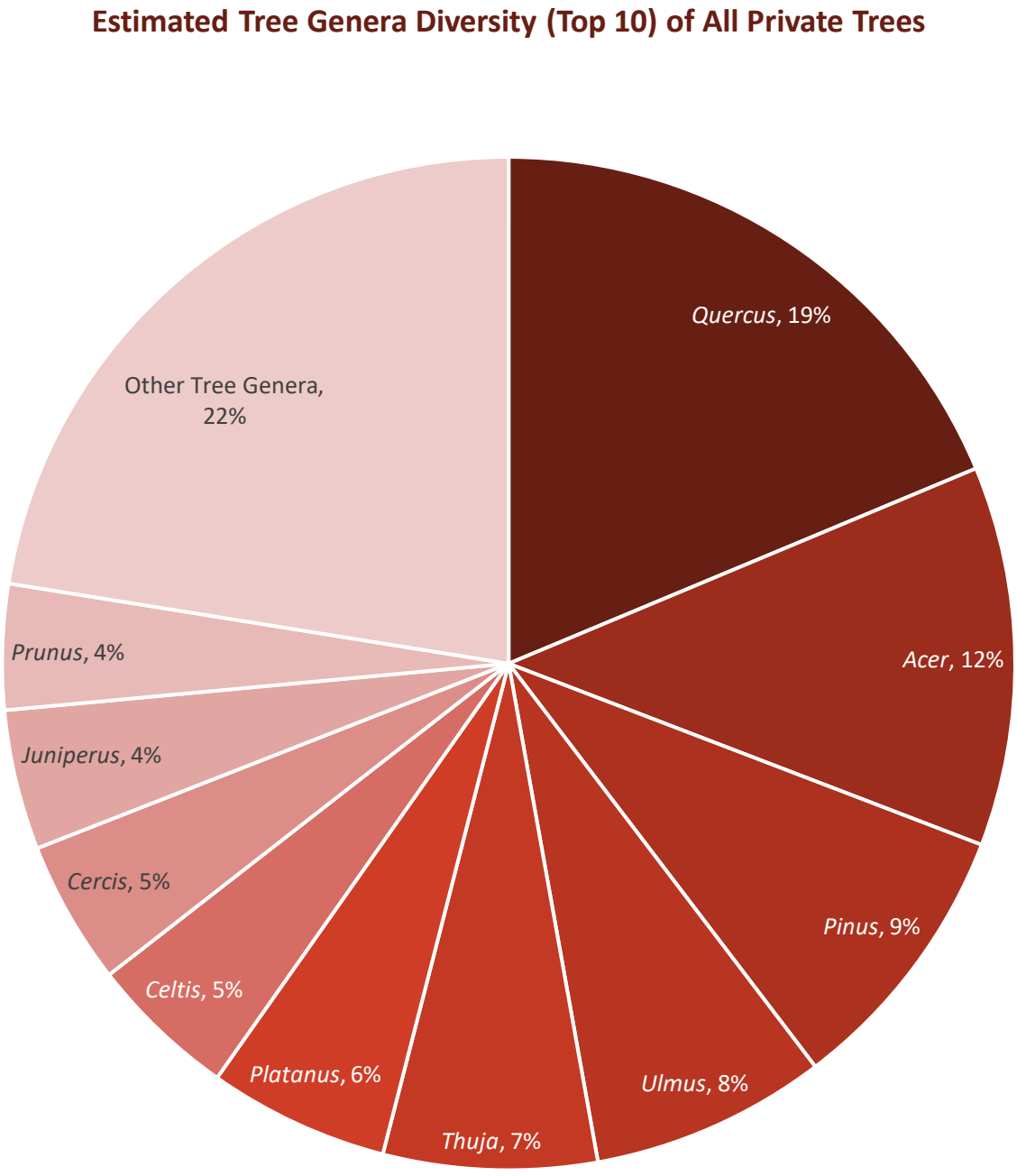


Figure 39. Estimated tree genera diversity of all private trees (top 10)

Private Tree Species Composition

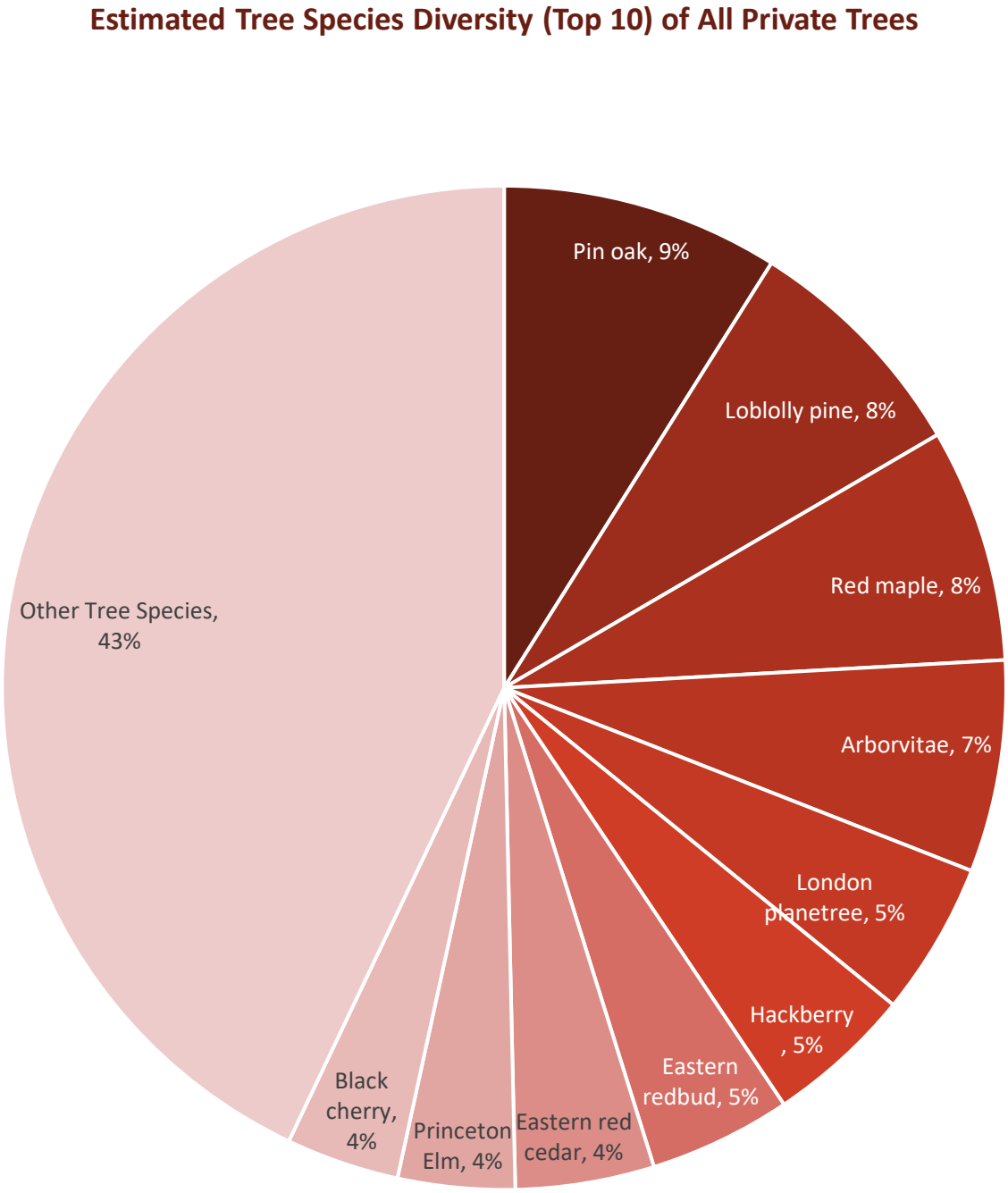


Figure 40. Estimated tree species diversity of all private trees (top 10)

Private Tree Size Classes and Relative Age Distribution

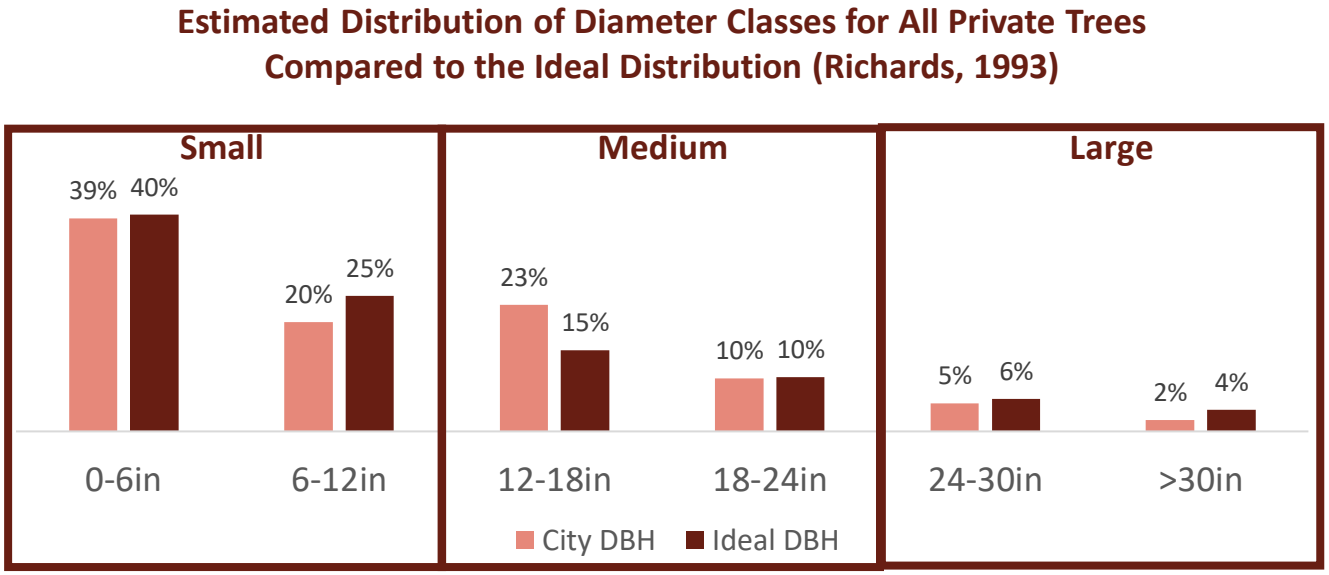


Figure 41. Estimated distribution of diameter classes for all private trees compared to the ideal distribution (Richards, 1993)

Private Tree Condition and Maintenance Needs (Estimated for All Private Trees)

Private Tree Condition

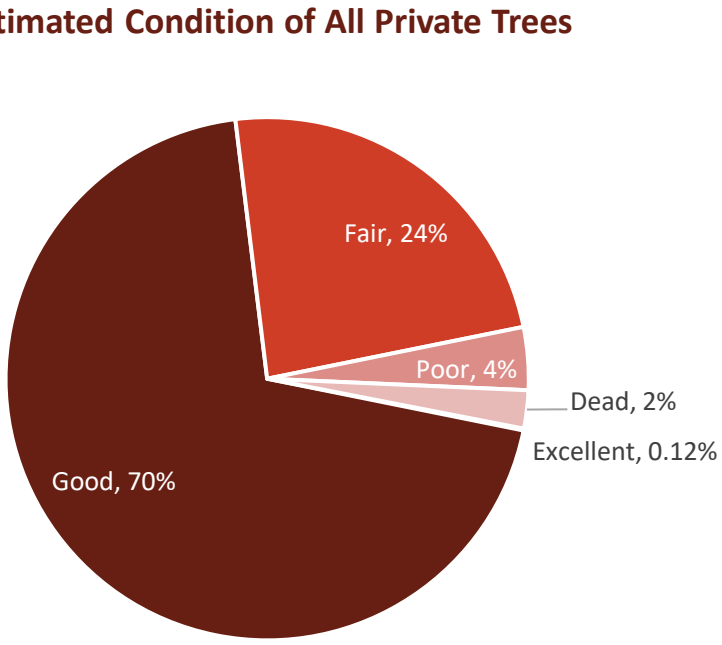


Figure 42. Estimated condition of all private trees

Private Tree Observations

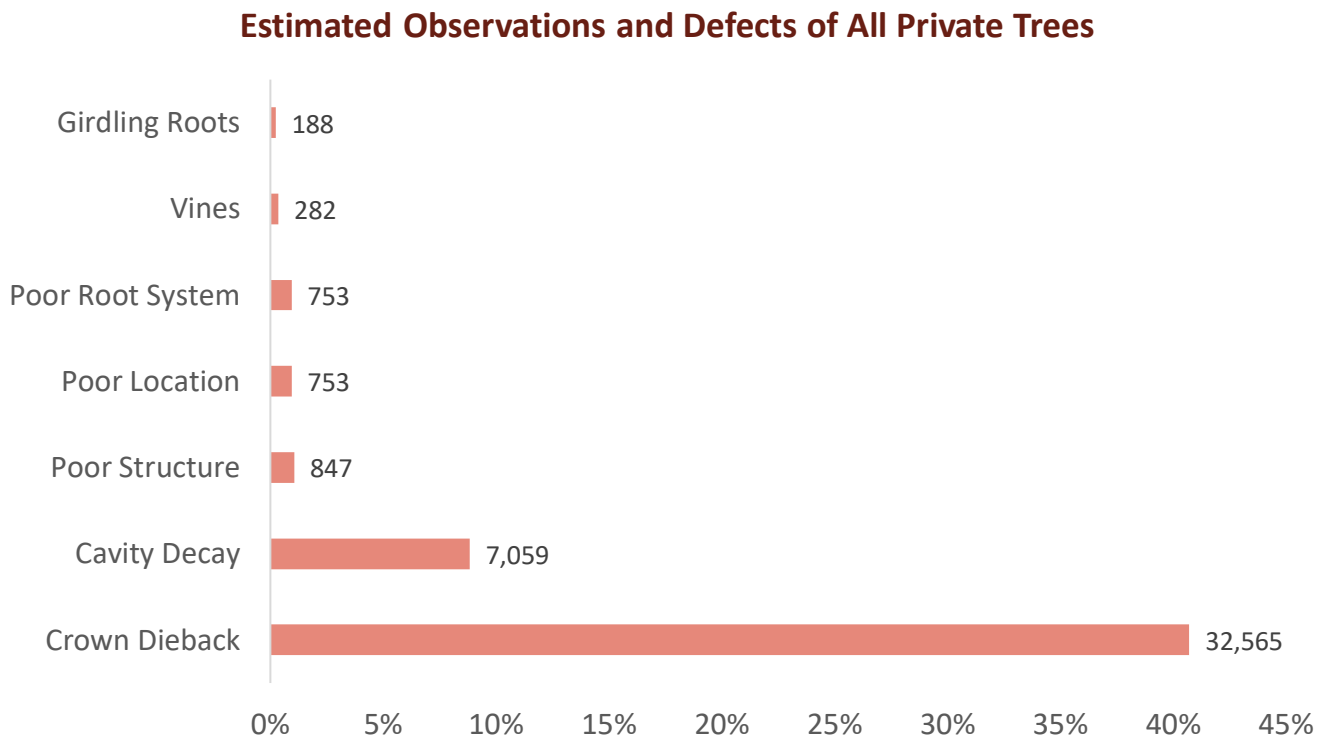


Figure 43. Estimated observations and defects of all private trees

Recommended Maintenance of Private Trees ("Tree Work")

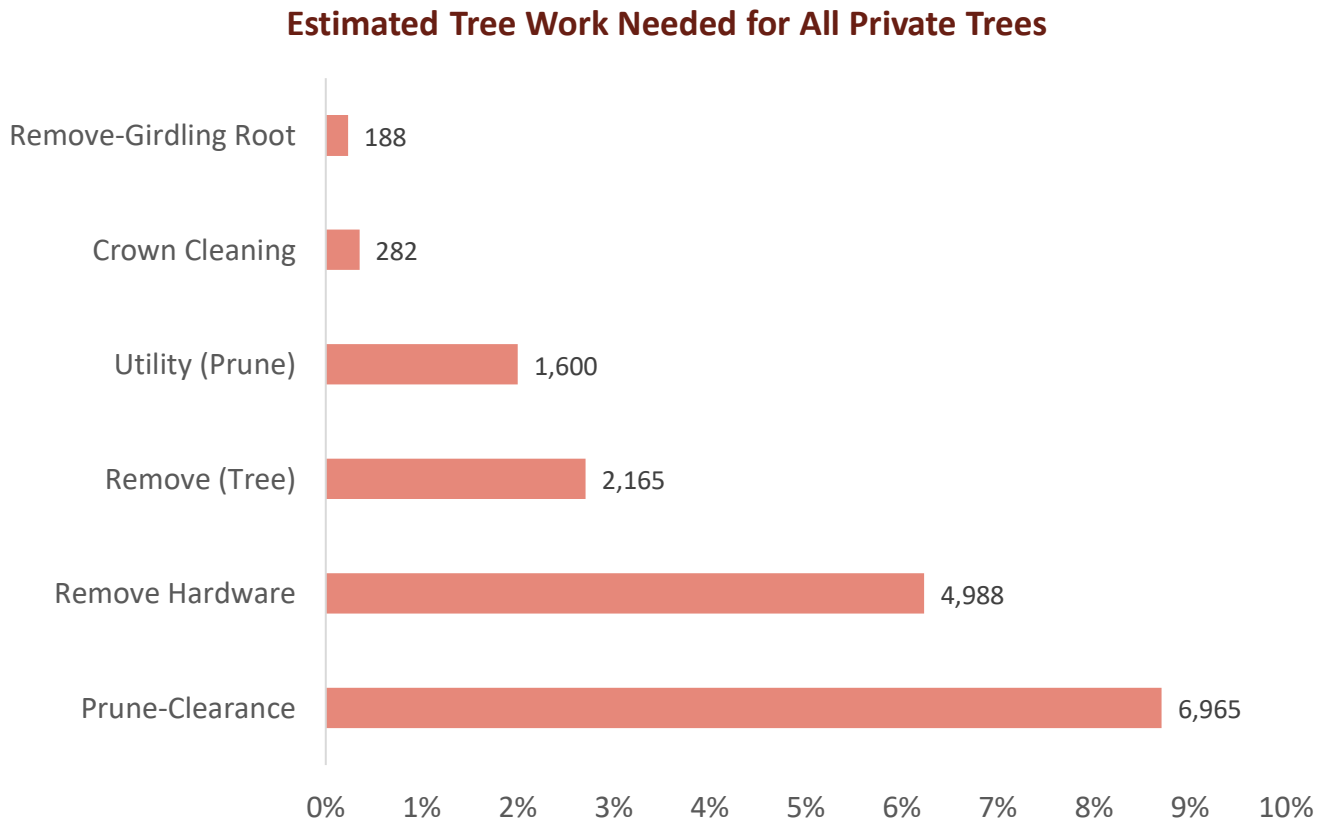


Figure 44. Estimated tree work needed for all private trees

Private Tree Conflicts (Estimated for All Private Trees)

Private Tree Wire Conflicts

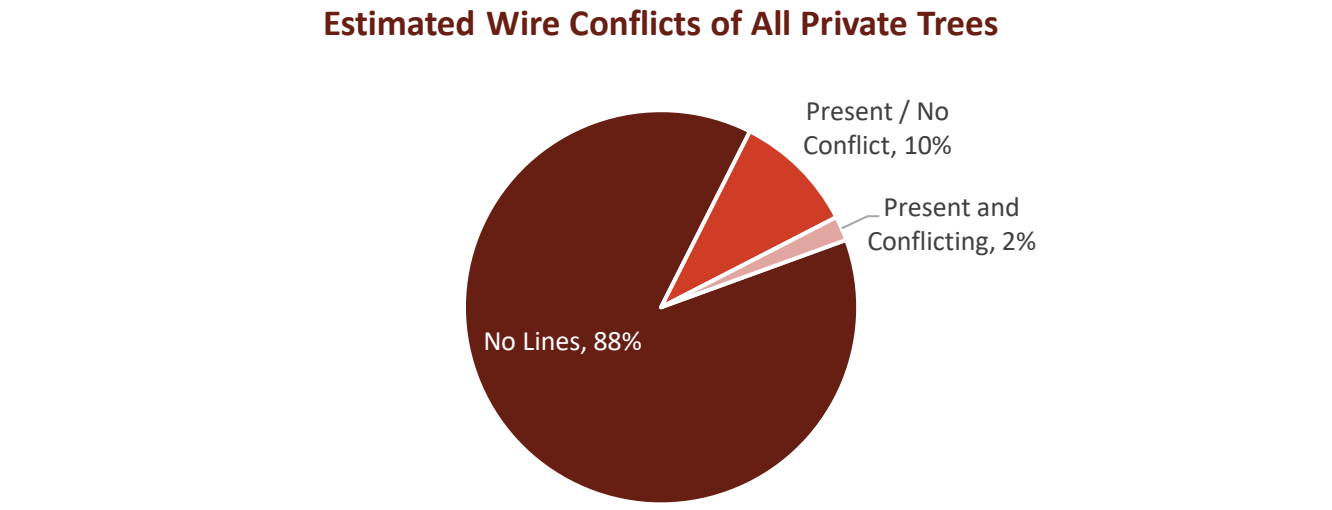


Figure 45. Estimated wire conflicts of all private trees

Private Tree Clearance Conflicts

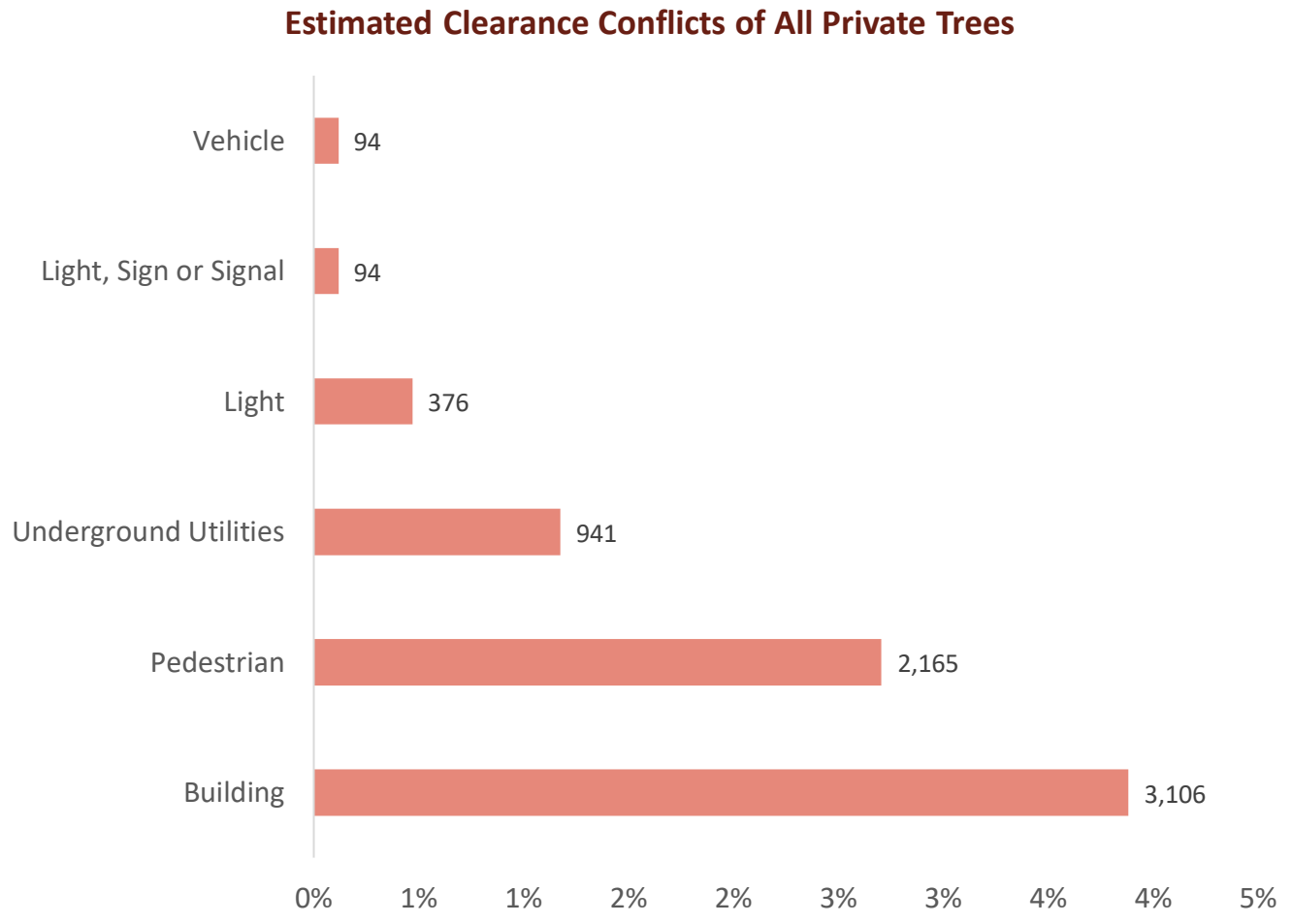


Figure 46. Estimated clearance conflicts of all private trees

Estimated Ecosystem Benefits and Services of All Private Trees

Table 10. Estimated ecosystem services and benefits of all private trees

Metric	Amount	Alternative Unit	Equivalent
Overall Monetary Benefit	$731,024		
Air Quality Monetary Benefit	$244,520		
Pollutants Removed	110,024 lbs	55 tons	
Carbon Monetary Benefit	$343,191		
Carbon Stored	14,754,324 lbs	7,377 tons	
Evaporation	27,290,389 ft^3	204,146,299 gal	309 Olympic pools
Interception	27,331,518 ft^3	204,453,968 gal	310 Olympic pools
Potential Evaporation	235,346,953 ft^3	1,760,517,592 gal	2,667 Olympic pools
Evapotranspiration	178,107,558 ft^3	1,332,337,147 gal	2,019 Olympic pools
Runoff Avoided	2,146,258 ft^3	16,055,125 gal	24 Olympic pools
Stormwater Monetary Benefit	$143,485		
Transpiration	57,754,878 ft^3	432,036,521 gal	655 Olympic pools
CO Pollution Removed	1,144 lbs	0.6 tons	
CO Removed Monetary Benefit	$732		
NO2 Pollution Removed	5,165 lbs	3 tons	
NO2 Removed Monetary Benefit	$1,048		
O3 Pollution Removed	98,456 lbs	49 tons	
O3 Removed Monetary Benefit	$116,053		
PM2.5 Pollution Removed	2,631 lbs	1 ton	
PM2.5 Removed Monetary Benefit	$126,030		
SO2 Pollution Removed	1,930 lbs	1 ton	
SO2 Removed Monetary Benefit	$1		
CO2 Sequestered	14,754,307 lbs	7,377 tons	
CO2 Sequestered Monetary Benefit	$343,189		
CO2 Storage	503,385,026 lbs	251,693 tons	
CO2 Storage Monetary Benefit	$11,707,346		
Carbon Dry Weight	274,573,683 lbs	137,287 tons	
Carbon Storage	137,286,767 lbs	68,643 tons	

"lbs" = pounds; "gal" = gallons; "ft^3" = cubic feet

Fayetteville, Urban Forest Management Plan



~Public Survey Summary

1/24/23

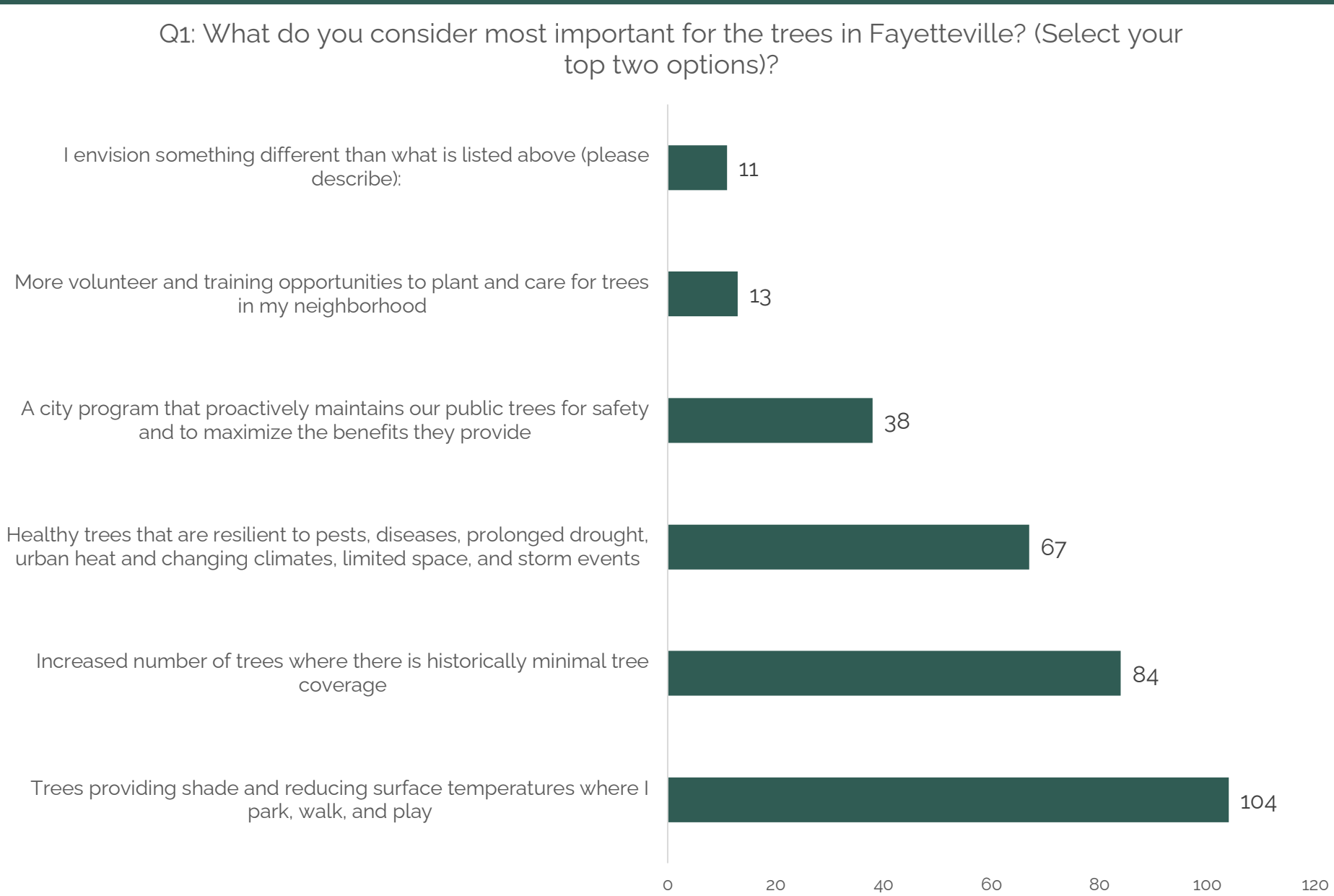
CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™
developers of TreePlotter

Survey Overview

Count of Surveys Received
169 Complete Contributors (2 participants selectively answered survey)
Survey Timeframe
December 15, 2022 – January 16, 2023
Platform
"Speak Up Fayetteville" https://speakup.fayetteville-ar.gov/

QUESTION #1

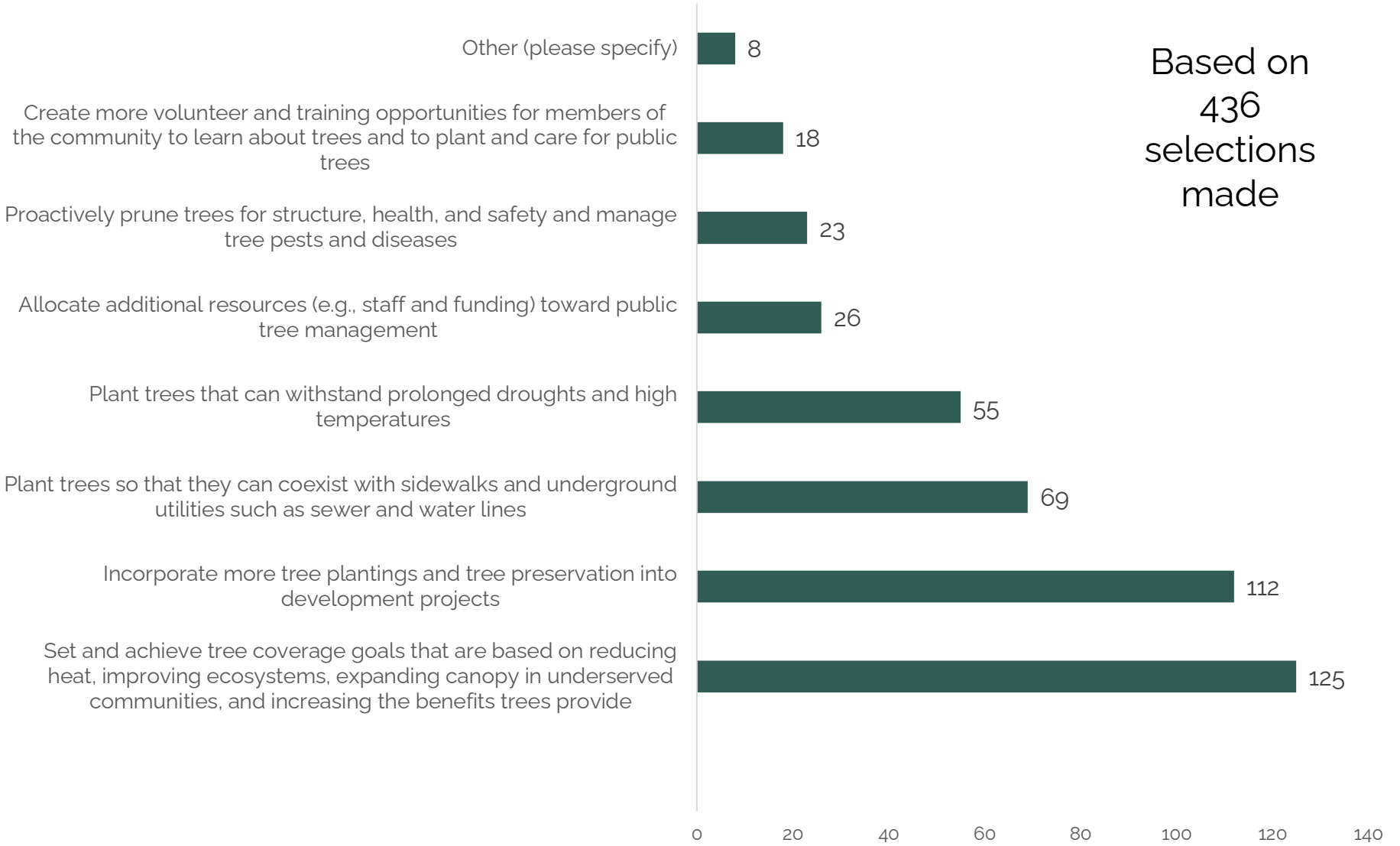

Q1: What do you consider most important for the trees in Fayetteville? (Select your top two options)?
I envision something different than what is listed above (please describe):
11
More volunteer and training opportunities to plant and care for trees in my neighborhood
13
A city program that proactively maintains our public trees for safety and to maximize the benefits they provide
38
Healthy trees that are resilient to pests, diseases, prolonged drought, urban heat and changing climates, limited space, and storm events
67
Increased number of trees where there is historically minimal tree coverage
84
Trees providing shade and reducing surface temperatures where I park, walk, and play
104
0
20
40
60
80
100
120

Question #1 Comments

Categories	Comment Count
Trees and Food	2
Tree Protection	1
Tree Removal Conflict	1
Native Species	3
Planting	1
Invasives	1
Inclusion and Diversity Concern	1

QUESTION #2

Q2: Where should the City use resources to improve public tree health? (Select your top three options)2



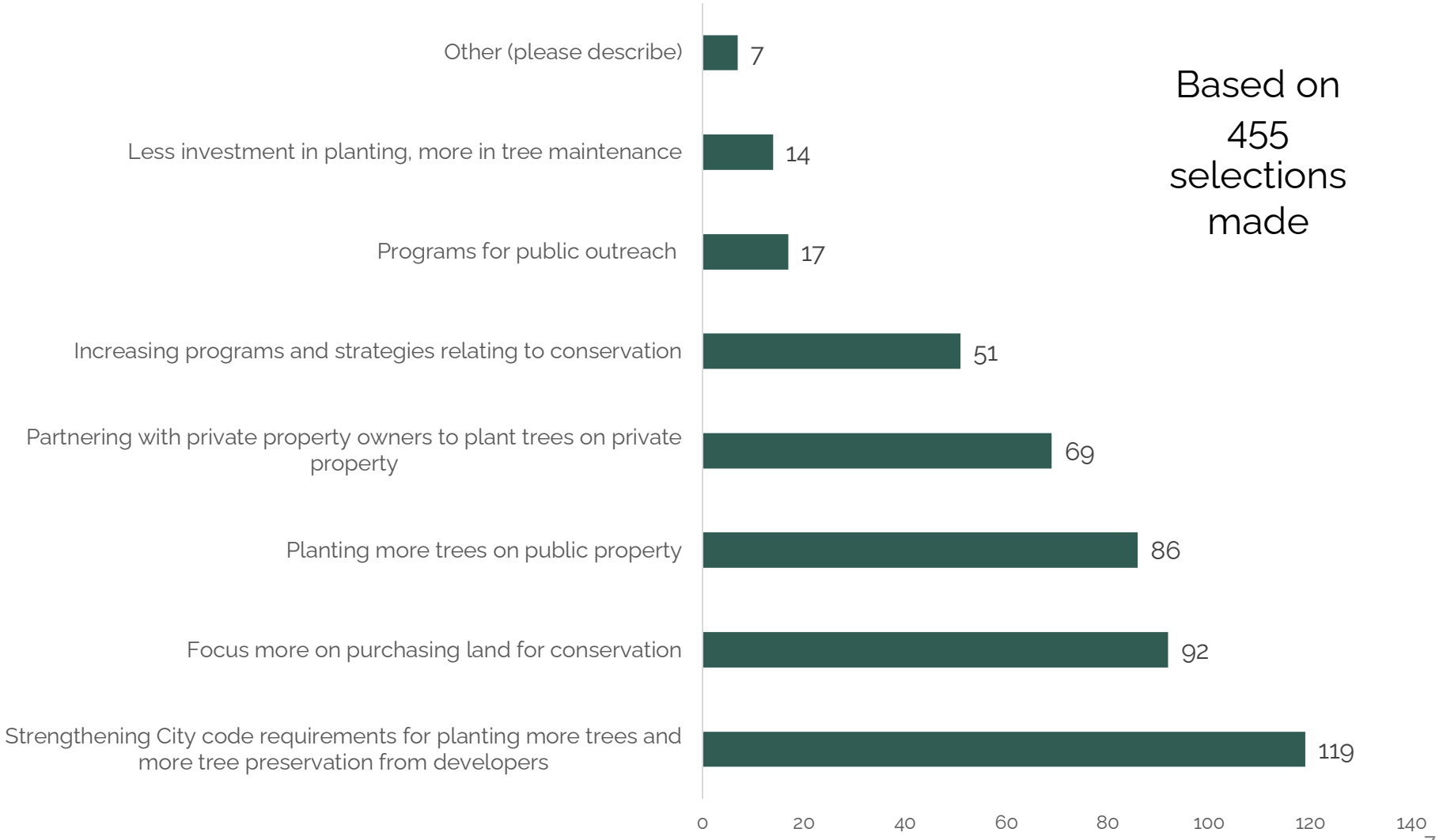
Based on 436 selections made

Question #2 Comments

Categories	Comment Count
Trees and Food	1
Tree Protection	3
Invasives	2
Native Species	2
Diversity and Development	1

QUESTION #3

Q3: Where should the City focus its investments with the current funding and with any additional funding that arises from the Urban Forest Management Plan? (Select up to three options)

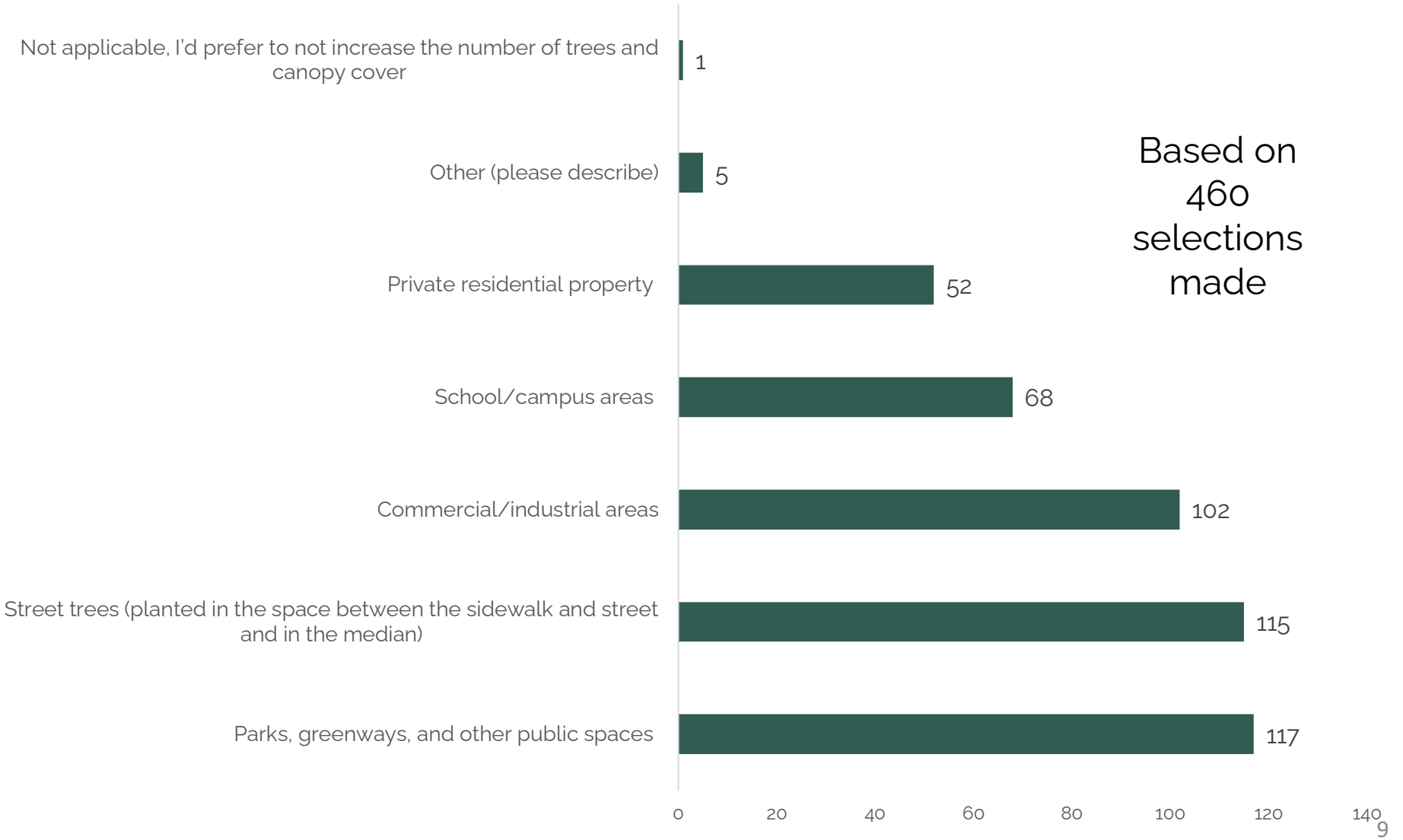


Question #3 Comments

Categories	Comment Count
Ordinance Amendment	3
Tree Protection	1
Mature Tree Protection	1
Trash Removal	1
Diversity and Inclusion Concerns	1

QUESTION #4

Q4: To achieve your vision for the urban forest, which might include increasing the number of trees and tree canopy cover, where should the City prioritize tree plantings? (Select your top three options)

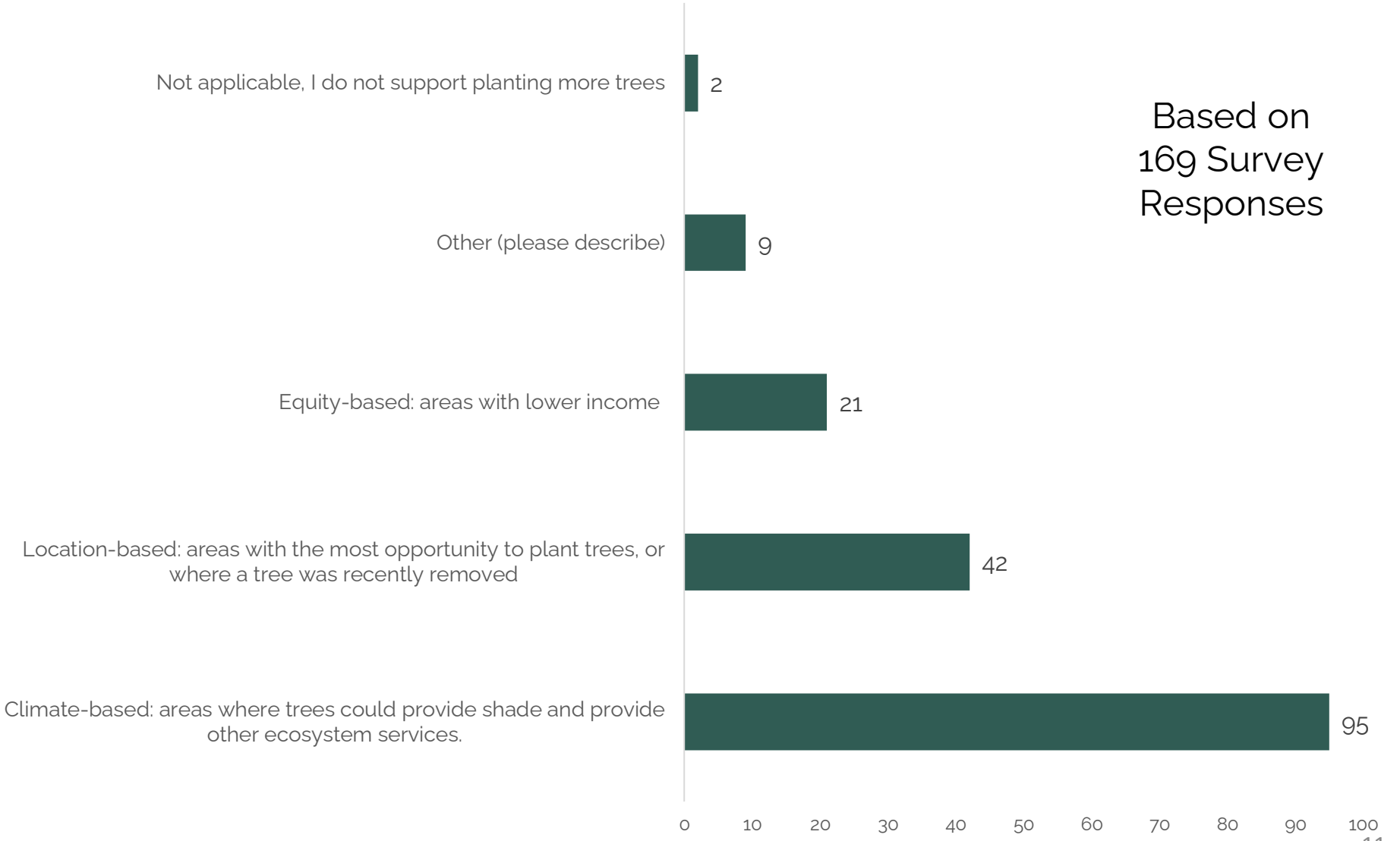


Question #4 Comments

Categories	Comment Count
Tree Protection	1
Invasive	2
Specie Selection	1
Diversity and Inclusion Concern	1

QUESTION #5

Q5: If you support planting more trees throughout the City, where should the City and its partners focus these efforts?



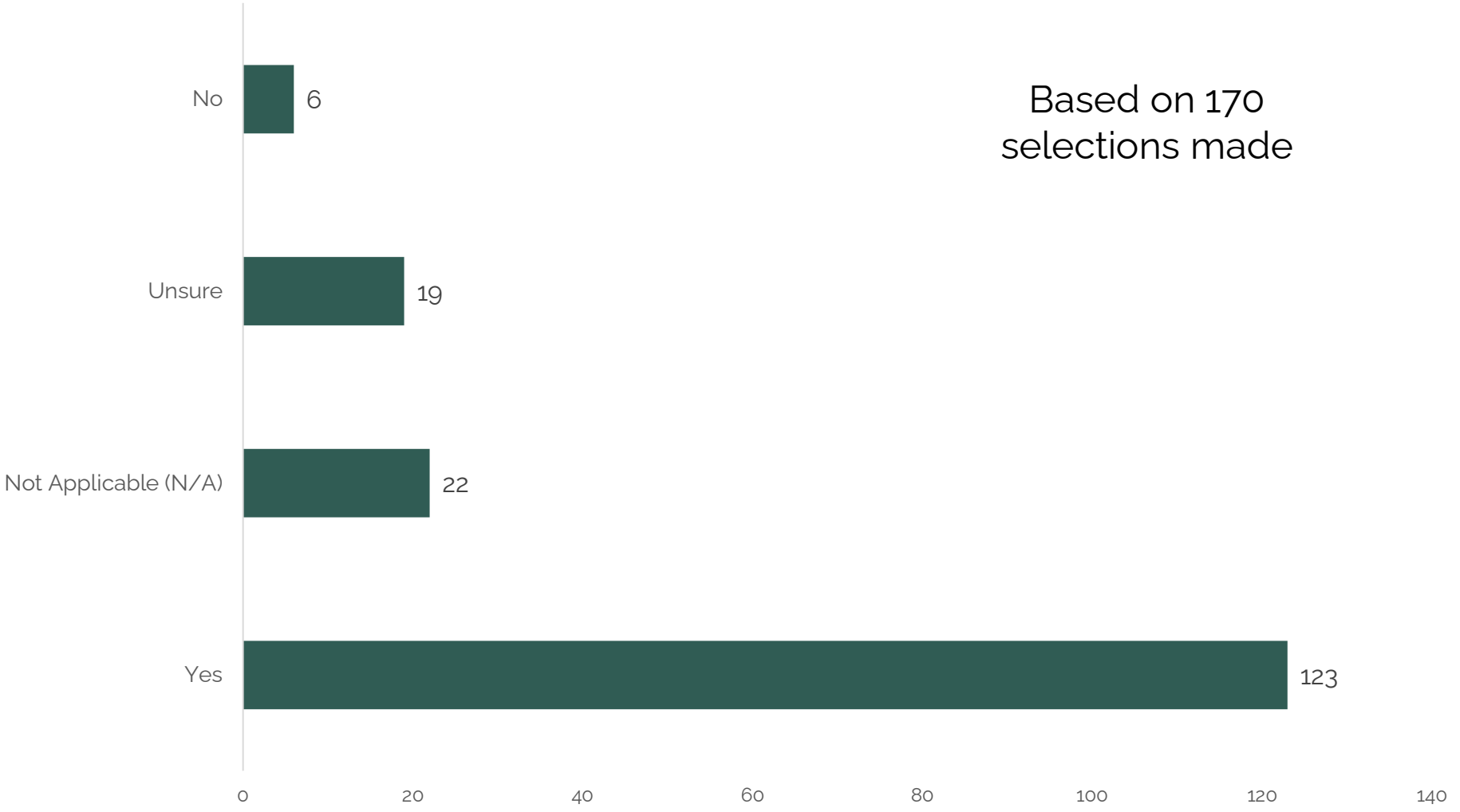
Based on 169 Survey Responses

Question #5 Comments

Categories	Comment Count
All	5
Vegetation Inventory	1
Invasive Removal	1
Location-Highway	1
Diversity and Inclusion Concern	1

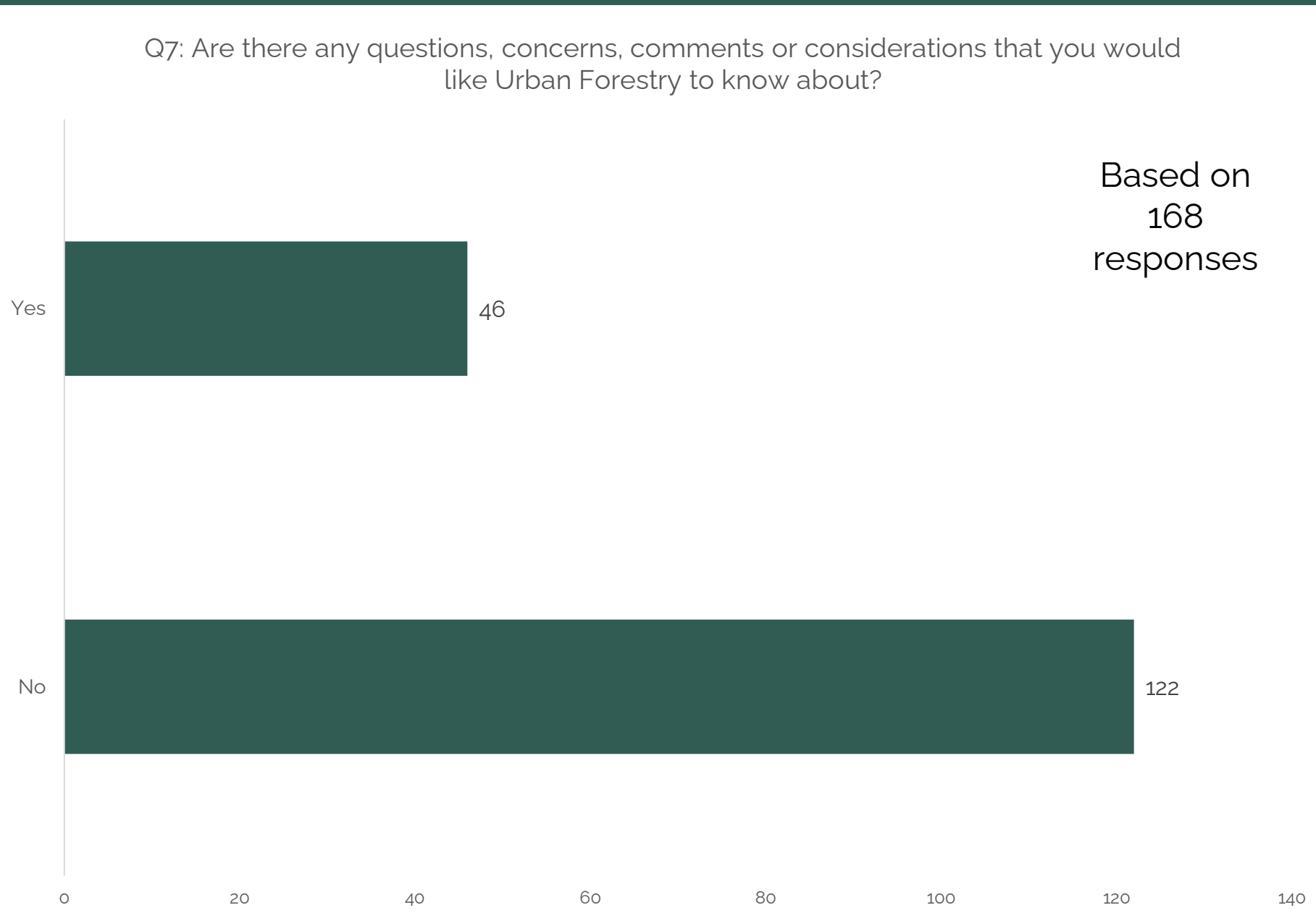
QUESTION #6

Q6: Increasing a healthy tree canopy cover requires investments in planting trees along with postplanting care such as young tree pruning and watering. Would you be willing to water trees during drought conditions that are in the public rights-of-way adja



Based on 170 selections made

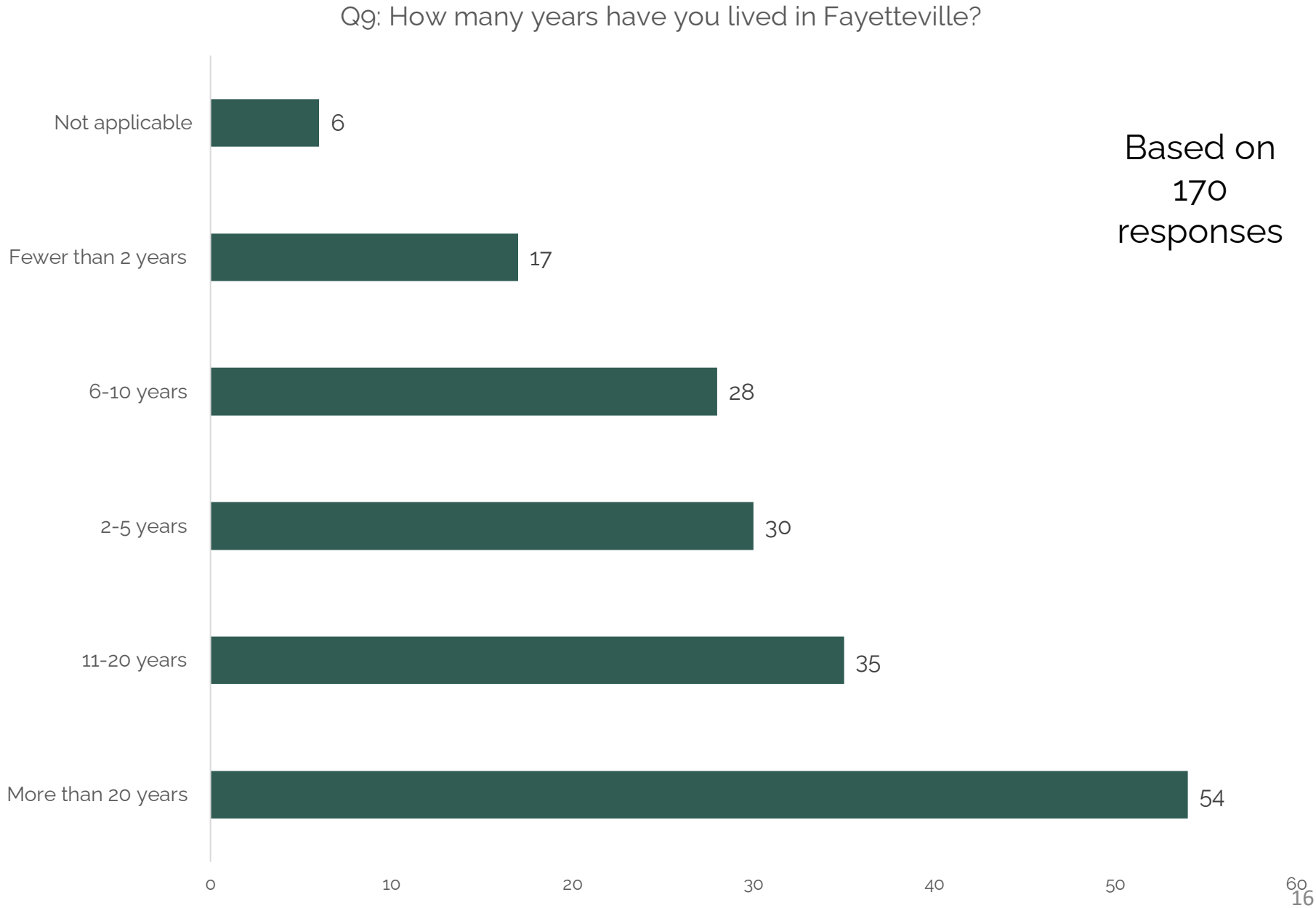
QUESTION #7


Q7: Are there any questions, concerns, comments or considerations that you would like Urban Forestry to know about?
Based on 168 responses
Yes
46
No
122
0
20
40
60
80
100
120
140

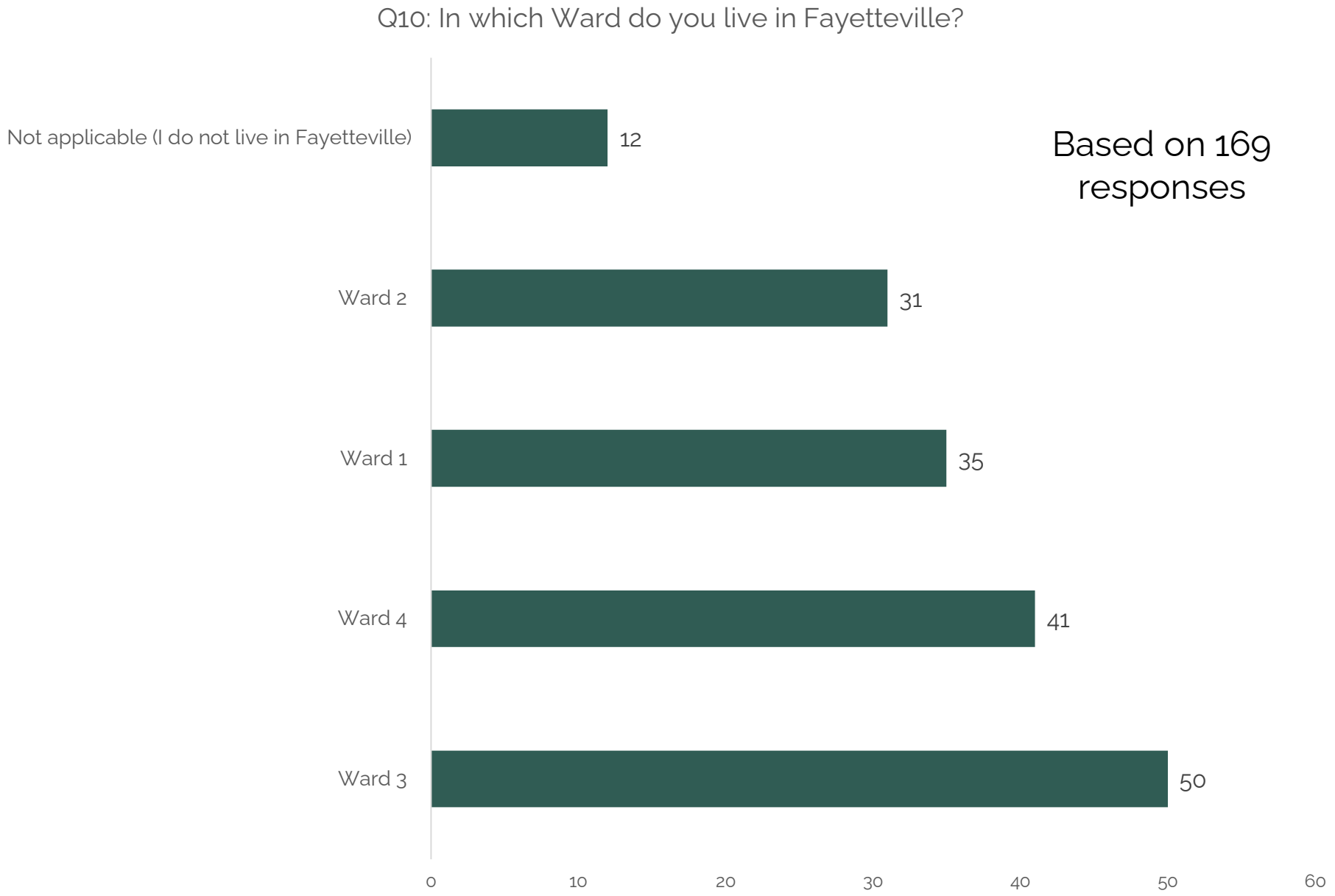
Question #7 Comments (categorized)

Categories	Comment Count
Native Species	3
Equity	1
Increase Canopy	2
Trees and Food	1
Watering	3
Trees and Development	9
Tree Maintenance	2
Tree Donation Funds	1
Cost Share Program- Tree Removal Specific	1
Thanks	2
Tree Removal	1
Job Growth	1
Prioritization of UF activities	1
Free Tree Planting Giveaways	1
Education Material-Tree Selection	1
Tree Planting Locations	1
Increase Canopy	1
Invasives	2
Ecological Concerns	1
Volunteer Opportunity	1
Tree Removal Ordinance	1

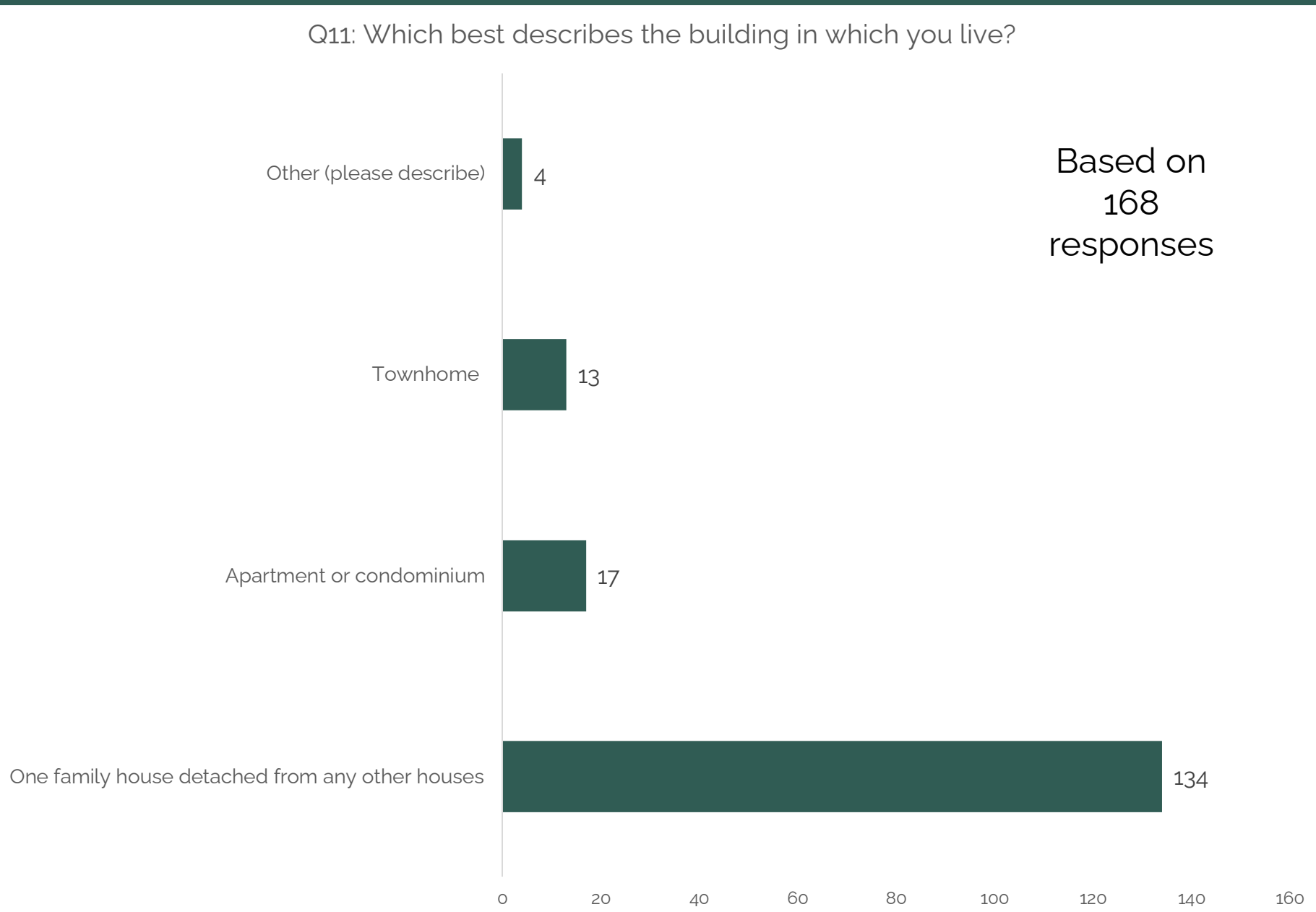
QUESTION #9


Q9: How many years have you lived in Fayetteville?
Not applicable
6
Fewer than 2 years
17
6-10 years
28
2-5 years
30
11-20 years
35
More than 20 years
54
0
10
20
30
40
50
60
Based on 170 responses

QUESTION #10

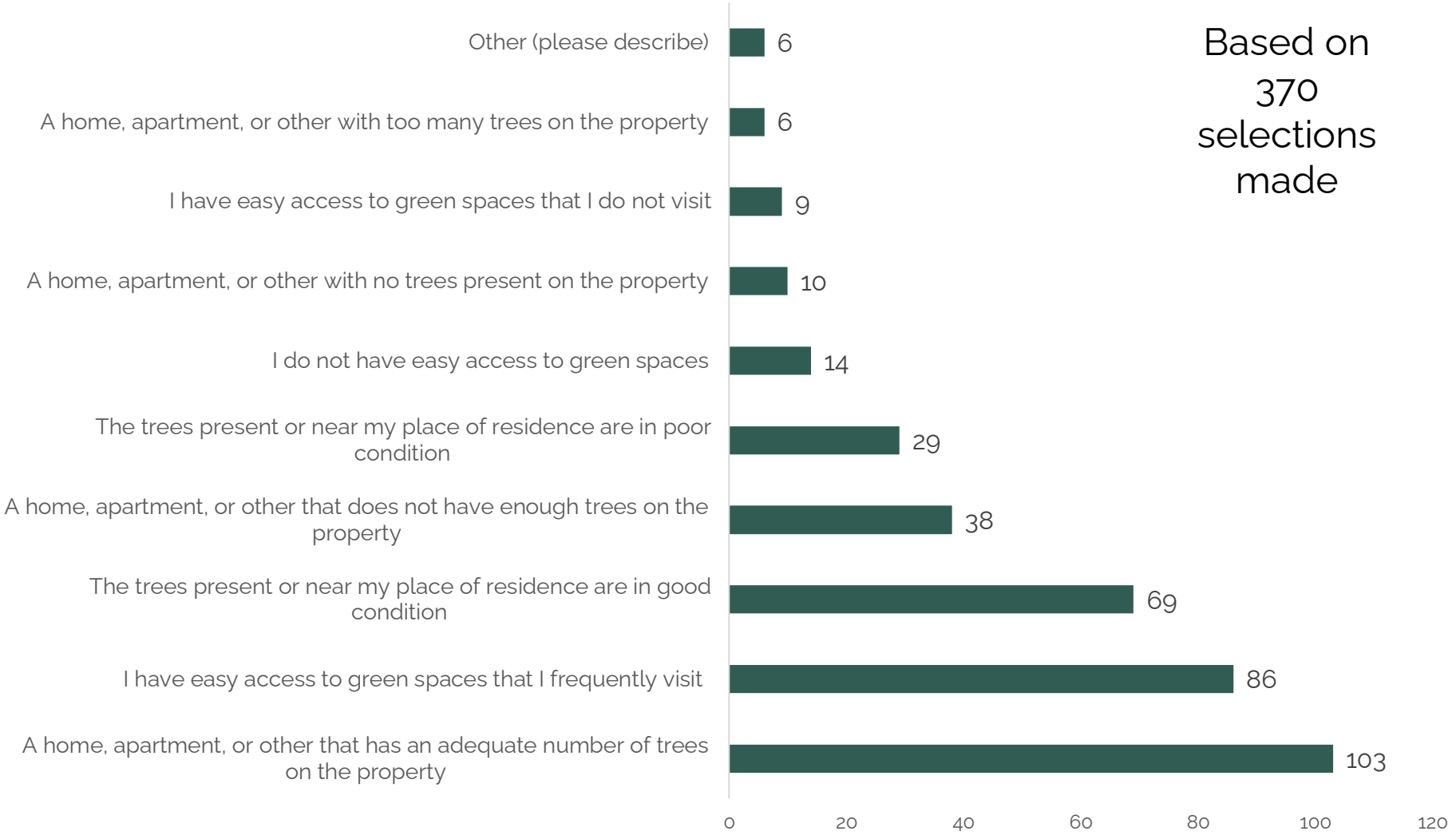

Q10: In which Ward do you live in Fayetteville?
Not applicable (I do not live in Fayetteville)
12
Ward 2
31
Ward 1
35
Ward 4
41
Ward 3
50
0
10
20
30
40
50
60
Based on 169 responses

QUESTION #11


Q11: Which best describes the building in which you live?
Other (please describe)
4
Townhome
13
Apartment or condominium
17
One family house detached from any other houses
134
0
20
40
60
80
100
120
140
160
Based on 168 responses

QUESTION #12

Q12: If you live in Fayetteville, please describe the current conditions where youreside.
(Select all that apply)

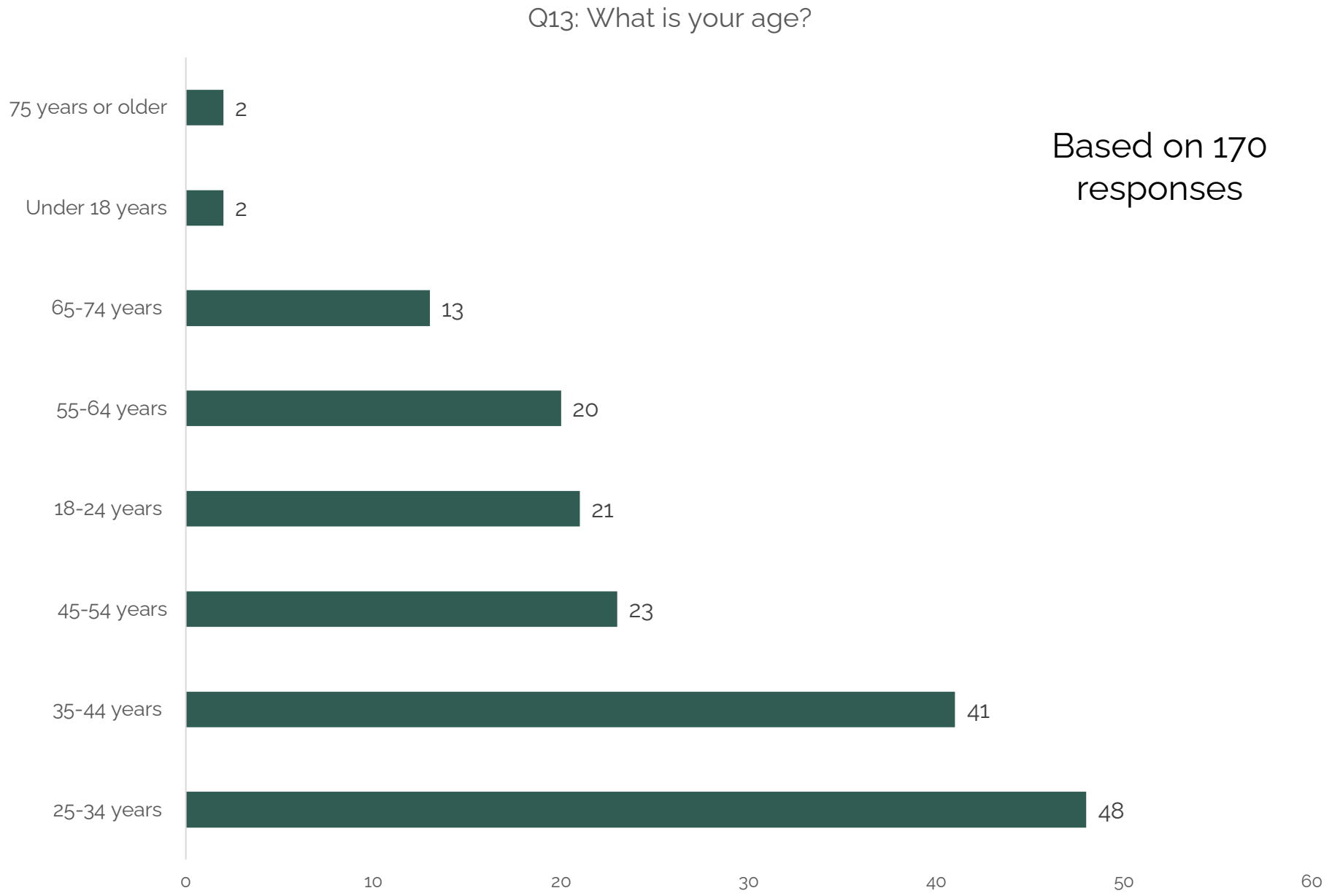


Based on 370 selections made

Question #12 Comments

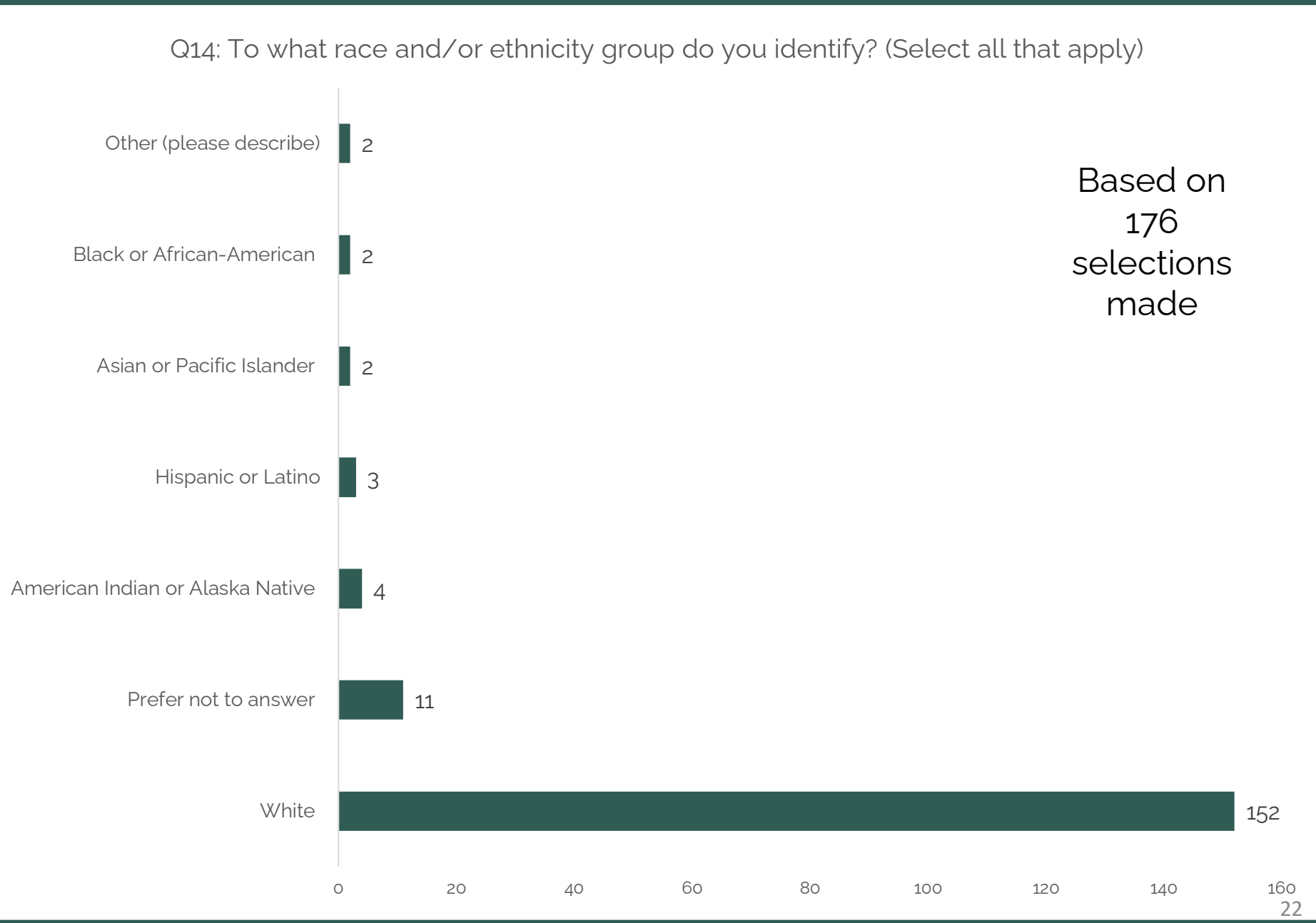
Categories	Comment Count
Tree Impacts	1
Trees and Development	1
Other	3
Invasives	1

QUESTION #13



Based on 170 responses

QUESTION #14


Q14: To what race and/or ethnicity group do you identify? (Select all that apply)
Other (please describe)
2
Black or African-American
2
Asian or Pacific Islander
2
Hispanic or Latino
3
American Indian or Alaska Native
4
Prefer not to answer
11
White
152
0
20
40
60
80
100
120
140
160
Based on 176 selections made

Question #14 Comments

Comment
Middle Eastern
European

Fayetteville, Urban Forest Management Plan



Task C. City Operations and Workflows
~ Staff & Board Member Survey Summary ~

CITY OF FAYETTEVILLE ARKANSAS

9/30/22

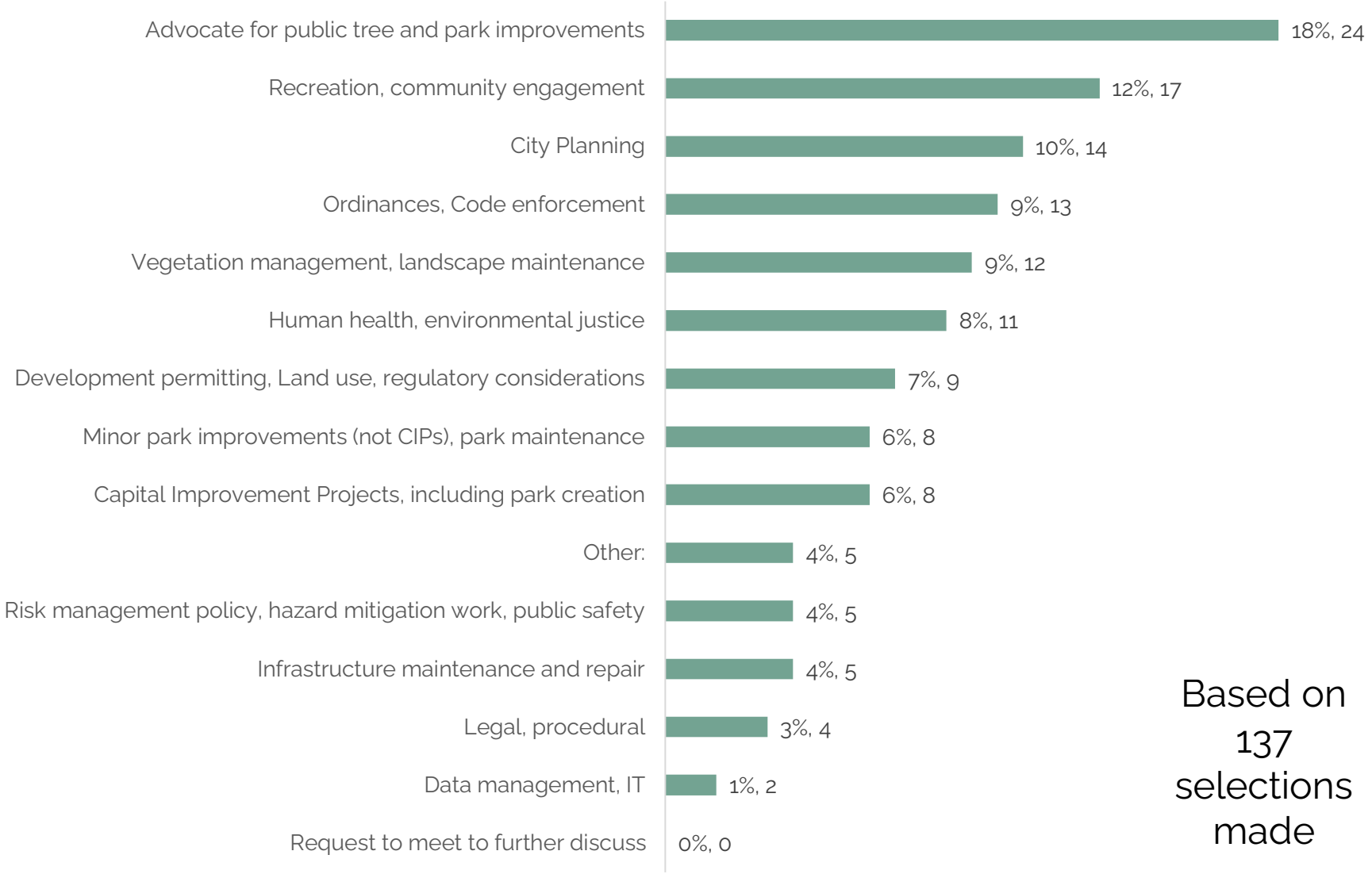
PlanITGeo™ developers of TreePlotter

Survey Overview

Count of Surveys Received
28 of 59 invited (47%)
Survey Timeframe
August 30, 2022 – September 23, 2022
Platform
Google Forms: https://forms.gle/BA67usA5y3RuiAABA

QUESTION #2

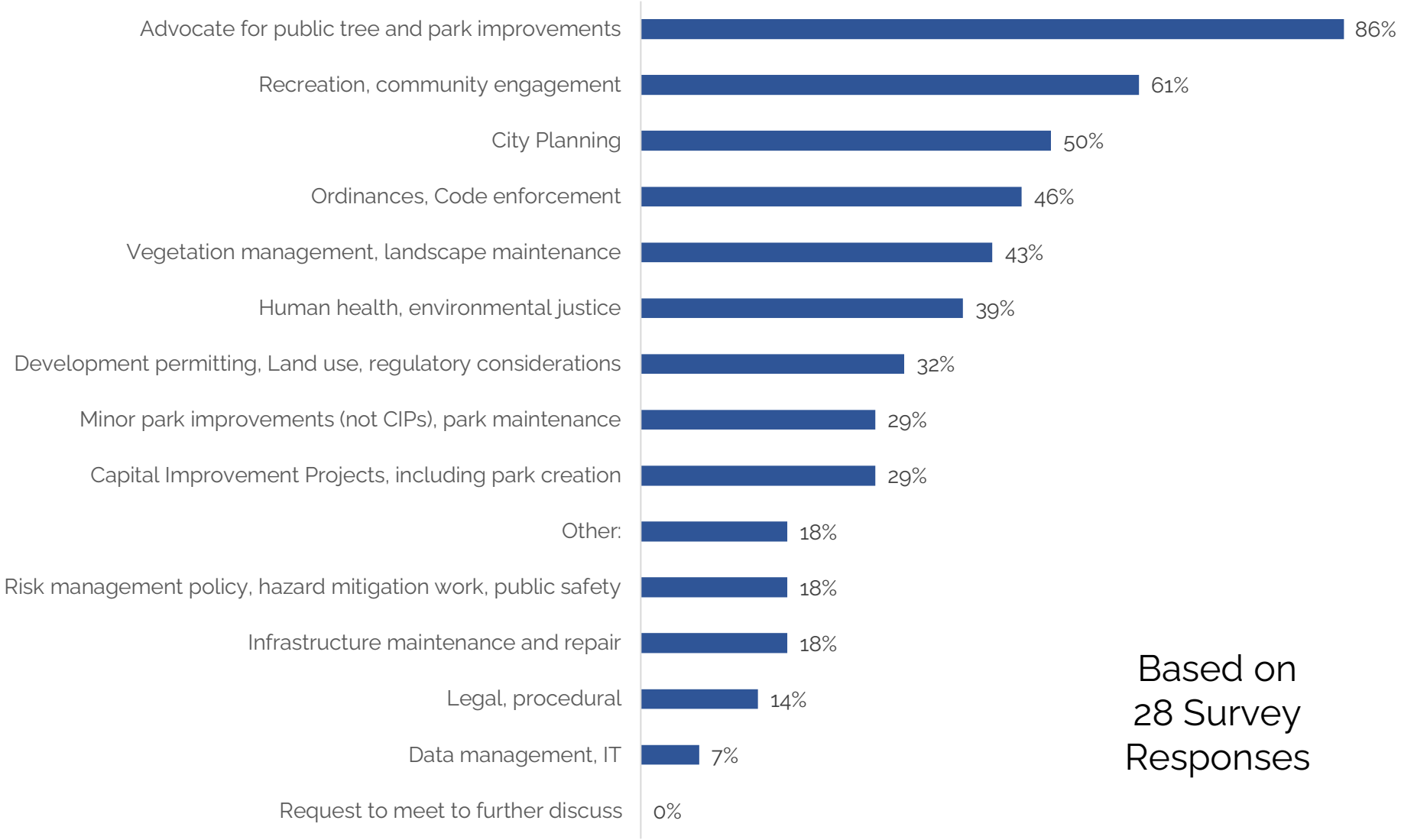
2. How does your work or role impact or influence the urban forest, individual trees, natural areas, and/or the landscape in Fayetteville?



Based on 137 selections made

QUESTION #2

2. How does your work or role impact or influence the urban forest, individual trees, natural areas, and/or the landscape in Fayetteville?



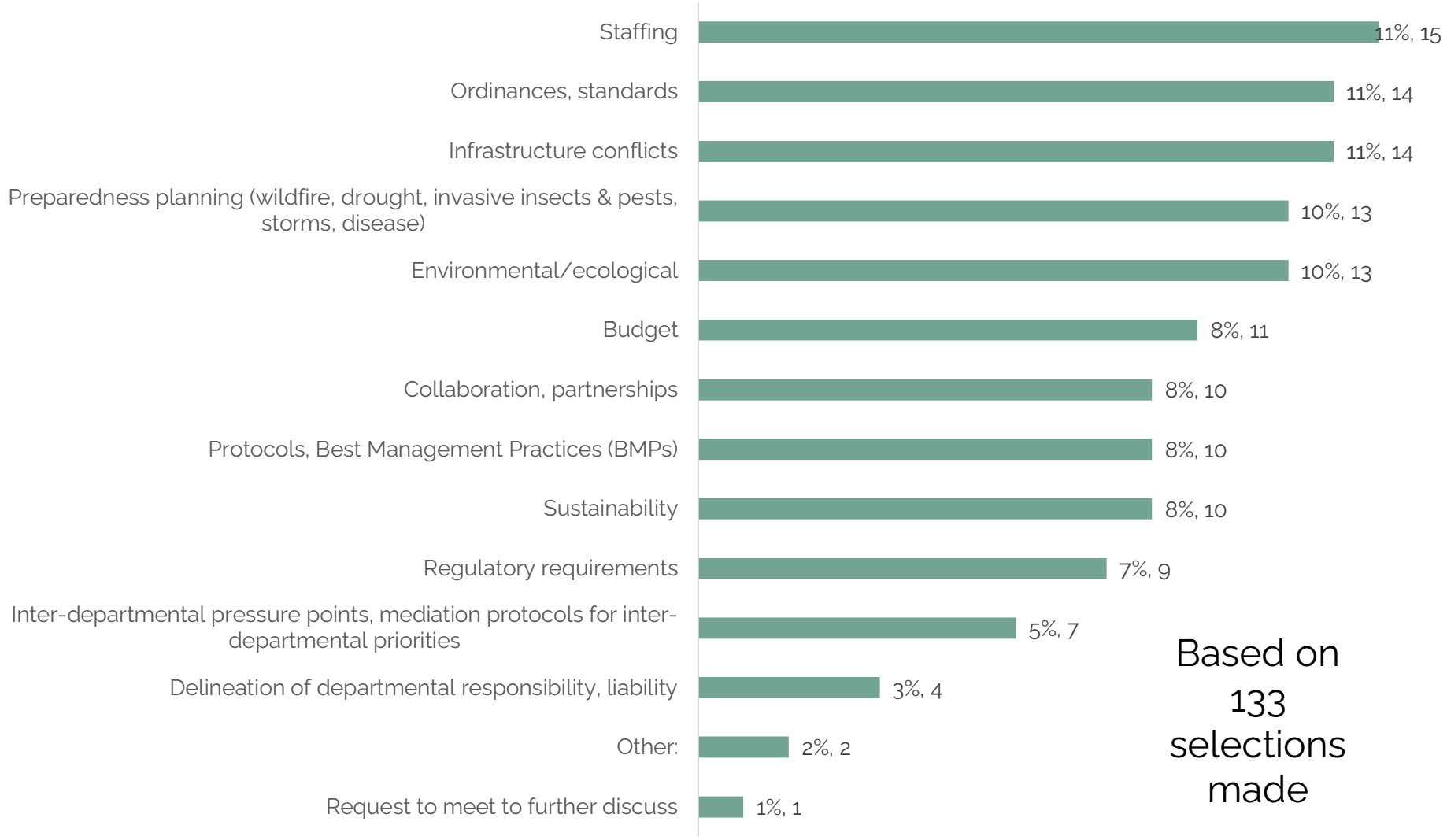
Based on 28 Survey Responses

Question #2 Comments

Name	Comment(s)
	Member of PRAB
	Citizen at large on EAC committee
	use the platform of an outdoor retailer to advocate for public lands and environmental stewardship
	EAC has advisory role to City Council
	Voice for urban forestry goals and missed opportunities in city planning decisions.

QUESTION #3

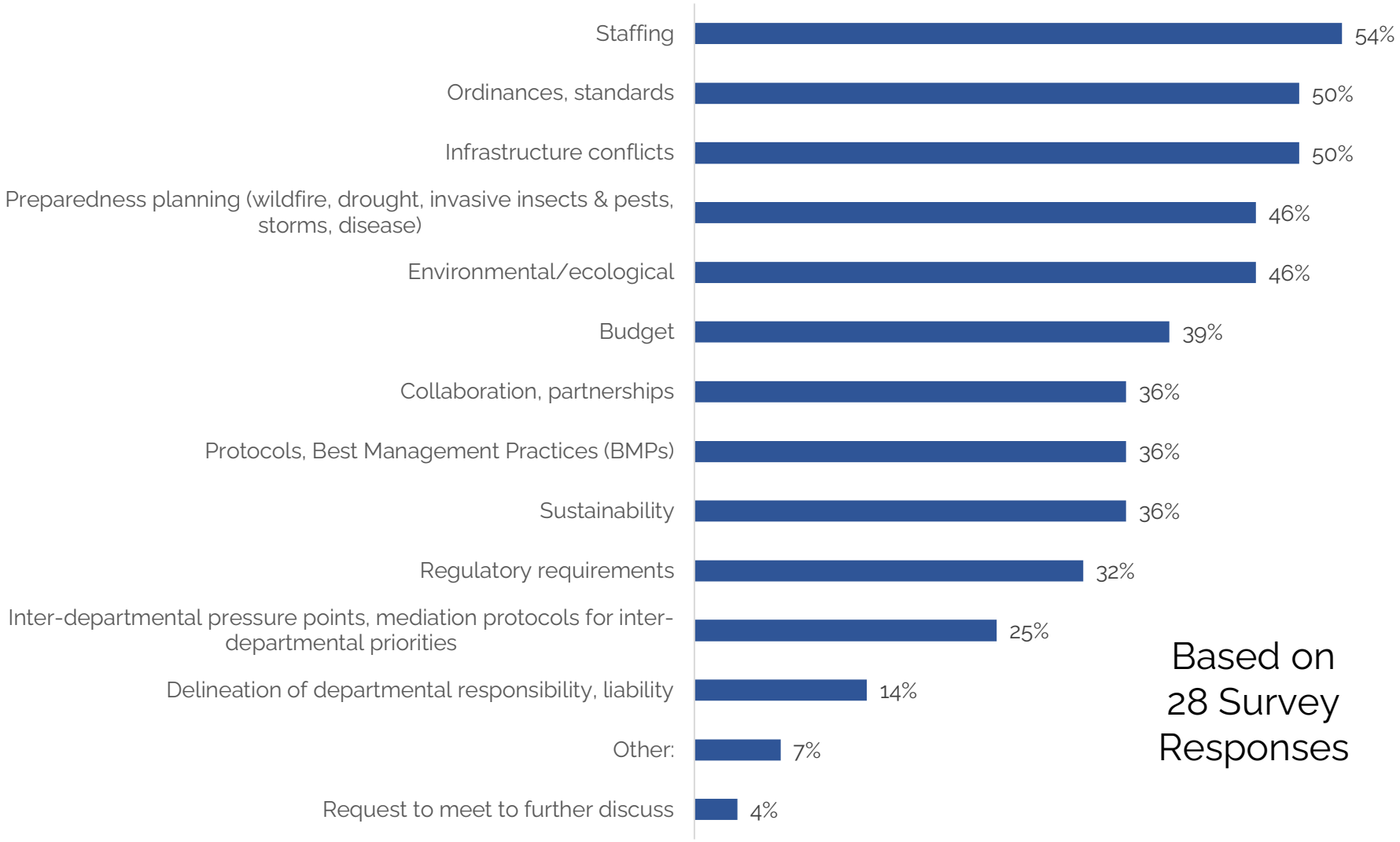
3. What are the current issues, concerns, challenges, information/resource gaps, or inefficiencies experienced or seen, if any, as it relates to your work/role described in #2?



Based on 133 selections made

QUESTION #3

3. What are the current issues, concerns, challenges, information/resource gaps, or inefficiencies experienced or seen, if any, as it relates to your work/role described in #2?



Based on 28 Survey Responses

Question #3 Comments

Name	Comment(s)
	Poor inventory management
	Replacement of street trees in existing neighborhoods

QUESTION #4

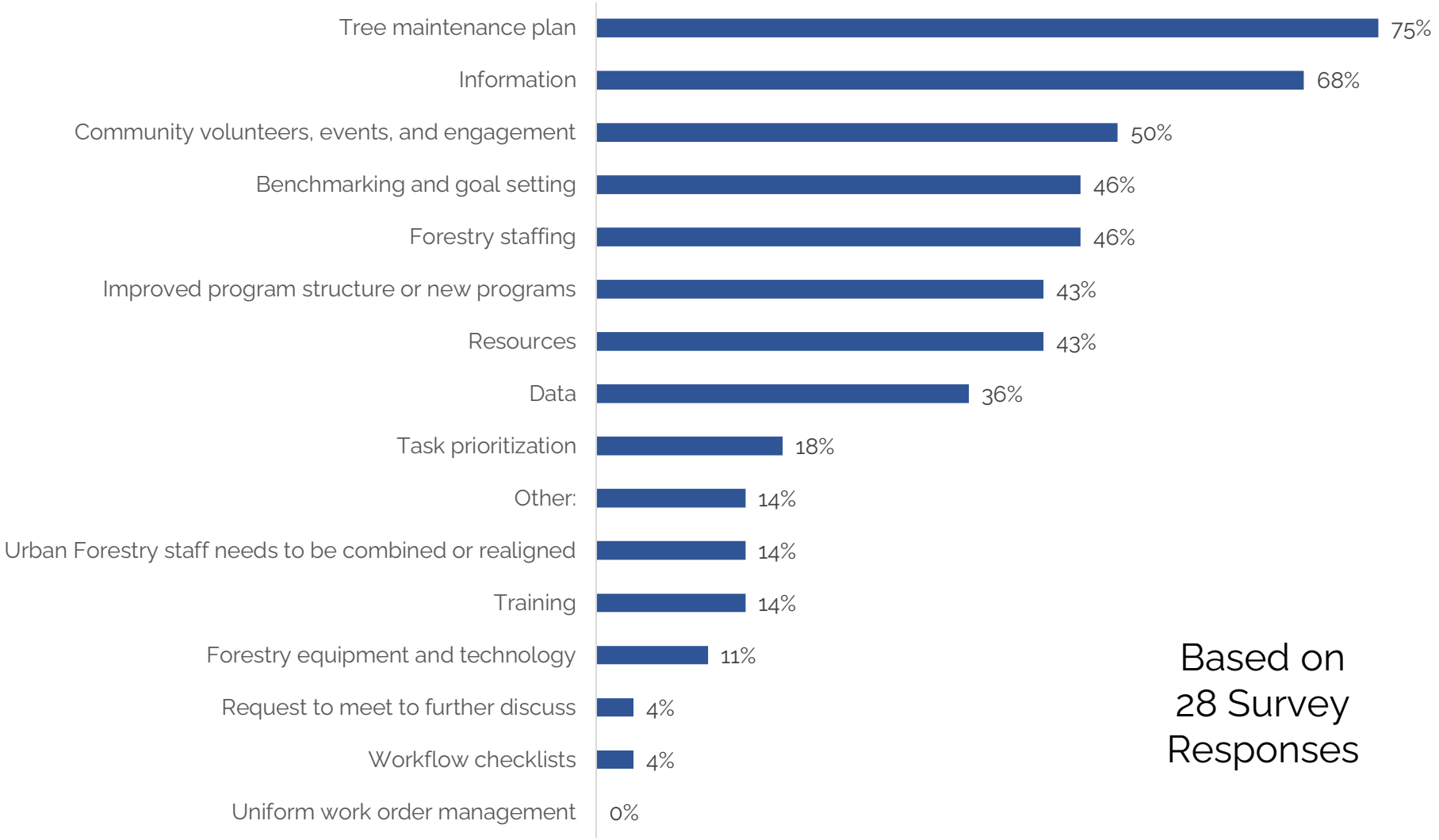
4. What results and outcomes of the UFMP would you like to see to assist and support your work or role as it relates to the trees and related services in Fayetteville?



Based on 136 selections made

QUESTION #4

4. What results and outcomes of the UFMP would you like to see to assist and support your work or role as it relates to the trees and related services in Fayetteville?



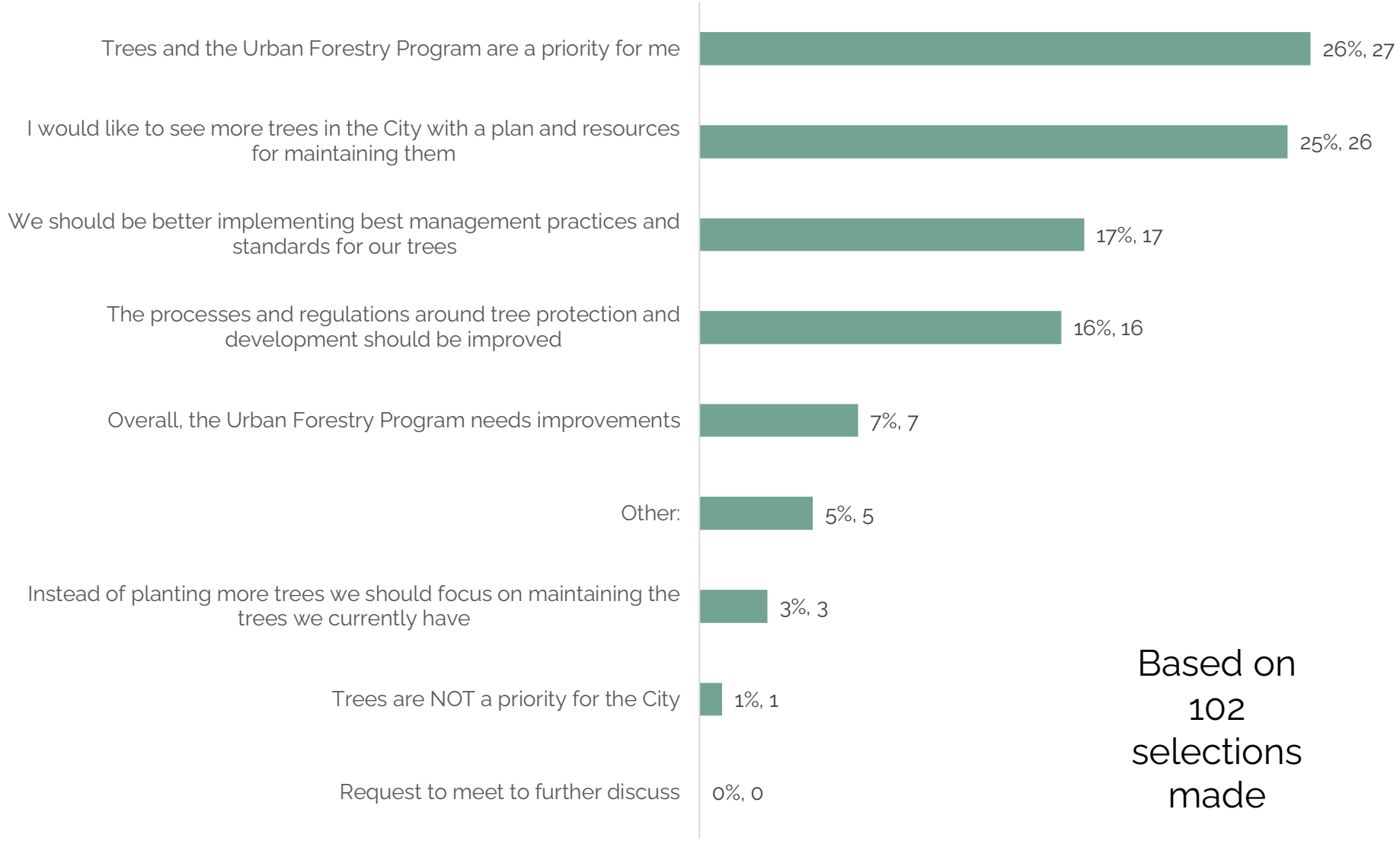
Based on 28 Survey Responses

Question #4 Comments

Name	Comment(s)
	Expand to be "urban ecology"
	Supporting current Forestry activities and preservation/landscaping standards
	Clear understanding of where efforts should be focused and what benefits will be received by increased efforts is warranted.
	Prioritize planting trees that will have the greatest positive impact on other species. For example, prioritize native oaks over Liriodendron (tulip tree)

QUESTION #5

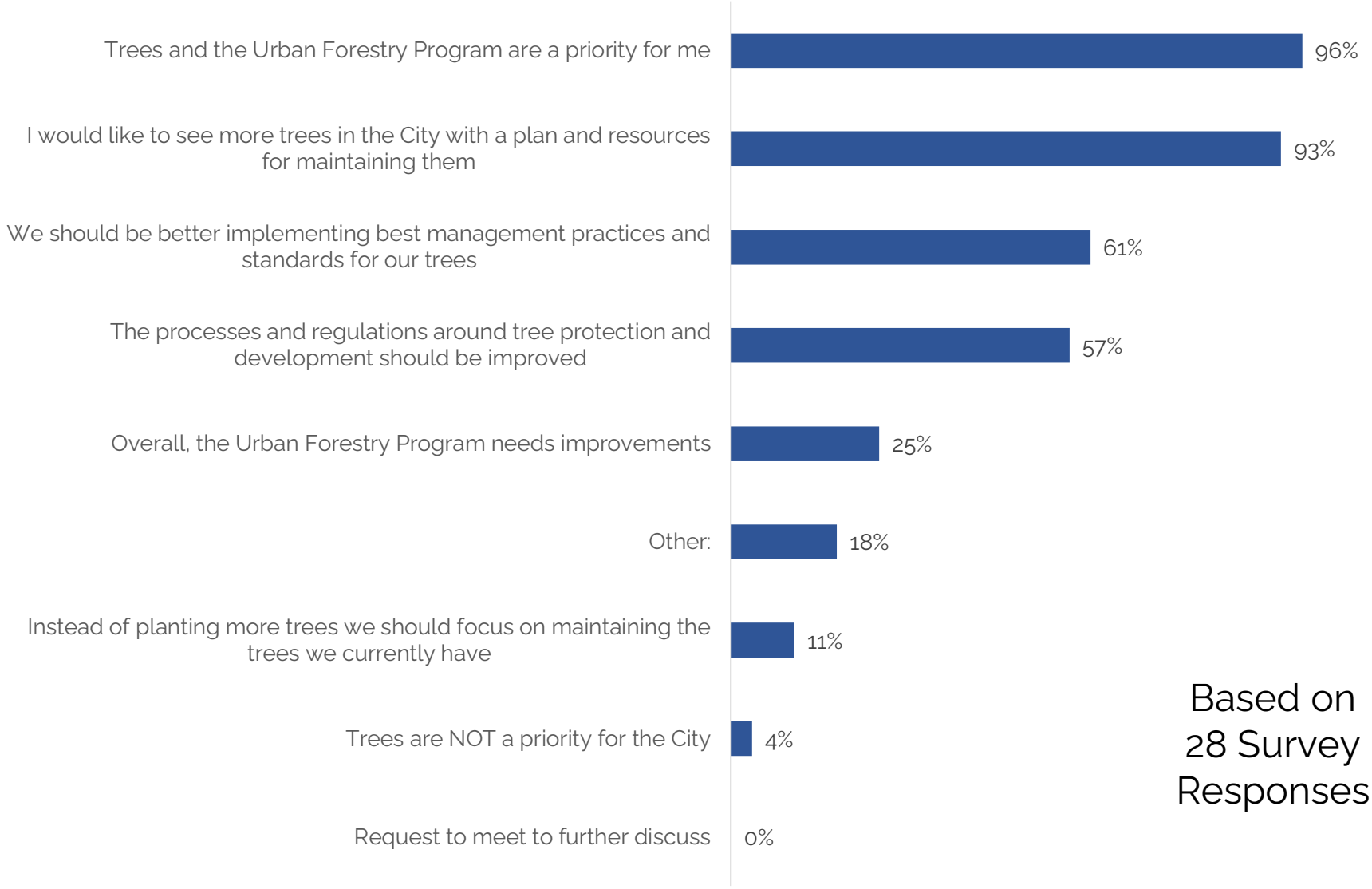
5. Please select from the following to summarize your viewpoints and priorities relating to trees and the urban forest in the City.



Based on 102 selections made

QUESTION #5

5. Please select from the following to summarize your viewpoints and priorities relating to trees and the urban forest in the City.



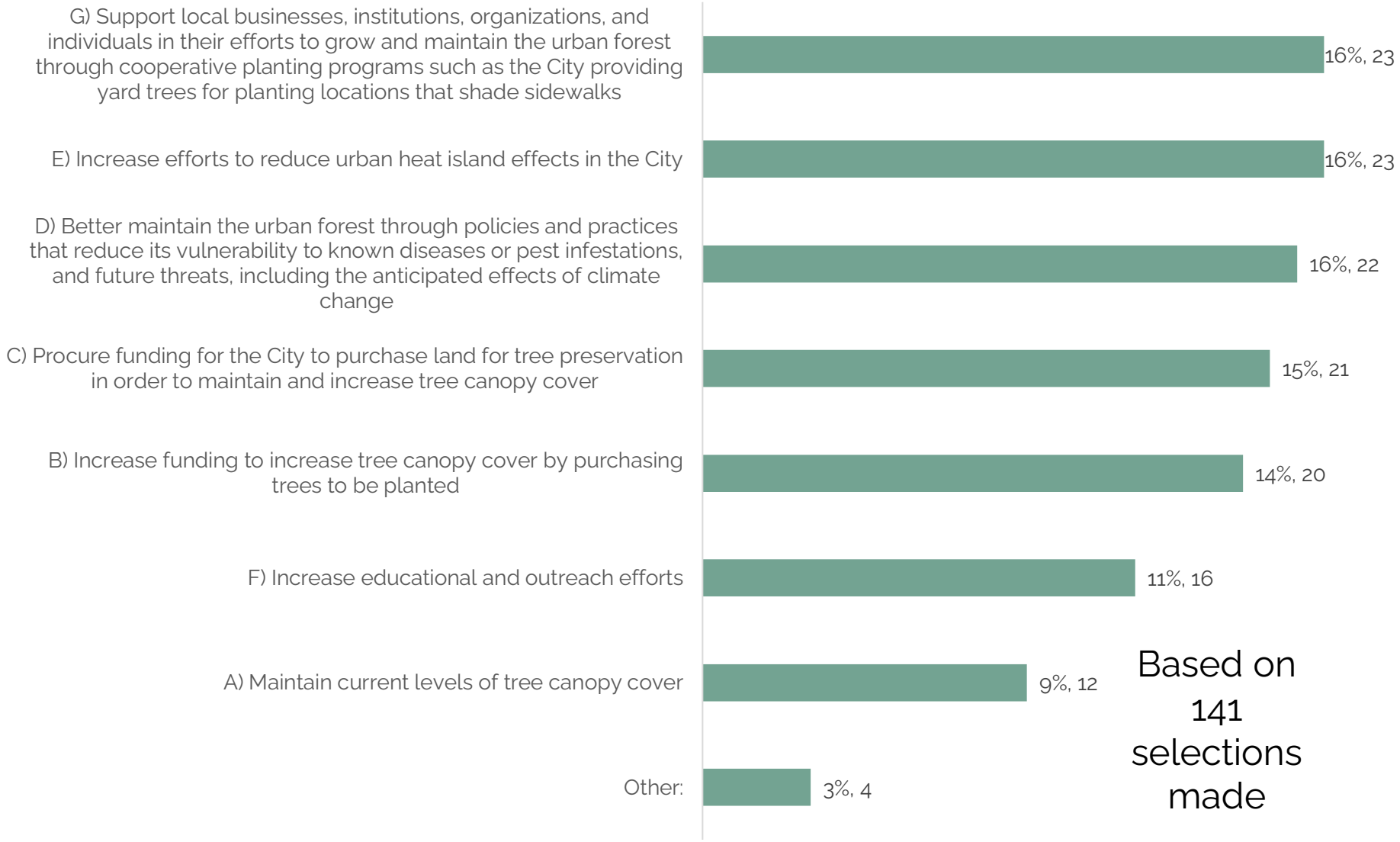
Based on 28 Survey Responses

Question #5 Comments

Name	Comment(s)
	I picked 3 and 4 because I like the idea of more trees but we lack a proper maintenance plan
	Expand to include broader ecological issues
	Street sections need to be reviewed. We are placing trees in spaces that are too confined for long term health of tree and infrastructure.
	We should not just be counting trees on properties that are about to be developed. We should identify large trees with significant environmental value.
	Yes, the Urban Forestry program needs improvements - it needs more resources, more vocal recognition of its value, and deeper integration with utilities and infrastructure and management that reflects that value

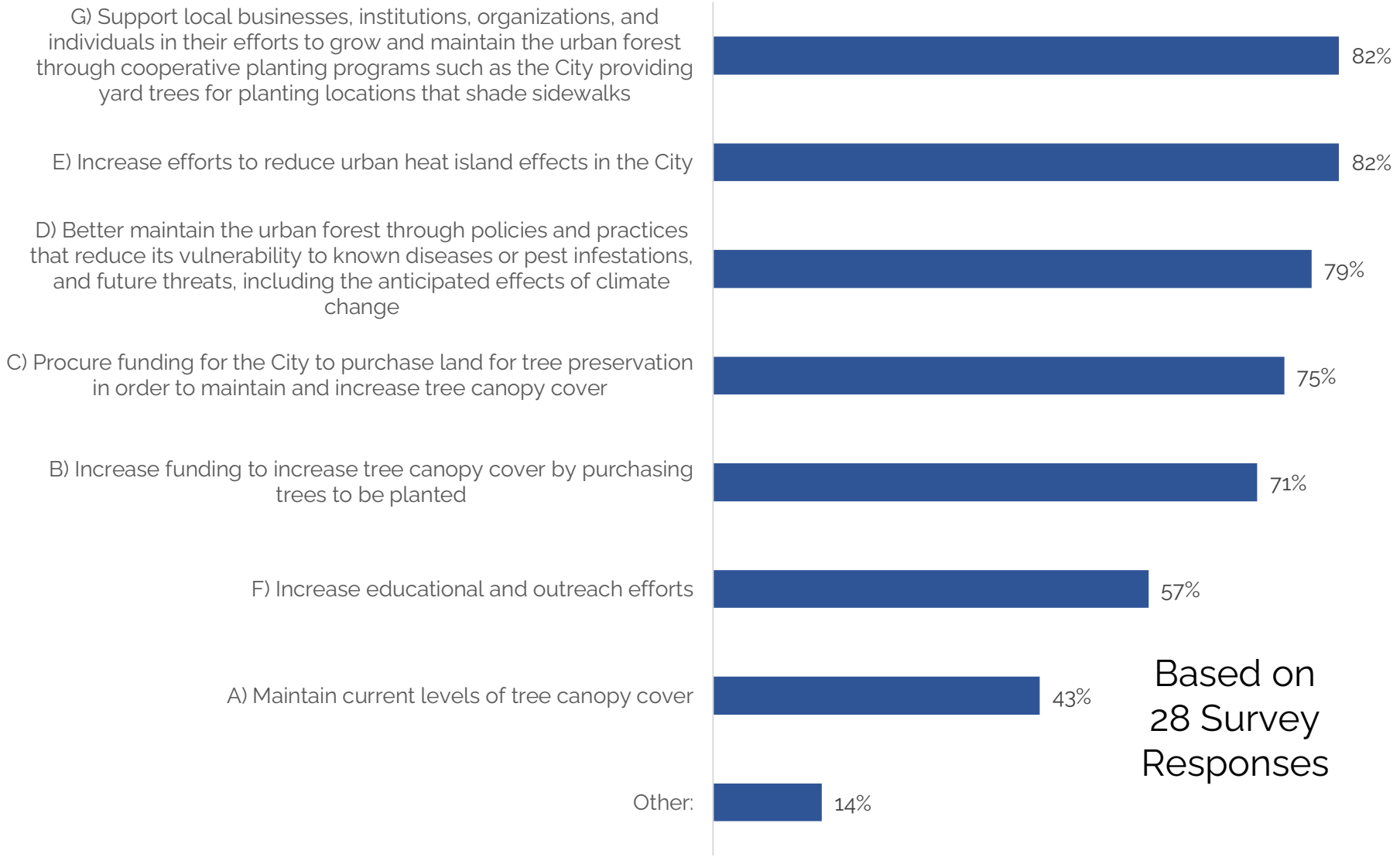
QUESTION #6

6. Overall, what do you feel are the most important goals for the City in regards to urban forestry?



QUESTION #6

6. Overall, what do you feel are the most important goals for the City in regards to urban forestry?

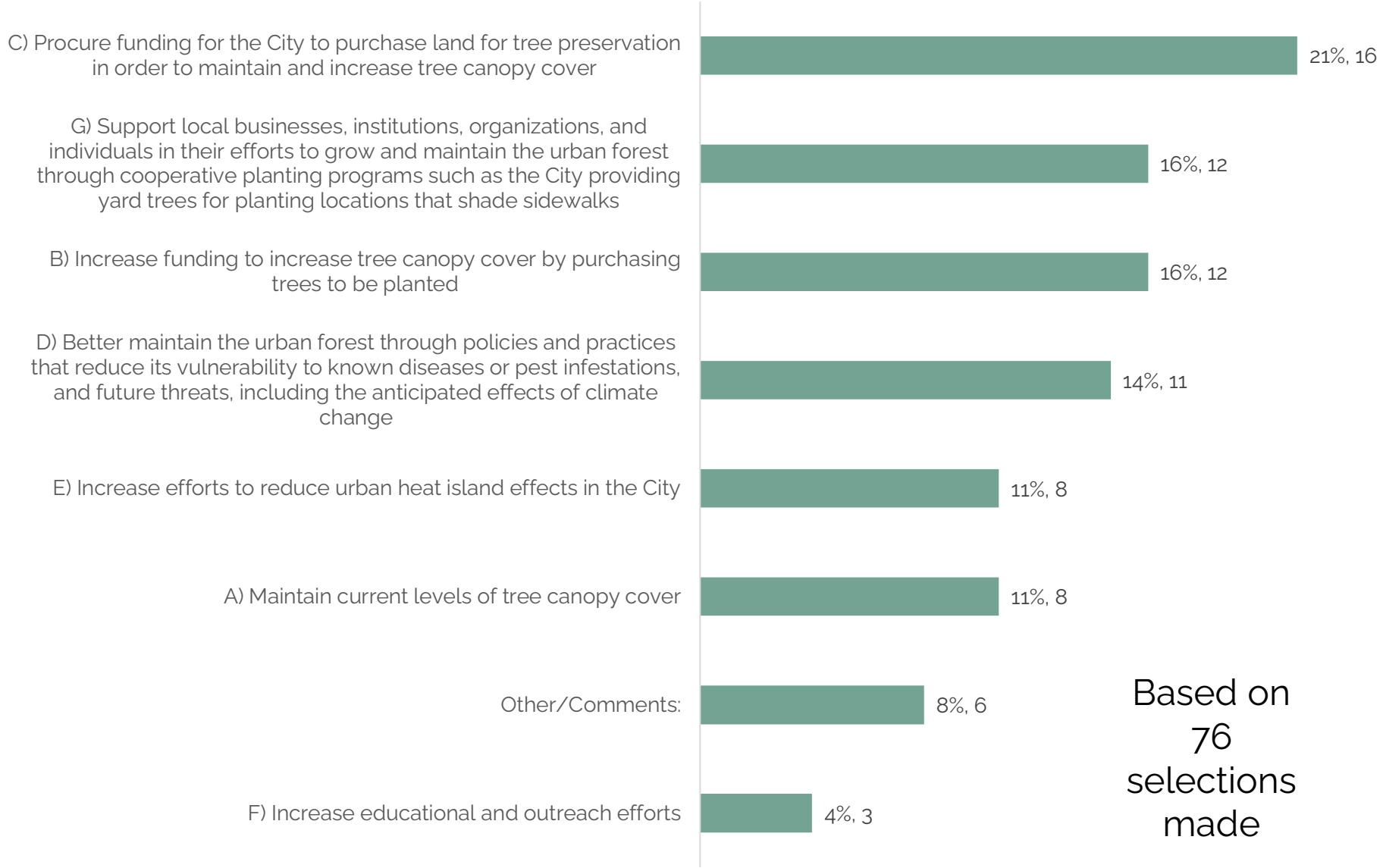


Question #6 Comments

Name	Comment(s)
	Make sure that underserved areas, and those with few trees receive priority for planting urban forests.
	I agree with A) as a percent of the City under canopy, but not necessarily the existing canopy.
	Determine what is a reasonable canopy goal for the city based on land use, growth, and evnironmental/health benefits.
	Integration of urban ecology, of which forestry is a subset, into the value decisions of the mayor and city council, into budgeting and staffing, and into workflows of utilities and engineering

QUESTION #7

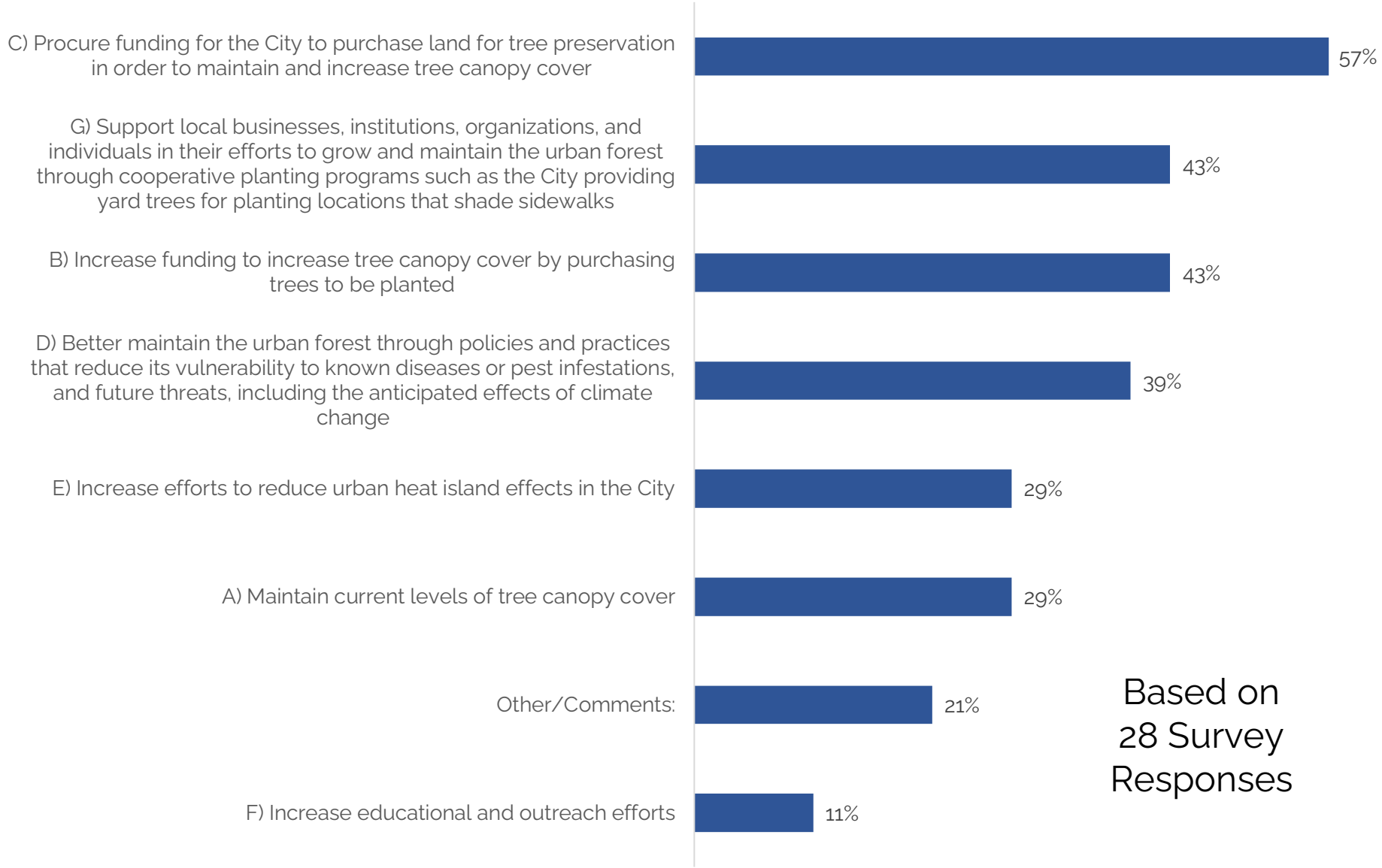
7. From the list above, what are the three (3) most important goals (list letter)?



Based on 76 selections made

QUESTION #7

7. From the list above, what are the three (3) most important goals (list letter)?



Based on 28 Survey Responses

Question #7 Comments

Name	Comment(s)
	Large gap between C (procure funding…) and G (support local businesses…)
	Make sure that underserved areas, and those with few trees receive priority for planting urban forests.
	and B (increase funding…)
	and F (increase educational…)
	I agree with A) (maintain current levels of UTC…) as a percent of the City under canopy, but not necessarily the existing canopy.
	Other: Integration and expansion of Urban Forestry through the city's organization

Fayetteville Urban Forestry Management Plan


Source: Shutterstock

US Forest Service Urban Forest Audit
~ Adapted for Fayetteville, AR ~

CITY OF FAYETTEVILLE ARKANSAS

PlanITGeo™ developers of TreePlotter

August 2023

URBAN FOREST AUDIT SYSTEM: OVERVIEW

U.S. Forest Service's
Urban Forest Sustainability & Management Audit System

Information Gathering & Discovery

- Measure City's readiness for improved urban forest management, use of the Discovery Matrix
- Document Index of discovered resources
- 11 Categories, 129 planning elements
  1) Management Policy & Ordinances
  2) Capacity and Training
  3) Funding and Accounting
  4) Decision & Authority
  5) Tree Inventories
  6) Urban Forest Plans
  7) Risk Management
  8) Disaster Planning
  9) Standards and Best Practices
  10) Community
  11) Green Asset Evaluation

Audit Process (example only)

Category & Element	Count
Management Policy and Ordinances	30
Professional Capacity and Training	3
Funding and Accounting	4
Decision and Management Authority	3
Inventories	14
Urban Forest Management Plans	13
Risk Management	4
Disaster Planning	4
Standards & Best Management Practices (BMPs)	39
Community	28
Green Asset Evaluation	10

Category: Management Policy & Ordinances		
#	Subcategory	Document/Resource
1.02	Climate Change (Sustainability)	Tree Policy Manual Sustainable City Plan
1.03	No Net Loss	Tree Policy Manual
1.04	Risk Management	Tree Policy Manual
1.05	Tree Canopy Goals	Sustainable City Plan General Plan

URBAN FOREST AUDIT SYSTEM: DOCUMENT INDEX

Documents Evaluated and Recorded in the Index

#	Resource	Information Gathered / Application
1	City Plan 2040 Comprehensive Plan	Public survey conducted, tree canopy section 8.3 (p89), climate change and canopy, urban forest benefits, ordinance, UFAB (formerly Tree and Landscape Advisory Committee est. in 1993)
2	Tree Preservation & Landscape Manual	Contains recommended tree list
3	Code of Ordinances - Chapter 167 Tree Preservation and Protection	
4	Code of Ordinances - Chapter 177 Landscape Regulations	Contains list of invasive plant species
5	Tree Preservation Standard Detail	
6	Tree List from Arkansas Native Plant Society	
7	Significant Trees List & Classifications	
8	Tree Canopy Cover and Environmental Equity	
9	Adopted Annual Budget & Work Program	Contains statement on 40% canopy goal (based on Energy Action Plan), lists trees planted, lists trees mitigated and preservation acres
10	2022 Q1 Executive Management Report	Nothing to report
11	Adopted Five Year Capital Improvements Plan 2021-2025	
12	"Fayetteville First" Strategic Plan	
13	Energy Action Plan	Chapter 1 Greenhouse Gas Reduction & Climate Change; Chapter 3 Buildings, Strategy #5 - UHI mitigation (p40); Chapter 3 Buildings Strategy 2, Make Existing Single-family & Multi-family Dwellings More Efficient; Ch 3 Buildings Strategy 4, Conduct a Community-Wide Tree Canopy Assessment and Set a Tree Canopy Coverage Percentage Goal (p39); Ch 3 Cross-Sector Strategy 1, Integrate Resilience and Adaptation Considerations into Planning and Policy Decisions -- investigate feasibility of a stormwater utility to improve green infrastructure
14	Master Street Plan (excerpt from City Plan 2040)	
15	City Plan 2040 Public Survey	Q11) "please help the City understand which of the following amenities, characteristics, or public improvements should be prioritized in association with infill" -- responses greatly supported making the neighborhood they want to live in, projects are friendly to pedestrians, and public amenities (traffic calming, pathways, open spaces)

Example of the resources reviewed and documented in the Document Index

A total of 66 documents were gathered for the research and information discovery phase of the UFMP project. Based on the research, there were a total of 326 instances where elements in the Audit were referenced in the 66 documents. An example of the document index is provided above. For a complete listing, see the “Fayetteville Urban Forest Audit” spreadsheet.

Urban Forest Audit System: Discovery Matrix

Example of the Documents and References to Audit Elements

Management Policy and Ordinances	
Climate Change (Sustainability)	City Plan 2040 Comprehensive Plan Adopted Annual Budget & Work Program Adopted Five Year Capital Improvements Plan 2021-2025 "Fayetteville First" Strategic Plan Energy Action Plan Active Transportation Plan Mobility Plan Fayetteville Downtown Master Plan Walker Park Neighborhood Master Plan Weddington Corridor Plan Economic and Labor Force Analysis - Appendix B Draft Fayette Junction Master Plan Tomorrow's Corridor - Rethinking 71B University of Arkansas Office for Sustainability - Plants - Current Projects
No Net Loss	Tree Canopy Cover and Environmental Equity
Risk Management	Code of Ordinances - Chapter 167 Tree Preservation and Protection Adopted Annual Budget & Work Program Mobility Plan
Tree Canopy Goals	City Plan 2040 Comprehensive Plan Tree Preservation & Landscape Manual Code of Ordinances - Chapter 167 Tree Preservation and Protection Tree Canopy Cover and Environmental Equity Adopted Annual Budget & Work Program Adopted Five Year Capital Improvements Plan 2021-2025 Energy Action Plan Mobility Plan Fayette Junction Master Plan Tomorrow's Corridor - Rethinking 71B City Website Urban Forestry/Tree Preservation and Landscape Regulations (letter from the Urban Forester) Urban Forestry/Tree Preservation and Landscape Regulations (letter from the Urban Forester)

Discovery Matrix example for Fayetteville documents relating to Management Policy

Once the documents were indexed, each of the 66 resources were reviewed and cross-examined with the Audit's Discovery Matrix categories (11) and elements (130). An example of the process is shown on the left. For the "Management Policy and Ordinances" category, documents are listed in the green cells that mention or relate to the category's elements including "Climate Change", "No Net Loss", "Risk Management", and "Tree Canopy Goals". Any reference to the element within a document was given a "1" to enable a count of the total references to urban forestry per document, per element.

Audit Category	Documents with Reference
Management Policy and Ordinances	104
Professional Capacity and Training	4
Funding and Accounting	10
Decision and Management Authority	40
Inventories	18
Urban Forest Management Plans	7
Risk Management	12
Disaster Planning	2
Standards & Best Management Practices (BMPs)	109
Community	20
Green Asset Evaluation	N/A
TOTAL COUNT	**326**

URBAN FOREST AUDIT SYSTEM: PROCESS



RESEARCH DEEP DIVE: Existing plans, ordinances, practices

CITY CONSULTATIONS: Workflows, operations, services, best practices, standards, challenges, opportunities

EXISTING CONDITIONS: Inventory analysis, ecosystem benefits, trends, maintenance needs, planting, preservation

BENCHMARKING: Establish baseline metrics for comparison and monitoring ($ per tree, staff per tree, etc.)

COMMUNITY ENGAGEMENT: Existing and potential partners, recommendations, public meeting

URBAN FOREST AUDIT: Systematic evaluation from which goals and actions are developed and can be monitored

URBAN FOREST AUDIT SYSTEM: PROCESS

Category: Management Policy & Ordinances			
Element	*Subcategory*	*Description or Criteria for Evaluation*	*Assigned Status**
1.01	Climate Change (Sustainability)	With reference to urban trees, addresses the long-term health and productivity of the natural resource.	Score: 2 "Adopted Common Practice"
1.02	No Net Loss	Can refer to trees, basal area, or canopy.	Score: 2 "Adopted Common Practice"
1.03	Risk Management	Should reference: ANSI A300 Part 9, ISA BMP and prioritization funding mechanisms.	Score: 2 "Adopted Common Practice"
1.04	Tree Canopy Goals	Overall community/campus goal, or by designated "zone".	

EXAMPLE

0) Not Practiced
1) In Development
2) Adopted Common Practice
3) Exceeds Common Practice

*For each subcategory that is evaluated, 0 points are attributed if the component doesn't exist or is not practiced; 1 point is given if the component is in development; 2 points are given if the component is routinely practiced; and 3 points are given if the practice is exceeded. The points can then be totaled for an overall score.

URBAN FOREST AUDIT SYSTEM: OUTCOMES

#	Category	SOC (% Achieved)*	Base (% Achieved)**	Overall Rating	Overall (% Achieved)
1	Management Policy and Ordinances	75%	50%	15	54%
2	Professional Capacity and Training	100%	NA	13	81%
3	Funding and Accounting	100%	NA	6	50%
4	Decision and Management Authority	100%	50%	7	88%
5	Inventories	NA	25%	12	46%
6	Urban Forest Management Plans	NA	50%	11	46%
7	Risk Management	100%	100%	16	89%
8	Disaster Planning	NA	100%	13	93%
9	Standards and BMPs	100%	69%	44	73%
10	Community	100%	NA	24	86%
11	Green Asset Evaluation	NA	NA	17	85%
Total		**96%**	**63%**	**178**	**70%**

EXAMPLE

*Standard of Care (SOC) elements represent the minimum group of urban forestry management "best practices" that a municipality should consider for implementation.

**Base Practices (BP) elements represent additional urban forest management activities or components that may effectively expand a program beyond the SOC group (see footnote above). These elements are typically precursors to other "non-core" elements in the category.

Urban Forest Audit System: Score Key

Color	Rank	Description	Ranking Rationale / Considerations
Blue	Category and element description		
Light Red	0) Not Practiced	No mention of the audit element in any documents, nothing uncovered during staff consultations, not in development as part of the UFMP project.	Describes the considerations that influenced the ranking
Yellow	1) In Development	The audit element is either mentioned in various documents but needs improvements or it is being addressed as part of the UFMP project.	Describes the considerations that influenced the ranking
Green	2) Adopted Common Practice	The audit element is mentioned in various documents, and it aligns with industry standards and best practices.	Describes the considerations that influenced the ranking

URBAN FOREST AUDIT SYSTEM: MANAGEMENT POLICY

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
1.00	**Policy**	**Written policy statements approved by a governing body.**	
1.01	Urban Heat (Sustainability)	Also referred to as Sustainability. With reference to urban trees. Addresses the long-term health and productivity of the natural resource.	Most documents that mention sustainability relate to development not trees though Chapter 167 Tree Preservation & Protection ordinance exists
1.02	No Net Loss	Can refer to trees, basal area, or canopy.	Not specifically mentioned but ordinances have mitigation requirements
1.03	Risk Management	Should reference: ANSI A300 Part 9, ISA BMP, and prioritization funding mechanisms.	No document specifically calls out standards, protocols, or staff trained for tree risk management
1.04	Tree Canopy Goals	Overall community/campus goal, or by designated "zone".	Energy Action Plan has a stated goal of 40%
1.05	Tree Protection	Construction and/or landscape maintenance.	Ordinances, critical root zone mentioned in various permit documents, construction standards
1.06	Utility	Utility pruning, planting, and installation policy (e.g. boring vs. trenching).	No policy in place for utility pruning was found but permits require identifying location of underground utilities
1.07	Human Health – Physical & Psychological	Recognizes and addresses the human health benefits of the natural resource (e.g. exercise, air quality, stress management, shade). Could also include Urban Heat Island (UHI) policies.	Benefits of trees are stated in various documents but less emphasis on heat reduction and human health
1.08	Wildlife Diversity / Habitat / Protection	Mammals, birds, or reptiles.	Comprehensive Plan and other plans have strategies and policies for preserving and conserving natural resources for wildlife
1.09	Performance Monitoring	Recognizes the annual or biennial calculation of metrics (e.g. some component of ecosystem services) for the purpose of tracking management performance.	Performance metrics in budget documents. Specific KPIs to be developed as part of the UFMP
1.10	Ordinance (Private)	Tree protection and management for trees on private property.	Ordinances are in place but will be reviewed with recommendations as part of the UFMP. City has the Tree Preservation & Landscape Manual
1.11	Ordinance (Public)	Tree protection and management for public trees.	Chapter 167 Tree Preservation & Protection is for private development. Similarly for Chapter 177 Landscape Regulations
1.12	Development Standards	US Green Building Council's LEED® rating systems (or similar internationally) LEED v4 BD+C (Sustainable Sites) LEED 4 ND (Neighborhood Pattern & Design, Green Infrastructure) ASLA's SITES® Rating System	Chapter 167 Tree Preservation & Protection is for private development. Similarly for Chapter 177 Landscape Regulations
1.13	High-Conservation Value Forests	Programs or policies for identification, acquisition, and/or protection of groups of trees or forests that provide unique public benefits.	The Comprehensive Plan focuses heavily on conservation and easements
1.14	Urban Interface (WUI)	Programs or policies that improve management of the urban interface for fire and/or invasive species.	Wildfire management is not covered in the documents but invasive species management is

URBAN FOREST AUDIT SYSTEM: CAPACITY & TRAINING

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
2.00	**Professional Management**	**Provision for professional consultation.**	
2.01	Certified Arborist - Staff	International Society of Arboriculture	Urban Foresters in Parks, Public Works, and Development
2.02	Certified Arborist - Contracted	International Society of Arboriculture	Chapter 167 identifies and recognizes ISA Certified Arborists
2.03	Certified Arborist - Other Resource	International Society of Arboriculture	Supporting staff with ISA credentials
2.04	Other Professional - Advising/directing UF management	This could be a professional in an allied field like Landscape Architecture.	City to provide input
2.05	Municipal Forestry Institute	Graduate of Society of Municipal Arborist's MFI program or similar	City to provide input
2.06	USFS Urban Forestry Institute or similar	Attendance at USFS UFI or similar	City to provide input
2.07	Campus/city arborist – ISA CA instructor for CEUs	Arborist routinely provides ISA CEU presentations/workshops.	City to provide input, trainings and resources are available on the website ("Citizen Tree Care Resources")
2.08	Tree Board University or similar	On-line training modules from Oregon U&CF for Tree Board/Advisory Council or similar	Unsure of the training and background of members on the Urban Forestry Advisory Board, Environmental Action Committee, or the Keep Fayetteville Beautiful Committee
2.09	Organizational Communications	Process, procedures, and protocol for cross-professional communications within the organization (all departments "touching" trees).	City to provide input but improvements will be recommended in the UFMP

URBAN FOREST AUDIT SYSTEM: FUNDING & ACCOUNTING

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
3.00	**Urban Forestry Budget**		
3.01	Budgeted Annually	Budget authorized/required for tree board, tree maintenance, and/or tree planting.	Urban Foresters and programs clearly listed in budget line items
3.02	Contingency Budget Process	A protocol is in place to prioritize urban forestry management activities during budget shortfalls; e.g. during times of limited funding for: 1) risk management, 2) young tree care, 3) mulching.	City to provide input
3.03	Funding Calculated from Community Attribute	Budget in terms of per capita, per tree, or for performance (e.g. per tree weighted by size class or age.	City to provide input. The inventory with ecosystem benefit calculations is a starting point
3.04	Funding Based on Performance Monitoring	Budget connected with/based on ecosystem service (ES) monitoring and performance.	City to provide input. The inventory with ecosystem benefit calculations is a starting point
3.05	Urban Forestry Line Item	Is the budget specific to urban forest management?	Line items for the Urban Forestry staff, clear line items for Forestry & Habitat plus events, and Tree City USA reporting documents
3.06	Green Asset Accounting	Maintain green infrastructure data in the "unaudited supplementary disclosure of an entity's comprehensive annual financial report (CAFR)". GASB 34 implementation for municipalities.	City to provide input

Urban Forest Audit System: Authority

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
4.00	**Authority**		
4.01	Urban Forest Manager	Professional urban forest manager with authority over the program and day-to-day activity. Including designated budget line item.	"Urban Forester" mentioned frequently in documents stating authority, role, and communications protocols
4.02	Staff Authority	Designated staff with authority over the program and day-to-day activity. Including designated line item.	Clearly defines the role of the Urban Forester
4.03	Communication Protocol	Established protocol and mechanism(s) for communication among all members of the urban forest management "community" in your municipality or organization (e.g. manager, department under control, advisory board, finance, field operations, public, NGOs, business community, developers).	City to provide input
4.04	Tree Board, Commission, or Advisory Council	Establishes a board for public participation (advisory or with authority).	Urban Forestry Advisory Board

URBAN FOREST AUDIT SYSTEM: INVENTORIES

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
5.00	**Inventories and Assessments**		
5.01	Canopy Inventory (UTC)	Periodic (≤5 year) canopy inventory and assessment. Public & private.	2012, 2013, 2015, 2017, 2019 canopy assessments
5.02	Ecosystem Services	Recent (≤5 year) ecosystem services (ES) inventory & assessment? Public: 100% or street trees; Public & Private: Sample; or Campus. Or, are ES calculated annually or biennially based on partial re-inventory and projected growth as a monitoring tool.	The sample inventory and canopy data were collected / provided to conduct the analysis as part of the UFMP
5.03	Public Trees ↓	↓ Evaluate below ↓	↓
5.04	Street Trees	Is there a recent (5 year) inventory?	Guidance to be provided in the UFMP
5.05	Parks/Riparian Areas	Is there a recent (5 year) inventory?	No inventory located except for the public/private sample inventory in 2022
5.06	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.	No inventory located except for the public/private sample inventory in 2022
5.07	Continuous inventory on a cycle (≤5 years)	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services.	Guidance to be provided in the UFMP
5.08	Private Trees ↓	↓ Evaluate below ↓	↓
5.09	Campus (Educational)	Is there a recent (5 year) inventory?	University of Arkansas has a tree inventory and online map
5.10	Corporate	Is there a recent (5 year) inventory?	Guidance to be provided in the UFMP
5.11	Other Private Property	Is there a recent (5 year) inventory?	Guidance to be provided in the UFMP
5.12	Continuous inventory on a cycle (≤5 years)	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services).	Guidance to be provided in the UFMP
5.13	Green Stormwater Infrastructure (GSI)	BMP stormwater mitigation practices and locations (e.g. Washington DC)	Water Master Plan but not specific to green infrastructure or stormwater. Energy Action Plan has a strategy to investigate feasibility of a stormwater utility to improve green infrastructure
5.14	Spatial	Inventory data includes Lat/Long (i.e. GIS). Should address the spatial relationship between the natural resource and people (i.e. residents, visitors, activities) that would help manage the resource for benefits associated with proximity (air quality, recreation, stress mitigation, etc.	Canopy Assessments and tree inventory provide spatial data. Guidance to be provided in the UFMP
5.15	Maintenance and Planting Records Maintained	Planting details (nursery, species, size, cost, contractor, etc.) maintained with inventory or as separate database or recordkeeping system. Also pruning and removal histories.	City to provide input

URBAN FOREST AUDIT SYSTEM: PLANS

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
6.00	**Management Planning**		
6.01	Annual Maintenance Calendar	An annual calendar that defines typical activity by season. To support scheduling.	City to provide input
6.02	Public Trees ↓	↓ Evaluate below ↓	↓
6.03	Street Tree Management	Is there a recent (5 year) plan for street trees?	Guidance to be provided in the UFMP
6.04	Parks/Riparian Area Management	Is there a recent (5 year) plan ?	Parks Master Plan in development as of January 2023
6.05	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.	Guidance to be provided in the UFMP
6.06	Private Trees ↓	↓ Evaluate below ↓	↓
6.07	Campus (Educational)	Is there a recent (5 year) plan for Campus trees?	TBD whether University of Arkansas is a Tree Campus USA campus
6.08	Corporate	Is there a recent (5 year) plan?	Guidance to be provided in the UFMP
6.09	Other Private Property	Is there a recent (5 year) plan?	Guidance to be provided in the UFMP
6.10	Green Infrastructure	Is there a plan for green infrastructure (i.e. nodes & linkages)? Large-scale projects.	Energy Action Plan mentions stormwater utility for green infrastructure
6.11	Other Written Plans	Other natural resource plans (e.g. tree canopy). May be a component of another plan.	Comp Plan, Energy Action Plan, Parks Master Plan (in progress), neighborhood plans
6.12	Tree Planting	Is there a recent (3 year) tree planting plan?). May be a component of another plan.	Guidance to be provided in the UFMP
6.13	UF as Part of a Comprehensive Plan	Is any UF management plan referenced in the comprehensive plan (i.e. county or municipality) or master plan (i.e. Campus)?	Section 8.3 of the Comprehensive Plan is "Tree Canopy" and describes the role urban forests play in climate change, stormwater, etc.
6.14	Urban Forest Planning and Management Criteria and Performance Indicators	Criteria and indicators based on *A Model of Urban Forest Sustainability* (Clark, J.R., Matheny, N.P., Cross, G., and Wake, V. 1997 Journal of Arboriculture.) or on work of W.A. Kenney, P.J.E. van Wassenaer, and A.L. Satel in *Criteria and indicators for strategic urban forest planning and management*. (2011)	Guidance to be provided in the UFMP. Conducting this Audit is one approach to Criteria & Indicators

URBAN FOREST AUDIT SYSTEM: RISK MANAGEMENT

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
7.00	**Risk Management Activities**		
7.01	TRAQ Attained	At least one staff or consultant is TRAQ.	City to provide input
7.02	Annual Level 1 (ANSI A300 Part 9 & ISA BMP)	All trees in high occupancy areas visited annually.	City to provide input
7.03	Mitigation Prioritization	A protocol for prioritizing mitigation following Level 1 and Level 2 assessments. Reflects the controlling agency's threshold for risk.	City to provide input
7.04	Occupancy Areas Mapped	Has TRAQ staff/consultant discussed/mapped occupancy levels with controlling authority?	City to provide input
7.05	Recordkeeping, Reporting, and Communications	A process has been put in place to maintain records on requests, inspections, evaluations, and mitigation of risk; and on the communications among the managers related to those risk assessments.	City to provide input
7.06	Standard of Care Adopted	Controlling authority has adopted a Standard of Care (SOC) or risk management policy.	City to provide input
7.07	Tree Risk Specification	Is there a written specification that meets requirements of ANSI A300 (Part 9)? And, has it been discussed with the controlling authority with relevance to the controlling authority's threshold for acceptable risk?	City to provide input
7.08	Urban Tree Risk Management	The community has prepared and follows a comprehensive program for urban tree risk management.	City to provide input
7.09	Invasive Management	Plan to address and manage invasive: plants, insects, and disease.	10 documents mention invasive management, prohibited trees, recommended trees, Arkansas Native Plant Society tree list, among others

URBAN FOREST AUDIT SYSTEM: DISASTER PLANNING

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
8.00	**Disaster Planning Activities**		
8.01	Response/Recovery Mechanism	Staff knowledge of the municipality's protocol for requesting disaster resources through the county or state with access to mutual aid and EMAC.	City to provide input, Fayetteville Emergency Operations Plan is in place
8.02	Urban Forestry as part of the County Disaster Plan	The UF plan (8.3) is incorporated into the county/municipal disaster plan; specifically in reference to debris management and risk mitigation.	Nothing found at the county level, City to provide input
8.03	Urban Forestry Disaster Plan	A separate/specific plan within the urban forestry management program (i.e. who to call, priorities).	No plan identified, City to provide input
8.04	Pre-disaster Contracts	Contracts are in place for critical needs.	City likely has a structure in place, City to provide input
8.05	Mitigation Plan	A mitigation plan has been developed for pre-disaster, recovery, and post-disaster.	City to provide input
8.06	EMAC Mission Ready Packages (MRP)	Municipality has published disaster resources with state EM and participates in inter-state Mutual Aid to support Urban Forest Strike Teams (UFST).	City to provide input
8.07	Urban Forest Strike Team	Participation in the UFST project.	City to provide input

URBAN FOREST AUDIT SYSTEM: STANDARDS & BMPS

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
9.00	**Standards & BMPs**		
9.01	ANSI Standards	Reference and adherence to ANSI Standards for arboricultural practices (A300), safety (Z133), or Nursery Stock (ANSI Z60.1) (any or all).	Tree ordinances reference standards, website lists standards, Tree Preservation Manual, Tree Preservation Standard Detail
9.02	Ages/Diameter Distribution	Specific management for the development of an age-diverse tree population	No specific mention about age diversity but species diversity is recognized
9.03	Arborist Standards	Standards of practice for arborists (i.e. Certification).	Tree ordinances reference standards, website lists standards, Tree Preservation Manual, Tree Preservation Standard Detail
9.04	Best Management Practices (BMPs)	Establishes or references tree maintenance BMPs (i.e. written comprehensive standards & standards).	Tree ordinances reference best practices, website lists standards, Comprehensive Plan lists BMPs, Tree Preservation Manual, Tree Preservation Standard Detail
9.05	Fertilization and Mulching	Fertilization or mulching standards required for conserved & planted trees.	Ordinances list requirements, City website has resources, Structural Soil Detail includes guidance
9.06	Lightning Protection	BMP written to the ANSI A300 Standard.	Nothing listed, minor recommendation to consider in the UFMP
9.07	Planting	Planting and transplanting standards required/specified.	Listed in ordinances, Tree Preservation Standard Detail, website, Tree Planting on Slope Detail
9.08	Pruning	Pruning standards required for conserved & planted trees.	Listed in ordinances, Tree Preservation Manual, Tree Preservation Standard Detail, City website
9.09	Removal	Infrastructure damage, stump grinding, etc.	Guidance listed in Chapter 167 and City website
9.10	Support Systems (Guying and Bracing)	BMP written to the ANSI A300 Standard.	Nothing listed, minor recommendation to consider in the UFMP
9.11	Tree Risk	Tree risk assessment procedures; ISA BMP or equivalent.	Risk mentioned in Ch. 167 but should be evaluated as part of the UFMP
9.12	Construction Management Standards	Written standards for: tree protection, trenching/boring in CRZs, pre-construction mulching, root or limb pruning, watering (any or all).	Critical root zone, tree protection zones, critical root zone addressed in ordinances, Tree Preservation Manual, City website, and Tree Preservation Standard Detail
9.13	Design Standards	Standards for design that specifically require trees; standards for placement, soil treatment, and/or drainage.	18 documents have standards listed for development that impacts trees and landscaping (Comp Plan, Tree Manual, Ordinances, Active Transportation Plan, neighborhood plans, others)
9.14	Genus/Species Diversity	Suggests or requires diversity of plant material.	City website has a list and references the Arkansas Native Plant Society Tree List

URBAN FOREST AUDIT SYSTEM: STANDARDS & BMPS CONT.

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
9.00	**ANSI Standards & BMPs**	**CONTINUED**	
9.15	Green Stormwater Infrastructure (GSI)	BMPs for site level GI practices like rain gardens and swales. Small-scale projects.	Energy Action Plan recommends stormwater utility for green infrastructure, other plans reference stormwater management and GI
9.16	Inventory Data Collection	Adopted or developed standards for tree inventory data collection	Guidance to be provided in the UFMP
9.17	Minimum Planting Volume	Minimum required root zone volume.	Tree Preservation & Landscape Manual provides standards and BMPs
9.18	Minimum Tree Size	Minimum caliper for tree replacements, and/or minimum size of existing trees to receive tree density or canopy credit.	Tree Preservation & Landscape Manual notes the 2" minimum caliper
9.19	Root Protection Zone (CRZ)	Defines adequate root protection zone; Critical Root Zone (CRZ).	Tree Preservation & Landscape Manual plus 5 other documents note this
9.20	Safety	Safety logs, trainings, reference to ANSI Z133 Safety Standard	No specific standards for safety around trees. Guidance to be provided in the UFMP
9.21	Topping	Prohibits topping or other internodal cuts (public & private).	Chapter 167 restricts topping
9.22	Tree Species List	Identifies and publishes a list of the most desirable, recommended, or preferred species (native and non-native species); alternatively, a list of species prohibited.	Tree Preservation & Landscape Manual, ordinances, significant trees list, City website, and others list the recommended or required trees
9.23	Tree Quality Standards	Written standards for tree selection at nursery in addition to Z60.1.	Tree Preservation & Landscape Manual notes the ANSI standard for nursery stock
9.24	Utility Right-of-Way (ROW) Management	Requirements for planting, pruning, and/or removal of trees within a utility ROW.	Chapter 167 and City website mention utility management but could be expanded as part of the UFMP
9.25	Urban Agriculture	Enabled urban food forestry practices.	Guidance to be considered for the UFMP
9.26	Wood Utilization	Larger diameter material is processed for wood products.	Guidance to be considered for the UFMP
9.27	3rd party forest certification	Examples: American Tree Farm System (ATFS), Forest Stewardship Council™	Guidance to be considered for the UFMP
9.28	Energy generation	Local or regional use of chips or other woody debris for co-generation facilities.	Guidance to be considered for the UFMP
9.29	Composting of Leaf and/or Other Woody Debris	Leaves and small woody debris are captured and used on-site or processed by someone by composting for reuse.	No mention of debris management, guidance to be considered for the UFMP
9.30	Watering Standards		Various documents state the watering requirement post-planting. Additional guidance to be provided in the UFMP

URBAN FOREST AUDIT SYSTEM: COMMUNITY

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
10.00	**Community Building**		
10.01	Social Media Website or Similar	Does your community/campus use social media platforms or similar to document and publicize your urban forestry program, activity, or events?	City website, social media, Speak Up Fayetteville
10.02	Education	The urban forest is used as an educational laboratory for class activity; Kids in the Woods, PLT, high school, or college level.	Resources on City website, Tree Manual
10.03	Private Property Tree Program	Does your community sponsor this program locally?	To be addressed in the UFMP
10.04	Public-facing Inventory Software	Public access to the community tree resource via an on-line mapping program (i.e. any Web Map Service; WMS).	2022 sample tree inventory used a public facing software program but trial subscription ended. City does have online portal of canopy assessment maps
10.05	Public Perception	Is public management consistent with private property requirements for tree protections and care? Does the Campus/public tree management reflect neighborhood norms?	Comprehensive Plan included a survey. Ongoing public feedback recommendations to be provided in the UFMP
10.06	Recognition Programs	Programs that raise awareness of trees or that use trees to connect the community to significant events or activities.	Arbor Day events, spring and fall planting, Celebration of Tres, Amazing Tree
10.07	Arbor Day Celebration	Whether or not associated with Tree City USA.	Arbor Day events, spring and fall planting, Celebration of Tres, Amazing Tree
10.08	Arboretum designation	Internal or third party arboretum designation.	University of Arkansas tree inventory and Arboretum Mapping Project, Botanical Garden of the Ozarks
10.09	Significant trees	For example: size, history.	No Heritage or Significant Tree Ordinance but City has Significant Trees on website
10.10	Memorial/Honorarium	Tree planting or tree care programs than honor/memorialize individuals, organizations, or events.	City to provide input. City has tree giveaways, and tree donations
10.11	Social Media	Does your community/campus make use of Twitter, Facebook, Blogs for internal or external outreach?	Several posts about urban forestry but additional guidance to be provided in UFMP
10.12	Active Communications	Press releases, regular news articles (print), "State of the Urban Forest" reports, periodic analysis of threats and opportunities.	Additional guidance to be provided in the UFMP
10.13	Tree Care	Are volunteers trained and used for basic tree care (e.g. mulching, pruning, planting).	Volunteer program and events, invasive species removal, City website with resources for tree care
10.14	Tree City USA®	Community/campus meets current qualifications for any of these programs.	27 years as TC USA with 9 Growth Awards
10.15	Volunteer Opportunities	Ad hoc or scheduled. Any/all age groups. Tree Campus USA student activities.	Volunteer programs and events

URBAN FOREST AUDIT SYSTEM: GREEN ASSET EVALUATION

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
11.00	**Observed Outcomes**	**Based on an analysis of tree inventories**	
11.01	Deadwood	Look for evidence of periodic or ad-hoc deadwood removal (i.e. lack of dead limbs ≥ 2" in the trees or on the ground).	To be evaluated with the 2022 tree inventory and guidance provided in the UFMP
11.02	Genus Diversity	No genera exceed **20%** of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local species of concern.	Based on the sample inventory in 2022, 31% are oaks, 15% elms, 8% maples. Guidance to be provided in the UFMP
11.03	Mature Tree Care	Mature trees are retained in the landscape, and are of acceptable risk; i.e. veteran tree management.	Based on the sample inventory in 2022, the highest percent of recommended tree work is pruning for clearance (8%). Guidance to be provided in the UFMP
11.04	Mulching	Evidence of adequate (i.e. spatial extent, depth, and material) roots zone mulching for all age classes.	To be evaluated with the 2022 tree inventory and guidance provided in the UFMP
11.05	Planting Site Volume Optimization	Are species & sites matched for optimization of above ground canopy; right tree in the right spot concept.	Only 6% of the trees inventoried in 2022 have a clearance conflict (2% pedestrian, 1% building, 1% light, 1% sign or signal). Guidance to be provided in the UFMP
11.06	Rooting Volume Optimization	Are species & sites matched for optimization for below ground rooting volume; right tree in the right spot concept.	Only 0.3% of trees inventoried in 2022 were noted as causing sidewalk damage. Guidance to be provided in the UFMP
11.07	Species Diversity	No species/cultivars exceed **10%** of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local genera of concern. Also evaluate the role of regionally local native species.	Based on the sample inventory in 2022, no species exceed the 10% threshold. 7% are Princeton elms, 6% post oaks, 6% willow oaks, 5% pin oaks, and 4% blackgums. Guidance to be provided in the UFMP
11.08	Soil Compaction	Observe evidence of soil compaction by users or staff during maintenance. Include "desire" lines and construction activity at time of evaluation.	To be evaluated with the 2022 tree inventory and guidance provided in the UFMP
11.09	Tree Health	Rate the overall tree health in all size (age) classes; look for crown dieback, decay, foliage density & color.	Based on the sample inventory in 2022, 75% of public trees are in good condition, 15% in fair condition, 5% poor, and 5% dead. Guidance to be provided in the UFMP
11.10	Young Tree Pruning	Look for evidence of periodic (e.g. every 3 years to year 9) structural pruning (e.g. subordination cuts, dominant central leader, co-dominant stems lower that 20').	Based on the sample inventory in 2022, only 3 trees (0.1%) require structural pruning at a young age. Guidance to be provided in the UFMP

URBAN FOREST AUDIT SYSTEM: SUMMARY

Final Audit Results

Note, the audit may be kept internal and is only meant to serve as a preliminary evaluation to support the development of the Plan's goals and strategies though it may serve as a UFMP implementation monitoring tool

#	Category	SOC (% Achieved)*	Base (% Achieved)**	Overall Rating	Overall (% Achieved)
1	Management Policy and Ordinances	50%	67%	20	71%
2	Professional Capacity and Training	100%	NA	16	89%
3	Funding and Accounting	75%	NA	8	67%
4	Decision and Management Authority	50%	100%	5	63%
5	Inventories	NA	56%	17	65%
6	Urban Forest Management Plans	NA	50%	13	54%
7	Risk Management	83%	50%	14	78%
8	Disaster Planning	NA	67%	9	64%
9	Standards and BMPs	75%	69%	44	73%
10	Community	100%	NA	25	89%
11	Green Asset Evaluation	NA	NA	16	80%
Total		**76%**	**65%**	**187**	**73%**

*Standard of Care (SOC) elements represent the minimum group of urban forestry management "best practices" that a municipality should consider for implementation.

**Base Practices (BP) elements represent additional urban forest management activities or components that may effectively expand a program beyond the SOC group (see footnote above). These elements are typically precursors to other "non-core" elements in the category.

Urban Forest Audit System: Source

The original audit and supporting spreadsheet were developed by Urban Forestry South (USDA Forest Service, Region 8, SRS-4952, Athens, Georgia). The spreadsheet was based on the current Urban Forest Sustainability and Management Review Checklist developed in cooperation with Agnes Scott College Office of Sustainability and the ASC Arboretum Advisory Council and the City of Austin (TX)

https://urbanforestrysouth.org/resources/files/UFS%20and%20ASC%20UF%20ReviewCalc%20Tool%20-18Aug15%20v4.2beta.xlsx/view



RECOMMENDED TREE LIST & SISTER CLIMATE CITY ASSESSMENT

In support of the City of Fayetteville, Arkansas'

2023 URBAN FORESTRY MANAGEMENT PLAN

October 2023

CITY OF FAYETTEVILLE ARKANSAS

PlanITGeo™ developers of TreePlotter

CONTENTS

Climate Impacts in Fayetteville 1

Fayetteville's Current Tree List and Planting Practices 1

Overview 1

The Danger of Single Species Planting 2

Criteria for Selection for the List 2

Street Tree Planting Scenarios 2

Fayetteville's Sister Climate City 4

Sister Climate City Tree List Comparisons 5

Fayetteville, AR and Dallas, TX Tree List Crosswalk - Results 6

Summary of Matching Tree Species 8

USDA Forest Service Climate Change Atlas Considerations 9

Summary of Trees in the SCCA List and Favorable with Climate Change 11

Summary 12

Appendix A. Climate Adaptation Report 13

Climate Change Impacts for Southeast 13

Tables

Table 1. Summary of tree species in the Fayetteville, AR and Dallas, TX recommended or approved tree lists 6

Table 2. Summary of matching tree species from Fayetteville, AR and Dallas, TX's recommended or approved tree lists 8

Table 3. Summary of Fayetteville's trees on the Dallas, TX (SCCA) tree list and the predicted habitat change according to the USDA Forest Service Climate Change Atlas 9

Table 4. Summary of Fayetteville's trees that are on the Dallas, TX (SCCA) tree list and whose habitat is predicted to increase or not change according to the USDA Forest Service Climate Change Atlas 11

Figures

Figure 1. Excerpt from the City of Fayetteville's recommended tree list showing the attributes and a sample of large species trees in the list 3

Figure 2. Map displaying the Sister Climate City of Longview, TX and the City of Dallas, TX which was utilized for comparing recommended tree lists 5

CLIMATE IMPACTS IN FAYETTEVILLE

Urban areas around the world are facing dramatically intensifying extreme weather and climate impacts including drought, long-term water shortages, flooding, extreme weather events, and prolonged heat. Urban trees can play a significant role in making Fayetteville resilient to weather and climate extremes, and in protecting human and ecosystem health and safety. View Appendix A for the Climate Adaptation Report generated for the southeast United States from the Climate Adaptation Workbook.

Increased temperatures and prolonged heat have a dramatic effect on urban trees. Urban trees already face many struggles of the urban environment, including competition for space, elements of an urban environment, vandalism, and harmful pests and diseases. Some of Fayetteville's established trees are unlikely to survive the changes in the climate and weather patterns over the next 50-75 years. Planting the right trees for Fayetteville today and in the future will play a vital role in the resiliency of the City's urban forest as well as overall community sustainability.

In pursuit of a sustainable and resilient urban forest, the City of Fayetteville seeks to apply climate adaptation strategies to urban forest management planning. Building toward this objective, the City maintains a recommended tree list of small, medium, and large trees prepared by the Arkansas Native Plant Society. The following provides an analysis of the changing climate and considerations for new tree species to integrate into Fayetteville's urban forest over time.

FAYETTEVILLE'S CURRENT TREE LIST AND PLANTING PRACTICES

Recreated from the City of Fayetteville's website— www.fayetteville-ar.gov/3979/List-of-Recommended-Native-Trees-and-Shr

Overview

Urban Forestry Staff reviews, recommends and selects trees for a variety of sites and growing environments. Staff evaluates each place for site-specific variables when selecting the most appropriate trees for a site. Not every tree is right for every location, and the Urban Forestry staff uses our extensive tree knowledge, research and site evaluation when selecting trees, mindful of how each tree and each site may change in the short- and long-term future.

This list of trees contains recommendations for trees planted in Fayetteville, including ideal locations and notes on each tree. It highlights how many species of butterflies and moths each of these trees can host. The list does not include all the insects, birds, reptiles and small mammals that a tree can host. The Arkansas Native Plant Society was the catalyst for this updated list, and the Urban Forestry Advisory Board assisted with information.

Urban Forestry Staff is continuously researching and contemplating the use, space, species and varieties of trees, shrubs and plants used throughout the City. We seek expert advice in our community and are lucky to have professional connections with the Horticulture, Landscape Architecture, and Plant Pathology Departments at the University of Arkansas. We also have a healthy relationship with the Arkansas Forestry Commission and the Arkansas Native Plant Society. We utilize the wealth of knowledge surrounding us to benefit the City by helping Staff and residents choose the right tree for the right space.

The Danger of Single Species Planting

Historically, the use of a single species of street trees has had negative consequences. In the early 1900s, the American Chestnut, a popular and heavily planted street tree, was devastated by the chestnut blight. The blight caused large swaths of trees in the American streetscape to perish and left large gaps in the American landscape. A similar incident occurred with the spread of Dutch Elm disease. Due to the monoculture planting of elm trees as street trees, the impact was even more noticeable on streetscapes throughout the country. For these reasons and other global issues with plant disease, pests and pathogens, Fayetteville's Urban Forestry Staff encourages and recommends a diverse planting palette. Using native species trees is vital because it benefits the local ecosystem and saves the City money and time. Native species are well suited for our climate and prosper in Northwest Arkansas's soils because they originated here.

Criteria for Selection for the List

The City Urban Forestry Staff carefully selects species of trees as each location offers unique challenges. The overall criteria include:

- Native or native cultivars first
- Trees tolerant of pollution, drought and harsh conditions (salt/sand from winter and winds)
- Trees that create litter problems or produce large fruit are not used as street trees
- Tree shape – to ensure limbs are not too low and could create a visibility issue
- Small trees under power lines
- Trees with seasonal interest: fall color or blooms
- Amount of sun and shade in the existing conditions
- Speed of traffic
- Pedestrian intensity
- Visibility for traffic
- Maintenance issues
- Pest problems
- Longevity of the tree
- Type of Street Tree location:
    - Urban tree well
    - Large median (over six feet wide)
    - Small median (usually the green space between a curb and sidewalk, less than six feet wide)

Street Tree Planting Scenarios

Urban Tree Well

Trees planted in urban tree wells have the most difficulty surviving and thriving for several reasons: the structured soils do not offer the same nutrients as a forest; space for the root systems is limited; and exposure to pollutants. The tree's shape also has to be considered for pedestrian visibility, automobile visibility, and not interfering with buildings.

Large Medians

Large median spaces vary in size from six to 10 feet wide. The space is adequate for most trees, and Staff considers maintenance needs when choosing a tree to be planted in the medians. Trees that produce less litter and fruit are ideal for large medians. Finally, visibility is another characteristic when choosing a large median tree. Urban Forestry staff selects trees that allow for visibility under and through the canopy to increase vehicular safety.

Small Medians - Trees between Curb and Sidewalk (Tree Lawn less than Six feet)

Small medians are the green spaces between the curb and the sidewalk, typically less than six feet wide. In these cases, Staff prioritizes maintaining the structural integrity of the sidewalk and curb. Other factors included in choosing the right species for this condition are sightline visibility for vehicles and pedestrians, sun and shade conditions, the appropriate size for location in town (residential, commercial, downtown), watering needs, amount of litter produced, and environmental benefits.

This list does not contain every tree used in Fayetteville. Urban Forestry Staff does consider other trees not listed as viable options and will examine all proposed trees. There are construction techniques that allow larger trees in small locations. Staff will consider these techniques with appropriate construction details.

LARGE SPECIES - Mature ht. 45' or above

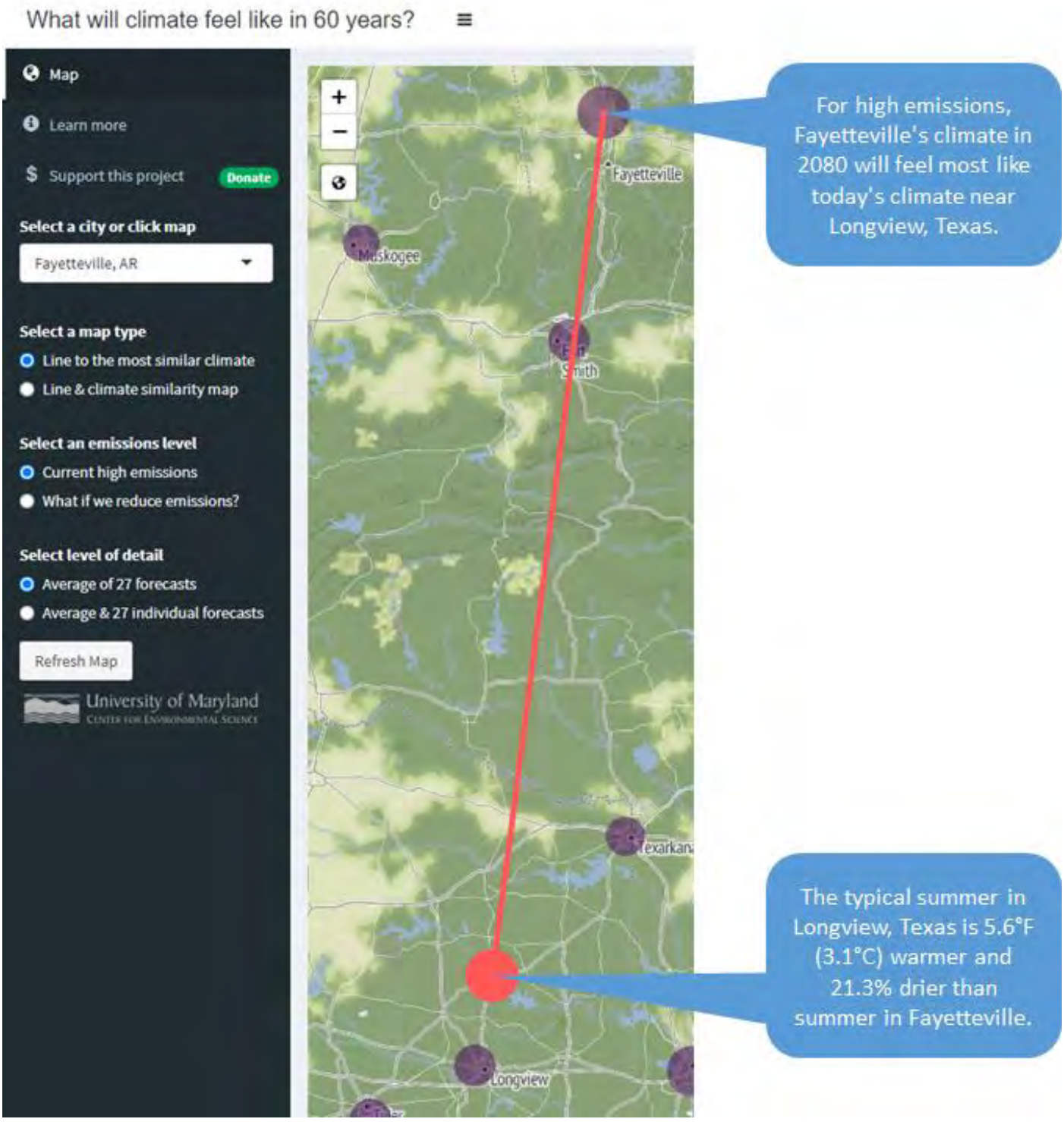
Species	Common Name	Street Tree Recommendation Types of Street tree conditions. Tree well, Large median (6' or more) small median (6' or less)	Number of butterfly and moth species tree can host (Does not include other insects, birds, reptiles and small animals that live in trees.)	Ideal Location	Notes
Acer rubrum	Red Maple	None	199	Trunk shaded in morning and afternoon	Grows poorly in compacted soil. Not a good street tree, sun scald is big problem with this as a street tree.
Acer saccharum	Sugar Maple	None	199	Trunk shaded in morning and afternoon	Grows poorly in compacted soil. Not a good street tree, sun scald is big problem with this as a street tree.
Betula nigra	River Birch	None	221		Extended dry soil leads to leaf drop. Avoid high pH. The three trunk species is overused in landscapes.
Carya cordiformis	Bitternut Hickory	None	220	Woods/Property Perimeter	Nuts -plant away from storm drains. Nut trees do not make good street trees due to litter.
Carya illinoinensis	Pecan	None	220	Woods/Property Perimeter	Nuts -plant away from storm drains. Nut trees do not make good street trees due to litter.

Figure 1. Excerpt from the City of Fayetteville's recommended tree list showing the attributes and a sample of large species trees in the list

FAYETTEVILLE'S SISTER CLIMATE CITY

The Future Urban Climates tool, created and maintained by University of Maryland Center for Applied Sciences, is a mapping tool that matches and displays similar climates for cities across the United States. The comparisons are based on minimum and maximum temperatures and seasonal precipitation in each city.

The closest area where current climate data is available is the Springdale, Arkansas area, just 10 miles north of Fayetteville. Results for a high emissions scenario show that the climate in 2080 for the Fayetteville region will feel most like today's climate near Longview, Texas—approximately 130 miles east of Dallas, Texas. The typical winter in Longview, Texas is 10.7°F (5.9°C) warmer and 40.8% wetter than winter in Fayetteville.



Sister Climate City Tree List Comparisons

Based on the climate projections, Longview, Texas (Sister Climate City) currently has a climate that is similar to Fayetteville's projected climate and plant hardiness zone. The Sister Climate City's approved tree planting list was researched and compared with Fayetteville's "2020 Tree List From Arkansas Native Plant Society" list. After online research, no recommended tree list exists or was found for Longview, TX's urban forestry program. Therefore, the City of Dallas, Texas's recommended tree list was utilized given Dallas is only 130 miles west of Longview and the urban forestry consultants conducting this SCCA study have extensive experience in the Dallas-Fort Worth area.

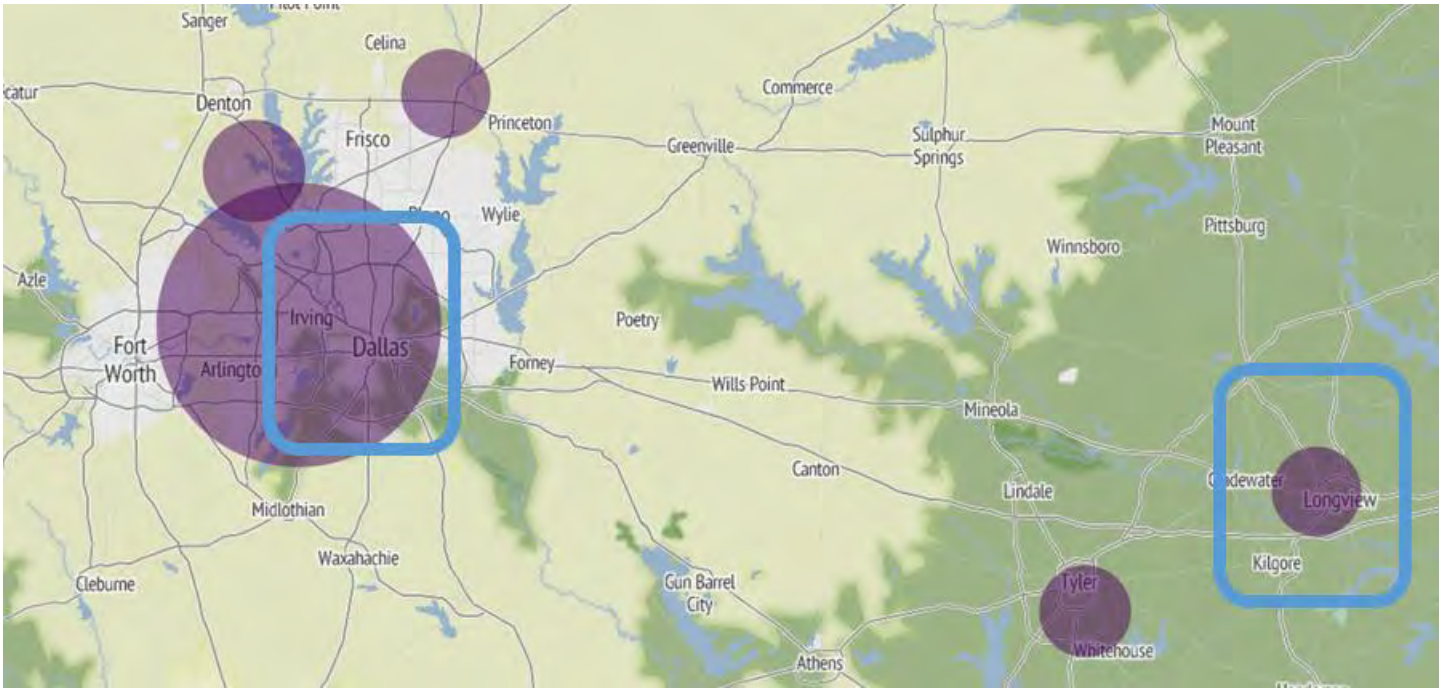


Figure 2. Map displaying the Sister Climate City of Longview, TX and the City of Dallas, TX which was utilized for comparing recommended tree lists

Fayetteville, AR and Dallas, TX Tree List Crosswalk - Results

A total of 38 of 74 (51%) tree species in Fayetteville's tree list are in the "Approved Tree List" for Dallas, TX. The majority (24 tree species) are in the "Large" category, four are in the "Medium" category, and nine are in the "Small" category. The table below details Fayetteville's tree list (shrubs excluded) and an indicator of the species that is also in the Dallas tree list.

Table 1. Summary of tree species in the Fayetteville, AR and Dallas, TX recommended or approved tree lists

COMPARISON OF FAYETTEVILLE TREE LIST TO SISTER CLIMATE CITY TREE LIST		
Fayetteville Tree List (ordered by Scientific Name)	**Common Name**	**Dallas, TX Tree List?**
Acer rubrum	Red Maple	Yes
Acer saccharum	Sugar Maple	
Aesculus glabra	Ohio Buckeye	
Aesculus pavia	Red Buckeye	Yes
Amelanchier arborea	Serviceberry	
Aronia arbutifolia	Red Chokeberry	
Asimina triloba	Pawpaw	
Betula nigra	River Birch	Yes
Carpinus caroliniana	Hornbeam or Musclewood	
Carya cordiformis	Bitternut Hickory	
Carya illinoinensis	Pecan	Yes
Carya ovata	Shagbark Hickory	
Catalpa speciosa	Northern Catalpa	
Celtis laevigata	Sugarberry	Yes
Celtis occidentalis	Hackberry	
Cercis canadensis	Redbud	Yes
Chionanthus virginicus	Fringe Tree	Yes
Cladrastis kentuckea	Yellowwood	
Cornus alternifolia	Alternate Leaved Dogwood	
Cornus florida	Flowering Dogwood	Yes
Corylus americana	Hazelnut	
Cotinus obovatus	American Smoketree	Yes
Crataegus crus-galli	Cockspur Hawthorn	
Crataegus crus-galli var. *inermis*	Thornless Cockspur Hawthorn	Yes
Crataegus viridis	Green Hawthorn	Yes
Diospyros virginiana	Persimmon	
Fagus grandifolia	American Beech	
Gleditsia triacanthos	Thornless Honeylocust	Yes
Gymnocladus dioicus	Kentucky Coffeetree	Yes
Hamamelis vernalis	Ozark Witch Hazel	
Hamamelis virginiana	Common Witch Hazel	
Ilex decidua	Deciduous Holly	Yes
Ilex opaca	American Holly	Yes
Ilex vomitoria *	Yaupon Holly	Yes
Ilex X *attenuata* 'E.Palatka'*	East Palatka Holly	
Ilex X *attenuata* 'Eagleston' *	Eagleston Holly	
Ilex X *attenuata* 'Fosteri' *	Foster Holly	

Juglans nigra	Black Walnut	Yes
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes
Liquidambar styraciflua	Sweetgum	Yes
*Liriodendron tulipifera**	Tulip Tree	
Maclura pomifera	Osage Orange	Yes
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes
*Magnolia grandiflora**	Southern Magnolia*	Yes
*Magnolia virginiana**	Sweet Bay Magnolia	
Nyssa sylvatica	Black Tupelo	
Ostrya virginiana	Hophornbeam	
Pinus echinata	Shortleaf Pine	
*Pinus strobus **	Eastern White Pine*	
Platanus occidentalis	Sycamore	Yes
Quercus alba	White Oak	Yes
*Quercus bicolor **	Swamp White Oak	
Quercus falcata	Southern Red Oak	Yes
Quercus imbricaria	Shingle Oak	
Quercus macrocarpa	Bur Oak	Yes
Quercus muehlenbergii	Chinquapin Oak	Yes
Quercus nigra	Water Oak	
Quercus phellos	Willow Oak	
Quercus rubra	Northern Red Oak	
Quercus shumardii	Shumard Oak	Yes
Quercus velutina	Black Oak	
Rhamnus caroliniana	Carolina Buckthorn	Yes
Sapindus saponaria var. *dummondii*	Soapberry	Yes
Sassafras albidum	Sassafras	
*Taxodium distichum **	Bald Cypress*	Yes
*Thuja occidentalis**	Eastern Arborvitae	
Tilia americana	American Linden	Yes
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes
Ulmus americana 'New Harmony'	New Harmony Elm	Yes
Ulmus americana 'Princeton'	Princeton Elm	Yes
Ulmus americana 'Jefferson'	Jefferson Elm	Yes
Viburnum prunifolium	Blackhaw Viburnum	
Viburnum rufidulum	Rusty Blackhaw	Yes

* See original tree list for notes on the respective species

Summary of Matching Tree Species

Table 2. Summary of matching tree species from Fayetteville, AR and Dallas, TX's recommended or approved tree lists

SUMMARY OF TREE SPECIES MATCHES		
Fayetteville Tree List (ordered by Scientific Name)	**Common Name**	**Dallas, TX Tree List?**
Acer rubrum	Red Maple	Yes
Aesculus pavia	Red Buckeye	Yes
Betula nigra	River Birch	Yes
Carya illinoinensis	Pecan	Yes
Celtis laevigata	Sugarberry	Yes
Cercis canadensis	Redbud	Yes
Chionanthus virginicus	Fringe Tree	Yes
Cornus florida	Flowering Dogwood	Yes
Cotinus obovatus	American Smoketree	Yes
Crataegus crus-galli var. *inermis*	Thornless Cockspur Hawthorn	Yes
Crataegus viridis	Green Hawthorn	Yes
Gleditsia triacanthos	Thornless Honeylocust	Yes
Gymnocladus dioicus	Kentucky Coffeetree	Yes
Ilex decidua	Deciduous Holly	Yes
Ilex opaca	American Holly	Yes
Ilex vomitoria *	Yaupon Holly	Yes
Juglans nigra	Black Walnut	Yes
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes
Liquidambar styraciflua	Sweetgum	Yes
Maclura pomifera	Osage Orange	Yes
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes
*Magnolia grandiflora**	Southern Magnolia*	Yes
Platanus occidentalis	Sycamore	Yes
Quercus alba	White Oak	Yes
Quercus falcata	Southern Red Oak	Yes
Quercus macrocarpa	Bur Oak	Yes
Quercus muehlenbergii	Chinquapin Oak	Yes
Quercus shumardii	Shumard Oak	Yes
Rhamnus caroliniana	Carolina Buckthorn	Yes
Sapindus saponaria var. *dummondii*	Soapberry	Yes
Taxodium distichum *	Bald Cypress*	Yes
Tilia americana	American Linden	Yes
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes
Ulmus americana 'New Harmony'	New Harmony Elm	Yes
Ulmus americana 'Princeton'	Princeton Elm	Yes
Ulmus americana 'Jefferson'	Jefferson Elm	Yes
Viburnum rufidulum	Rusty Blackhaw	Yes

* See original tree list for notes on the respective species

USDA Forest Service Climate Change Atlas Considerations

Table 3. Summary of Fayetteville's trees on the Dallas, TX (SCCA) tree list and the predicted habitat change according to the USDA Forest Service Climate Change Atlas

SISTER CLIMATE CITY AND US FOREST SERVICE CLIMATE CHANGE ATLAS CONSIDERATIONS			
Fayetteville Tree List (ordered by Scientific Name)	**Common Name**	**Dallas, TX Tree List?**	**Predicted Habitat Change****
Acer rubrum	Red Maple	Yes	Increase
Acer saccharum	Sugar Maple		Decrease
Aesculus glabra	Ohio Buckeye		Decrease
Aesculus pavia	Red Buckeye	Yes	
Amelanchier arborea	Serviceberry		Decrease
Aronia arbutifolia	Red Chokeberry		
Asimina triloba	Pawpaw		
Betula nigra	River Birch	Yes	Increase
Carpinus caroliniana	Hornbeam or Musclewood		Increase
Carya cordiformis	Bitternut Hickory		No change
Carya illinoinensis	Pecan	Yes	Increase
Carya ovata	Shagbark Hickory		Decrease
Catalpa speciosa	Northern Catalpa		
Celtis laevigata	Sugarberry	Yes	
Celtis occidentalis	Hackberry		No change
Cercis canadensis	Redbud	Yes	Increase
Chionanthus virginicus	Fringe Tree	Yes	
Cladrastis kentuckea	Yellowwood		
Cornus alternifolia	Alternate Leaved Dogwood		
Cornus florida	Flowering Dogwood	Yes	Increase
Corylus americana	Hazelnut		
Cotinus obovatus	American Smoketree	Yes	
Crataegus crus-galli	Cockspur Hawthorn		
Crataegus crus-galli var. *inermis*	Thornless Cockspur Hawthorn	Yes	
Crataegus viridis	Green Hawthorn	Yes	
Diospyros virginiana	Persimmon		Increase
Fagus grandifolia	American Beech		No change
Gleditsia triacanthos	Thornless Honeylocust	Yes	Increase
Gymnocladus dioicus	Kentucky Coffeetree	Yes	
Hamamelis vernalis	Ozark Witch Hazel		
Hamamelis virginiana	Common Witch Hazel		
Ilex decidua	Deciduous Holly	Yes	
Ilex opaca	American Holly	Yes	Increase
Ilex vomitoria *	Yaupon Holly	Yes	
Ilex X *attenuata* 'E.Palatka'*	East Palatka Holly		
Ilex X *attenuata* 'Eagleston' *	Eagleston Holly		
Ilex X *attenuata* 'Fosteri' *	Foster Holly		
Juglans nigra	Black Walnut	Yes	No change
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes	Increase
Liquidambar styraciflua	Sweetgum	Yes	Increase
*Liriodendron tulipifera**	Tulip Tree		Increase

Maclura pomifera	Osage Orange	Yes	Increase
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes	Increase
*Magnolia grandiflora**	Southern Magnolia*	Yes	Increase
*Magnolia virginiana**	Sweet Bay Magnolia		
Nyssa sylvatica	Black Tupelo		Increase
Ostrya virginiana	Hophornbeam		Increase
Pinus echinata	Shortleaf Pine		Increase
*Pinus strobus **	Eastern White Pine*		
Platanus occidentalis	Sycamore	Yes	Increase
Quercus alba	White Oak	Yes	No change
*Quercus bicolor **	Swamp White Oak		
Quercus falcata	Southern Red Oak	Yes	Increase
Quercus imbricaria	Shingle Oak		
Quercus macrocarpa	Bur Oak	Yes	Decrease
Quercus muehlenbergii	Chinquapin Oak	Yes	No change
Quercus nigra	Water Oak		Increase
Quercus phellos	Willow Oak		Increase
Quercus rubra	Northern Red Oak		Decrease
Quercus shumardii	Shumard Oak	Yes	No change
Quercus velutina	Black Oak		Decrease
Rhamnus caroliniana	Carolina Buckthorn	Yes	
Sapindus saponaria var. *dummondii*	Soapberry	Yes	
Sassafras albidum	Sassafras		Increase
*Taxodium distichum **	Bald Cypress*	Yes	No change
*Thuja occidentalis**	Eastern Arborvitae		
Tilia americana	American Linden	Yes	Decrease
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes	Increase
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes	Increase
Ulmus americana 'New Harmony'	New Harmony Elm	Yes	Increase
Ulmus americana 'Princeton'	Princeton Elm	Yes	Increase
Ulmus americana 'Jefferson'	Jefferson Elm	Yes	Increase
Viburnum prunifolium	Blackhaw Viburnum		
Viburnum rufidulum	Rusty Blackhaw	Yes	

* See original tree list for notes on the respective species

** USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario).

Important Note: The USDA Forest Service Tree Atlas models predict habitat change for 134 native tree species in the eastern United States. The research is then modeled for tree species in the southeast U.S. including Arkansas. Some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included. With limited data currently available on the resilience and vulnerability of native Arkansas tree species, this table provides a glimpse of how the species' composition of Fayetteville's urban forest may change. Web source: www.fs.usda.gov/nrs/atlas/tree/

Summary of Trees in the SCCA List and Favorable with Climate Change

Table 4. Summary of Fayetteville's trees that are on the Dallas, TX (SCCA) tree list and whose habitat is predicted to increase or not change according to the USDA Forest Service Climate Change Atlas

Fayetteville Tree List (ordered by Scientific Name)	Common Name	Dallas, TX Tree List?	Predicted Habitat Change**
Acer rubrum	Red Maple	Yes	Increase
Betula nigra	River Birch	Yes	Increase
Carya illinoinensis	Pecan	Yes	Increase
Cercis canadensis	Redbud	Yes	Increase
Cornus florida	Flowering Dogwood	Yes	Increase
Gleditsia triacanthos	Thornless Honeylocust	Yes	Increase
Ilex opaca	American Holly	Yes	Increase
Juglans nigra	Black Walnut	Yes	No change
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes	Increase
Liquidambar styraciflua	Sweetgum	Yes	Increase
Maclura pomifera	Osage Orange	Yes	Increase
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes	Increase
*Magnolia grandiflora**	Southern Magnolia*	Yes	Increase
Platanus occidentalis	Sycamore	Yes	Increase
Quercus alba	White Oak	Yes	No change
Quercus falcata	Southern Red Oak	Yes	Increase
Quercus muehlenbergii	Chinquapin Oak	Yes	No change
Quercus shumardii	Shumard Oak	Yes	No change
Taxodium distichum *	Bald Cypress*	Yes	No change
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes	Increase
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes	Increase
Ulmus americana 'New Harmony'	New Harmony Elm	Yes	Increase
Ulmus americana 'Princeton'	Princeton Elm	Yes	Increase
Ulmus americana 'Jefferson'	Jefferson Elm	Yes	Increase

* See original tree list for notes on the respective species

** USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario).
Important Note: The USDA Forest Service Tree Atlas models predict habitat change for 134 native tree species in the eastern United States. The research is then modeled for tree species in the southeast U.S. including Arkansas. Some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included. With limited data currently available on the resilience and vulnerability of native Arkansas tree species, this table provides a glimpse of how the species' composition of Fayetteville's urban forest may change. Web source: www.fs.usda.gov/nrs/atlas/tree/

SUMMARY

Fayetteville's tree planting recommendations are in line with industry standards and best practices since the City utilizes the Arkansas Native Plant Society list and therefore, generally plants and recommends planting trees native to the region.

The effects of climate change are already taking hold in the City and Fayetteville recognizes the challenges that lie ahead. Some of the experienced and anticipated effects include prolonged periods of high temperatures and drought, extreme weather events, changes in the duration of seasons, favorable conditions for harmful tree pests and diseases, among other impacts. To grow a sustainable and resilient urban forest, the City should continue to examine the performance of trees planted and the species of trees that are recommended for planting.

To develop plans and strategies relating to tree planting for climate change, a Sister Climate City Analysis (SCCA) was conducted. This SCCA examined the predicted climate of Fayetteville 60 years from now and identified a city with a current climate that matches the projected climate of Fayetteville. The City of Longview, Texas was identified but no city-approved or recommended tree list was found. Therefore, a neighboring city, the City of Dallas, Texas was utilized given the location and the urban forestry consultant's experience working with Dallas. From the SCCA, it was found that 51% of Fayetteville's trees on the Arkansas Native Plant Society tree list are also in the City of Dallas's approved tree list. This means that those trees in Fayetteville's list may favor well with changing climate since the Sister Climate City of Dallas currently approves and is planting those tree species.

In addition to the Sister Climate City Analysis, the U.S. Forest Service's Climate Change Atlas was utilized to examine the predicted habitat change due to climate change. From this study, it was found that 44 trees in Fayetteville's list are in the Climate Change Atlas study. Of the 44 trees, there are 28 species where it is predicted that the habitat will increase due to climate change. A total of 8 species have habitats that may decrease and 8 species have habitats that may not change with climate change. A full report is provided in the 2023 Urban Forestry Management Plan.

When combining the SCCA results and the Climate Change Atlas, a total of 24 of the 74 (32%) tree species in Fayetteville's list are on the Dallas, TX approved tree list and are predicted to have habitats either increase or not change.

This analysis shows the City of Fayetteville is on track for planting a resilient urban forest but the City should be mindful of the diversity of species, the associated benefits of the trees planted, the maintenance needs, and other considerations beyond what is covered in this summary report. The results of this analysis are not meant to serve as a definitive guide for tree species selection. Instead, it provides an analysis of what is currently being planted compared to the effects of climate change and offers general guidance on the species of trees that should continue to be planted while considering other goals and standards such as species diversity.

APPENDIX A. CLIMATE ADAPTATION REPORT

Climate Change Impacts for Southeast

Source: Adaptation Workbook, Developed in partnership with the U.S. Department of Agriculture (USDA), the USDA Forest Service, the Northern Institute of Applied Climate Science, and American Forests.

Climate Change Impacts for Southeast research report by: Carter, L., A. Terando, K. Dow, K. Hiers, K.E. Kunkel, A. Lascurain, D. Marcy, M. Osland, and P. Schramm, 2018: Southeast. In Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 743–808. doi: 10.7930/NCA4.2018.CH19

This region was defined in the National Climate Assessment (2014) and includes the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

National Climate Assessment (2018) - Southeast

Temperatures in the Southeast are projected to increase by 4.4 to 7.7 degrees Fahrenheit by late-century (2071-2100).
All climate models agree that temperatures are projected to increase over the 21st century across the Southeast. The spatial variations are projected to be relatively small across the region, with the largest temperature changes occurring in the northwest part of the region (Arkansas, Kentucky, Mississippi, and Tennessee), the smallest variations occurring in southern Florida. Temperature increases will be the greatest in summer. The greatest warming during summer is expected in the northwest portion of the region. Compared to all other seasons, winter temperature increases are projected to be more mild.

R.S. Vose, D.R. Easterling, and others. 2017. Climate Science Special Report: Temperature Changes in the United States. U.S. Global Change Research Program.

The Southeast is expected to experience between 5 and 30 more days per year with a maximum temperature exceeding 95 degrees Fahrenheit by the middle of the century.
The smallest increase of 4 days per year is expected in areas with a currently low number of 95-degree days, including the highest elevation areas along the spine of the Appalachians where historically days above 95-degrees occur fewer than 10 days out of the year. The largest increase in the number of 95-degree days per year (35 days) is expected in south-central Florida, where these kinds of hot days are already common. The western portion of the region is expected to experience the largest number of consecutive 95-degree days, with as many as 16-20 additional days by mid-century.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

The Southeast is expected to experience between 0 and 14 fewer days per year with a minimum temperature below 10 degrees Fahrenheit by the middle of the century.
The largest decreases are expected in Kentucky, Virginia, Tennessee, North Carolina and the northern part of Arkansas. The smallest decreases in cold days are expected along the coastal and southern areas, where these kinds of cold days rarely occur. Similarly, the Southeast region is expected to have more than 20 fewer days with a minimum temperature below 32 degrees by the middle of the century.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

Average annual precipitation is projected to increase slightly in the northeast portion of the Southeast, but may decrease in the southwest half of the region.
There is uncertainty between different climate scenarios for future precipitation projections in the Southeast. Generally, there is a southwest-to-northeast gradient in annual precipitation projections. The greatest increases are projected in North Carolina and Virginia (3-9% increase by the end of the century), and the greatest decreases are projected in Louisiana and Arkansas (3-12% decrease by the end of the century). Overall changes in precipitation for the Southeast are projected to be slight and comparable to current year-to-year variations. Daily precipitation totals in the Southeast have increased substantially in the fall season, and this trend is expected to continue.

D.R. Easterling, K.E. Kunkel, and others. 2017. Climate Science Special Report: Precipitation Change in the United States. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

The number of days per year with more than 1 inch of precipitation will increase across the Southeast by the middle of the century, and double the number of heavy rainfall events are projected by late century.
Extreme rainfall events have increased in frequency and intensity in the Southeast, and will continue to increase in the future. Most of the region is projected to experience 6% to 25% more days each year with more than an inch of precipitation by the middle of the century. The largest increases (up to 25% increases) in extreme precipitation are expected across the Appalachian Mountains. The smallest increases (less than 10%) are expected across Arkansas, Louisiana and Mississippi. Days with more than 2 inches, 3 inches, and 4 inches of precipitation are also expected to occur more frequently by the middle of the century. Under a high emissions scenario, projections indicate approximately double the number of heavy rainfall events (2-day precipitation events with a 5-year return period) and a 21% increase in the amount of rain falling on the heaviest precipitation days (days with a 20-year return period) by late century. Heavy precipitation associated with hurricanes and tropical storms could result in more flooding and damage to coastal forests, and contribute to an increase in inland flooding as well.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

A majority of climate models suggest that precipitation in the Southeast will increase in the winter, spring, and fall by the end of the century, but summer is generally expected to become drier.
Simulated changes in summer precipitation by the end of the century range from a 0-10% decrease, with the largest decreases occurring in southern Florida and Arkansas and Tennessee. The means of several climate models indicate that winter and spring precipitation may increase around 15% by the end of the century, particularly in the northern part of the region. Daily precipitation totals in the Southeast have increased substantially in the fall season; this trend is expected to continue, with the greatest expected increases along the Gulf Coast. Overall, only minimal change or slight increases in precipitation are projected along much of the Atlantic and Gulf Coasts. These projections are averaged outputs from a climate scenario with higher emissions (A2), and under mild climate scenarios changes are generally expected to be smaller.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

The annual freeze-free season is expected to increase by 20 to 30 days in the Southeast by 2055. The freeze-free season lengthens by more than a month by the late 21st century in climate simulations based on a high emissions scenario.
The freeze-free season is defined as the period of time between the last spring frost (daily minimum temperature below 32 degrees F) and the first fall frost. The length of the annual freeze-free season has been increasing since the 1980s, and all climate models agree that it will continue to increase in the future across the Southeast. The largest increases of 25-30 days are mainly expected in Louisiana, Tennessee, Kentucky, Virginia, and North Carolina. The smallest changes are expected in southern Florida, which is not surprising because freezing events are already rare in this part of the Southeast.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

Red spruce, balsam fir, and eastern hemlock are projected to decline substantially across the Southeast by the end of the century, and conditions for pines may also deteriorate.
Red spruce and eastern hemlock are already declining in some areas, and these species are projected to be extirpated from the southeast by 2100 as a result of the combined stresses of warming, air pollution, and insects. If temperature continues to increase and precipitation becomes more variable, conditions for pine growth may begin to deteriorate. Even if regional forest productivity remains high for pine species, the center of forest productivity could shift northward into North Carolina and Virginia, causing significant economic and social impacts.

J. Vose, D. Peterson, and others. 2012. Effects of Climate Variability and Change on Forest Ecosystems: A Comprehensive Science Synthesis for the U.S. Forest Sector.. USDA Forest Service Pacific Northwest Research Station.

Climate change will amplify many existing stressors to forest ecosystems in the Southeast, such as invasive species and insect pests.
Forest ecosystems throughout the Southeast Region are exposed to a range of natural, introduced, and anthropogenic stressors. Stressors such as invasive plants, forest pests, and diseases are expected to become more damaging under climate change, and these factors may interact in unpredictable ways. The southern pine beetle is already the most destructive pest in the region's forests, and longer growing seasons could allow populations of the pest to expand more rapidly. Cogongrass and kudzu are expected to expand into new territory under climate change, and both of these species have cascading effects on disturbance regimes and diversity.

J. Vose, D. Peterson, and others. 2012. Effects of Climate Variability and Change on Forest Ecosystems: A Comprehensive Science Synthesis for the U.S. Forest Sector.. USDA Forest Service Pacific Northwest Research Station.

Wildfire risk is projected to increase across the Southeast by the end of the century.
Rising temperatures and increases in the duration and intensity of drought are expected to increase wildfire occurrence and also reduce the effectiveness of prescribed fire in the Southeast. While this region experiences the highest number of wildfires in the country, prescribed fire is currently more common than wildfire in Southeastern forests. However, as fire seasons lengthen in the future, the window for prescribed burning may decrease because of increased fuel flammability. Decades of wildfire suppression has increased the potential for crown fires, and model projections indicate that wildfires are likely to occur more frequently in the Southeast in the future. Annual fire probability, calculated solely with climate data and physical principles, is projected to increase by 20% to 80% across the Southeast by the end of the century, with the greatest increases in the southern Appalachians. The incidence of atmospheric conditions that contribute to large and erratic fire behavior, measured by the Haines Index, is also projected to occur more 8 to 11% more frequently by the end of the century. The limitation for these sorts of projections is that they do not account for changes in land use, fire suppression rates, or vegetation changes.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

J. Vose, D. Peterson, and others. 2012. Effects of Climate Variability and Change on Forest Ecosystems: A Comprehensive Science Synthesis for the U.S. Forest Sector.. USDA Forest Service Pacific Northwest Research Station.

Y. Tang, S. Zhong, and others. 2015. The Potential Impact of Regional Climate Change on Fire Weather in the United States. Annals of the Association of American Geographers.

R. Guyette, F. Thompson, and others. 2014. Future Fire Probability Modeling with Climate Change Data and Physical Chemistry. Forest Science.

Damage from hurricanes and sea-level rise is expected to increase in the Southeast by the end of the century.
Global sea level rise is projected to rise between 1 and 4 feet by the end of the century. Sea level rise and related increases in storm surges pulsing farther inland will continue to exacerbate ongoing land loss in low-lying coastal areas and may result in excessive saltwater inundation of coastal forests. The number of Category 4 and 5 hurricanes has increased since the 1980s, and this trend can be attributed both to natural variability and climate change. High-intensity hurricanes such as the 2017 Hurricane Irma are expected to become more common in the future. Rapid intensification of storms is also more likely as the climate warms, even though there is also some historical evidence that the same conditions that lead to this intensification also act to weaken hurricane intensity near the U.S. coast, but it is unclear whether this relationship will continue as the climate warms further. Damage from these kinds of storms can be intense and extend for hundreds of miles inland, including windthrow and blowdown, inundation, damage to infrastructure on land, and significant ecological impacts to terrestrial and freshwater ecosystems due to saltwater intrusion and altered hydrology.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

L. Carter, J. Jones, and others. 2014. National Climate Assessment – Southeast. U.S. Global Change Research Program.

Low-diversity systems are at greater risk from climate change.
Studies have consistently shown that diverse systems have exhibited greater resilience to extreme environmental conditions and greater potential to recover from disturbance than less diverse communities. This relationship makes less diverse communities inherently more susceptible to future changes and stressors. The diversity of potential responses of a system to environmental change (response diversity), is a critical component of ecosystem resilience. Response diversity is generally reduced in less diverse ecological systems. Genetic diversity within species is also critical for the ability of populations to adapt to climate change, because species with high genetic variation have better odds of producing individuals that can withstand extreme events and adapt to changes over time.

E.V. Moran, F. Hartig, and others. 2015. Intraspecific trait variation across scales: Implications for understanding global change responses. Global Change Biology.

A.S. Jump, R. Merchant, and others. 2009. Environmental change and the option value of genetic diversity.

T. Elmqvist , C. Folke, and others. 2003. Response diversity, ecosystem change, and resilience. Frontiers in Ecology and the Environment.

A. Hoffman and C. Sgrò. 2011. Climate change and evolutionary adaptation. Nature.

Systems that are more tolerant of disturbance have less risk of declining on the landscape
Disturbances such as wildfire, flooding, and pest outbreaks are expected to increase in the future. Forests that are adapted to gap-phase disturbances, with stand-replacing events occurring over hundreds or thousands of years, may be less tolerant of more frequent widespread disturbances. Mesic hardwood forests can create conditions that could buffer

against fire and drought to some extent, but these systems are not expected to do well if soil moisture declines significantly. Forest systems that are more tolerant of drought, flooding, or fire are expected to be better able to withstand climate-driven disturbances. This principle holds true only to a given point, because it is also possible for disturbance-adapted systems to experience too much disruption. For example, dry pine forests and woodlands might benefit from drier conditions with more frequent fire, but these systems might also convert to savannas or open grasslands if fire becomes too frequent or drought becomes too severe.

G. Nowacki and M. Abrams. 2008. The Demise of Fire and "Mesophication" of Forests in the Eastern United States. BioScience.

E. Gustafson and B. Sturtevant. 2013. Modeling Forest Mortality Caused by Drought Stress: Implications for Climate Change. Ecosystems.

Species in fragmented landscapes will have less opportunity to migrate in response to climate change.
Habitat fragmentation can hinder the ability of tree species to migrate to more suitable habitat on the landscape, especially if the surrounding area is nonforested. Modeling results indicate that mean centers of suitable habitat for tree species will migrate between 60 and 350 miles by the year 2100 under a high emissions scenario and between 30 and 250 miles under milder climate change scenarios. Based on data gathered for seedling distributions, it has been estimated that many northern tree species could possibly migrate northward at a rate of 60 miles per century. Fragmentation makes this disparity even more challenging, because the landscape is essentially less permeable to migration.

L. Iverson, M. Schwartz, and others. 2004. How fast and far might tree species migrate in the eastern United States due to climate change?. Global Ecology and Biogeography.

C. Woodall, C. Oswalt, and others. 2009. An indicator of tree migration in forests of the eastern United States. Forest Ecology and Management.

Systems that are limited to particular environments will have less opportunity to migrate in response to climate change.
Some species and forest types are confined to particular habitats on the landscape, whether through requirements for hydrologic regimes, soil types, or other reasons. Similar to species occurring in fragmented landscapes, isolated species and systems face additional barriers to migration. Widespread species may also have particular habitat requirements. For example, sugar maple is often limited to soils that are rich in nutrients like calcium, so this species may actually have less available suitable habitat than might be projected solely from temperature and precipitation patterns. Riparian forests are not expected to be able to migrate to upland areas because many species depend on seasonal flood dynamics for regeneration and a competitive advantage. Similarly, lowland conifer swamps contain a unique mix of species that are adapted to low pH values, peat soils, and particular water table regimes. These species face additional challenges in migration compared to more-widespread species with broad ecological tolerances.

A. Jump and J. Peñuelas. 2005. Running to stand still: adaptation and the response of plants to rapid climate change. Ecology Letters.

The urban heat island effect can exacerbate the effects of increasing temperatures.
Urban areas with one million or more people can be 2 to 13° F warmer than their surrounding rural areas due to the "urban heat island effect" from heat-absorbing infrastructure such as pavement and buildings as well as waste heat generated from manufacturing and automobiles. The urban heat island is often more pronounced in historically redlined areas with lower tree cover.

H. Akbari. 2005. Energy saving potentials and air quality benefits of urban heat island mitigation. Lawrence Berkeley National Laboratory.

Maxwell, K. , Julius, S. , and others. 2018.

The surface urban heat island response to urban expansion: A panel analysis for the conterminous United States

Recent progress on urban overheating and heat island research. Integrated assessment of the energy, environmental, vulnerability and health impact. Synergies with the global climate change

The Effects of Historical Housing Policies on Resident Exposure to Intra-Urban Heat: A Study of 108 US Urban Areas

Impervious cover can exacerbate the effects of increased heavy precipitation events in urban areas.
Increases in impervious cover can dramatically increase the size and frequency of localized flooding. Typically, urban floods are short-lived, but extended flooding can stress trees, leading to leaf yellowing, defoliation, and crown dieback. If damage is severe, mortality can occur. In addition, flooding can lead to secondary attacks by insect pests and diseases. Some species are more tolerant of flooding than others. Flood-intolerant species include upland species such as bitternut and shagbark hickory, Kentucky coffeetree, and white oak. Species that are generally tolerant of flooding include species that are generally native to wetlands and riparian areas such as baldcypress, sycamore, and red maple. Trees in coastal areas may also be vulnerable to saltwater intrusion during flood events.

S. Bratkovich, L. Burban, and others. 1993. Flooding and Its Effect on Trees. USDA Forest Service Northeastern Area.

G. Hollis. 1975. The effect of urbanization on floods of different recurrence interval. Water Resources Research.

Maxwell, K. , Julius, S. , and others. 2018.

Causal Effect of Impervious Cover on Annual Flood Magnitude for the United States

Assessing the tree health impacts of salt water flooding in coastal cities: A case study in New York City



INVASIVE PLANT SPECIES PROGRAM REVIEW

In support of the City of Fayetteville, Arkansas'

2023 URBAN FORESTRY MANAGEMENT PLAN

October 2023

CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™ developers of TreePlotter

CONTENTS

Fayetteville's Current Invasive Plant Species Program 1

Overview **1**

Current Management of Invasive Plant Species **3**

Evaluating and Updating the City's Invasive Species Management Program **4**

Planning a Management Strategy 4

Invasive Plant Species Control and Removal Methods 3

Re-establishing Native Vegetation 4

Invasive Plant Species Program Review Checklist **5**

Program Review Checklist for Fayetteville, Arkansas' Invasive Plant Species Management Program 5

Summary 8

Resources 9

Attachment A: Ordinance #5820 10

Tables

Table 1. Checklist for the City of Fayetteville to evaluate and update its invasive plant species management program (Source: PlanIT Geo, Inc.) 5

Figures

Figure 1. Example of the community event for invasive plant species management (Source: City of Fayetteville, AR Facebook) 1

Figure 2. Example public messaging for the management of invasive plant species (Source: City of Fayetteville, AR Facebook) 1

Figure 3. The City of Fayetteville, AR's educational packet for invasive plant species management (Source: City of Fayetteville, AR) 2

Figure 4. City of Fayetteville, AR's 2023 Urban Forestry Management Plan 2

Figure 5. Identifying callery pear (Pyrus calleryana) an invasive tree species (Source: Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide) 3

Figure 6. City of Fayetteville's public education for invasive plant species removal (Source: KHBS News) 2

Figure 7. Revegetating with a native Ozark chinquapin tree (Source: Only in Arkansas) 4

Figure 8. Before and after of volunteers removing invasive plants along a trail near Scull Creek in Fayetteville, AR (Source: North American Invasive Species Management Association, NAISMA) 4

FAYETTEVILLE'S CURRENT INVASIVE PLANT SPECIES PROGRAM

Overview

An invasive plant is a plant species found outside its native range that threatens the survival or reproduction of native plants and animals, reducing biological diversity and causing significant damage to ecosystems, communities, habitats, and native species. The parks across the City of Fayetteville contain many invasive plant species, including two that are prolific: Japanese and Bush Honeysuckle (*Lonicera maackii*) and Chinese Privet (*Ligustrum sinense*).

The City of Fayetteville's Parks Maintenance Division in the Public Works Department is responsible for the invasive plant species removal and habitat restoration programs on public lands. Parks Maintenance also conducts and collaborates with organizations to host work days to remove targeted areas and rely heavily on volunteers for this work, which ranges from removal of plants with loppers and shovels, to replanting once invasives are gone. Volunteers that participate in these events are trained to take the skills learned back home so that they may remove these plants from their own back yards.

The City has an events calendar and page for interested community members to sign up for text or email notifications about upcoming stewardship volunteer opportunities. In addition to events and trainings, the City has information about the Invasive Plants Ordinance and a list of invasive plants and native alternatives on its website.



Figure 1. Example of the community event for invasive plant species management (Source: City of Fayetteville, AR Facebook)



Figure 2. Example public messaging for the management of invasive plant species (Source: City of Fayetteville, AR Facebook)

The Fayetteville City Council adopted Ordinance #5820 on November 3, 2015 (see Attachment A); this ordinance established a list of eighteen invasive plants to be restricted from being installed in new developments that require a Landscape Plan Review by the Urban Forester. The list of invasive plants was determined through an open participation process which involved a team of thirteen stakeholders. Stakeholders included nursery owners/managers, landscape architects, academic experts, landscape installers, hobby gardeners, botanists, naturalists, conservationists, City Park Managers and local citizens. The team met to evaluate the economic and environmental harm caused by invasive plants. After recognizing the need for an invasive plant policy, the stakeholder group reviewed other communities' invasive plant species policies and made recommendations to City staff.

The Ordinance was established in response to Fayetteville's Comprehensive Plan's guiding policies for Natural Areas which calls to, "preserve native vegetation and meet the habitat needs of multiple species." To support the awareness and compliance of the Ordinance, the "Invasive Plant Species in Fayetteville, Arkansas" resource was created by the City which consists of the eighteen invasive plants and recommends appropriate plant species for trees, shrubs or ground cover. The City of Fayetteville encourages all property owners to identify, remove and replace invasive plants from the landscapes around their homes and businesses.



Figure 3. The City of Fayetteville, AR's educational packet for invasive plant species management (Source: City of Fayetteville, AR)

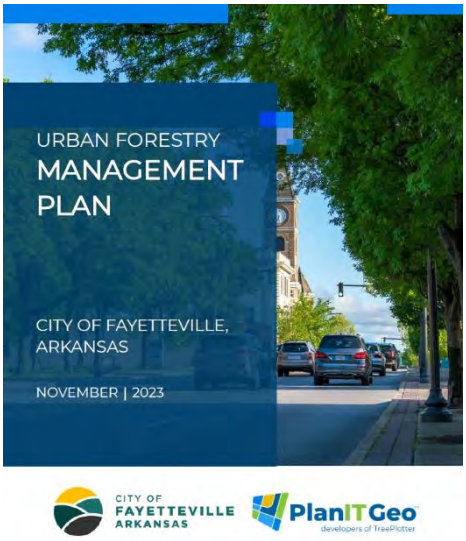


Figure 4. City of Fayetteville, AR's 2023 Urban Forestry Management Plan

This report was provided to the City of Fayetteville in support of the 2023 Urban Forestry Management Plan ("Plan") and was created to examine the existing program for managing invasive plant species in the City. Within the Plan, invasive plant species were recognized as an external challenge facing the City's urban forest now and in the future with changing climates. To address these challenges, Goal B1 in the Plan calls for the City to "prioritize public tree maintenance and tree risk management" and has a supporting action to "continue to manage invasive plant species on public properties and within public rights-of-way. Support controlled burns to manage invasives and wildlife on public properties."

The following provides a summary of the program review and recommendations based on industry standards and best practices and local research pertaining to the management of invasive plant species.

Current Management of Invasive Plant Species

For the City's consideration, the following table summarizes the plant species that are invasive according to Fayetteville's Invasive Plant Species educational packet compared to the University of Arkansas' Cooperative Extension Service (U of A Cooperative Extension) Invasive Plants in Arkansas list:

Plant Species	Listed in Fayetteville's Invasive Plant Species Educational Packet?	Listed in the University of Arkansas Division of Agriculture Cooperative Extension Service's Invasive Plants in Arkansas List?*
Asian Wisteria	Yes	Yes
Bamboo	Yes	Yes
Bigleaf Periwinkle	Yes	Yes
Callery/Bradford Pear	Yes	Yes
Burning Bush	Yes	No
Bush Honeysuckle	Yes	No
Chinese Privet	Yes	Yes
Creeping Euonymus	Yes	No
English Ivy	Yes	Yes
Heavenly Bamboo	Yes	No
Japanese Honeysuckle	Yes	Yes
Kudzu	Yes	No
Littleleaf Periwinkle	Yes	No
Mimosa, Silktree	Yes	Yes
Multiflora Rose	Yes	No
Sericea Lespedeza	Yes	Yes
Shrubby Lespedeza	Yes	Yes
Tree-of-Heaven	Yes	No
Running Monkey Grass	No	Yes
Tall Fescue	No	Yes
Chinese Tallow Tree	No	Yes
Cogongrass	No	Yes

*City of Fayetteville, AR's webpage for Invasive Plants and Native Alternatives (www.fayetteville-ar.gov/3028/Invasive-Plants-and-Native-Alternatives)

**University of Arkansas Division of Agriculture Cooperative Extension Service's Invasive Plants in Arkansas List (www.uaex.uada.edu/environment-nature/ar-invasives/invasive-plants)



Figure 5. Identifying callery pear (Pyrus calleryana) an invasive tree species (Source: Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide)

Evaluating and Updating the City's Invasive Species Management Program

The City may consider updating the invasive plant species listed in the Invasive Plant Species educational packet and the City Ordinance #5820 to align with recommendations provided by the University of Arkansas' Cooperative Extension Service, the Arkansas Native Plants Society, the Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide", the Northwest Arkansas Land Trust, and/or other reputable sources.

According to the Cooperative Extension Service at the University of Arkansas, the following plant species have been invasive in some landscape situations and should be monitored by the City of Fayetteville to determine the level of invasiveness and the need for prohibiting planting:

- Garlic Chives
- Devil's Walking Stick
- Artemesia
- Trumpet Creeper
- Obedient Plant
- Sweet Autumn Clematis
- Mexican Hydrangea
- Queen Ann's Lace
- Wintercreeper Euonymus
- Chameleon Plant
- Cypress Vine

Planning a Management Strategy

For the consideration of Fayetteville, the following management strategies are recommended for invasive plant species management on public lands and for educating the public to manage invasives on private land (recreated from the Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide."):

Prevent Invasive Plants From Establishing

- Don't introduce invasive plants; consider native alternatives
- Younger invasive plants are easier to remove than well-established plants

Identify Plant Species & Area To Be Managed

- Take an inventory of your area and properly identify invasive and native plants
- Use caution on streamside areas or heavily sloped areas
- Seek assistance and consultation in sensitive areas
- Determine where and how removed brush will be handled. If composting, heat must be maintained above 145° F to denature seeds

Practice Safety

- Dress appropriately
    - Long sleeves, pants, gloves, sturdy shoes or boots
    - Safety glasses, sunscreen, and/or insect repellant may be appropriate
- If Using Chemical Herbicide Treatment, Personal Protective Equipment (PPE) Is Needed
    - Safety glasses
    - Latex or nitrile gloves
    - Prevent spills and use extreme caution near water sources
    - Read herbicide labels and Safety Data Sheets (SDS) for additional PPE measures and application guidelines
    - The herbicide label is the law
- Use Extreme Caution With Sharp or Heavy Tools
    - Acquire safety training for chainsaw use
- Be Aware of Surroundings

    - Swinging tools or falling limbs could injure you or others nearby
- Contact Arkansas One-Call at 811
    - Call 811 to locate underground utility lines prior to disturbing a substantial area and/or using heavy equipment.
- Use Caution When Working Around Overhead Utility Lines
- Work Areas May Not Be Easily Accessible
    - Be aware of steep slopes, banks, and slippery areas
- Be Aware of Wildlife
    - Work areas may harbor animals, snakes, or insects
    - Use caution with plants such as Poison Ivy, Poison Hemlock, or thorns (Greenbrier and Multiflora Rose)
- Rest Often
- Stay Hydrated

Divide Area

- Work in phases
- Large acreage may require focusing on one species at a time or dividing into smaller manageable areas
- Plant densities can be overwhelming; distribute workload

Seek Assistance From Local Professionals

- Tree professionals may be required. Use a certified arborist
- Consult your local extension office for herbicide recommendations

Revegetate/Encourage Native Plants

- Minimize damage to native vegetation during removal
- Consult native plant resources and research
- Choose correct native plant for growing conditions, ecoregion, and space
- Currently, Fayetteville recommends the "Wildscaping with Ozark Native Plants - Native Wildflowers and Grasses" resource for revegetating with native plants and the "Ozark-Friendly Landscape – Native Trees and Shrubs" resource for native trees

Do Maintenance Seasonally

- Many plants sprout or sucker from cut points; revisit managed areas
- Opening canopy may activate invasive seed bank and viney plants



Figure 6. City of Fayetteville's public education for invasive plant species removal (Source: KHBS News)

Invasive Plant Species Control and Removal Methods

Several methods are used to control or remove invasive plants each with varying degrees of effectiveness, advantages, and disadvantages. Listing here is not an endorsement for any one method. The area of infestation often dictates removal techniques, such as sensitive riparian areas along waterways, wetlands, or sloped areas. Use of herbicide trade names does not indicate endorsement of any one product.

Mechanical

- Hand Pulling
- Cutting (chainsaw, hand saw, pruners)
- Stump pulling (weed wrench, shrub pullers, chains, mattock, shovel, large machinery)
- Machinery (mowing, brush hog)

"Hand removal" is very effective but does require manual labor and may not be practical across large areas. Cutting alone is rarely effective, unless used in conjunction with cut-stump treatments. The most effective way to kill invasive plants is by removing the entire plant including root systems. Stump pulling is useful for small to medium shrubs and trees and is easier in moist soil.

Cultural Practices

Prescribed fire has been used throughout history to control vegetation, but burning is often unavailable in urban settings. Fire can control the spread of some invasive plants, but must often be used in tandem with mechanical and/or chemical measures. It can risk harming native vegetation, activate invasive seed banks, or even stimulate some undesirable plants. Refer to local laws and ordinances to ensure compliance. Applying mulch helps to control invasive populations by preventing sprouting. It also holds moisture for native plants and covers bare soil to help prevent erosion.

Chemical (Herbicide)

- Foliar spray
- Cut-stump treatments
- Basal bark treatment
- Frill (hack-and-squirt)

Always read and follow herbicide label instructions and precautions. Great care should be taken when conducting chemical treatment and it is important to consult your local cooperative extension office for herbicides effective for weed and brush control. A brief description of herbicide treatments follows:

Foliar sprays are not always a viable option in the urban landscape or public setting. This technique can be used to target young plants, but it tends to be ineffective on many resilient, mature, invasive plants in Northwest Arkansas. Foliar spray can damage or kill non-target native plants from drift and contaminate water resources.

Cut-stump treatments minimize chemical use and contamination of native vegetation and water resources. Most effective in the fall, stumps are cut 3 to 4 inches from the ground and are treated with an herbicide-marking mixture within a few minutes using a squirt bottle or sponge applicator. The marking dye helps land managers or volunteers to see where the chemical has been applied. Stump treatments also help to prevent suckering or secondary growth. Resilient stumps may need cutting and chemical application again the following season.

Basal bark herbicide treatment is effective on most invasive woody plants including vines. An oil soluble herbicide is mixed with an oil carrier. For woody plants with a 6-inch diameter or less, spray the bark of the plant from ground level to 15 inches. Plants should not be cut for 6 months. This method can be used anytime of the year except early spring.

Frill or hack and squirt is used to target invasive trees and introduces the herbicide into the stem using spaced cuts below the last live branch and around the trunk. A hatchet is used to make downward angled incisions through the bark (2 inches long) evenly spaced (one inch) around the tree. Each cut is carefully filled (do not allow spillage) with herbicide-marking mixture using a spray bottle or gunjet.

Re-establishing Native Vegetation

Once invasive vegetation is removed from a property, it is important to establish a healthy stand of plants native to the local ecoregions of Northwest Arkansas. Native vegetation provides shelter and food for wildlife, and it contributes to the reproduction and survival of insects, birds, fish, reptiles, and mammals. Native vegetation also supports migrating species, such as monarch butterflies and wood thrushes. Having adapted to the Ozark Mountain region, native species of plants generally are easy to establish and are drought resistant. Many are beautiful with showy flowers, berries, and leaves, and they can easily be incorporated into a landscaped setting. The previous tables of plants native to both the Boston Mountains and Ozark Highlands Ecoregion should be considered for replanting. These lists can be used as a guide for the revegetation of an area of interest where invasive plants have been removed. Just because a shrub is removed doesn't mean it needs replaced with another shrub. As an example, there may be a preference to establish native grasses and woodland wildflowers in a forested area where bush honey suckle has been removed. As part of the invasive removal process, a plan for native plant establishment should be created.



Figure 7. Revegetating with a native Ozark chinquapin tree (Source: Only in Arkansas)

Native plants can be established by dispersing seed or by planting potted plants or bare roots. Native seed can be collected locally or purchased and is generally used for large areas where grasses and wildflowers are desired. If native seed is purchased, a local source or at a minimum, a source that was cultivated in or near the Ozark Mountain region should be considered. When dispersing native seed on bare soils, mix a nursery crop of winter wheat or oats with a variety of native grass and wildflower species. Following the application of the seed mix, cover with straw. Trees and shrubs are generally established by planting potted plants or bare roots. Again, if possible, find a local source for these plants.

Once the treated area is replaced with native plants, it is important to inspect for and remove new invasive plants that will try to reestablish on the property. Once a healthy stand of native vegetation is established, less invasive vegetation will arise.



Figure 8. Before and after of volunteers removing invasive plants along a trail near Scull Creek in Fayetteville, AR (Source: North American Invasive Species Management Association, NAISMA)

Invasive Plant Species Program Review Checklist

The following checklist is provided by the urban forestry consultants at PlanIT Geo for the City of Fayetteville to examine and update its current Invasive Plant Species Management Program. By updating the program and aligning it with industry standards and best practices, the City will be better equipped to implement the 2023 Urban Forestry Management Plan and achieve the vision of a sustainable urban forest in Fayetteville.

Program Review Checklist for Fayetteville, Arkansas' Invasive Plant Species Management Program

Table 1. Checklist for the City of Fayetteville to evaluate and update its invasive plant species management program (Source: PlanIT Geo, Inc.)

A) PROGRAM OVERVIEW		
A1) Mission and Goals		
Question	***Answer***	***Status***
A1a) Are the program's mission and goals clearly defined and measurable?		
A1b) Do the goals align with the City's overall priorities and environmental goals?		
A2) Program Scope		
Question	***Answer***	***Status***
A2a) What types of invasive plants does the program target?		
A2b) What geographic areas does the program cover?		
A2c) What types of interventions are used (e.g., education, removal, restoration)?		
A3) Program Budget		
Question	***Answer***	***Status***
A3a) Is the program adequately funded to achieve its goals?		
A3b) How are resources allocated across different program components?		
A3c) Are there opportunities for additional funding or cost savings?		

B) PROGRAM IMPLEMENTATION		
B1) Planning and Prioritization		
Question	***Answer***	***Status***
B1a) Does the program have a strategic plan for managing invasive species?		
B1b) Are priorities set based on the ecological impact of different species and the feasibility of control?		
B1c) Is there a mechanism for regularly updating the plan and incorporating new information?		
B2) Outreach and Education		
Question	***Answer***	***Status***
B2a) Does the program have a comprehensive outreach and education plan to engage the public and stakeholders?		
B2b) Are educational materials clear, accurate, and accessible to different audiences?		
B2c) Are there opportunities to partner with other organizations for outreach efforts?		

B3) Invasive Species Removal		
Question	***Answer***	***Status***
B3a) Are control methods effective and based on best practices?		
B3b) Are appropriate disposal methods used for removed plants?		
B3c) Are there monitoring protocols in place to assess the success of control efforts?		
B4) Restoration and Re-vegetation		
Question	***Answer***	***Status***
B4a) Does the program include efforts to restore native plant communities after invasive species removal?		
B4b) Are native species selection and planting methods appropriate for the site and ecological goals?		
B4c) Are there monitoring protocols in place to assess the success of restoration efforts?		

C) PROGRAM EVALUATION		
C1) Data Collection and Analysis		
Question	***Answer***	***Status***
C1a) Does the program collect data on the distribution and abundance of invasive species?		
C1b) Are data collection methods reliable and standardized?		
C1c) Is data analyzed regularly to inform program decision-making?		
C2) Monitoring and Reporting		
Question	***Answer***	***Status***
C2a) Does the program monitor the effectiveness of its interventions?		
C2b) Are results reported to stakeholders and the public?		
C2c) Are there opportunities to improve monitoring and reporting procedures?		
C3) Adaptive Management		
Question	***Answer***	***Status***
C3a) Does the program use an adaptive management approach to adjust interventions based on monitoring results?		
C3b) Are lessons learned from past efforts incorporated into future planning?		
C3c) Are there opportunities to share information and best practices with other programs?		

D) PARTNERSHIPS AND COLLABORATION		
D1) Stakeholder Engagement		
Question	***Answer***	***Status***
D1a) Does the program actively engage with stakeholders such as residents, landowners, and businesses?		
D1b) Are there opportunities for stakeholders to participate in program planning and implementation?		
D2) Interagency Collaboration		
Question	***Answer***	***Status***
D2a) Does the program collaborate with other agencies and organizations involved in invasive species management?		
D2b) Are there opportunities to share resources and expertise?		
D3) Volunteer Engagement		
Question	***Answer***	***Status***
D3a) Does the program utilize volunteers for invasive species removal and restoration efforts?		
D3b) Are volunteer opportunities well-organized and effective?		

E) RECOMMENDATIONS FOR IMPROVEMENT		
Question	***Answer***	***Status***
E1) Based on the review findings, what are the key recommendations for improving the program's effectiveness?		
E2) What are the estimated costs and resources needed to implement the recommendations?		
E3) What are the potential benefits of implementing the recommendations?		

F) CONCLUSION		
Question	***Answer***	***Status***
F1) Overall, is the Fayetteville invasive plant species management program meeting its goals and objectives?		
F2) What are the program's strengths and weaknesses?		
F3) What are the key opportunities for improvement?		

ADDITIONAL NOTES
This checklist is a starting point and may need to be adapted to the specific context of the program.
The review process should involve stakeholders from diverse backgrounds and perspectives.
The results of the review should be used to inform program improvement efforts.

SUMMARY

Fayetteville's urban forest consists of all trees throughout the City on both public and private property. The trees and the overall urban forest are vital resources that provide numerous ecological, economic, and social benefits. However, invasive plant species pose a significant threat to the health and sustainability of this valuable asset. To ensure the long-term health of the urban forest, it is critical for Fayetteville to regularly review and update its programs for managing invasive plant species. By conducting the program review and applying the recommendations provided in this Report the City of Fayetteville will be position to:

Address evolving threats: Invasive species are constantly adapting and evolving, requiring frequent reassessment of management strategies. New invasive species may emerge, and existing species may develop resistance to current control methods. Updating the program allows for incorporating new knowledge and implementing more effective approaches.

Adapt to changing environmental conditions: Climate change and other environmental factors can significantly impact the distribution and abundance of invasive species. By reviewing and updating the program, Fayetteville can ensure it is adaptable and capable of responding to these changing conditions.

Optimize resource allocation: Limited resources must be used efficiently and effectively. A review process can identify areas for improvement in resource allocation and ensure that program efforts are focused on achieving the most significant impact.

Improve program effectiveness: Regular evaluation and feedback are crucial for identifying program weaknesses and areas for improvement. This information can be used to refine existing strategies, develop new interventions, and ultimately enhance the program's overall effectiveness.

Maintain public support: An effective invasive species management program relies on public awareness and support. By demonstrating commitment to continuous improvement and transparency, the program can build trust and encourage broader community engagement.

Ensure a sustainable future: Invasive plant species can have devastating consequences for the health and diversity of the urban forest. By proactively managing these threats, Fayetteville can ensure the long-term sustainability of this valuable ecosystem and safeguard its ecological, economic, and social benefits for future generations.

Regularly reviewing and updating Fayetteville's invasive plant management program is crucial for maintaining a healthy and resilient urban forest. This proactive approach will require ongoing commitment and collaboration, but it will ultimately contribute to a more sustainable and vibrant City for all residents.

RESOURCES

- Arkansas Native Plant Society: anps.org/category/native-plants/Missouri Department of Conservation mdc.mo.gov/trees-plants/problem-plant-control
- Arkansas One-Call. Damage prevention information, local contacts and rules for safe digging in Arkansas: Dial 811 or 1 (800) 482-8998
- Arkansas State Plant Board (phone: 501-225-1598): aad.arkansas.gov/arkansas-state-plant-board
- City of Fayetteville Code of Ordinances, Ordinance #5820 https://library.municode.com/ar/Fayetteville/ordinances/code_of_ordinances?nodeId=749989
- City of Fayetteville Invasive Plants and Native Alternatives: www.fayetteville-ar.gov/3028/Invasive-Plants-and-Native-Alternatives
- Invasive Plant Atlas: invasiveplantatlas.org
- MP44, "Recommended Chemicals for Weed and Brush Control," University of Arkansas Division of Agriculture, Research and Extension, Arkansas 2021. See MP44 online at www.uaex.edu
- National Invasive Species Information Center: invasivespeciesinfo.gov
- University of Arkansas Division of Agriculture Cooperative Extension (phone: 501-671-2000): uaex.edu/yard-garden/in-the-garden/native-plants
- University of Arkansas Division of Agriculture Cooperative Extension Service's Invasive Plants in Arkansas List: www.uaex.uada.edu/environment-nature/ar-invasives/invasive-plants
- Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide

ATTACHMENT A: ORDINANCE #5820

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Ordinance: 5820

File Number: 2015-0496

AMEND CHAPTER 177 LANDSCAPE REGULATONS:

AN ORDINANCE TO AMEND CHAPTER 177 LANDSCAPE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE TO ADOPT REGULATIONS PROHIBITING THE INSTALLATION OF CERTAIN INVASIVE PLANT SPECIES IN NEW DEVELOPMENTS THAT REQUIRE A LANDSCAPE PLAN REVIEW AND APPROVAL BY THE URBAN FORESTRY DIVISION, AND TO MAKE CERTAIN TECHNICAL REVISIONS

WHEREAS, on May 5, 2015, the City Council passed Resolution 101-15 requesting that City staff examine the need and propriety of submitting a proposed ordinance that would regulate or prohibit the sale or use of certain invasive plant species in Fayetteville; and

WHEREAS, City staff assembled a team of thirteen diverse stakeholders who identified eighteen invasive plant species that warrant restrictions based on the economic and environmental harm that they cause.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.01 Purpose by adding a new subsection (B)(12) as follows: "Discouraging the new installation of identified invasive plant species and encouraging the removal of existing invasive plant species."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.01 Purpose by adding a new subsection (C)(8) as follows: "Plants identified as invasive in Section 177.09: Invasive Plant Species are prohibited from being installed in all development projects that require a landscape plan review."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.02(B) by replacing "Tree and Landscape Advisory Committee" with "Urban Forestry Advisory Board."

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.03 **Landscape Plan Requirements** by adding the words "Combined Plan" to the beginning subsection (C)(5) and by adding a new subsection (C)(7)(h) as follows: "Plants listed in Section 177.09: **Invasive Plant Species** shall not be installed in developments requiring a landscape plan review."

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby adds a new Section 177.09 Invasive Plant Species as set forth in Exhibit "A" attached hereto and made a part hereof.

PASSED and APPROVED on 11/3/2015

Approved:

_____
Lioneld Jordan, Mayor

Attest:

_____
Sondra E. Smith, City Clerk Treasurer

Exhibit A

177.09 Invasive Plant Species

The following plants shall not be installed in development projects that require a landscape plan review.

Asian Wisteria
Wisteria sinensis, Wisteria floribunda

Bamboo
Pyllostachys Spp.

Bigleaf Periwinkle
Vinca major

Callary/Bradford Pear
Pyrus calleryana

Burning Bush
Euonymus alatus

Bush Honeysuckle
Lonicera maackii, Lonicera fragrantissima

Chinese Privet
Ligustrum sinense

Creeping Euonymus
Euonymus fortunei

English Ivy
*Hedera helix*Heavenly Bamboo
*Nandina domestica**

Japanese Honeysuckle
Lonicera japonica

Kudzu
Pueraria montana

Littleleaf Periwinkle
Vinca minor

Mimosa, Silktree
Albizia julibrissin

Multiflora Rose
Rosa multiflora

Sericea Lespedeza
Lespedeza cuneata

Shrubby Lespedeza
Lespedeza bicolor

Tree-of-Heaven
Ailanthus altissima

*Cultivars that do not produce flowers or fruit are not considered invasive.

PLAN-IT GEO, LLC

FAYETTEVILLE, ARKANSAS



URBAN TREE CANOPY ASSESSMENT PROJECT 2012

5790 YUKON STREET
ARVADA, CO 80002

page left intentionally blank

Fayetteville, Arkansas

Urban Tree Canopy Assessment

November 2012

Prepared By

Funding assistance was provided by a grant from the Arkansas Forestry Commission Urban & Community Forestry Program through the USDA Forest Service. Special thanks to the U.S. Forest Service Urban Forestry South-Centers for Urban & Interface Forestry team for their assistance.

Prepared For

The Arkansas Forestry Commission-Urban & Community Forestry Program,
Urban Forestry South-Centers for Urban & Interface Forestry,
and the City of Fayetteville

page left intentionally blank

Table of Contents

EXECUTIVE SUMMARY 1
- Urban Tree Canopy in Fayetteville 1
- Ecosystem Services 1
- Urban Forest Management Scenarios 2
- Recommendations and Summary 2

INTRODUCTION 3

MAJOR FINDINGS 6

METHODOLOGY 7
- Data Inputs, Imagery and Land Cover Classification 7
- Terminology 8

RESULTS 9
- Land Cover in Fayetteville 9
- Tree Canopy in Fayetteville 10
- Tree Canopy by Land Use and Parcels 11
- Tree Canopy in the Street Rights-of-Way 15
- Tree Canopy by Census Blocks 16
- Tree Canopy By Riparian Corridors 18

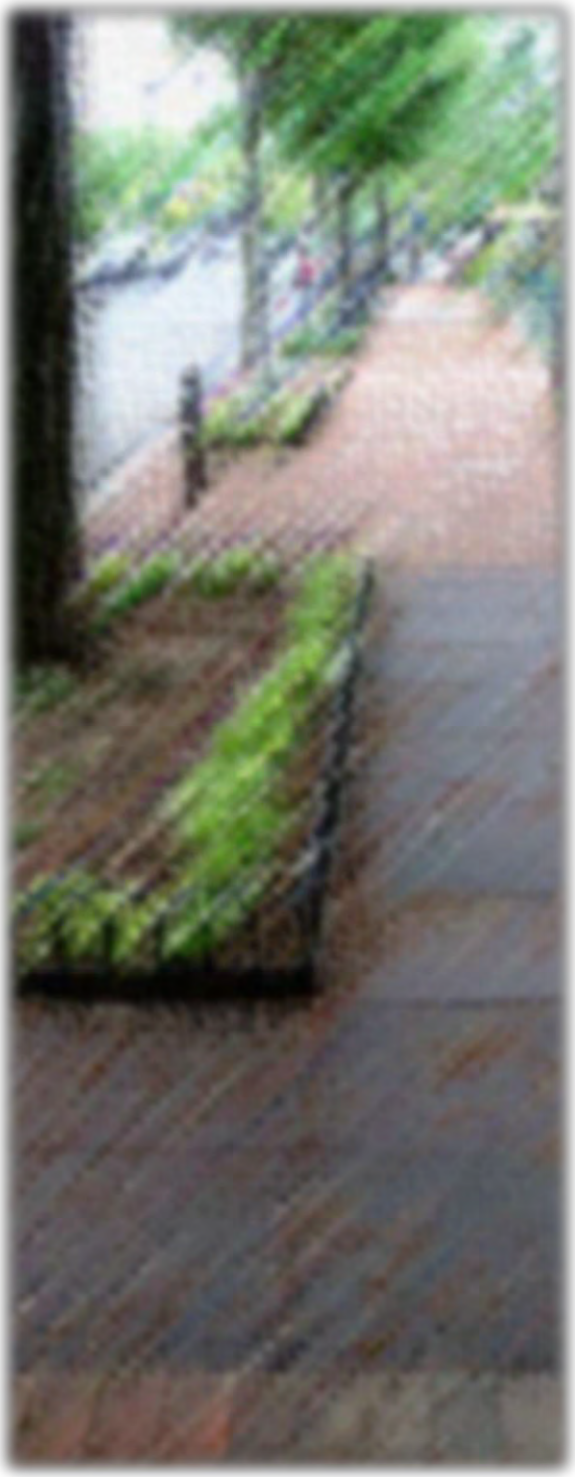
ECOSYSTEM SERVICES 19

URBAN FOREST MANAGEMENT SCENARIOS 21
- 2002 – 2012 Comparison 21
- Targeting Areas to Plant Trees 27
- Tree Canopy Cover Goals and Policy 30
- Management 31

RECOMMENDATIONS 33

SUMMARY 35

APPENDIX 36
- Urban Tree Benefits 36
- Land Cover Classification Methods & Accuracy 38
- Additional Maps for Potential Planting Sites 41
- References 42



page left intentionally blank

FAYETTEVILLE, ARKANSAS
URBAN TREE CANOPY ASSESSMENT 2012

EXECUTIVE SUMMARY

This Urban Tree Canopy (UTC) assessment provides a benchmark of Fayetteville's current tree cover. The study delivers essential data layers, maps and tools to enhance urban forest management, policy and decision-making, and planning. Additionally, by calculating some of the services and benefits the tree canopy provides, City staff and elected officials have information that places a value on trees and forests in their community in order to promote sound environmental and land use plans and policies.

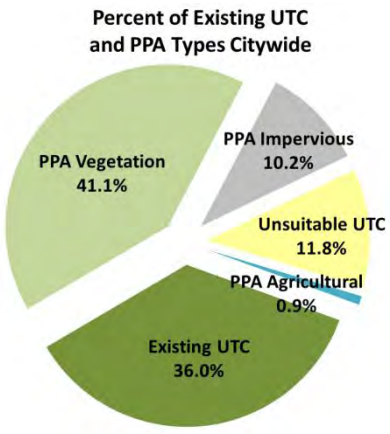


Geographic information systems (GIS), Land Use / Land Cover data, and high-resolution summer imagery provide the basis for this assessment. The data and technologies were used to assess Existing UTC and Possible Planting Areas (PPA) for assessment boundaries with different planning scales and intents. These included Fayetteville's city boundary, 6 land use types at the parcel-level, 2010 census blocks, riparian corridors by watershed boundary, and street rights-of-way.

This report presents results for current land cover and UTC distribution, compares canopy cover to 2002 conditions, estimates tree canopy benefits through multiple scenarios, and offers an evaluation, custom maps and tools, and recommendations for setting and achieving UTC goals.

URBAN TREE CANOPY IN FAYETTEVILLE

This study encompasses 55.4 square miles (35,437 acres) defined by the city limits of the City of Fayetteville, in Washington County, Arkansas. Based on a land area (after excluding water) of 34,586 acres, the City of Fayetteville has 12,441 acres (36%) of existing tree canopy, 17,757 acres (51%) of possible planting area, and 4,388 acres (13%) that is likely unsuitable for tree planting.



Riparian buffer analysis reveals there is 60% tree cover along Fayetteville's streams and rivers. Canopy cover within land use categories ranged from 18% (Commercial) to 45% (Agriculture) while the street rights-of-way average 13% cover. Residential properties average 41% UTC with 6 available planting sites per acre.

ECOSYSTEM SERVICES

Trees and forests in communities provide many "ecosystem services", or direct and indirect economic and environmental benefits such as removing air pollutants, storing and sequestering carbon, mitigating stormwater runoff, conserving energy through shade and wind block, improving public health, and providing wildlife habitat. Fayetteville's tree canopy currently provides an estimated $3.5M in air quality services each year and $64M in total stormwater management. Additionally, 50,000 planting sites were mapped near residential buildings where energy conservation

and associated carbon emissions reductions could be maximized. The impact on ecosystem services from increasing and decreasing canopy cover is presented in this report.

URBAN FOREST MANAGEMENT SCENARIOS

Management scenarios are presented and discussed involving further mapping, analysis and evaluation of Fayetteville's urban forest.

- **Comparison of canopy cover and benefits (2002 – 2012)** – urban forests are dynamic and constantly changing. Three (3) methods were used to assess gains and losses in tree canopy.
- **Target areas to plant trees** – an analysis of potential tree planting sites focused on (1) *areas most vulnerable to urban heat island effects*, (2) *wildlife habitat and linking of corridors*, and (3) *current land use types*. Other attributes were added to this GIS layer for additional prioritization.
- **Evaluating Fayetteville's canopy cover and tree preservation ordinance** – at 36% UTC, Fayetteville is 4% (~1,400 ac) below the national recommendation of 40%. Scenarios to reach 40% and an evaluation on the City's tree preservation ordinance are presented.
- **Management of the urban forest on city owned properties** – gains and losses in tree canopy on city properties is evaluated for future management purposes.

RECOMMENDATIONS AND SUMMARY

Understanding how and where trees are concentrated and distributed across Fayetteville is essential for maintaining a healthy and sustainable urban forest. This study provides the most up-to-date analysis to foster this overarching goal.

Fayetteville currently has 36% tree cover with 52% of the City classified as possible planting space. A comparison and trends assessment indicates canopy cover has decreased from around 37% to 36% (approximately 750-acre net loss) from 2002 to present. Forest regeneration and new tree planting are helping to offset only some of the losses from new development. Broad recommendations offer suggestions on using the results of this assessment as well as ways to create, expand, or strengthen urban forestry practices in the City.

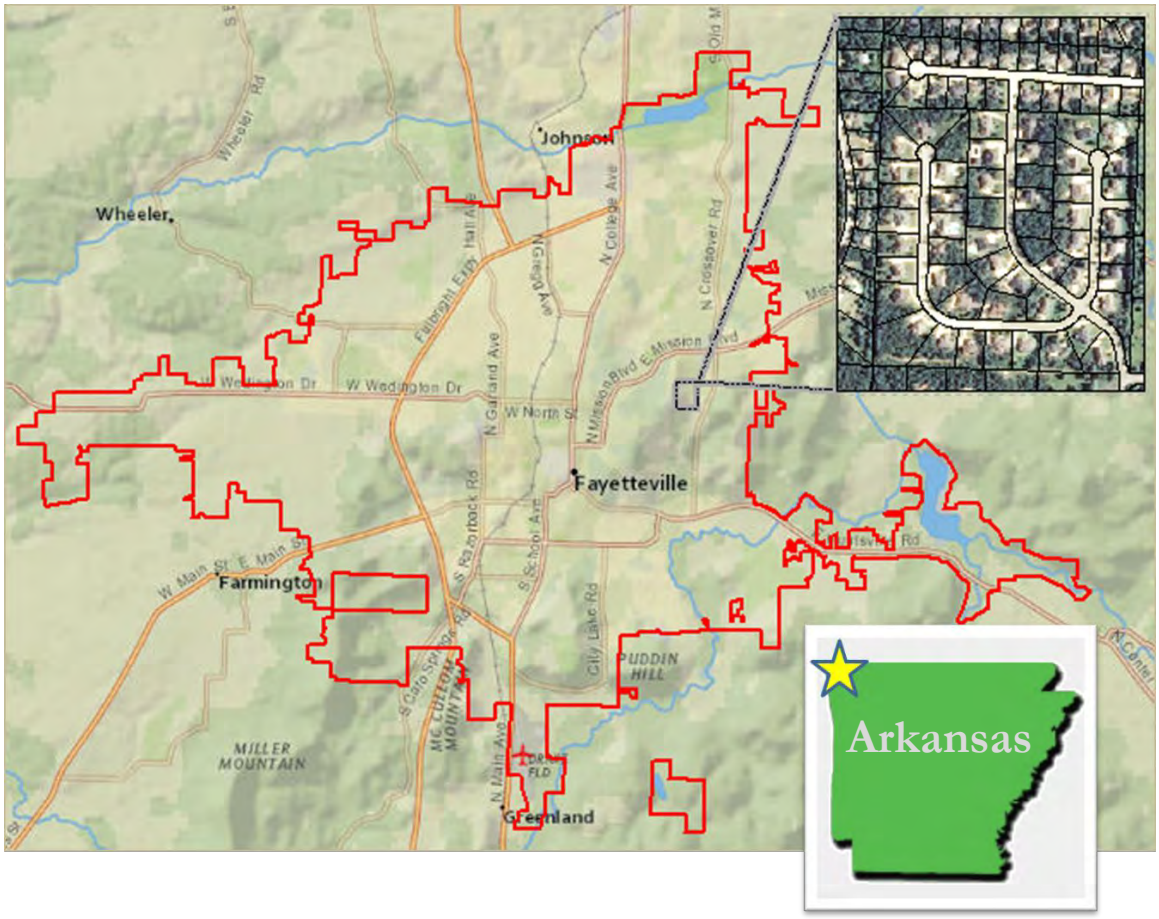
As development and economic progress continue, communities and public officials place a value on their tree cover when drafting and revising policies that affect trees. Fayetteville's leaders, business community, and citizens shape their urban forest in tree planting and protection ordinances, and should use the results from this study to reevaluate whether changes in the City's landscape the past 10 years is acceptable for their health, the environment, and the local economy and community.



Tree canopy cools impervious surfaces on hot sunny days therefore reducing the effects of radiant heat escaping back into the atmosphere (Downing, 2011).

INTRODUCTION

Trees provide many economic, social, and environmental benefits that form the basis of livability in urban municipalities. Therefore, it is important for urban development to work closely with urban forest health protection and management goals in order to maintain community livability. Geographic distribution of land use plays a critical role in maintaining a uniform urban forest. Each category of land use has unique management objectives and regulatory constraints.



This Urban Tree Canopy Assessment (UTC) in Fayetteville represents an opportunity to better understand baseline conditions of tree canopy, the distribution of existing canopy vs. potential tree canopy, and development of tools to incorporate urban forest benefits during policy and planning processes. It involves the use of high-resolution multispectral imagery, GIS, and remote sensing technologies, training and development of custom tools, ecosystem benefits modeling, and reporting to characterize existing and potential UTC. The products and outcomes of this study will support developing and monitoring of UTC goals, provide detailed data for management plans and ordinances, and foster greater understanding of UTC benefits.

This analysis of urban tree canopy aims to reveal and provide a better understanding of the benefits of the City of Fayetteville's green infrastructure, expanding upon previous studies by the Fayetteville Natural Heritage Association (FNHA). This study looks at the urban forest's relation to air quality, stormwater control, and carbon sequestration and storage. With funding in part provided by the USDA Forest Service (USDA FS), the Arkansas Forestry Commission Urban & Community Forestry (AFC) program contracted with Plan-It Geo, LLC to map Fayetteville's urban tree canopy

(UTC). This assessment examines the area and percent cover for existing tree canopy, possible planting area (in vegetated grass areas and paved impervious areas), and areas unsuitable for planting (buildings, roads, water, agricultural fields, etc.). These metrics were calculated for six (6) assessment boundaries: (1) Fayetteville City boundary, (2) land use, (3) census blocks, (4) riparian corridors, (5) street rights-of-way, and (6) parcels (see Table 1 on the following page).

The assessment was accomplished by using newly generated land cover data and assessment boundaries provided by City GIS. The land cover classification includes the following eight (8) classes for the City: (1) tree canopy, (2) other low-lying vegetation, (3) bare soil/dry vegetation, (4) water, (5) buildings, (6) roads, (7) agriculture, and (8) other impervious surfaces (parking lots, driveways, etc.). See Figure 1.

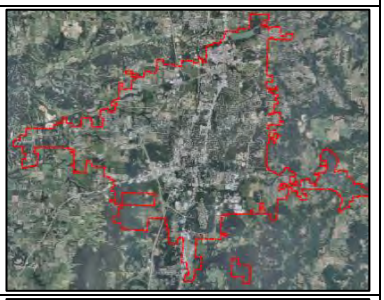
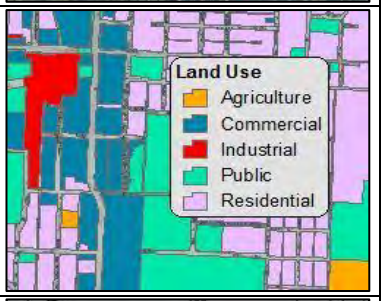
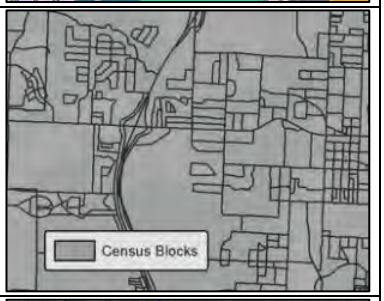
Specific objectives of this assessment were to:

- Map and assess eight (8) land cover classes across Fayetteville.
- Map and quantify existing urban tree canopy and possible planting areas for the City and five other finer scale assessment boundaries.
- Estimate Urban Forest Ecosystem Services, including air pollution removal capacity, carbon storage and sequestration, and stormwater management, broken out by the City, residential land uses, and watersheds.
- Create a series of Urban Forest Management Scenarios describing how UTC has changed over time and what current vs. future projected tree benefits and tree canopy could look like. This involved developing a GIS layer for prioritized potential planting locations, a plug 'n play Canopy Calculator tool, and an evaluation of the City's tree preservation ordinance.
- Provide training to City staff, volunteer organizations, state agency officials, and others in a workshop demonstrating how to use the data and tools and conduct ecosystem services analysis. In addition, presenting the results to the Fayetteville City Council.

The Fayetteville Urban Tree Canopy assessment provides data and tools to develop local and regional urban forestry goals, policies, outreach, and management plans to sustain and enhance the existing urban forest. In addition to this report, Plan-It Geo, LLC has also provided GIS data layers and Excel spreadsheets to accompany reported results. Only a fraction of the information available from this assessment is provided in the report. Fayetteville and other partners are encouraged to conduct additional analyses to answer specific questions related to local planning policies and concerns.



Table 1. List and description of UTC assessment boundaries for this study.

Assessment Boundary	# of Types or Features	Description	Map
City Boundary	1	City of Fayetteville	
Land Use	6	Land Use Categories Used: Agriculture Commercial Industrial Public Land Residential Public Right-of-Way	
Census Blocks	1,894	2010 U.S. Census data provides demographic data at the tract, block group, and block level. The most detailed 'block' level was used for this project.	
Riparian Corridors	69	Buffered streams and rivers, segmented by watershed boundary into finer-scale reaches to provide a better planning scale for this assessment.	
Street Rights-of-Way	903	The public rights-of-way (ROW) along streets.	
Parcels	28,768	Tax lots from the county assessors property database.	

MAJOR FINDINGS

Based on Fayetteville's analysis of aerial imagery, Land Use / Land Cover, ecosystem services, and potential tree planting sites, the following represents the major findings from this study.

- ***Fayetteville has 36% urban tree canopy cover based on 2010 imagery.***
- ***Canopy trends indicate a loss of possibly 1.5% UTC since 2002.***
- ***Residential lots cover 31% of Fayetteville with an average tree cover of 41% citywide. This represents 1/3 of the City's total tree canopy.***
- ***19% of the City's tree canopy is on publically owned properties.***
- ***The current urban forest removes nearly 1.3M pounds of air pollutants from the air annually, valued at $3.5M per year.***
- ***This equates to 1.1 billion pounds of stored carbon with an annual carbon sequestration rate of 8.4M pounds of CO2 taken up by the tree canopy.***
- ***Stormwater Savings***
    - ***At 36% UTC, Fayetteville's tree canopy is valued at an estimated $64 million based on avoided stormwater facility construction costs.***
    - ***If canopy declines, at 30.0% canopy cover, it is valued at $44M.***
    - ***At 40% UTC with 4% of new canopy growth from regeneration (natural forested areas), it is valued at $65M***
    - ***At 45% UTC with the new canopy growing over streets and parking lots, the tree canopy would be valued at $85M.***
- ***Natural forest regeneration plays a large role in UTC gains in Fayetteville. Examples are provided in the Canopy Change section of this report.***
- ***There are 50,000 potential tree planting locations near residential buildings. If trees are planted to maximize cooling in summer, energy conservation as trees reach maturity would be significant.***

METHODOLOGY

The following section describes the data and methods used for land cover classification and the terminology for defining and assessing the urban tree canopy (UTC) and potential planting areas (PPA). Brief methods for the comparison of tree canopy cover from 2002 to 2010 are included in the Results section further below.

DATA INPUTS, IMAGERY AND LAND COVER CLASSIFICATION

Numerous GIS data layers from the City and County were used in the process of mapping land cover classes and in the UTC assessment process. Examples include streets, buildings, water bodies, streams, parcels, land use, publicly owned properties, watersheds, and GIS layers from Fayetteville Natural Heritage Association's Green Infrastructure Plan. One-meter resolution imagery from summer 2010 (National Agricultural Imagery Program – NAIP) was used as the basis for this UTC Assessment. The final land cover classification data includes eight (8) classes: (1) **tree canopy**, (2) **grass / open space**, (3) **bare soil/dry vegetation**, (4) **water**, (5) **buildings**, (6) **roads**, (7) **agriculture**, and (8) **other paved surfaces** (parking lots, driveways) shown in Figure 1 below.

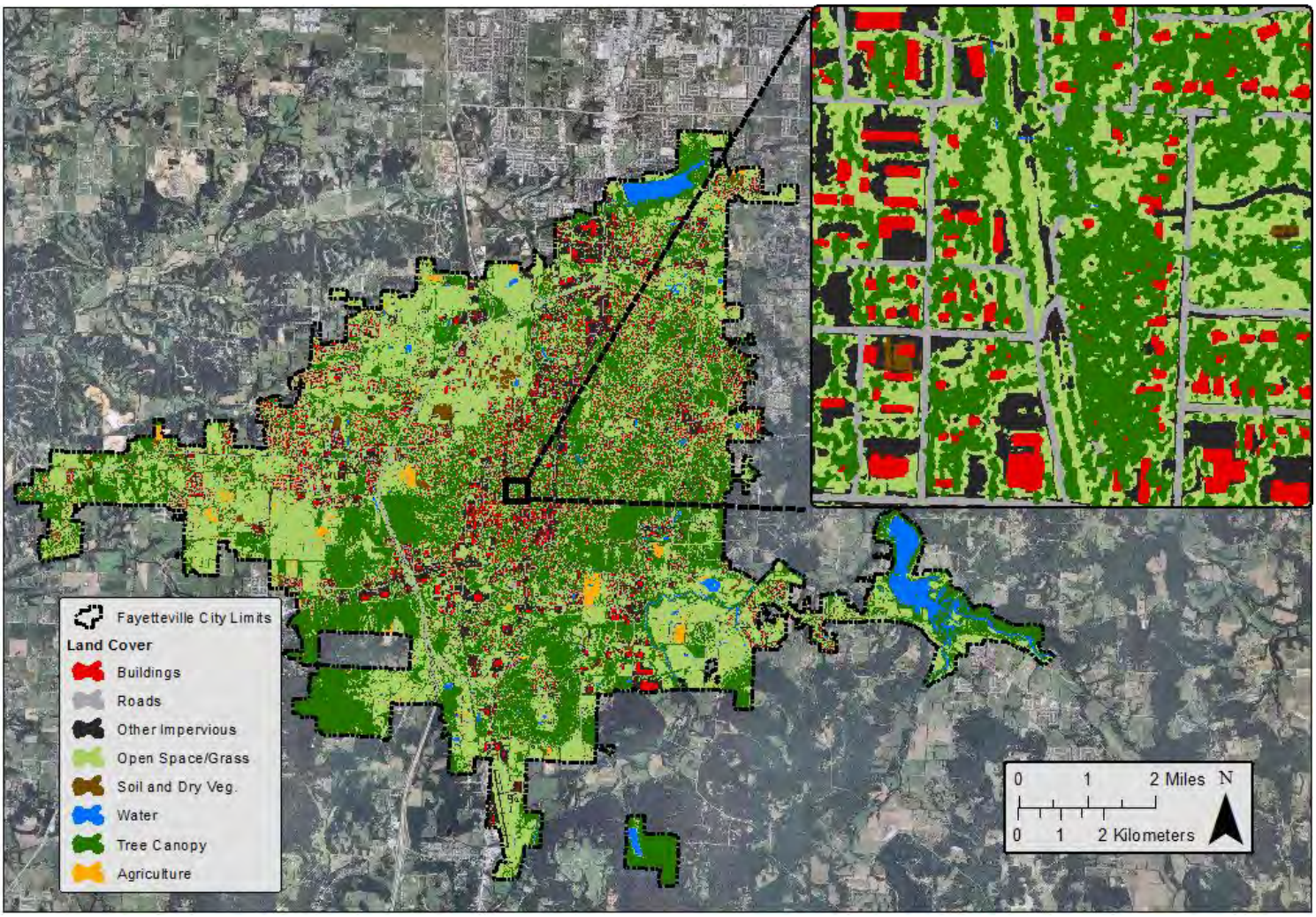


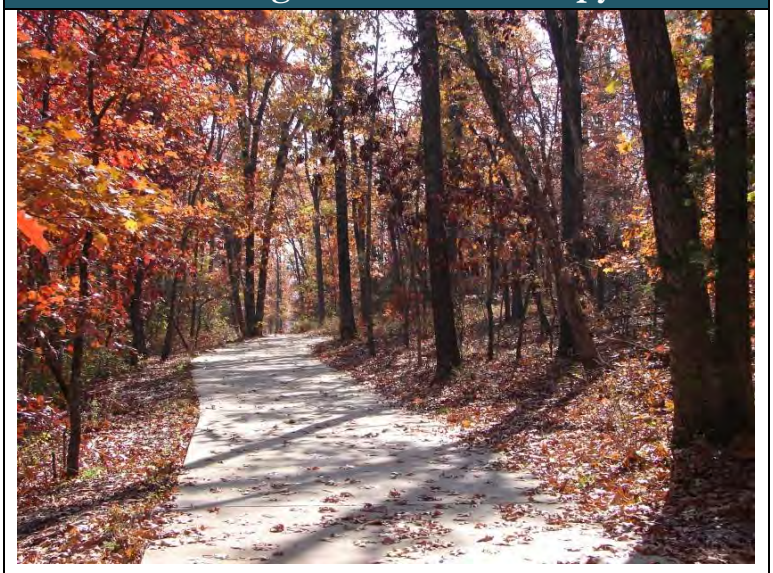
Figure 1. Land cover with 8 classifications as an overview and an inset map.

TERMINOLOGY

The UTC types assessed in this study are defined and described below. The area and percent of each was reported for six assessment boundaries. More details are provided throughout the report.

- ***Existing forest canopy*** is comprised of all forests and individual trees mapped from the 2010 summer NAIP imagery. For the purposes of this study, water was excluded from the total study area when calculating percent UTC. Excluding water from the study area (35,437 acres) creates total land area (34,586 acres) which was used to create all UTC metrics.
- ***Possible planting area (PPA)*** is defined as the total land area where no tree canopy cover currently exists and it is biophysically possible to plant trees. In this analysis, mainly grass and open space constitute "PPA – Vegetation" while impervious surfaces such as parking lots makeup "PPA – Impervious". These are combined to report Total PPA. This does not equal to potential canopy but rather the space on-the-ground that is available for tree planting opportunities.
- ***Unsuitable UTC***, for this study, was the combination of bare soil, dry vegetation, roads, buildings, agricultural land use, and water. Soil and dry vegetation are considered unsuitable given they comprise baseball infields, industrial lots, and vegetation that is lacking completely or unmaintained. Some areas mapped as Unsuitable UTC could become PPA through natural and human processes over time. Agricultural lands from the county land use data were sub-categorized as a PPA type but are generally considered as Unsuitable UTC.

Existing Urban Tree Canopy



Possible Planting Areas – Streets & Yards



Possible Planting Areas – Impervious



RESULTS

Detailed land cover and UTC assessment results are presented below. Land cover results are presented first, followed by results for each assessment boundary with specific tables, maps and graphics for Existing UTC, Possible Planting Areas, and Unsuitable UTC.

LAND COVER IN FAYETTEVILLE

This study encompasses 55.4 square miles (35,437.4 acres) defined by the city limits of Fayetteville. The two predominate land cover types for the study area are green vegetation (grass and open space) at 41% (14,518 acres) and secondly tree canopy at 12,441 acres as shown in Figure 2. "Other impervious", consisting of parking lots, driveways, patios, and other paved surfaces, is third comprising of 10% of Fayetteville or 3,539 acres. The next four land cover classes including roads, buildings, water, soil and dry vegetation each individually fall under 10% for land cover and as a whole comprise of 14% of Fayetteville's land cover.

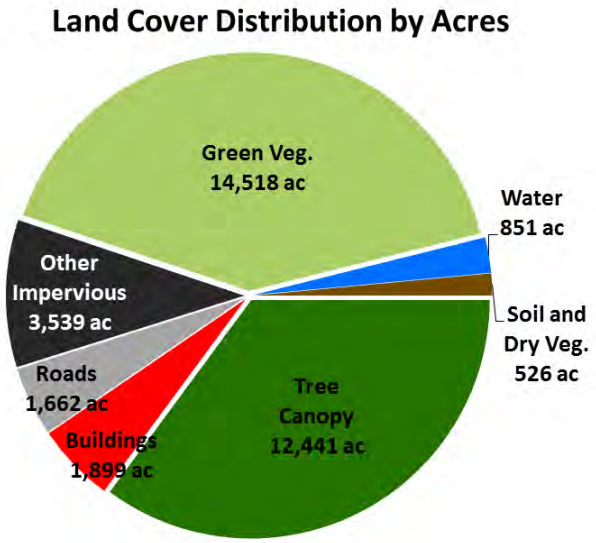


Figure 2. Distribution of land cover in Fayetteville.

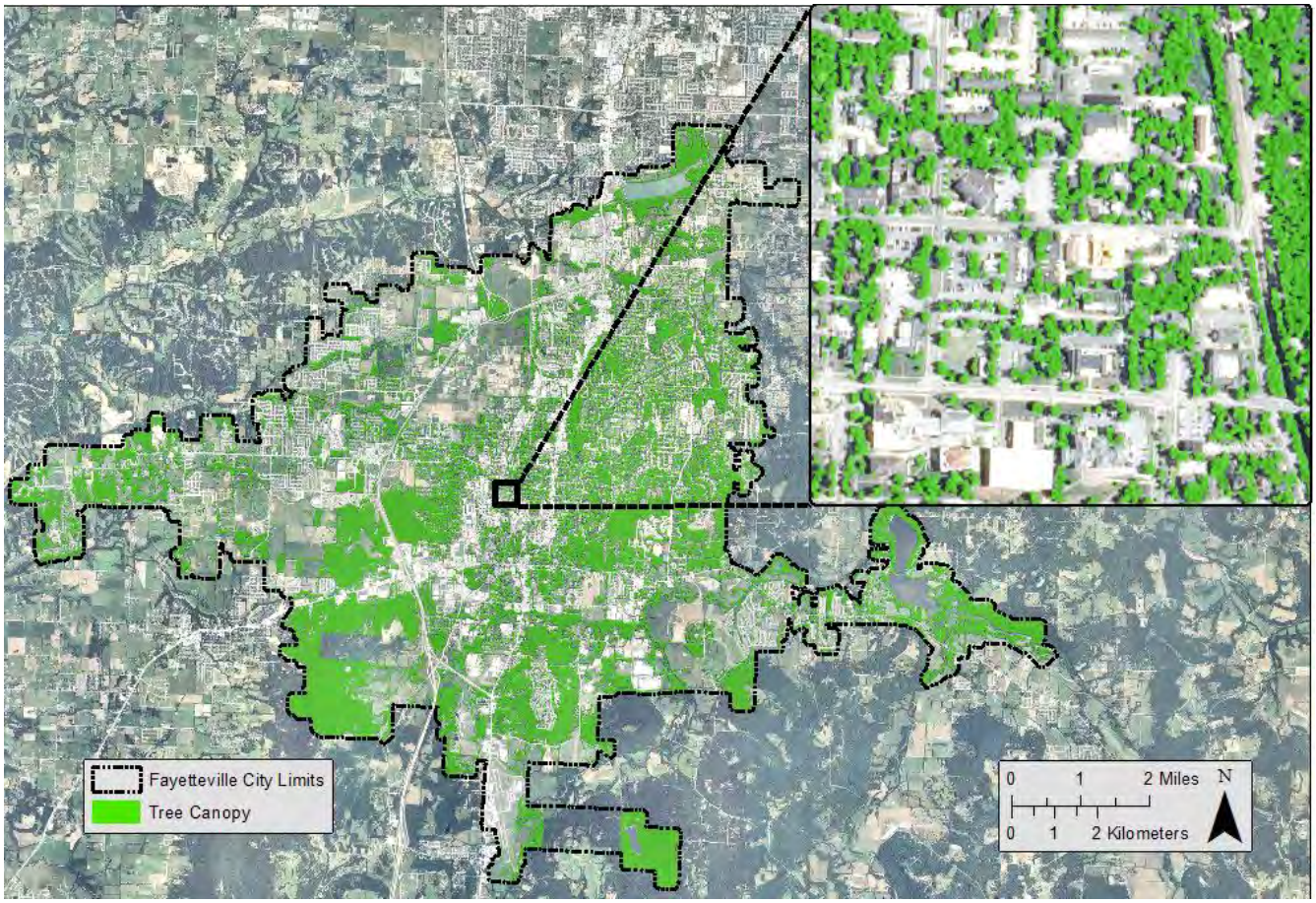


Figure 3. Tree canopy classification overview and inset map.

TREE CANOPY IN FAYETTEVILLE

As seen in Table 2 and Figure 4, Fayetteville's current UTC covers 12,441 acres or 36% of the total land area. In addition to tree canopy, total possible planting area (PPA) in Fayetteville is equivalent to 18,057 acres or 52% of the total land area. The remaining 4,088 acres (11.8%) of land area is considered unsuitable for planting additional trees.

Table 2. Metrics for Fayetteville showing UTC and PPA in acres and percent.

	Total Acres	Land Area (acres)	2010 UTC (acres)	2010 UTC %
City of Fayetteville	35,437	34,586	12,441	36.0%

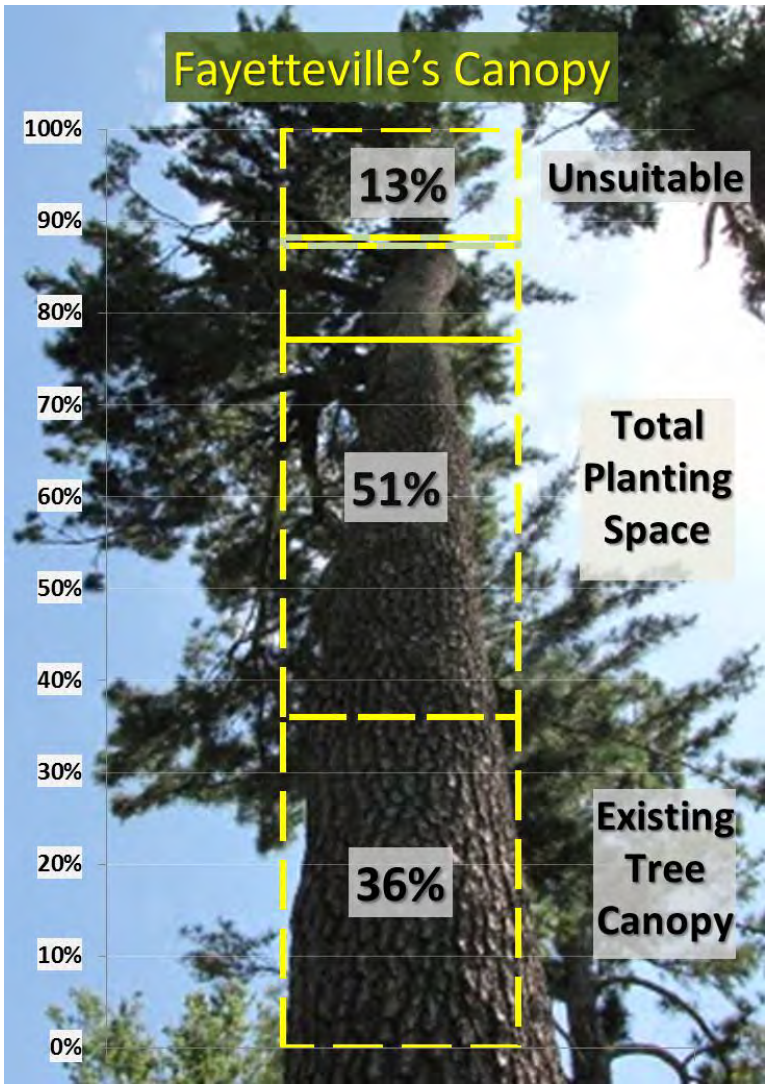


Figure 4. Percent distribution of UTC and PPA for the City of Fayetteville.

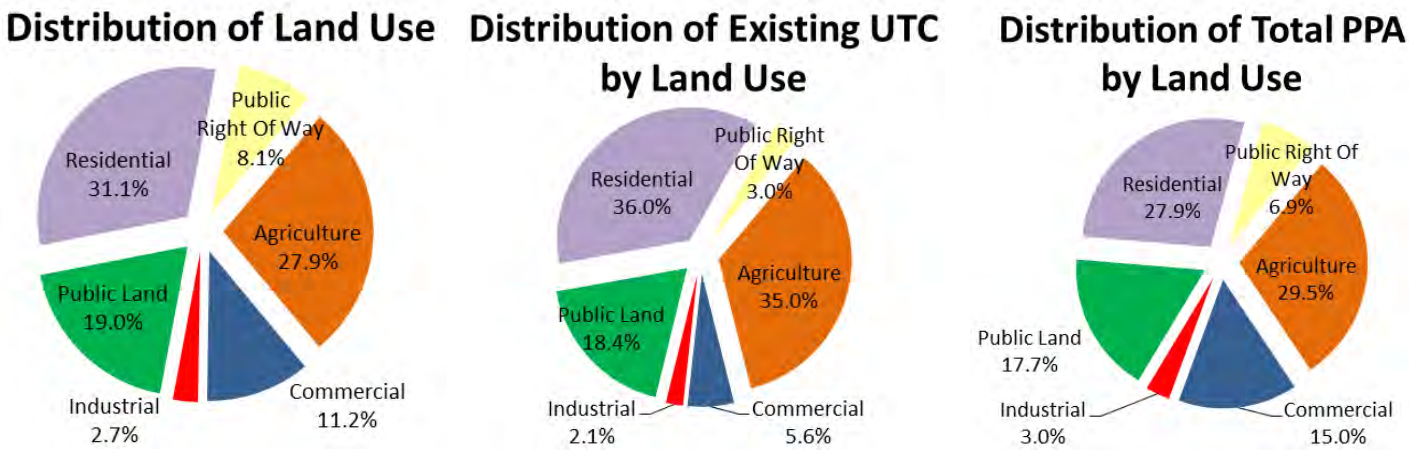
TREE CANOPY BY LAND USE AND PARCELS

Various policies, regulations, ordinances, and city codes influence tree canopy in Fayetteville. To provide data that advances urban forest management, six (6) broad land use categories were assessed for tree canopy and possible planting areas. Parcels from the county tax assessor's database were provided which included broad land use categories. Public lands were derived from parcels with 'exempt' status and the Public Rights-of-Way occur outside of all parcel boundaries. This was the finest scale assessment boundary and included 28,768 records. Results can be queried and symbolized using GIS to drill down and identify specific planting opportunities in subdivisions, land use types, or neighborhoods. Table 3 provides complete results for UTC and PPA land use metrics.

Table 3. UTC and PPA Results for 6 Broad Land Use Categories.

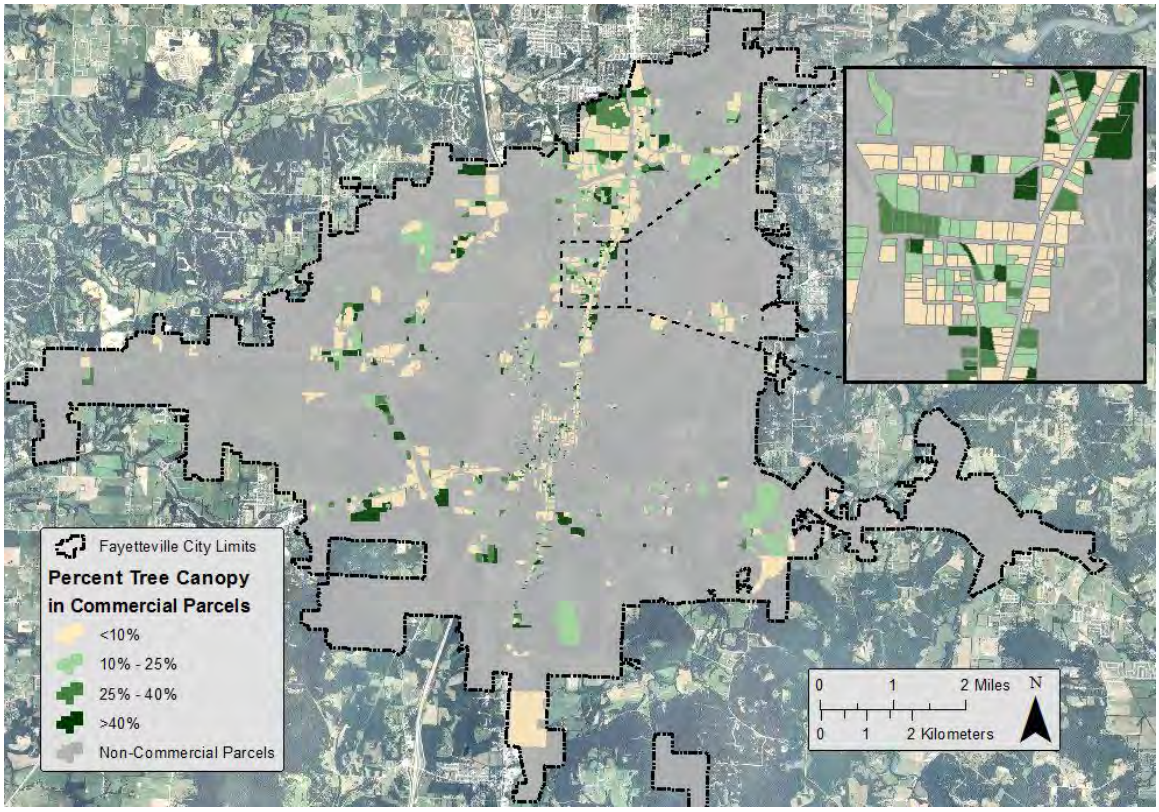
	Land Use Category	Total Acres	Land Area (acres)	% of Total City Area	UTC (acres)	Existing UTC %	Distribution of UTC by Land Use	Total Possible Planting (acres)	Total Possible Planting %	Distribution of Total PPA by Land Use
City of Fayetteville	Agriculture	9,880	9,757	27.9%	4,353	44.6%	35.0%	5,329	54.6%	29.5%
	Commercial	3,985	3,943	11.2%	702	17.8%	5.6%	2,705	68.6%	15.0%
	Industrial	957	949	2.7%	258	27.2%	2.1%	549	57.9%	3.0%
	Public Land	6,731	6,106	19.0%	2,285	37.4%	18.4%	3,190	52.2%	17.7%
	Residential	11,017	10,968	31.1%	4,475	40.8%	36.0%	5,038	45.9%	27.9%
	Public Right Of Way	2,867	2,863	8.1%	368	12.9%	3.0%	1,247	43.6%	6.9%
	TOTALS	**35,437**	**34,586**	**100.0%**	**12,441**	**36.0%**	**100.0%**	**18,058**	**52.2%**	**100.0%**

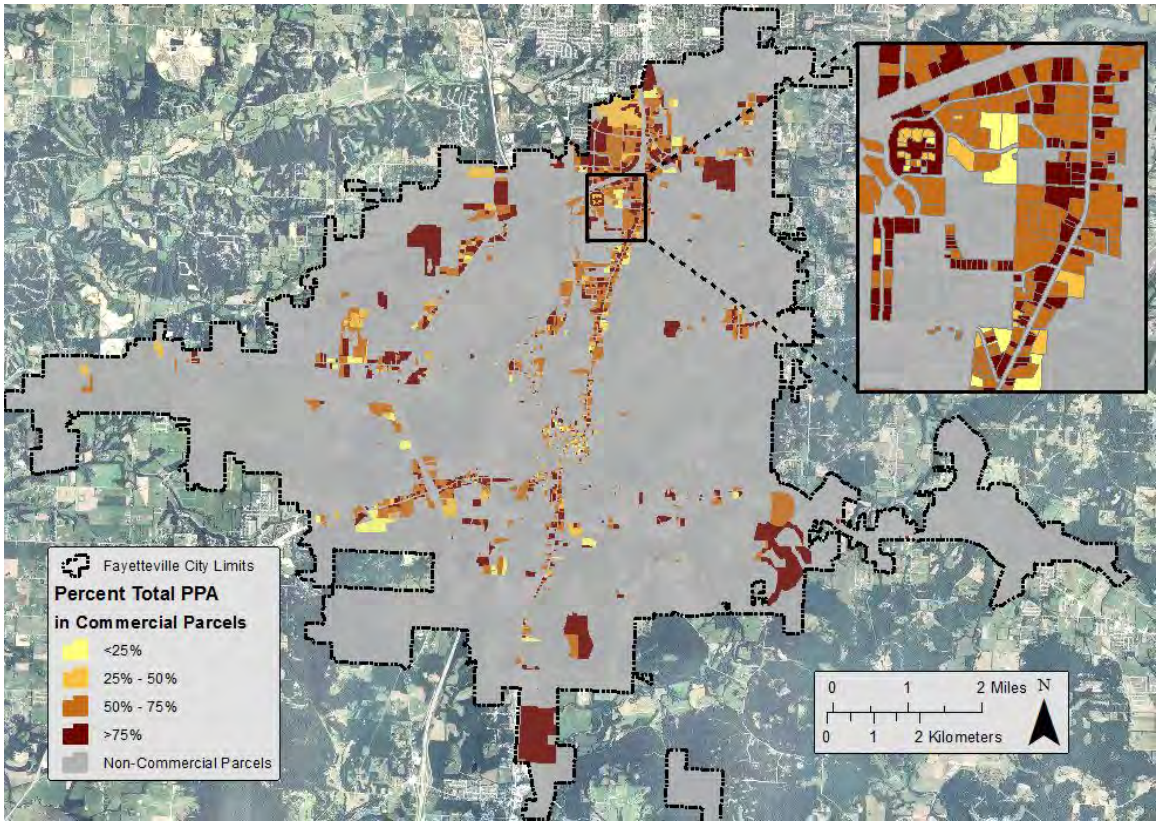
As an example, Commercial properties makeup 11% of the City, have 18% average tree canopy cover which represents almost 6% of UTC citywide, have 69% possible planting area largely from turf grass areas and parking lots, which constitutes 15% of all the PPA citywide.



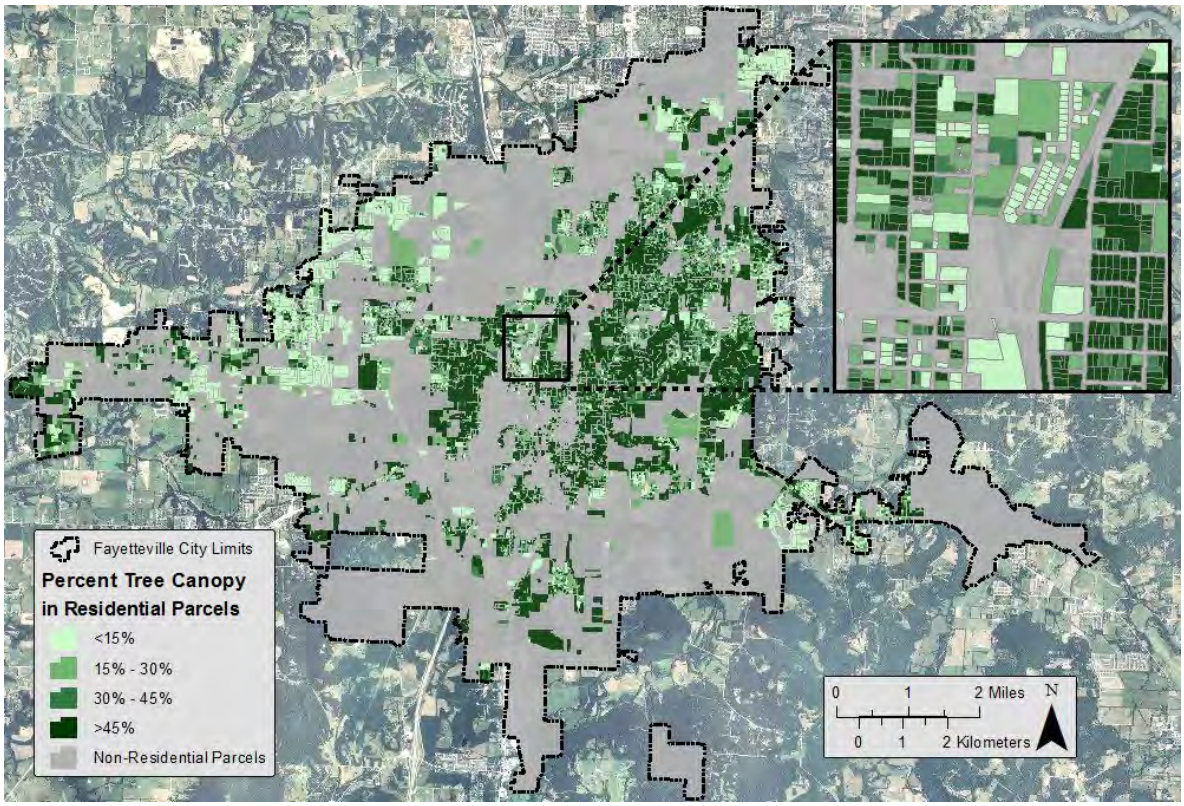
Figures 5-7. The Distribution of Land Use, UTC by Land Use, and PPA by Land Use.

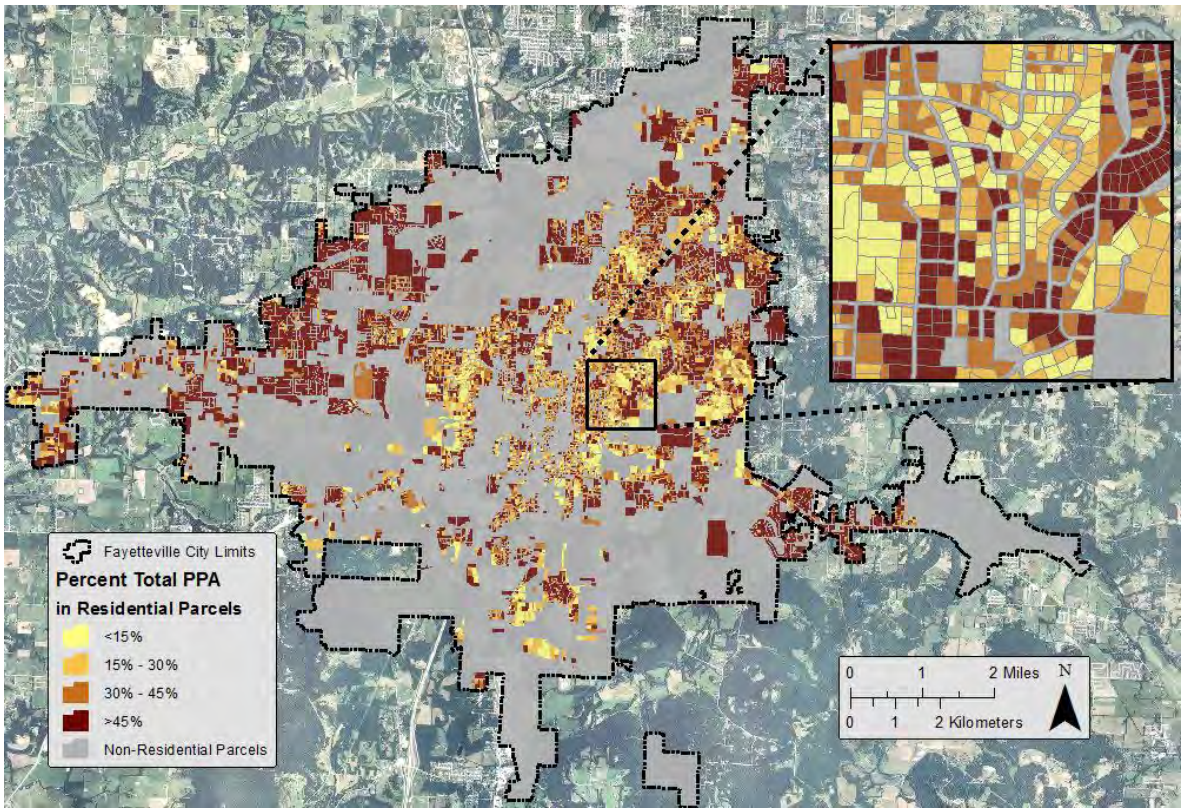
Maps in Figures 8-13 on the following pages illustrate how the land use and parcels data can be used together with UTC and PPA metrics to target specific properties for tree planting as well as monitoring the effectiveness of ordinances. Maps are shown for commercial, residential, and public properties by the percent of Existing UTC and Total Possible Planting Areas.



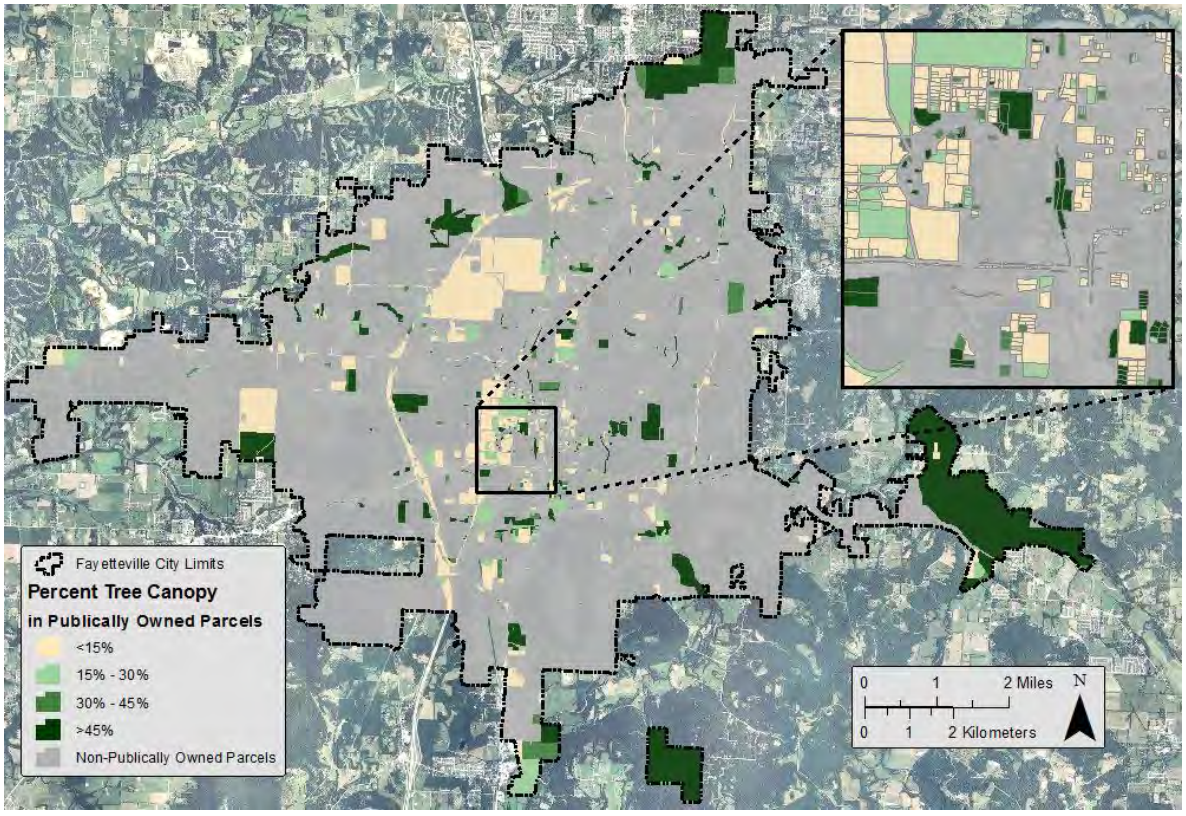


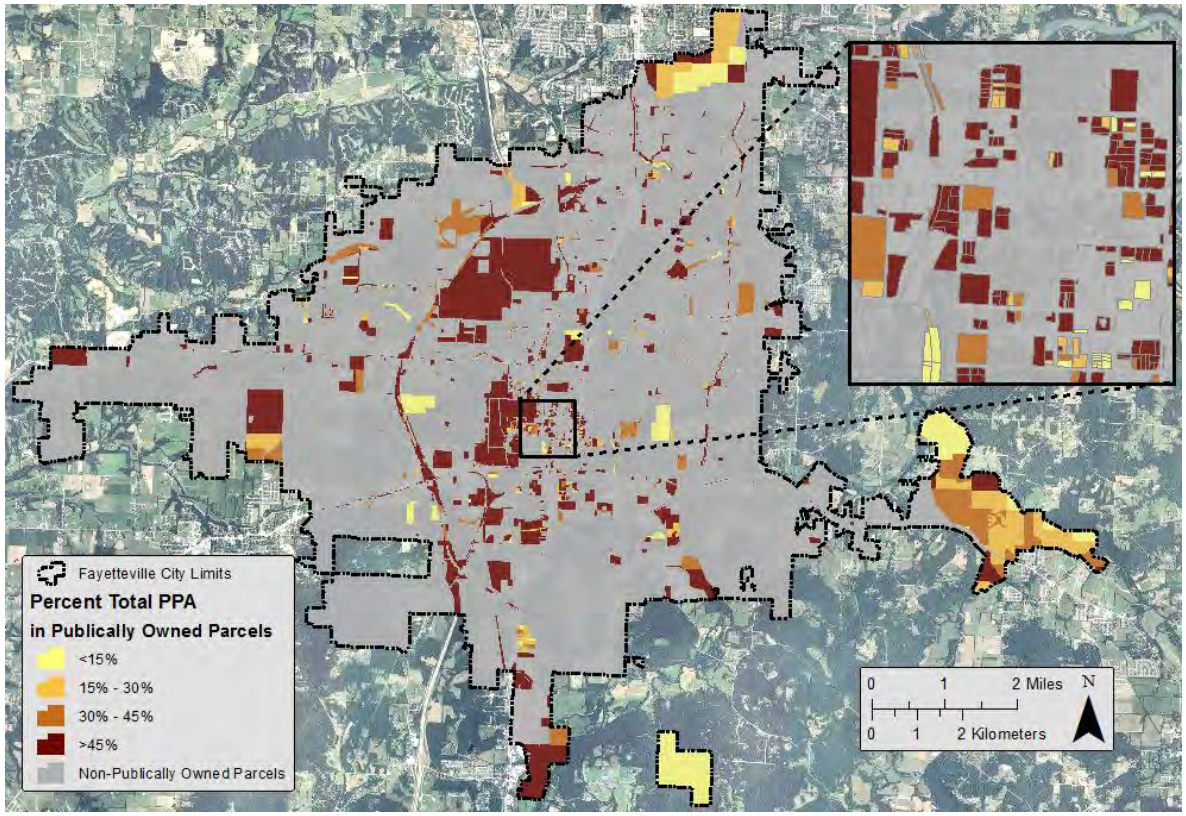
Figures 8-9. Existing UTC and Total PPA Percentages for Commercial Properties.





Figures 10-11. Residential parcels color-coded by Percent Existing UTC and Total PPA.





Figures 12-13. Publicly owned parcels color-coded by Percent Existing UTC and Total PPA.

TREE CANOPY IN THE STREET RIGHTS-OF-WAY

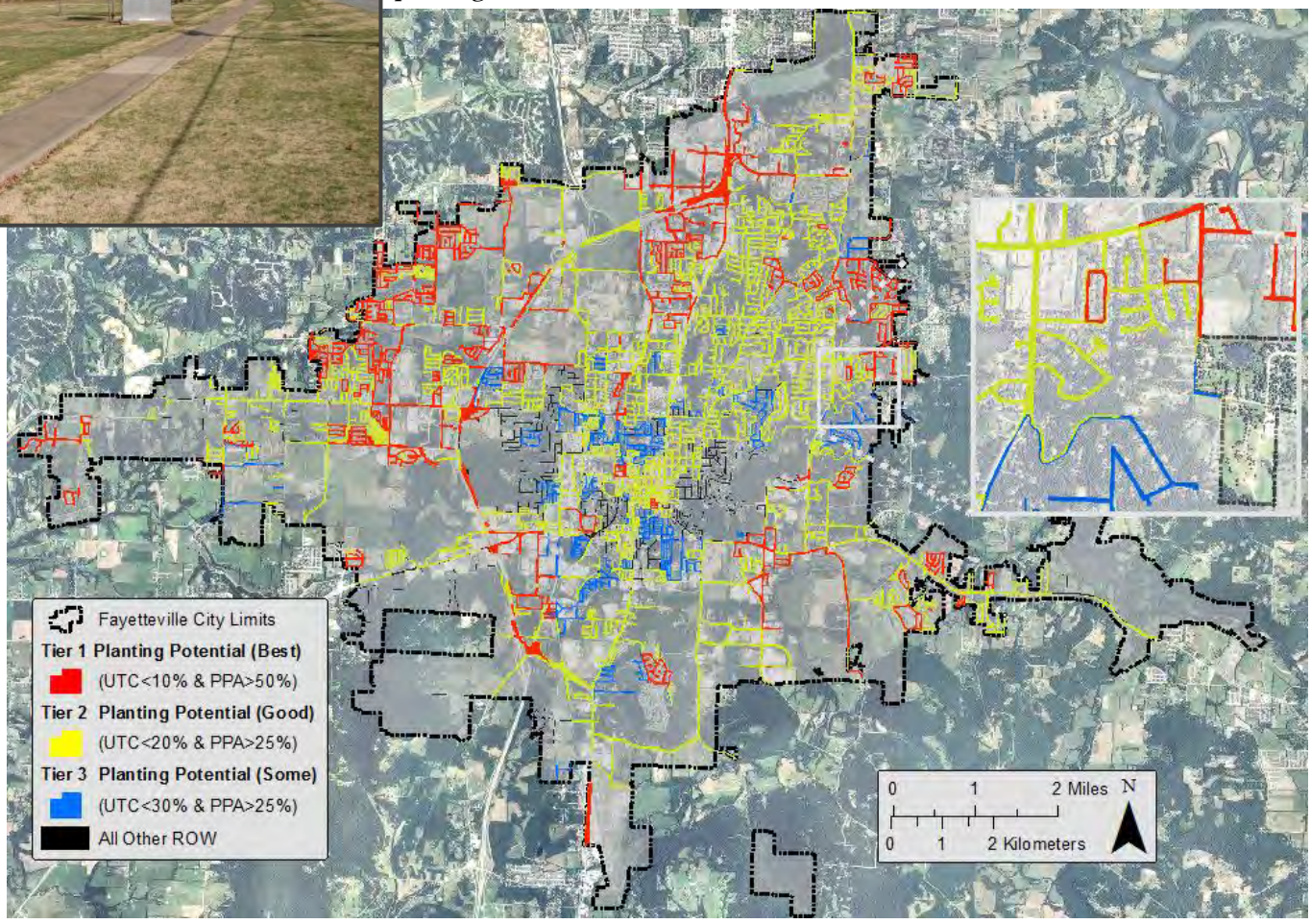
The City of Fayetteville's urban forestry program plants, manages, and maintains trees in the street rights-of-way (ROW). This is where the City has the most direct influence on tree canopy aside from tree preservation or other private property ordinances. Key findings in Fayetteville's ROW are:

- ROW total land area is equal to 2,863 acres, or 8% of the total city land area.
- Existing UTC in the ROW is 368 acres or 13% average cover. This represents 3% of all UTC citywide.
- PPA – Vegetation totals 611 acres or 21% of the ROW and PPA – Impervious totals 636 acres or 22% of the ROW.
- There are an estimated 15,000 potential planting sites in the ROW, or 5 per acre. If 25% of these sites were planted, grew to 30' tree crown spreads, this would generate 61 acres of new tree canopy. 61 acres is 4% of the acreage required to reach 40% citywide UTC.

Other UTC and PPA results for the ROW can be seen in Table 3 and Figures 5-7 in the Tree Canopy by Land Use section.



Figure 14. Potential planting area in the Street ROW. The GIS queries in the map legend show 3 colors based on ranges of Existing UTC and Total PPA. As an example, streets colored red have less than 10% UTC and greater than 50% total planting area.



TREE CANOPY BY CENSUS BLOCKS

The 2010 U.S. Census data provides social and demographic information at a variety of scales, specifically in GIS format from large to small as census tracts, block groups, and individual blocks. In Fayetteville, 1,894 census blocks were assessed for UTC and planting areas.

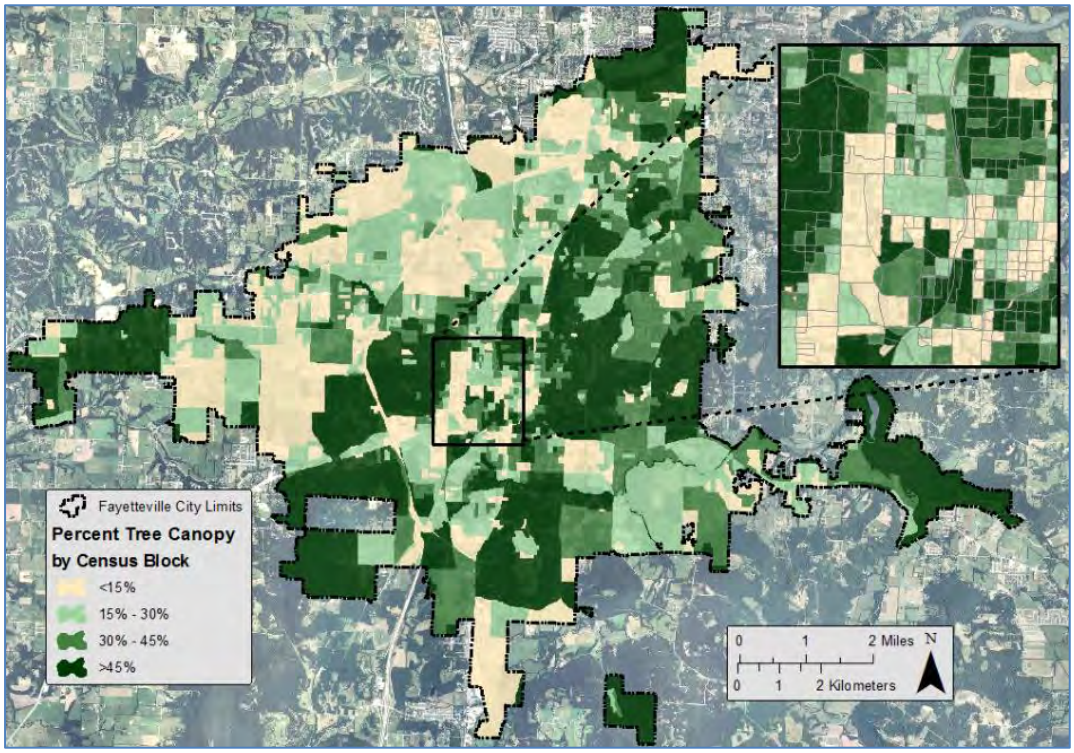


Figure 15.

Census blocks (socio-demographic units) color-coded by Percent UTC. Darker areas have more tree cover than lighter colored areas.

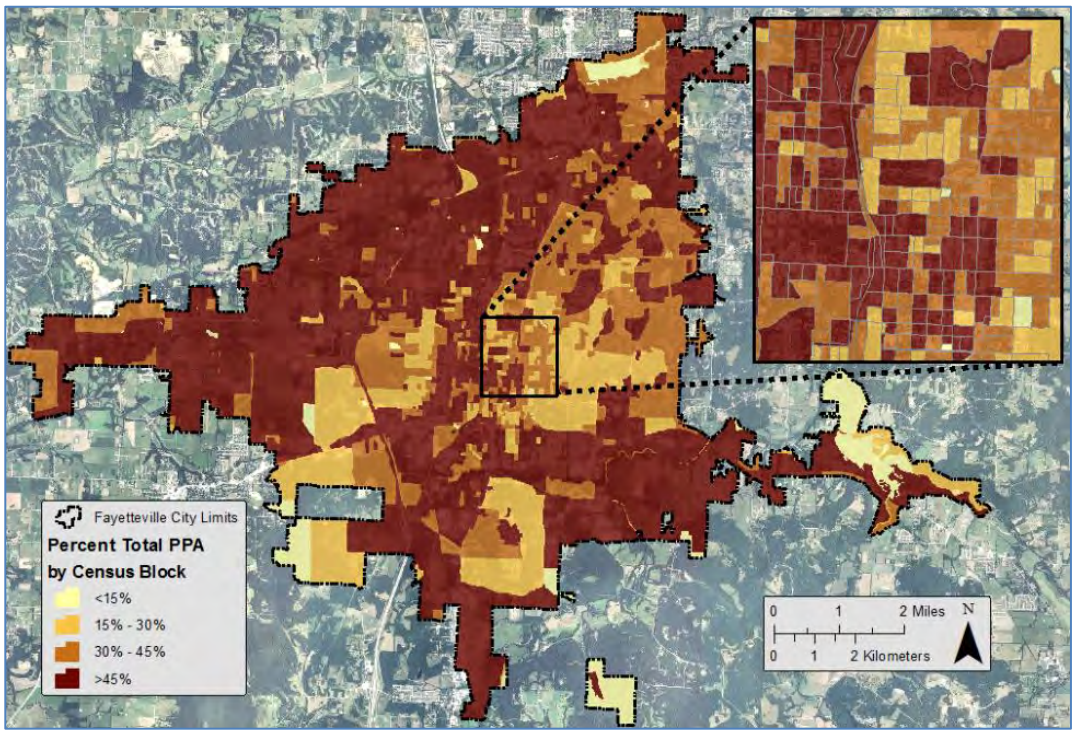
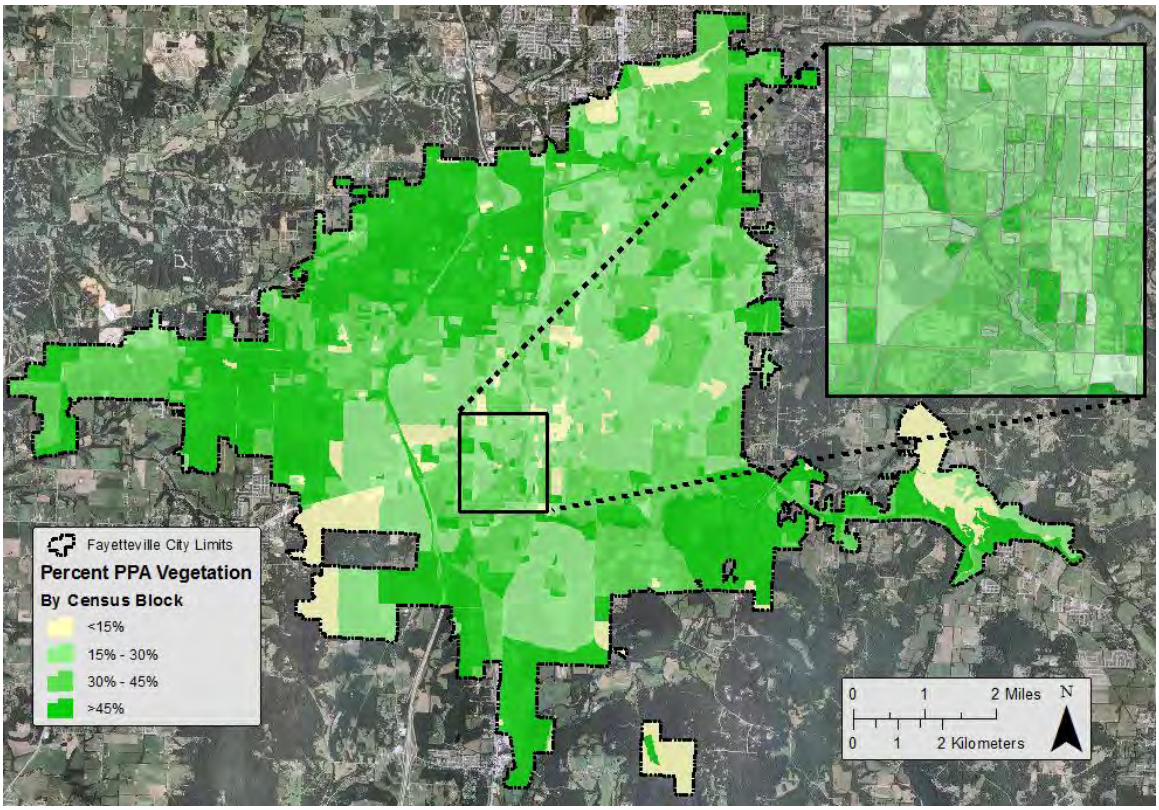


Figure 16.

Census blocks (socio-demographic units) color-coded by Percent of Total PPA. Darker areas have more planting potential from grass and open space as well as suitable paved (impervious) areas.

Figure 17.

Census blocks (socio-demographic units) color-coded by Percent of Total PPA. Darker areas have more planting potential from grass and open space. Agricultural land use areas were excluded from percentages.



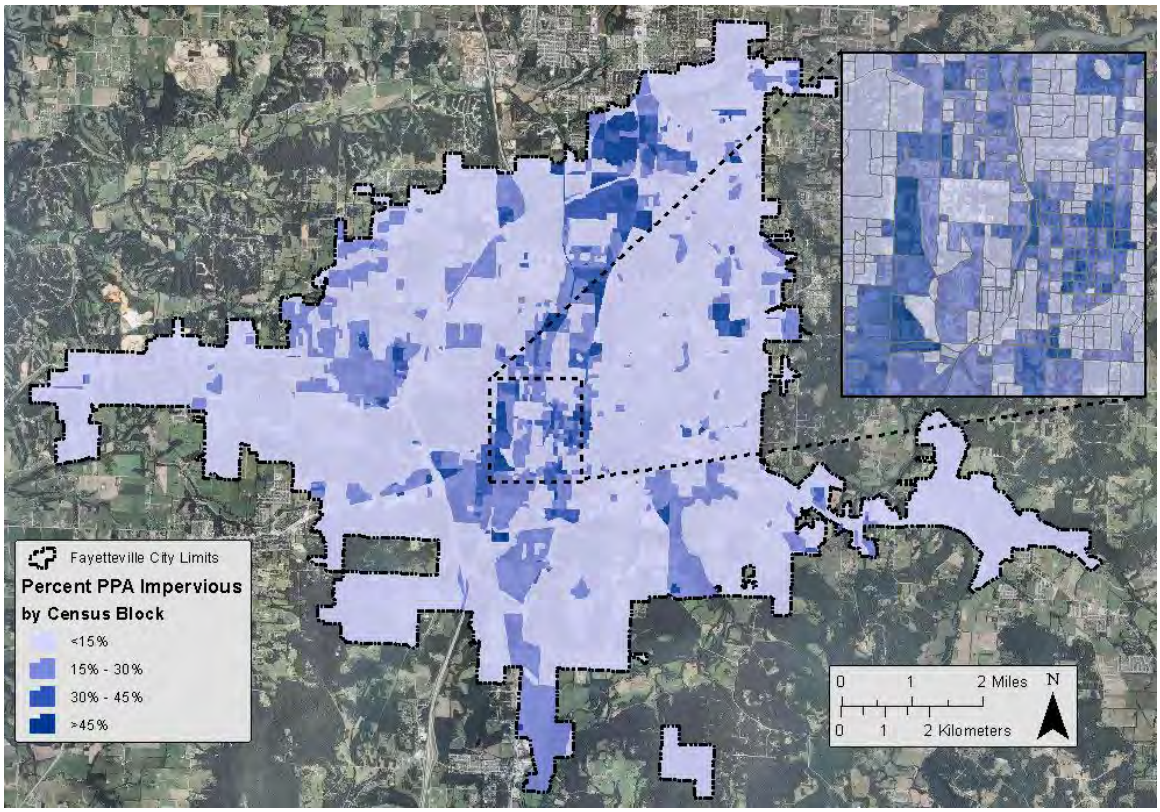


Figure 18.

Census blocks (socio-demographic units) color-coded by Percent of Total PPA. Darker areas have more planting potential from suitable paved (impervious) areas such as parking lots, driveways, etc.

TREE CANOPY BY RIPARIAN CORRIDORS

Fayetteville's streams and rivers, or riparian corridors, provide many ecosystem services such as erosion and sediment control, stream temperature regulation, and wildlife habitat. Conservation buffers along riparian areas are a best management practice where development is often restricted and natural vegetation is encouraged to maintain natural processes. In this study, to provide assessment results at a useful scale, Fayetteville's riparian areas were split along watershed boundaries and then segmented manually into smaller stream reaches. This resulted in 69 riparian corridor "segments" which were buffered by 100 feet and analyzed for UTC and PPA. Key findings included:

- 49 (of 69) riparian corridors segments have greater than 50% existing canopy cover.
- 14 have greater than 50% potential planting area (grass and open space).
- Three watersheds with the largest amount of riparian area for tree planting are:
    - Hamestring Creek (78 acres of PPA; 1,559 potential planting sites)
    - Mud Creek-Clear Creek (92 acres of PPA; 3,037 potential planting sites)
    - Town Branch-West Fork White River (122 acres of PPA; 3,729 planting sites)

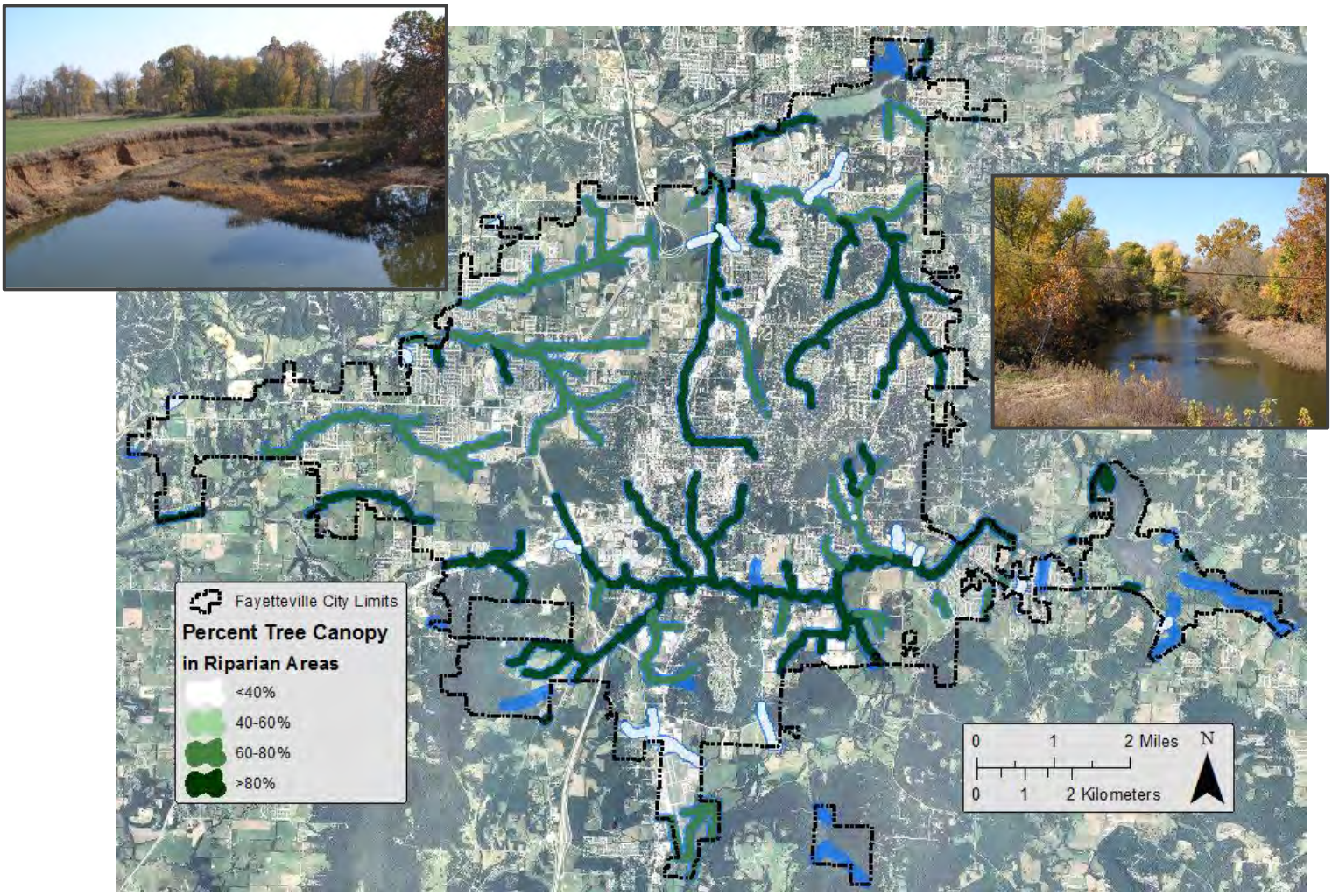


Figure 19. Riparian buffer segments color-coded by percent Existing UTC.

ECOSYSTEM SERVICES



Forest benefits are referred to as "ecosystem services", and describe ways in which urban forests contribute to improving quality of life. We tend to take for granted the direct and indirect benefits trees provide because they are not assigned a dollar value.

Examples include:

- Providing habitat and protecting biodiversity
- Decreasing stormwater utility costs, erosion, and flooding
- Reducing urban heat island effect and cooling costs
- Improving property values, tax revenues, recreation opportunities, and public health and well being
- Absorbing carbon dioxide annually through carbon sequestration and through carbon storage
- Improving air quality, water quality and groundwater recharge

CITYgreen software was used to estimate the benefits of Fayetteville's existing urban tree canopy and scenarios with decreased and increased canopy cover. CITYgreen, a GIS software developed by American Forests using research from the U.S. Forest Service and Natural Resources Conservation Service (NRCS), was used to calculate current and potential benefits related to carbon storage (cumulative amount of carbon stored in trees over time), carbon sequestration (the rate that carbon is captured), air pollution removal by trees annually, stormwater benefit of urban forests.

CITYgreen Parameters Used:

1.) Reference City for Air Quality: Tulsa was chosen as the closest, most representative city for the U.S. Forest Service reference city for air pollutant removal capacity of the urban forest.

2.) Soils: from the choices of Hydrologic Soil Group (HSG) A, B, C or D, soil type "C" was chosen as most representative. C type soils allow for less infiltration (clay) and are more restrictive soil type than B (loam).

3.) Construction cost per cubic foot (cu. ft.): $3/cu. ft. was used as a conservative average for stormwater facility construction cost.

4.) Replacement Land Cover Type: when tree canopy is "replaced" in the CITYgreen model, the replacement land cover chosen was Open Space - Grass/Scattered Trees: Grass cover 50% - 75%. This is more conservative than replacing the tree canopy with commercial or residential development which has a much higher curve number (CN).

Table 4. Summary of Benefits from Current and Future Projected Scenarios of UTC in Fayetteville.

City of Fayetteville "Tree Canopy & Environmental Benefit Scenarios"

Benefit Type			SCENARIOS				
	UTC-%	Citywide 36%	Decline to 30%	Increase #1 to 40%	Increase #2a to 45%	Increase #2b to 45%	Residential 41%
Air Quality	*Annual $ Benefit*	$3.5 million	$3.0 million	$4.0 million	$4.5 million	$5.0 million	$1.3 million
	Lbs. Removed/Year	1.3 million	1.1 million	1.4 million	1.6 million	1.8 million	461,000
Carbon Storage & Sequestration	*Total CO2 stored*	1.1 billion	915 million	1.2 billion	1.4 billion	1.5 billion	391 million
	Annual Rate Stored	8.4 million	7.1 million	9.5 million	10.7 million	11.9 million	3.0 million
Stormwater Savings	*Total $ Benefit*	$64.1 million	$43.9 million	$65.5 million *	$67.1 million *	$84.9 million **	$22.2 million
	Total Gallons Benefit . . .	21.4 million	14.6 million	21.9 million	22.4 million	28.3 million	7.4 million

* For Scenarios "Increase #1 and #2a", new projected tree canopy was assumed to be forests (natural regeneration), not individual yard trees.
** For the Scenario "Increase #2b", new projected tree canopy was assumed to overhang impervious surfaces, resulting in a larger $ value.

Plan-It Geo then used i-Tree Design, a free web-based tool developed by the U.S. Forest Service, to estimate benefits such as energy conservation from a common tree. A red oak tree was modeled at 8" diameter at breast height (dbh) and then projected 25 years out (20" dbh). See Figure 20.



Figure 20. Output from i-Tree Design software showing that a young red oak tree (8" dbh) provides $18 in annual energy savings if planted on the west side of a residential home. If the tree grows for 25 years, it would be expected to reach 20" dbh and provide nearly $48 in annual energy savings. With 50,000 potential planting locations near residential homes in Fayetteville, planting one-quarter (1/4) of these could provide roughly $600,000 in energy savings annually when those trees reach maturity.

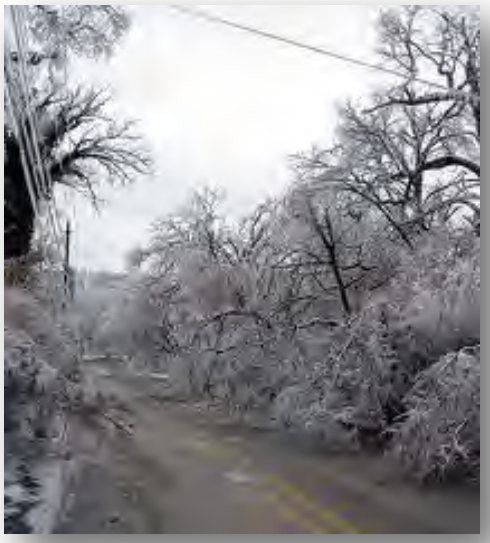
URBAN FOREST MANAGEMENT SCENARIOS

Using the land cover data and UTC assessment results, further analysis provides a presentation of different management scenarios introduced below. GIS data models and interpretation were utilized to produce these scenarios. Sample maps or tables are presented for each scenario and provided as additional data along with this report.

- **Comparison of canopy cover and benefits (2002 – 2012)** – multiple data layers and methods were used to assess gains or losses in tree canopy over the roughly ten-year time period. Table 4 in the Ecosystem Services section illustrates scenarios that quantify decreases and increases in benefits as canopy cover changes.
- **Target areas to plant trees** – potential tree planting sites were modeled citywide using the land cover data and GIS analysis. Attributes were created focusing on (1) *areas most vulnerable to urban heat island effects*, (2) *wildlife habitat and linking of corridors*, and (3) *current land use types*. Multiple other attributes were added to the GIS planting points for prioritization.
- **Evaluating Fayetteville's canopy cover and tree preservation ordinance** – this entails an analysis of Fayetteville's current canopy coverage in comparison to the national recommendation of 40% and recommendations on the effectiveness of the tree preservation ordinance.
- **Management of the urban forest on city owned properties** – tree canopy is evaluated for gains or losses for future management purposes.

2002 – 2012 COMPARISON

Fayetteville's urban forests are constantly changing over time resulting from natural and man-made processes, including tree growth and planting, and mortality and development. Monitoring forest change provides important information about the effectiveness of forest policy, community action, and natural processes impacting the urban forest. Today, urban forest managers have access to a variety of tools designed to evaluate forest cover at different spatial scales. This assessment uses three different approaches to evaluate forest change that has occurred since 2002. While no single available approach provides precise quantitative measurements of forest change, the combined methods elucidate several important trends.



Agents of change: heavy winds, flooding, and ice storms such as the 2009 storm illustrated on the right can cause heavy damage and natural loss to forest canopy.

Canopy Comparison Methods

Canopy cover between the two time periods was compared using three methods presented here.

1. i-Tree Canopy Method:
    - A point-based statistical analysis was conducted using the *i-Tree Canopy* tool to compare canopy cover across Fayetteville based on current and 2002 high resolution Google Maps imagery. This method has been used to evaluate canopy cover in 20 cities across the country (Nowak and Greenfield, 2012).

- Tree canopy was assessed for each time period at 770 randomly distributed points.
- Results: 37% (13,147 acres) and 35.3% (12,509 acres) of the City was forest cover in 2002 and 2010 respectively (based on total area), for a net loss of 1.7% (640 acres).

2. GIS Land Cover Comparison Method:

   - Two previous land cover assessments mapped canopy cover in Fayetteville in 2001 and 2002 from satellite imagery. Although the assessments provided the best available data at the time, the overall accuracy of the final land cover products were below standards required for direct comparison with this assessment. Therefore, a manual GIS-based review and editing approach was conducted to provide an initial level of quality control in a comparison between the 2002 canopy data at 39% and the 2010 UTC results at 36%.
   - Forests greater than one-quarter acre from each time period was overlaid to identify significant areas of change. Areas were validated in this GIS-based approach by visually comparing with imagery from each time period and correcting obvious errors.
   - Results illustrate total forest canopy gains of 502 acres and losses of 1,249 acres, for a net loss of 747 acres (2%). See Figure 21.

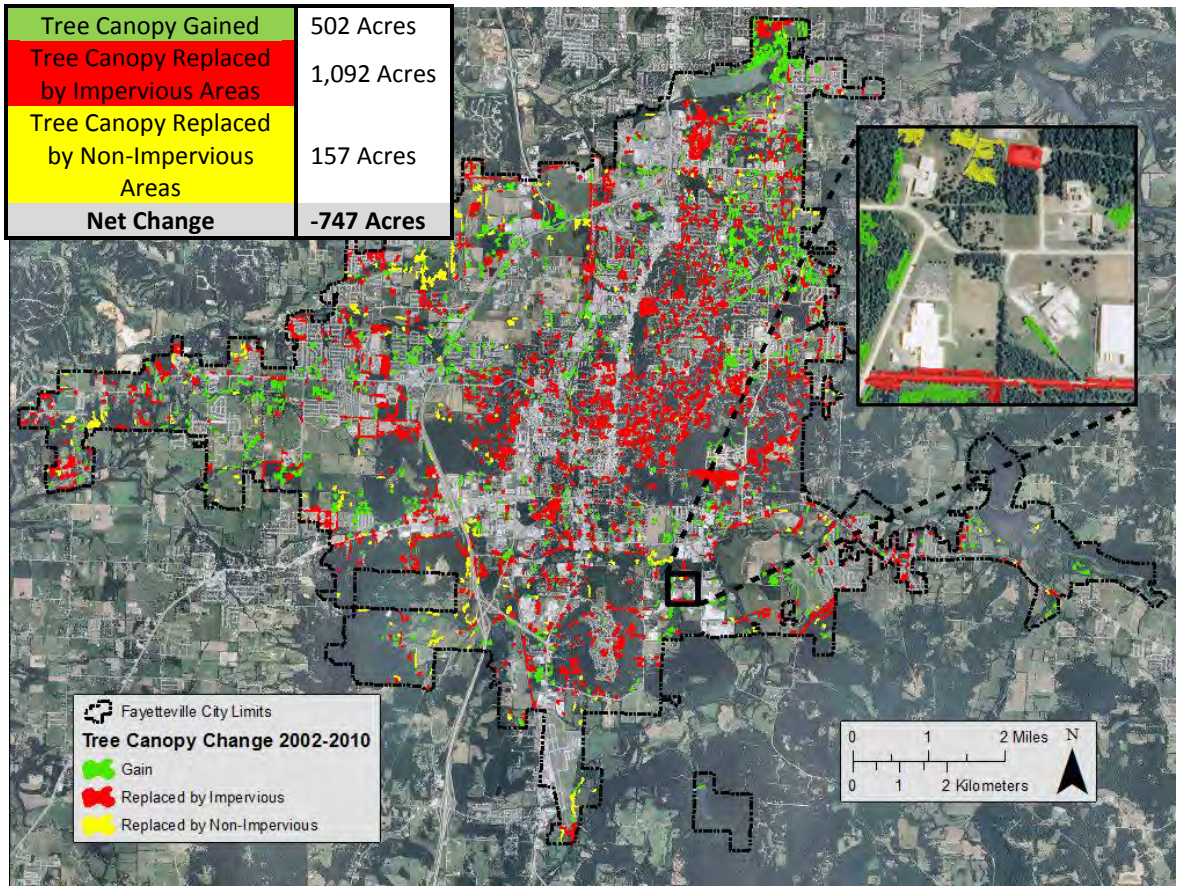


Figure 21. Comparing forests using GIS analysis to show significant gain and loss areas.

3. Growth of Trees from New Residential Development

- Canopy growth from newly planted trees was estimated by digitizing individual tree crowns from current imagery and comparing canopy area to the expected canopy size at the time of planting (2002).
- COF identified 22 new developments where tree plantings were known to occur around 2002. Within the new developments canopies from 250 randomly selected trees were digitized to measure current canopy areas in square feet. The estimated starting point of 40 square feet was subtracted from current canopy to estimate growth since planting.



Figure 22. Individual tree crowns added about 23 acres per 1,000 newly planted trees between since 2002.

- Results for 250 sampled trees on residential properties:
    - Total canopy area in 2011: 66,801 sq.ft. (estimated at 10,000 sq.ft. in 2002 as the starting point)
    - Total canopy growth = 56,081 sq.ft. (1.29 acres)
    - Average annual tree growth = 224 sq.ft. per tree
- Residential canopy cover averages 41% citywide while it averages around 6 or 7% in the 22 subdivisions assessed in this task, implying newly planted trees are not yet compensating for the loss of trees removed during development.

When extrapolated out forty (40) years, the sampled 250 trees are expected to comprise about 5.7 acres of canopy, or 0.02% of Fayetteville's total area. Using this assumption, planting 1,000 trees each year for 40 years would yield about 23 acres of forest canopy annually. With an expected survival to maturity rate of about 70%, accumulated over 40 years a total of 13,000 acres of new tree canopy would be added.

We estimate that around 60 medium sized mature trees are equivalent to one acre of forest canopy. Given mortality rates in the region, the City and residents should expect to plant around 80 trees to produce one acre of mature tree canopy in the future.

Canopy Change and Interpretation

Assessing urban tree canopy change presents many technical challenges given differences in image quality, availability, classification methods, and level of QA/QC. Data and computing capabilities are constantly making higher levels of accuracy and precision in land cover mapping possible. Comparisons with Fayetteville's 2001 and 2002 classifications were challenged given the satellite imagery used as the input image for the 2001 assessment was unavailable and noticeable errors of under- and overestimation were visible. The fact that two independent methods (i-Tree and land cover data) used to assess canopy change yielded similar values provides confidence in both the stated canopy percent values for each time period and the methods used to present a trend in cover.

Table 5. Canopy comparison analysis results from three (3) methods.

Analysis Method	Canopy Change Percent	Change Description
i-Tree Canopy	1.7% Loss Citywide	City-wide statistical estimate comparing 2002 and 2011 tree canopy.
GIS Overlay	2% Loss Citywide	GIS analysis of gains and losses since 2002 in forest areas greater than ¼-acre.
Tree Growth in Developments	0.1% Growth per 1,000 trees planted	Canopy growth over 8 years reflects the challenge of reforestation compared with losses to development.
Overall Trend	1.5% Loss	Overall, canopy cover is in decline.

Recommendations for Comparing Canopy Change Over Time

Based on the comparisons done within the scope of this project, the following recommendations are offered for conducting reliable UTC comparisons over time:

- Use the same city boundary given they change over time due to annexations
- Because UTC percent is calculated based on land area which excludes water, ensure that the area of water is the same and/or accurate in both time periods.
- Use similar image resolution and quality and LiDAR (Light Detection & Ranging) when possible.
- Conduct time-intensive Quality Assurance / Quality Control (QA/QC) for quality comparisons.
    - Accuracy of each time period should be 95% or greater to ensure losses are demonstrating actual canopy change.
    - Early forest regeneration is difficult to map with remote sensing and can be subjective with manual processing. Canopy mapping with sufficient detail to map individual trees will aid in mapping early canopy growth over time.
- Canopy Change analysis within i-Tree Canopy version-5.0 can be effective, but is still subjective to the analyst's preference. Use multiple interpretations to arrive at confident values.
- A process known as "object fate analysis" can be conducted to assess change in land cover across time periods, though initial research shows this is a time-intensive and expense method.

Figure 23. Examples of tree canopy increases from natural regeneration and street/yard planting.

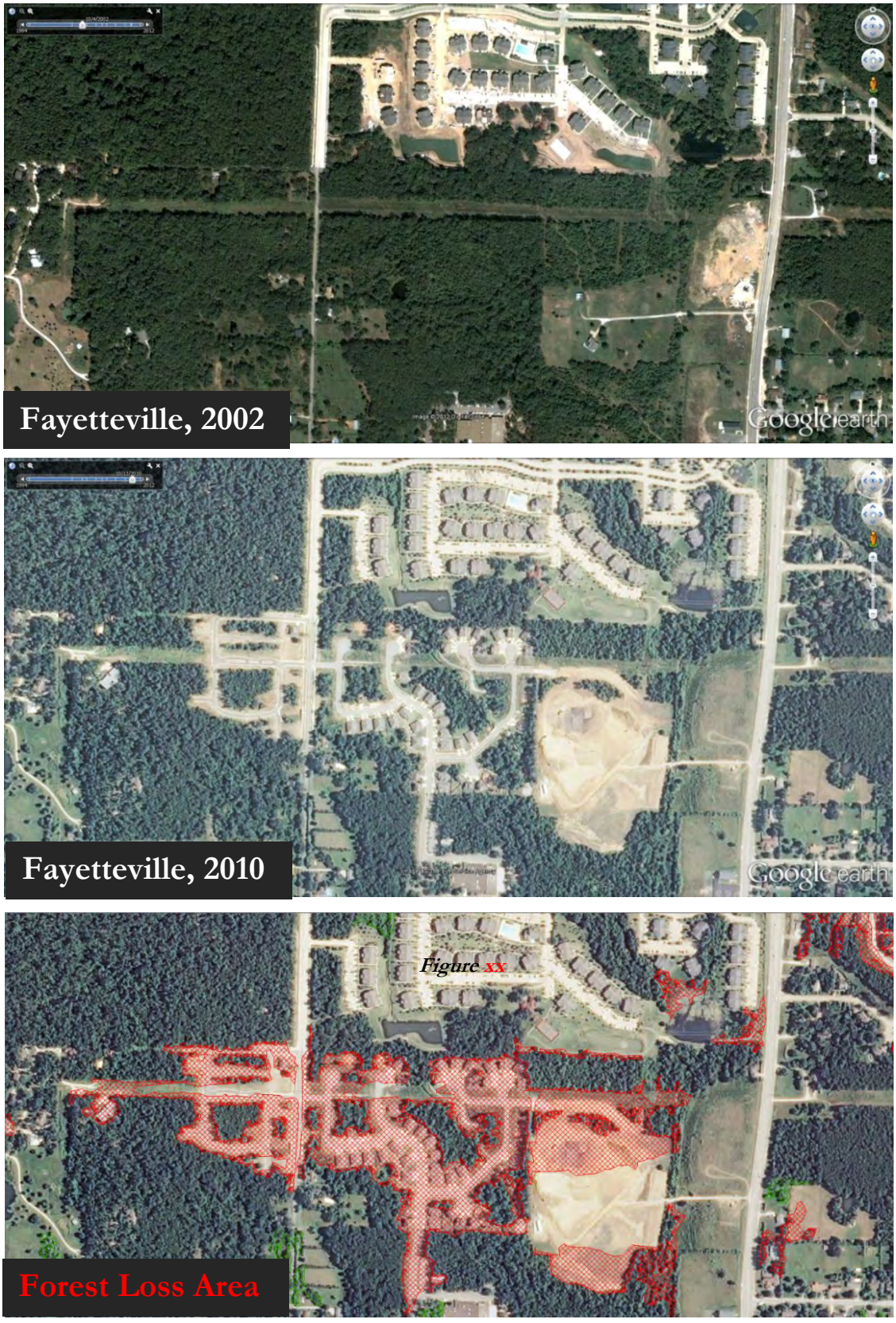








Figure 24. Examples of tree cover loss during development (mapping result shown at bottom).



TARGETING AREAS TO PLANT TREES

The land cover, land use, UTC, and other data were inputs to a sophisticated GIS model to automate the mapping of potential tree planting sites. The resulting GIS points will assist the City in targeting areas to plant trees, evaluating the effectiveness of tree preservation ordinances, and goal setting.

Available planting sites exist where there is a lack of trees and adequate planting area exists in grass and herbaceous cover. To get a more realistic estimate of where trees could be practically planted, exclusions and constraints were applied in the model (see Table 6). After removing these areas from grass and open space in the land cover data, the remaining spaces were converted into potential planting site points.

Table 6. List and description of the main rules used to map potential tree planting locations.

GIS Layer(s)	Rule Applied	Reason
Tree Canopy	Buffered by 10 feet	To allow for spacing and growth of existing trees
Buildings	Buffered by 5 feet	To avoid tree and building conflicts
Agricultural Land Use	Buffered by 15 feet	To allow for farming and related uses

The City should ground-truth (field-verify) the points over time to exclude points that are invalid due to conflicts such as safety, utilities/power lines, and small trees not seen in the 2010 canopy mapping.

The model resulted in roughly 190,000 sites, so prioritizing them is crucial. To prioritize sites, new attributes were added to the GIS planting sites layer. For example, land use types from parcels were spatially joined (overlaid) to each site. For proximity to urban heat islands and wildlife habitat corridors (as well as other high value areas), similar overlays and distances assumptions were used. Sites that meet each criterion can now be queried, symbolized, and counted. The list in Table 7 below shows the types, their count, the criteria used, and then calculates the impact on citywide UTC if 25% or 50% were planted. Maps on the following pages and Appendix offer many examples.

Table 7. List of attributes added to each potential planting site (GIS point database) for prioritization and possible impact on UTC goals.

Planting Site Attribute	Total # of Planting Sites	General Criteria Used	Additional UTC Acres from Planting:		% of Additional UTC Acres Needed to Reach 40% UTC Goal:	
			25% of Planting Sites	50% of Planting Sites	25% of Planting Sites	50% of Planting Sites
City Owned	6,447	On City Owned Property	26	52	2%	4%
School	1,100	On School Parcel	4	9	0%	1%
Wildlife Habitat	47,181	Within 50 ft of Large Forests	191	383	14%	27%
Along Riparian Corridor	18,360	Within 100 ft of Riparian Corridor	74	149	5%	11%
Energy Conservation	69,153	Within 50 ft of Building	281	561	20%	40%
Park	7,898	On Park Parcel	32	64	2%	5%
Urban Heat Island	37,131	Within 50 ft of Large Impervious Area	151	301	11%	22%
Trail	29,033	Within 100 ft of Trail	118	236	8%	17%
Near Park	20,065	Within 1/8 mi of Park	81	163	6%	12%
Front Yard	45,461	Within 25 ft of Rights of Way	184	369	13%	26%
Near School	1,557	Within 1/8 mi of School	6	13	0%	1%
Air Quality	5,691	Within 50 ft of Highways/Arterials	23	46	2%	3%

* Numbers reflect planting sites in "Developed" areas with the exception of Riparian sites which include all
* Projections based on trees with an average 30' crown spread (15' radius)

Urban Heat Island Effect – *refers to developed areas that are hotter than surrounding rural areas due to the abundance of man-made materials there which absorb the sun's energy much more than trees or other plants, and in turn warm the air around them* (Center for Environmental Studies, Brown University, "Trees and the Urban Heat Island Effect", 2010). Tree shade lowers ambient air temperatures which limits the formation of ozone and smog. Trees also absorb ozone which reduces air pollutant concentrations.

The EPA reports that tree shading can reduce surface temperatures 20–45ºF in the summer.

Only 4% of Fayetteville's urban tree canopy overhangs impervious surfaces.

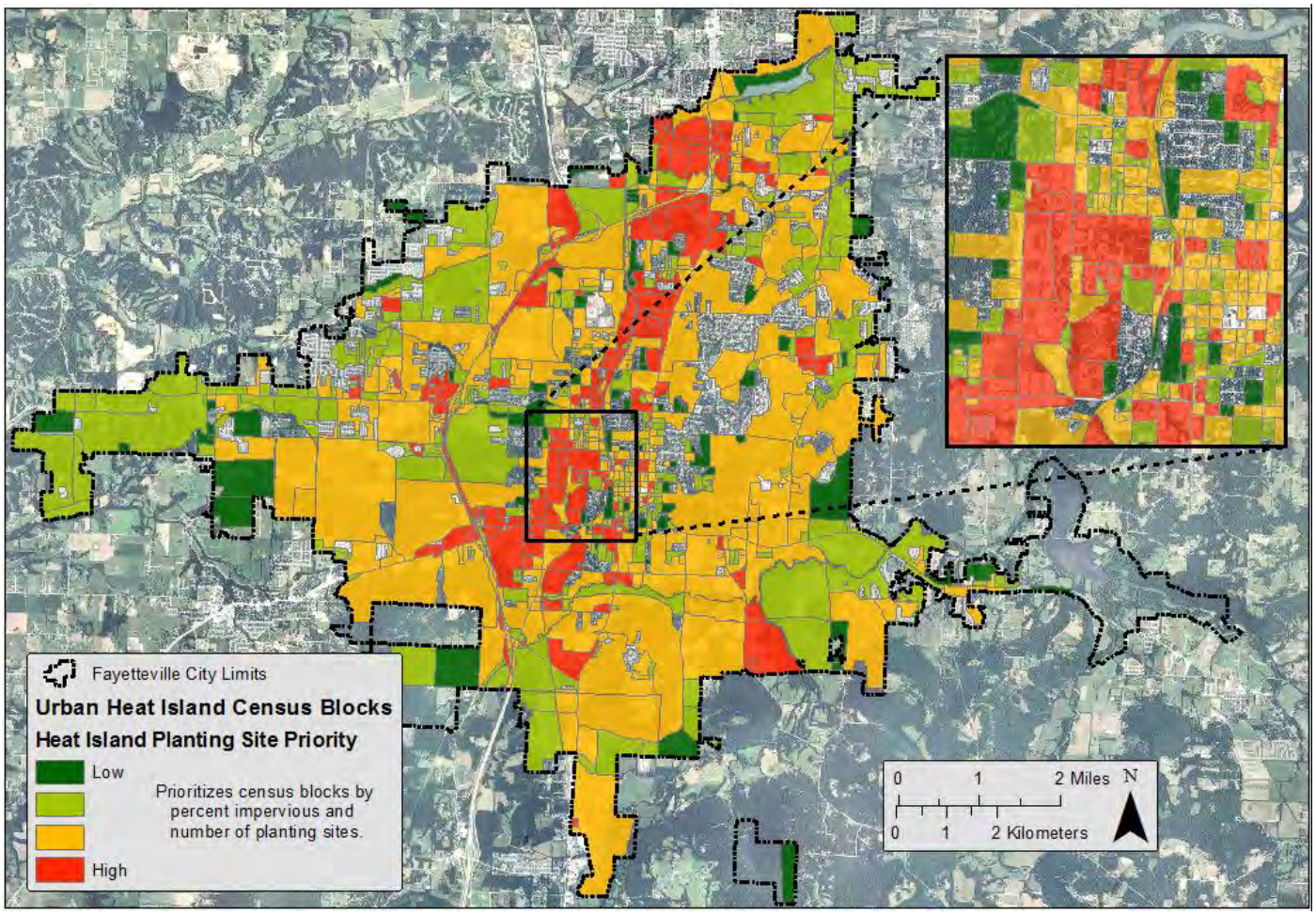


Figure 25. Census blocks with the largest contiguous impervious surface area and highest number of potential planting sites.

Wildlife Habitat – urban forests provide essential habitat for wildlife and provide opportunities for the community to experience nature in the city. The GIS planting site points were modeled with ecological and corridor data from the Fayetteville Natural Heritage Association (FNHA), land use, and large contiguous forested areas. Figures 26-29 illustrates querying planting locations near habitat.

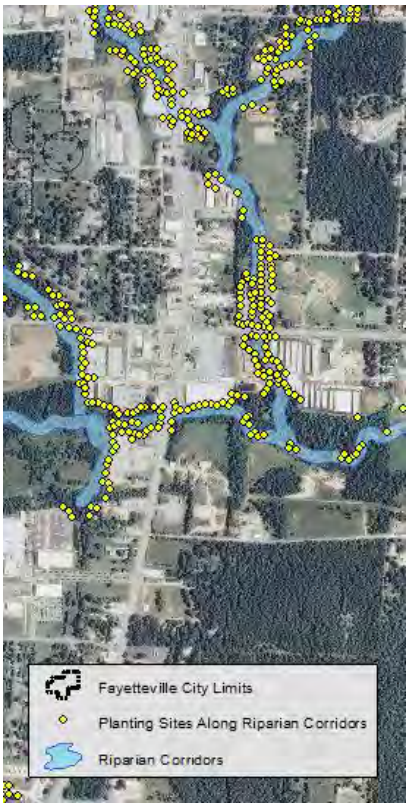


Figure 26. Potential tree planting sites along riparian corridors for improving water quality and decreasing storm water runoff.

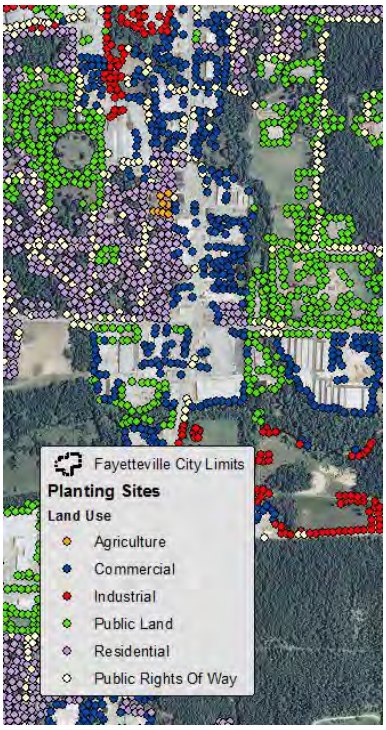


Figure 27. Potential Planting Areas by Land Use.

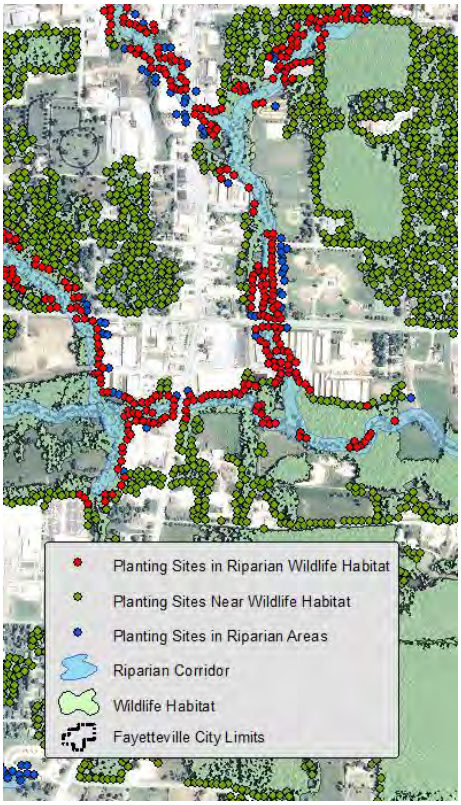


Figure 28. Potential tree planting sites in Fayetteville Natural Heritage Association (FNHA) core areas provide another potential for increased wildlife habitat.



Figure 29. Potential tree planting sites along riparian corridors and near forested lands provide a higher quality wildlife habitat and often provide important wildlife corridors.

TREE CANOPY COVER GOALS AND POLICY

One objectives of this study is to compare canopy coverage to the national recommendation of 40%. At 36% UTC, bridging the 4% gap (1,383 acres) can be accomplished in a number of ways. Here are 2 very different scenarios showing what it might take:

- Using Plan-It Geo's Canopy Calculator tool (Figure 30 below), 40% UTC can be achieved by increasing Commercial properties from 18% to 20% and Residential lots from 41% to 50%.
- Natural forest regeneration is a driver of canopy gains based on results from this study and a cost-effective path. With an estimated 500 acres of forest gain in 10 years (not considering losses), a similar trend could in theory help the City reach 40% UTC in 30 years, but would require a cessation of forest loss during development.

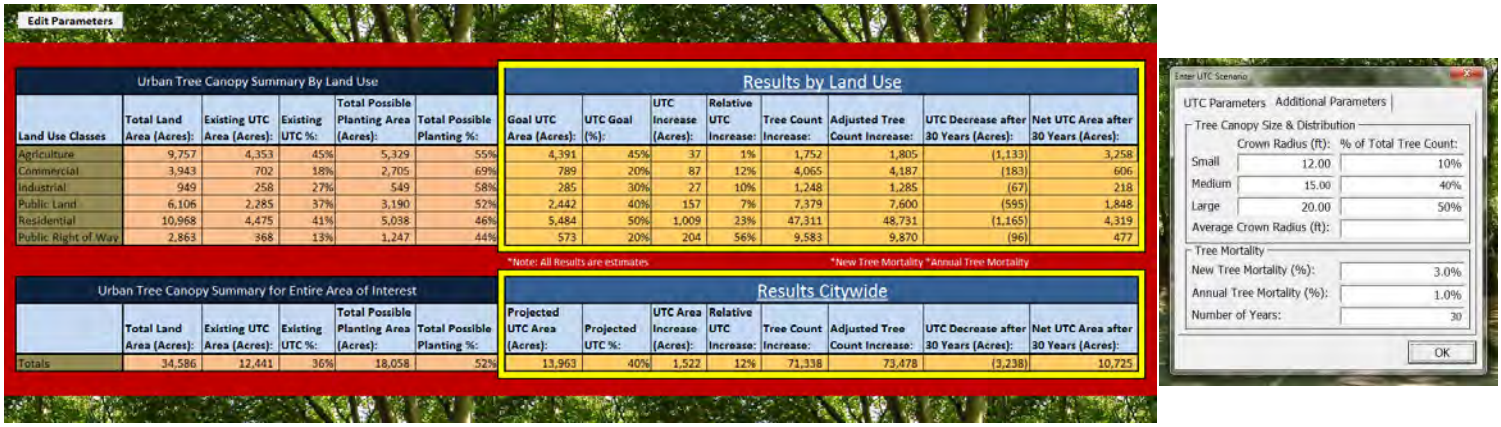


Figure 30. Plan-It Geo's Urban Tree Canopy Calculator tool used to set future goals in Fayetteville.

Another objective is to provide an evaluation of the effectiveness of Fayetteville's tree preservation ordinance followed by recommendations if the ordinance is not working.

The Tree Preservation and Protection Chapter under Fayetteville's Unified Development Code provides a framework for maintaining urban forest quality while the City grows and develops. As the Chapter objectives state, trees provide a variety of benefits that contribute Fayetteville's natural beauty and livability for its residents, including temperature and climate regulation, air and noise pollution reduction, storm water, flood, and erosion mitigation, provision of wildlife habitat, energy conservation, and property value enhancement. The Chapter aims to promote these benefits through the preservation of on-site trees during development, using on-site mitigation strategies when preservation in not possible, off-site preservation, off-site forestation projects, or financial contributions to a tree escrow account.

How can UTC assessment be used to measure successes resulting from the ordinance?

Measuring the incremental success of tree preservation and protection is important for meeting stated goals into the future. Of the many tools available to urban forest managers, this UTC assessment provides a snapshot of city-wide forest canopy extent as seen from above, and its requisition meets the goal of conducting an assessment by end of 2012. The following results can be used to evaluate the relative success of the Tree Preservation and Protection Chapter:

- **Overall forest canopy percent change** across Fayetteville: 37% in 2002 to 36% in 2010.
- **Riparian areas canopy cover** averages 61%, well above the citywide forest cover of 36%.

- **Urban Heat Islands: Canopy percent** averages 22% among census blocks with large impervious areas, and just 9% in high priority areas mapped in this study.
- **Rights of Way: Canopy percent** averages 13% with only 4% of the total tree canopy overhanging impervious surfaces across the City.

Additional Tasks to Measure Preservation and Protection Success

Additional analysis steps can be conducted to measure Preservation and Protection success that were outside the scope of this analysis but could be implemented internally by COF staff:

- **Using this Assessment Data.** Use the new data to evaluate whether recent developments have met preservation requirements (e.g. Minimum Canopy Requirements).
- **Conduct Periodic UTC Assessments.** As the Chapter recommends, periodic assessments can evaluate ordinance progress. Consider using NAIP or i-Tree Canopy (Google Maps and Google Earth) during intermediate years to track development-specific progress.
- **Assess Hillside / Hillslope Overlay Districts** for canopy change over time.
- **Hedonic Pricing models** can be used to assess canopy's contribution to property values.
- **Track Registry Tree growth** of individual registry trees to ensure longevity and protection.

Other forestry tools for measuring preservation success

Today's urban forest managers have access to host of tools which can enhance the effectiveness of management strategies. Many tools are inexpensive or free and can be used to target specific goals and locations.

- **Tree Inventories** provide the greatest level of detail regarding individual tree conditions. Requiring developers to conduct a post-development tree inventory could be a cost-effective way to initiate Fayetteville's citywide inventory.
- **i-Tree Eco** provides the best available science to value benefits received from urban trees.
- **Localized Ecological Studies** can be used to assess impacts from specific development and mitigation strategies by directly measuring impacts before and after implementation.
- **Developer Workshops** hosted by Fayetteville's urban forestry staff to promote best management practices (BMPs) and specific development strategies (such as ordinance requirements or recommendations like cluster development).

MANAGEMENT

The City currently owns and maintains 543 properties that include civic buildings, parks & open space, trails, and more. UTC and PPA metrics were calculated for each property and joined to the land use data layer at the parcel-level. This way queries and custom maps of these properties can be created along with other information. Results were summarized for all city owned properties and the results can be seen in Table 7.

Table 7. Tree canopy and planting potential metrics summarized for all City Owned Properties.

	Total Acres	Land Area (acres)	% of Total City Area	UTC (acres)	UTC %	Distribution of % Total UTC	PPA Vegetation (acres)	PPA Vegetation %	PPA Impervious (acres)	PPA Impervious %	Total # of Planting Sites	Planting Sites per Acre
City Owned Properties	4,763	4,136	11.7%	2,355	56.9%	18.9%	1,491	36.0%	195	4.7%	6,447	1.56

Using the results from the analysis steps described above, gains and losses of tree canopy was estimated for city owned properties (see Figure 31 below). This resulted in a loss of tree canopy for 54 acres or 1.3% of City Owned Properties. This information should be used as a general trend and not an exact measure of UTC change.

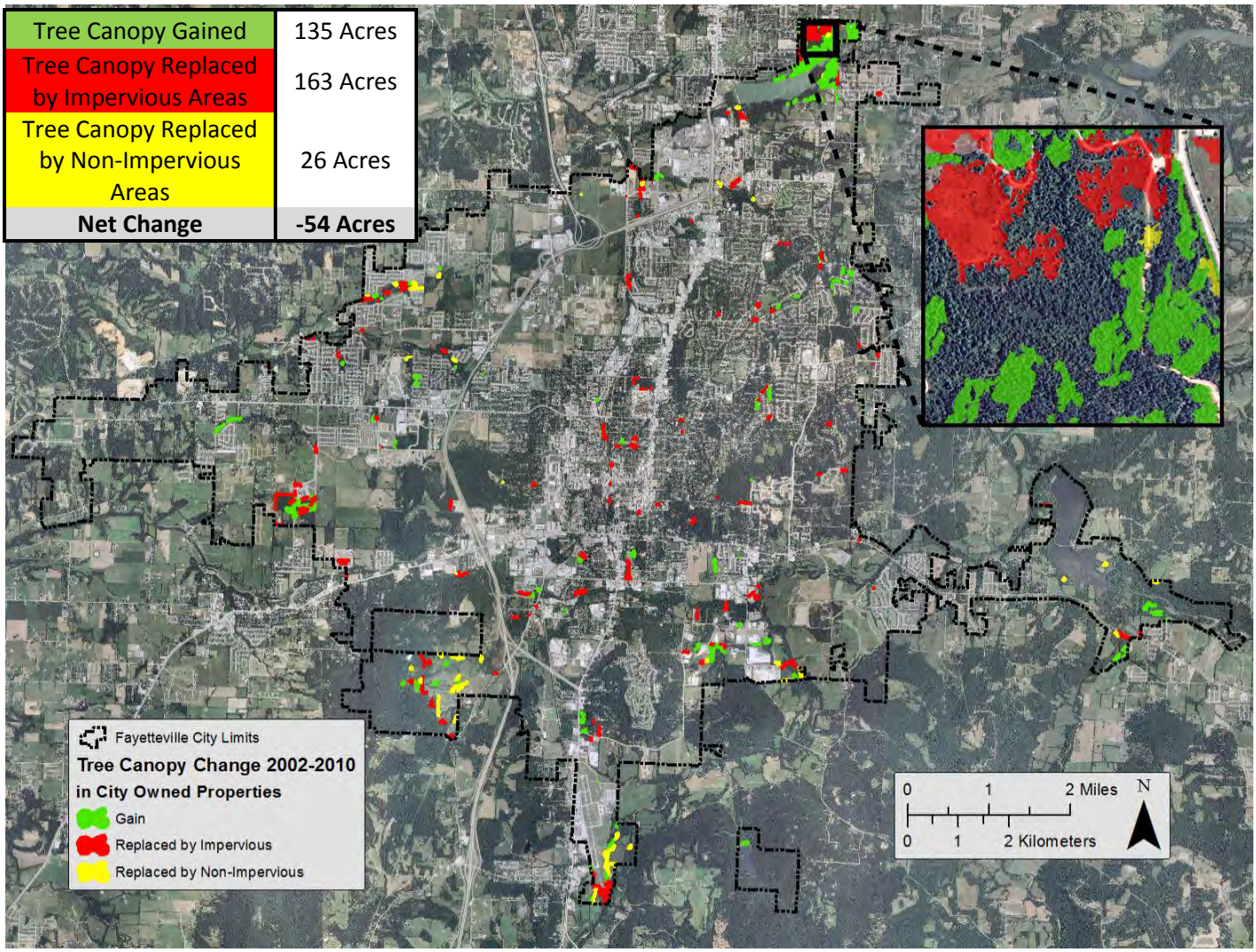


Figure 31. Canopy change for City Owned Properties from 2002-2010.

RECOMMENDATIONS

Based on this assessment, the following general recommendations are offered for using the data and for managing, maintaining, and monitoring a healthy, sustainable, robust working urban forest.

1. **Share this report to promote cohesion among the City, AFC, FNHA, and other partners and community stakeholders:**
   - People are part of the urban forest. Use this report as a catalyst among urban forest managers and community stakeholders to meet Fayetteville's natural resource goals.
   - Solicit feedback from community partners for the refinement of tree preservation ordinances, tree planting initiatives, and steps to encourage survivability and forest health.
   - Develop best management practices (BMPs) such as maintaining higher canopy cover in ecologically sensitive areas (wetlands), parking lots, schools, and commercial properties.
2. **Monitor, adapt, and enforce existing tree Preservation and Protection ordinances**.
   - Streamline tree-related policies and identify if codes are working against local goals.
   - Enforce requirements in the Tree Preservation plan, especially the 90% survival rate for forested areas and tree plantings.
   - Collaborative planning can reduce costs and provide consistency for public works officials, planners, developers, and stormwater and resource managers.
3. **Develop a regional urban tree canopy assessment report in Arkansas.** Utilize the information gained from this assessment and others in the state to compile and compare results. Involve interdisciplinary partners in the process and draft an appropriate call to action.
4. **Assess tree canopy every 8-10 years** to monitor trends and assess the effectiveness of public education & outreach campaigns and the tree preservation ordinance. Tools such as i-Tree Canopy can be used in between comprehensive GIS-based assessments.
5. **Disseminate the land cover and UTC assessment data from this project broadly**. While it is current, encourage its use for applications such as water supply planning, stormwater modeling, land use planning, green infrastructure, and Low Impact Development (LID) design.
6. **Foster academic partnerships.** Recommend that the University of Arkansas become a Tree Campus USA and work with local schools to educate and plant/care for trees.
7. **Explore all potential partnerships to achieve urban forest goals**: public/private including corporate and academic sponsors, council representatives, environmental quality and stormwater associations, volunteers, non-profit organizations, and neighborhood associations.
8. **Promote hardy, climate-adapted, and long-lived tree species** that are appropriate for Fayetteville's environment to insure investments in trees achieve maximum benefits.
9. **Target areas for tree planting using the assessment data.**
   - Use results to justify targeted public tree plantings in the public rights-of-way and greater private planting in commercial landscaping.
   - Ground-truth possible planting areas and planting site locations. Make these data sets available on a GIS webmap as social assessment tools available to residents and businesses.

10. **Create a central repository for monitoring tree planting and tree removals** on public and private property, possibly using a web-based application that is open to the public.
11. **Ensure consistency in future UTC assessments** by using comparable image resolution, classification techniques, and QA/QC procedures. LiDAR and 1.5-2.0' multispectral satellite imagery acquired at similar times would provide an ideal data set.
12. **Create or update an existing targeted education and outreach campaign using the ecosystem benefits values.** Use the data, maps, tools, and tree benefits to help non-profits, residents, and businesses visualize their role in reaching, maintaining and expanding Fayetteville's urban forest for social, environmental, and economic benefits that are relevant to them.
13. **Work urban forestry goals and design specifications into other environmental planning initiatives** such as wetland restoration projects, open space conservation easements, green infrastructure & low impact development (LID) plans, and energy efficiency programs.
14. **Assess forest stands at risk from development** by overlaying zoning or future land use data and developable slope %. Quantify and locate areas at risk that if developed would impact overall citywide canopy cover goals as the economy improves and development follows.
15. **Promote cost-effective professional development in urban forestry.** eLearn Urban Forestry is a state-of-the-art online, distance-learning program geared specifically toward beginning urban foresters and those allied professionals working in and around urban and urbanizing landscapes, including service foresters, natural resource planners, landscape architects, city officials and public works employees. eLearn Urban Forestry provides free access to learning modules, with a link to the Continuing Forestry Education (CFE) group, where for a small maintenance fee you can get ISA or SAF credit. Visit elearn.sref.info/ for more details.
16. **Provide an environment for natural forest regeneration.** This study shows that grass, herbaceous, and shrub/briar land cover types are naturally regenerating into forests, contributing to the City's overall tree canopy and ecosystem services.



SUMMARY

Urban forests are dynamic resources that are constantly changing through natural and human processes. Managing urban forests effectively requires an understanding of where trees are presently, where they can be planted equitably to maximize benefits, and where physical restrictions may prevent their growth.

This assessment provides COF will their first high-resolution UTC data set and citywide estimate of 36% tree cover. While agriculture and residential land uses have similar average tree cover (45% and 41% respectively) and they makeup similar proportions of the total tree canopy (35% and 36% respectively), residential areas provide 28% of the total possible planting area citywide and are most realistic for canopy gains that benefit the community most. These results indicate that one of the most cost-effective means to advancing urban forestry in the city may be education and outreach on the benefits of urban tree canopy.

Based on assessing land cover across several broad land use types, tree planting that focuses on vegetation land cover, such as grassy areas, and impervious land cover, such as parking lots, which are concentrated on public lands and residential land use types will have the greatest impact for increasing Fayetteville's urban tree canopy. As population density and impervious cover increases, the necessity of planting trees will also increase.

Regeneration, be it natural or by strategically planting seedlings and saplings, is important to the success and future of Fayetteville's urban tree canopy. This study shows that natural regeneration is occurring and adding to canopy cover, but invasive species control and forest management is needed.

It is import to sustain the health, environmental, and social benefits received from urban forests by consideration of tree maintenance and forest preservation during development through utilizing a specific urban forest management plan and furthermore the setting of goals. These plans should be dynamic in order to adjust with continuous forest change.

On future periodic assessments, techniques for monitoring gains and losses need to be consistent and include strict quality control / quality assurance methods to reliably track change over time. Additional technology tools are becoming available such as open source wiki-style mobile and web-mapping applications to engage the public in tracking and caring for trees.



Balancing new development with the protection and conservation of environmental values related to forest cover such as wetland habitat, air quality, and climate adaptation related to carbon storage and energy conservation will be an ongoing work item. The economic benefits of urban tree canopy alone are incentives to continue in this direction.

APPENDIX

Additional details on Fayetteville's 2012 urban tree canopy assessment are provided including supporting information on urban tree benefits, land cover classification methodology and accuracy, addition tree planting site maps, and literature citations.

URBAN TREE BENEFITS

The benefits of urban trees include environmental, economic, and social values. These "ecosystem services" are direct or indirect benefits provided by urban forests and individual trees that are often dismissed or underrepresented when valuing infrastructure because they don't readily have an associated dollar value. Types of tree benefits are listed and briefly described below. While none alone are a "silver bullet", when combined, trees and the urban forest are an impressive part of the solution for sustainability during urban planning and community development.

Environmental "Services" of Urban Trees:

- Air Quality – trees absorb, trap, offset and hold air pollutants such as particulate matter, ozone, sulfur dioxide, carbon monoxide, and CO^2.
- Greenhouse Gases (GHGs) and Carbon – trees store and sequester carbon through photosynthesis as well as offset carbon emissions at the plant due to energy conservation.
- Water Quality and Stormwater Runoff Mitigation – trees infiltrate, evapotranspire, and intercept stormwater while also increasing soil permeability and ground water recharge.
- Erosion control – tree roots hold soil together along stream banks and steep slopes, stabilizing soils and reducing sedimentation issues in water bodies.
- Urban heat island effect – trees cool the air directly through shade and indirectly through transpiration, reducing day and nighttime temperatures in cities.
- Increased wildlife habitat – Trees create local ecosystems that provide habitat and food for birds and animals, increasing biodiversity in urban areas.

Economic "Services" of Urban Trees:

- Property value – numerous studies across the country show that residential homes with healthy trees add property value (up to 15%).
- Energy conservation – trees lower energy demand through summer shade and winter wind block, additionally offsetting carbon emissions at the power plant.
- Economic Development – trees attract businesses, tourists, and increase shopping.
- Stormwater facilities – trees and forests reduce the need for or size of costly gray infrastructure.
- Pavement – tree shade increases pavement life through temperature regulation (40-60% in some studies).

Social "Services" of Urban Trees:

- Public health – trees help reduce asthma rates and other respiratory illnesses.
- Safe walking environments – trees reduce traffic speeds and soften harsh urban landscapes.
- Crime and domestic violence – urban forests help build stronger communities. Nature and trees provide settings in which relationships grow stronger and violence is reduced.
- Connection to nature – trees increase our connection to nature.
- Noise pollution – Trees reduce noise pollution by acting as a buffer and absorbing up to 50% of urban noise (U.S. Department of Energy study).

LAND COVER CLASSIFICATION METHODS & ACCURACY

Introduction to Image Classification and Accuracy

The goal of image classification for the City of Fayetteville (COF) was to convert a landscape comprised of complex uses and cover types into target categories that are meaningful for the management of the City's urban forests. The object-based classification approach used in this analysis provides the ability to segment landscape features at a fine scale with a high level of precision, based on the 1 meter horizontal resolution of the input imagery. Classification accuracy assessment describes how well the classification is able to translate the complex landscape into target land cover classes.

Five target land cover classes (1. Tree Canopy, 2. Impervious Surface, 3. Green Vegetation and Agriculture, 4. Soil and Dry Vegetation, or 5. Water) were and three impervious sub-classes were initially mapped (for a total of eight classes) for the COF using four-band National Agricultural Inventory Program (NAIP) aerial photography from 2010. A single color infra-red image was mosaicked from multiple Geotiff image tiles purchased from USDA NAIP headquarters in Utah. Feature Analyst software (FA) was used to segment the COF mosaic into desired land cover classes. Additional vector layer inputs were used to further segment classification categories.

Target land cover classes were selected because they segment the landscape into categories that are useful for urban forest management. Tree canopy describes the current forest cover as seen from above, but is only part of Urban Tree Canopy (UTC) assessment. Subcategories of impervious surfaces segment areas where it may be impossible to plant trees (such as roads and buildings) and areas where trees offset many of the negative impacts of impervious materials (such as parking lots and sidewalks). Areas comprised of green vegetation are important for UTC assessment since they represent the easiest transition to additional forest cover through tree planting. In this assessment, all agricultural areas were classified in the vegetation category and later differentiated from other green vegetation using the agricultural land use data provided by the COF. Soil and dry vegetation is excluded from possible planting areas since these areas represent either current development, or areas where live vegetation is not supported. For this classification, water was directly digitized in combination with input data provided by the COF.

Accuracy Assessment

Accuracy assessments serve two main purposes; Accuracy assessments provide information to map producers about what methods are working and where improvements need to be made for creating the best possible product from available resources. Accuracy assessments also provide information to map users who need to understand how closely the intended classification categories represent the true classes observed on the ground.

Procedure

More than 100 sample points were randomly distributed across the study area and assigned a random numeric value. Sorting from lowest random value to highest, at each sample point, a 3x3 pixel (9 m2) reference sample unit was digitized onto the NAIP imagery and assigned one of the five target land cover classes. The procedure was repeated until an at least 100 pixels were sampled from the three dominant land cover classes (Tree Canopy, Impervious Surfaces, and Green Vegetation). Sample units were then intersected with the classified map to compare with the reference samples, as presented in the sample error matrix below.

Interpretation

Statistical relationships between the reference pixels (representing the true conditions on the ground) and the intersecting classified pixels are used to understand how closely the entire classified map represents the COF landscape. The sample error matrix represents the intersection of reference pixels manually identified by a human observer (columns) and classification category of pixels in the classified image (rows). The white boxes along the diagonals of the matrix represent agreement between the two pixel maps. Off-diagonal values represent the number pixels manually referenced to the column class that were classified as another category in the classification image. Overall accuracy is computed by dividing the total number of correct pixels by the total number of pixels reported in the matrix (238+165+220+72+66 = 761 / 819 = 93%), and the matrix can be used to calculate per class accuracy percentages. For example, 260 pixels were manually digitized in the reference map as Tree Canopy, but only 238 of those pixels were classified as Tree Canopy in the classification map, with 22 pixels misclassified as Green Vegetation. This relationship is called the "Producer's Accuracy" and is calculated by dividing the agreement pixel total (diagonal) by the reference pixel total (column total). Therefore, the Producer's Accuracy for Tree Canopy is calculated as: (238 / 260 = 0.92), meaning that we can expect that 92% of all tree canopy in the COF were classified as Tree Canopy in the classification map. Conversely, the "User's Accuracy" is calculated by dividing the number agreement pixel total by the total number of classified pixels in the row category. For example, 241 classification pixels intersecting reference pixels were classified as Tree Canopy, but three pixels were identified as Green Vegetation in the reference map. Therefore, the User's Accuracy for Tree Canopy is calculated as: (238 /241 = 0.99), meaning that pixels classified as Tree Canopy the classification were actual tree canopy in the COF.

It is important to recognize the Producer's and User's accuracy percent values are based on a sample of the true ground cover, represented by the reference pixels. As with any statistical relationship we can compute the level of confidence with which the classified map values represent the reference map of the COF. Confidence intervals are used to report the lower limit and upper limit of the expected percent values of each classification category. In the matrix above, the 95% confidence interval describes the range of values we would expect to observe 95 out of 100 times given a randomly distributed selection of reference pixels. For example, if the accuracy assessment was repeated 100 times, we expect that tree canopy accuracy would fall between 88% and 95% for Producer's and 97% and 100% for User's accuracy for at least 95 of the 100 samples.

Relating Accuracy to the Classification Map

Accuracy assessments provide important information regarding how well the landscape was classified into target land cover classes, but what do Producer's and User's accuracies mean for interpreting land cover results? It should be noted that for both the classification map and the error matrix, land cover classes are interrelated, meaning that if a pixel is incorrectly omitted from one category, it is also incorrectly committed to another category. For example, 22 pixels in the sample error matrix were erroneously omitted from the Tree Canopy class and erroneously committed to the Green Vegetation class. The classification map reports 36.5% of the COF is covered with Tree Canopy. The Producer's accuracy of 92% can be interpreted as up to 8% of the overall landscape may be tree cover but was classified as another land cover category. Conversely, the User's accuracy of 99% indicates that if a pixel is classified in the classification map as Tree Canopy, we are 99% confident that the pixel is tree canopy in the reference map. When combined, these two figures indicate that 36.5% probably underestimates the true canopy percent (and that the Green Vegetation category probably contains some actual tree canopy). Figure 32 below uses work by Pontius and Millones

(2011) to illustrate the total map area of each classification category where there is agreement between the reference and classification map (blue), where classification categories contained committed (pink) and omitted (green) pixels. The figure below uses concepts defined as Quantity and Allocation disagreement to estimate true land cover percent values based on statistical results.

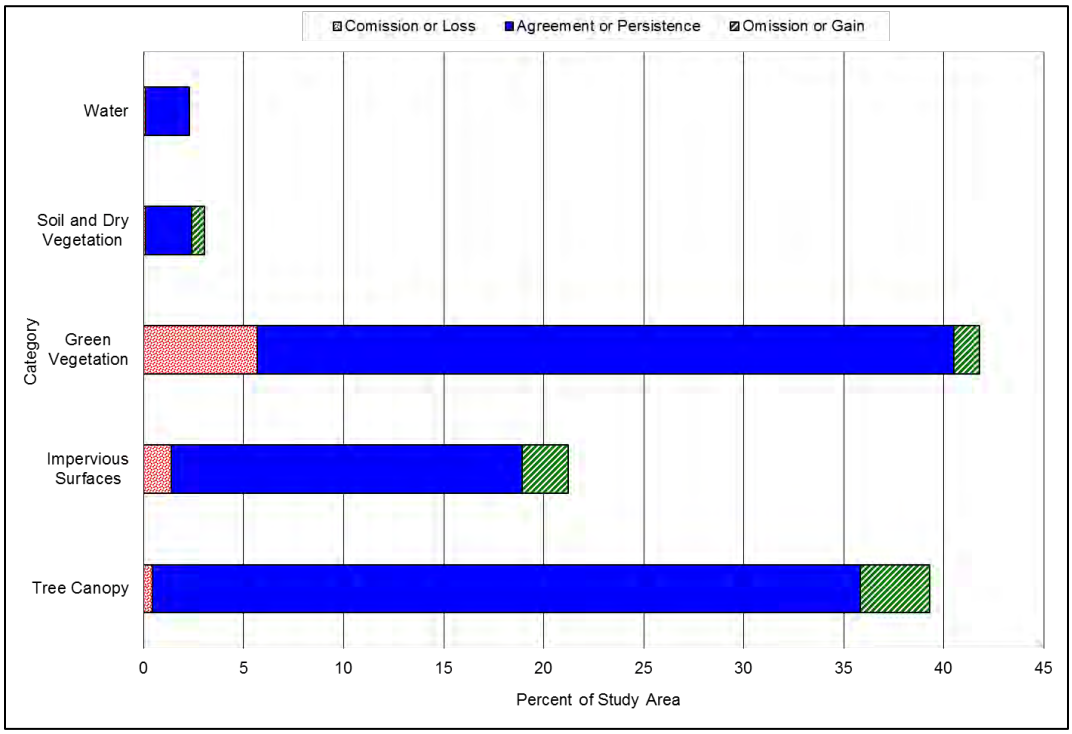


Figure 32. Land Cover Accuracy Assessment per land cover class

Land Cover Classes

A total of eight land cover classes were mapped for Fayetteville including four impervious sub-classes classified using some of the City's GIS resources.

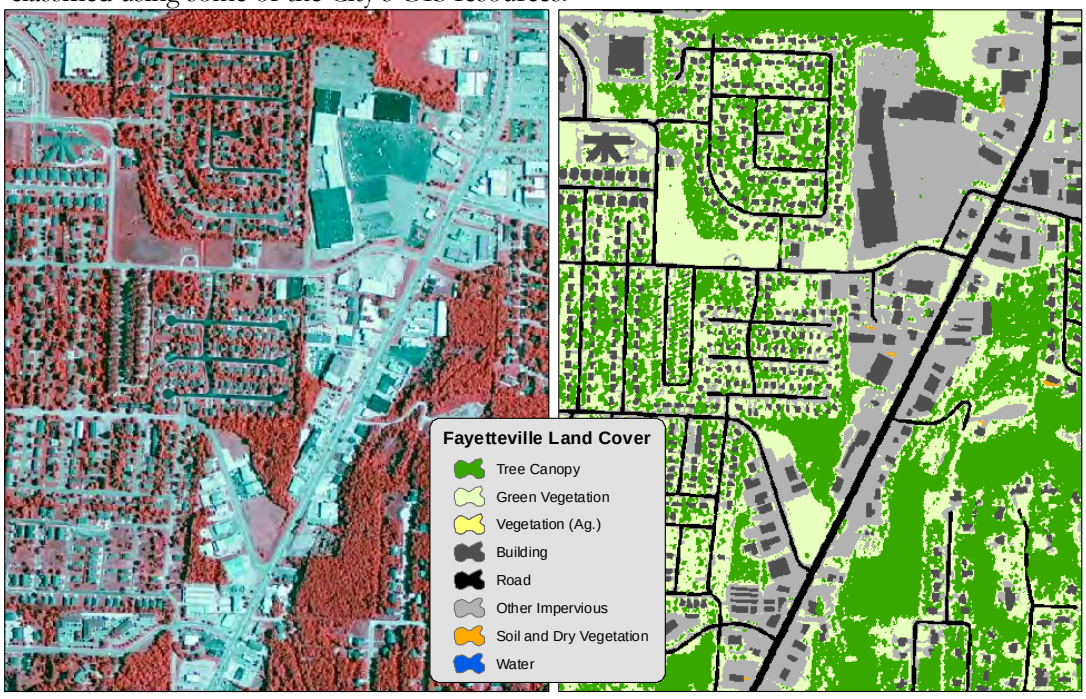


Figure 33. An additional example of the land cover mapping data in Fayetteville.

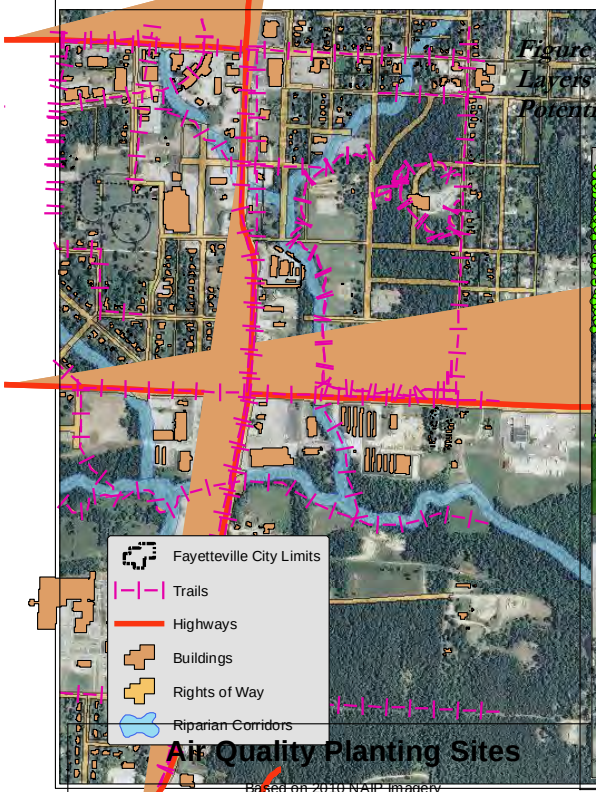


Figure 34. Reference GIS Layers used to Prioritize Potential Planting Sites.

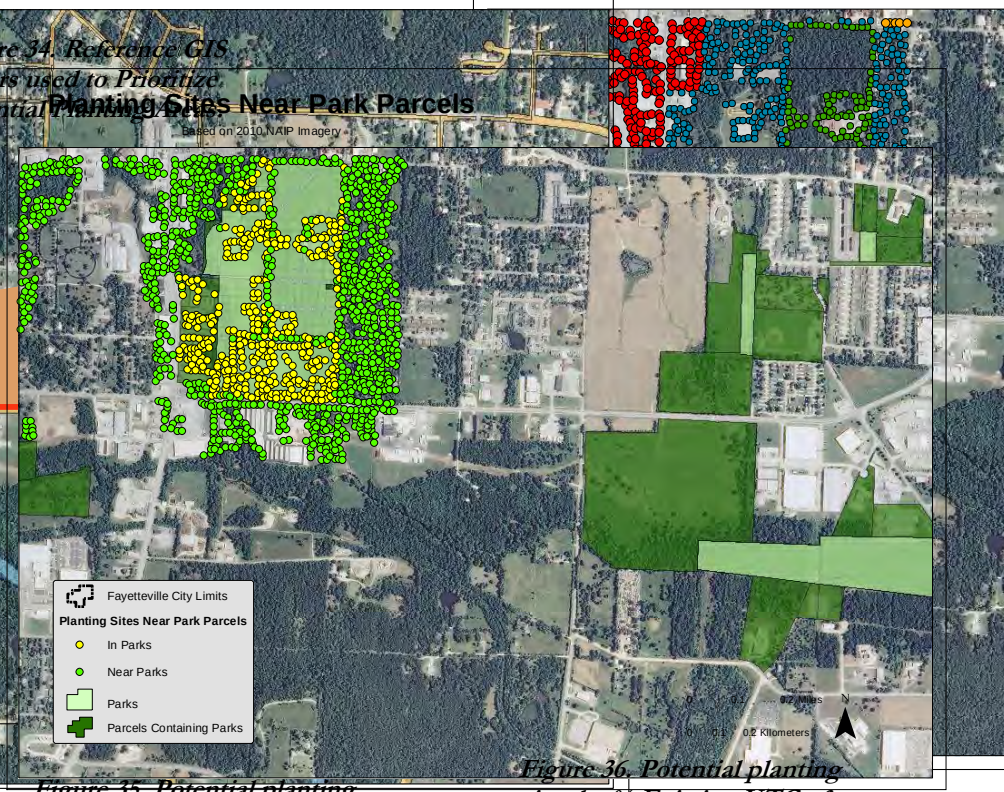


Figure 35. Potential planting sites in and nearby parks.

Figure 36. Potential planting sites by % Existing UTC of underlying census block.

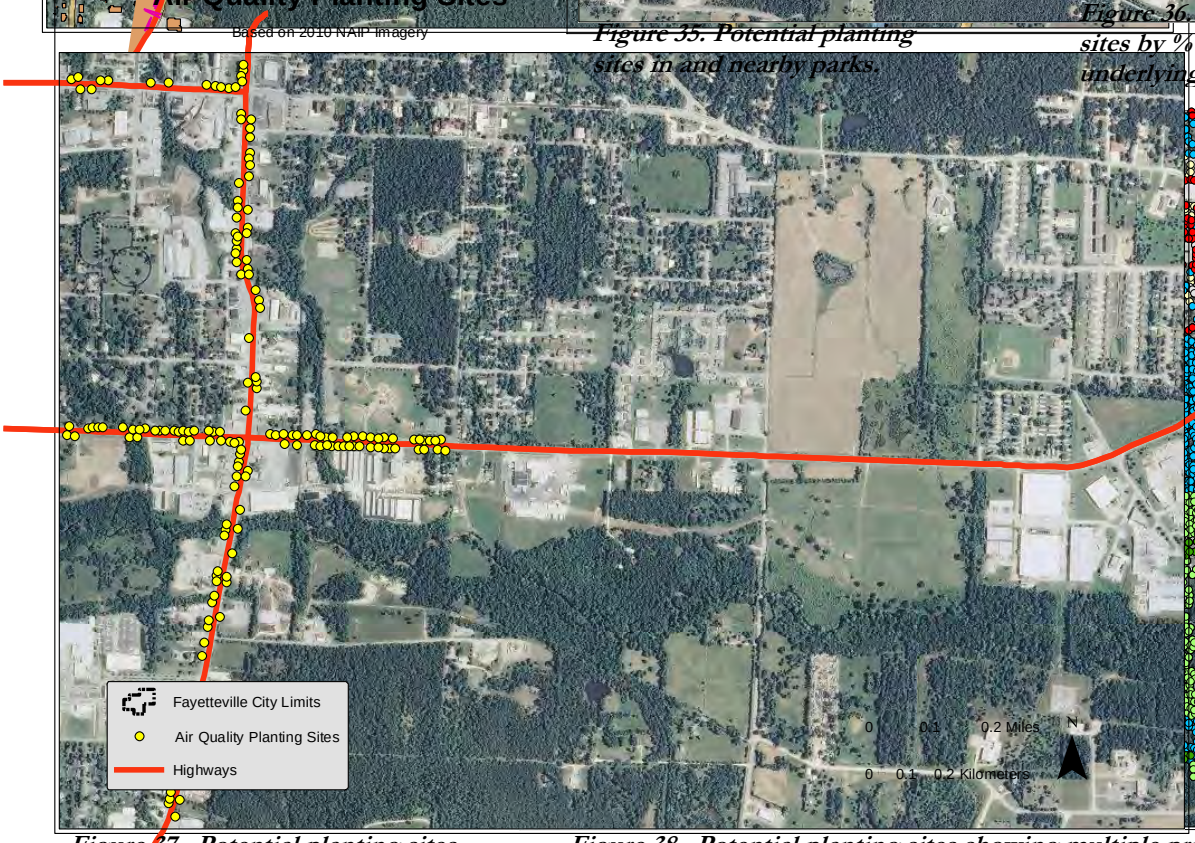


Figure 37. Potential planting sites along major arterials and highways to maximize air quality benefits.

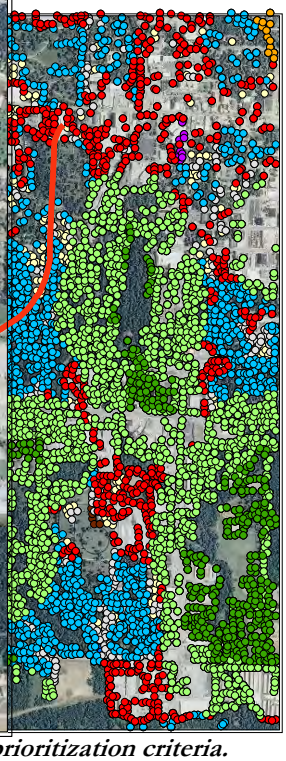


Figure 38. Potential planting sites showing multiple prioritization criteria.

REFERENCES

Downing, Adam, 2011. Ecology, *Air: What's a Tree Got to Do with It?* http://www.ecology.com/2011/09/13/air-tree/. Accessed November 2, 2012.

Pontius, R. and M. Millones. 2011. Death to Kappa: birth of quantity disagreement and allocation disagreement for accuracy assessment. International Journal of Remote Sensing. 32, 15: 4407-4429.

The City of Fayetteville, Arkansas, *Urban Forestry*. urbanforestry.accessfayetteville.org/. Accessed November 2, 2012.

Received From: John Scott 10/23/2024 2:36PM



URBAN FORESTRY MANAGEMENT PLAN

CITY OF FAYETTEVILLE, ARKANSAS

2024

CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™ developers of TreePlotter

Acknowledgments

Funding for this effort provided by the City of Fayetteville

The City of Fayetteville, AR Contributors

Fayetteville City Council
Fayetteville Development Services – Urban Forestry
Fayetteville Environmental Action Committee
Fayetteville Geographic Information System (GIS) Division
Fayetteville Parks, Natural Resources and Cultural Affairs
Fayetteville Parks, Natural Resources and Cultural Affairs Advisory Board
Fayetteville Planning Commission
Fayetteville Public Works – Engineering and Park Maintenance
Fayetteville Sustainability and Resilience
Fayetteville Urban Forestry Advisory Board
Community members of Fayetteville
GIS Analysts, Gunder Coaty and Rosemary Hatch

Document Design: Brittany Phillips Design
Plan Prepared By: Chris Peiffer, PlanIT Geo
Plan Edited By: John Scott, Urban Forester City of Fayetteville
Photos, unless noted, are from the City of Fayetteville, Arkansas

CITY OF
FAYETTEVILLE
ARKANSAS

LETTER FROM THE CITY OF FAYETTEVILLE

In Fayetteville, trees are a source of pride and hold a special place in our City's identity. Our urban tree canopy is part of what makes Fayetteville unique and attractive to residents and visitors. The City of Fayetteville's Urban Forestry Management Plan will serve as a blueprint to guide Fayetteville during rapid growth, helping to make sure our growing community remains healthy, vibrant and green. A coalition of residents, staff, stakeholders, consultants, and board members created this plan for Fayetteville by reviewing our past and current conditions and considering what the future holds for Fayetteville.

I want to express gratitude to all contributors to the Urban Forestry Management Plan. The direction outlined in this plan will help us maintain and grow our urban forests, which continue to provide direct benefits to our community.

MAYOR LIONELD JORDAN

A LETTER FROM FAYETTEVILLE'S URBAN FORESTERS

Trees and forests are the silent workhorses in our City that provide us with many benefits. Trees give us one of the most basic elements of life: oxygen. Trees shelter us from the sun during the blazing summer months. Trees filter pollutants from the air and give us cleaner air to breathe. Trees absorb rainwater and help with stormwater control when located correctly. Trees help make our lives livable.

Scientists are making discoveries about trees every year. Within the last ten years, we have learned that trees communicate with each other. We are learning about the complex web of relationships trees have with each other and other organisms. In the past thirty years, we have learned that trees produce chemicals we absorb in our skin that naturally lower our blood pressure and reduce our anxiety levels. We are just scratching the surface of what we know about trees.

The City of Fayetteville has a strong relationship with trees and tree preservation. The collaboration with our community shows how important trees are to our residents. Trees and our urban forests continue to be a high priority for our residents as illustrated in the survey results from this Plan, the Park and Recreation System Master Plan, Energy Action Plan, and City Plan 2040. We are thrilled to have a plan that embraces our residents' priorities and will help guide us through future growth.

Our City is changing quickly, and these changes impact trees. This plan is a guide to help us continue to grow and change while remembering the importance of trees. Over the past ten years, Urban Forestry staff has strengthened our tree preservation and landscape codes, added flexible elements for development in code, and clarified our Unified Development Code. The Urban Forestry Management Plan has a vision to continue strengthening, clarifying, and adding flexibility to our Tree Preservation and Landscape codes.

The Urban Forestry Management Plan will also help focus our efforts to maintain, grow, and enhance our urban forest programs for the next ten years. Fayetteville's award-winning Urban Forestry programs lead the state in innovation, public outreach, technology, and progress. This plan will help continue this progress, strengthen those attributes, and guide us on what we can do for our urban forests. We are excited to continue to serve Fayetteville with award-winning programs by implementing the recommendations of this plan.

MELISSA EVANS, URBAN FORESTER, DEVELOPMENT SERVICES
JOHN SCOTT, URBAN FORESTER, PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS



TABLE OF CONTENTS

Definitions and abbreviations 06

1.0 Executive Summary 07

2.0 Introduction 11

About Fayetteville 12
Background and History 13
Trees as a Public Good 14
A Closer Look - Quality of Life and Environmental Benefits 15
Building on the Progress 19
Time is Now 23
Plan Purpose and Vision 24

3.0 Current Conditions 25

Tree Inventory 26
Challenges 27
Tree Inventory 28
Tree Ordinance 37
Summary of Fayetteville's Key Urban Forestry Programs and Resources 38
Tree Equity 39
Native Prairie 41
The University of Arkansas 43
Tree Management Team 45

4.0 Planning Process 46

Public Engagement 49
Internal Engagement 51

5.0 Vulnerabilities 53

Development and Land Use 54
Easement 55
Climate Change Impacts 57
Urban Tree Pests and Disease 60

6.0 Vision and Recommendations 62

Guiding Principles, Goals, Strategies, and Actions 65
Fayetteville's Tree Canopy Goal 66
Priority Planting Areas 68
Guiding Principles with Goals, Strategies and Actions 69
Staffing Level Recommendations 80
Implementation 81

7.0 Conclusion 88

Appendices and References 90

Appendix A Canopy Goals 93
Appendix B Urban Forestry Audit 94
Appendix C Tree Planting Criteria 110
Appendix D Ordinance Evaluation 115
Appendix E Existing Management Plans Cross Referencing **121**

References 128

DEFINITIONS AND ABBREVIATIONS

CARBON SEQUESTRATION - The action of capturing carbon from the atmosphere and storing it in another form that canot be immediately released.

CARBON STORAGE - The total amount of carbon in a forest or tree.

DBH - Diameter at Breast Height, which is a industry standard of tree size. This is measure of diameter of the tree, 4.5 feet above the ground.

NET TREE - Refers the number of trees that reach a level maturity that is past their most vulnerable stages of growth.

NO NET LOSS - For the purpose of the Urban Forestry Master Plan, no net loss is defined as balancing canopy loss, regardless of cause, with canopy growth through private and public tree plantings and natural regeneration across the city.

PRIVATE TREES - Trees on private property and not maintained by the City.

PUBLIC TREES - Trees along streets, in medians, parks, and in high use areas on City owned lands.

UDC - Urban Development Code, this is the document that contains the City's ordinances.

UFMP - Urban Forestry Management Plan

Supplemental Material Contains more in-depth information and data.

Supplement 1- Urban Forestry Benchmarks

Supplement 2- Canopy Goal Setting and Priority Areas

Supplement 3- Tree Inventory Summary

Supplement 4- Public Survey Results

Supplement 5- Staff & Board Member Survey Results

Supplement 6- US Forest Service Urban Forest Audit

Supplement 7- Recommended Tree List and Sister City Climate City Assessment

Supplement 8- Invasive Plant Species Program Review

Supplement 9- Urban Tree Canopy Assessment Project 2012



Section 1: Executive Summary

EXECUTIVE SUMMARY

INTRODUCTION

The quality of life for Fayetteville's community members is strongly improved by its trees (collectively known as the urban forest), as trees make a vital and affordable contribution to the sense of community, enhance and create pedestrian-friendly neighborhoods, provide energy savings, reduce stormwater runoff, and improve air quality. Future climate predictions indicate that heat waves will become more frequent, and the average yearly temperatures are expected to continue to rise. In addition, it is anticipated that the region will experience more frequent extreme weather events and temperature changes, prolonged periods of drought, and shortened or disrupted natural seasons. Protecting, maintaining, and expanding Fayetteville's urban forest is essential to preserving and improving quality of life for all residents.

PURPOSE

The City's Urban Forestry Management Plan ("Plan") aims to provides goals and a roadmap for the City to preserve and expand tree canopy cover and maximize the benefits of Fayetteville's urban forest.

THE PLANNING PROCESS

The development of the Fayetteville Urban Forestry Management Plan was based on answering four key questions:

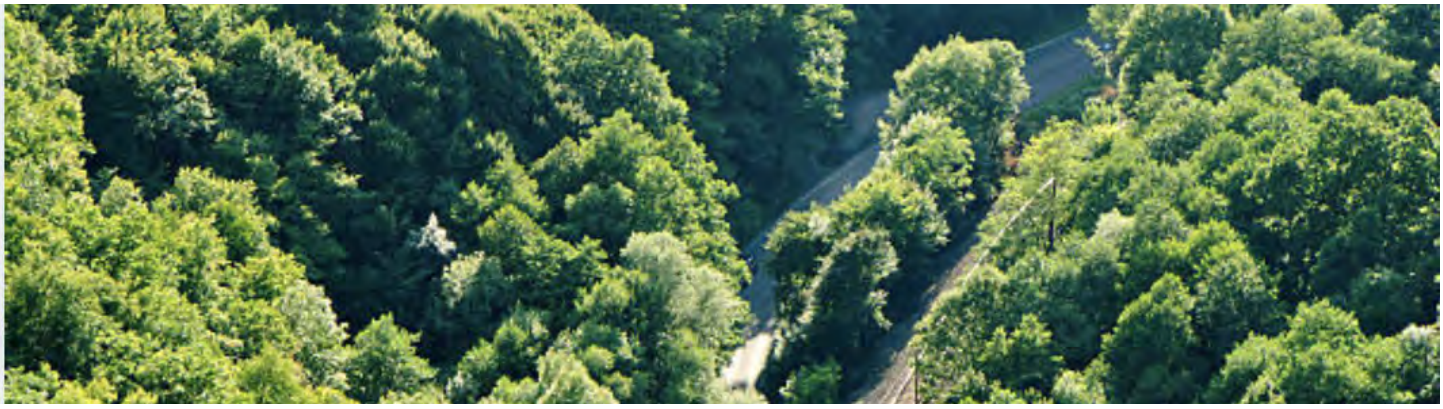
WHAT DO WE HAVE?

WHAT DO WE WANT?

HOW DO WE GET THERE?

HOW ARE WE DOING?





URBAN FOREST KEY FINDINGS

1. 39.4% of the City was shaded by urban tree canopy cover in 2019.
2. Fayetteville's Tree Equity Score is 87 out of 100. The regional average is 77 and the national average is 85 (see page 36 in the Current Conditions section for more details).
3. The citywide urban forest provides an annual estimated benefit of $55 million by improving air quality, health savings, energy savings, and reducing stormwater volume. (Endreny, 2018)
4. An estimated 74% of public trees (Trees comprised of trees along streets, in medians, alleys, parks, and trees in high use areas on City owned lands) are 12 inches in diameter or less, 75% of trees are in good condition, and the most common maintenance need for public trees is clearance pruning (8%), removals (6%), and watering for tree establishment.
5. Fayetteville's Urban Forest Audit Score (page 65) based on U.S. Forest Service criteria is 73% (completed in 2023). The Audit evaluates and scores 11 categories of sustainable urban forest management categories according to industry standards and best practices.
6. A sample inventory of 2,712 public trees and 848 private trees was completed in 2022. The trees are diverse- the top ten species only comprise 44% of all trees.
7. Fayetteville has an estimated 25,000 public trees in maintained areas.
8. The 25,000 publicly-maintained trees provide an estimated $2.5 million over their life in ecosystem benefits.

MANAGEMENT KEY FINDINGS

The City's public trees are managed by three different City departments— Parks, Natural Resources and Cultural Affairs; Public Works; and Development Services.

1. 1.00 full-time equivalent (FTE) staff in Parks, Natural Resources and Cultural Affairs (Park Planning & Urban Forestry Division) and oversees tree plantings, Arbor Day Celebration, the Tree City USA program, specifies new tree plantings in public spaces, is the Staff Leader for the City's Urban Forestry Advisory Board (UFAB), works on Code changes, outreach, budgets, and advises maintenance best management practices.
2. 6.00 FTEs in Public Works perform public tree maintenance.
3. 1.00 FTE in Development Services manages trees as part of private development in accordance with Chapter 167 "Tree Preservation and Protection" within Fayetteville's Unified Development Code and Chapter 177 "Landscape Requirements Code."
4. City staff and commission members face several shared challenges and priorities, including staffing issues, ordinance standards, and infrastructure conflicts. Over 50% of participating staff have identified these as key concerns.

ALIGNING CITY AND COMMUNITY PRIORITIES

The Urban Forestry Management Plan complements existing city and regional planning efforts such as the City Plan 2040 comprehensive plan for Fayetteville, the Park and Recreation System Master Plan, Energy Action Plan, and the Climate Action Plan (in development as of 2024). Involvement from stakeholders and residents has been key to development of the Urban Forestry Management Plan and establishing the Plan's priorities. A diverse group of city staff, residents, and community stakeholders provided perspectives on the most important issues faced by the urban forest. Collectively, this group prioritized preserving existing trees and incorporating healthy, climate-tolerant or native trees into the City's built environment, particularly in underserved areas. The Plan's goals reflect these values and priorities.

URBAN FORESTRY MANAGEMENT PLAN VISION AND GUIDING PRINCIPLES

URBAN FOREST VISION	GUIDING PRINCIPLES
Healthy Trees, Healthy City: The vision for Fayetteville's urban forest is to cultivate a thriving, diverse, and well-maintained tree canopy that enhances the livability, health, and sustainability of our community for current and future generations.	**Equitable and Resilient Canopy Cover:** We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges. **Maintenance and Management:** We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity. **Tree Preservation and Protection:** Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the City and best practices. **Funding and Levels of Service:** The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges. **Community Education, Engagement, and Stewardship:** A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement.

Table 1. Summary of the vision and guiding principles for Fayetteville's Urban Forestry Management Plan.

Fayetteville's Urban Forestry Management Plan aims to achieve 44.4% canopy coverage across the City over a 30-year planning period with a 1.2% increase in the first 10 years. The Plan recommends planting an average of 1,850 net trees per year, with a focus on 60% being large-canopy trees at maturity. The City's priority is to maximize the number of trees planted while ensuring they can be maintained to maturity. The City, developers, and private landowners will collectively contribute to reaching the canopy cover goal (*For information on goals see page 66-67*).

Tree canopy analysis is conducted every 10 years to track progress towards our goals and determine what needs to be modified to achieve the canopy goals, as required by City Code section 167.03.C.



Section 2: Introduction

In 2022, the City of Fayetteville committed to developing the City's Urban Forestry Management Plan ("Plan") and conducting a sample inventory of public trees to support the Plan. The Plan was developed with a shared commitment from the City, its partners, and the community to manage and grow a sustainable and equitable urban forest.

ABOUT FAYETTEVILLE

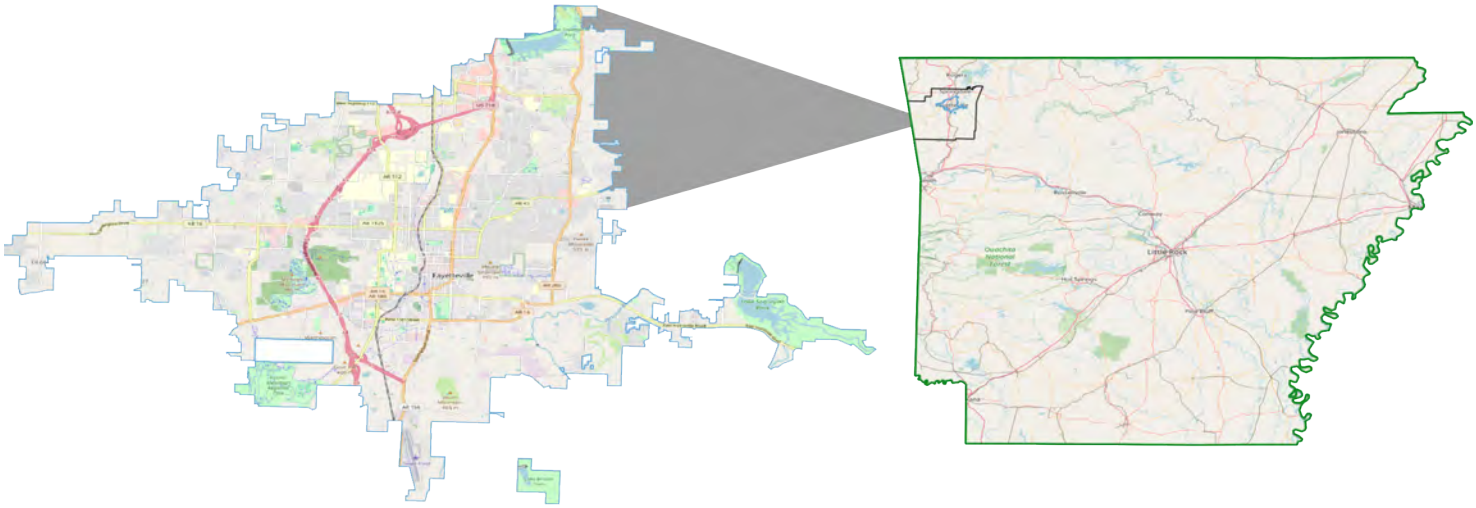


Figure 1. Maps displaying the location of Fayetteville, Arkansas within Washington County.

Nestled within the picturesque Ozark Mountains in the northwestern part of the state, Fayetteville, Arkansas, is a vibrant and growing community that harmoniously blends urban development with natural beauty. As the heart of Washington County and home to the University of Arkansas, Fayetteville exudes a unique character that attracts residents, students, and visitors alike.

Fayetteville is the second most populous city in Arkansas with 93,949 people as of the 2020 U.S. Census. Fayetteville's location between the Springfield Plateau and the Boston Mountains within the Ozarks gives rise to a wide variety of land forms and environmental features including native prairie wetlands, steeply sloped and forested uplands, and a variety of streams and water bodies. Fayetteville's urban forest plays a crucial role in enhancing social interactions, well-being, human health, and community engagement, making Fayetteville a more livable and enjoyable city.



Ozark Mountains from Fayetteville. Source: Experience Fayetteville



Photo showing circa 1890 Fayetteville, looking northwest from Mount Sequoyah; fayettevillehistory.org

BACKGROUND AND HISTORY

Before the arrival of European settlers, the Ozark Mountains were home to a unique and diverse ecosystem. Understanding the pre-settlement forest conditions, as documented by early explorers, is crucial in appreciating the ecological history of the region. These descriptions reveal a landscape dominated by oak and hickory woodlands, with widely spaced trees creating an open canopy. The forest was punctuated by open glades and patches of prairie grass, adding to its distinctiveness. Shortleaf pine forest ecosystems thrived on the drier, south and west-facing slopes, further enhancing the area's ecological diversity (National Forest Foundation , 2014).

Fayetteville's evolution into the modern city has integrated the surrounding forests into its urban landscape, supporting a network of verdant public spaces and parks. Heavily wooded areas still thrive within the city limits, contributing to Fayetteville's reputation as a green, forested city.

The earliest settlers in the area were Native American tribes who lived off the land and hunted and gathered food from the natural environment. Later, with the arrival of European settlers in the early 19th century, the landscape began to change. The first settlers cleared large areas of land for farming, which led to deforestation and loss of habitat for many species of plants and animals.

In the late 19th and early 20th centuries, industrialization began in Fayetteville. Sawmills and other factories sprang up, leading to further deforestation and pollution of the local waterways. The construction of railroads and highways also had a significant impact on the natural environment as large areas of land were cleared to make way for these transportation routes.

As Fayetteville continued to grow and develop, urbanization became a significant factor in altering the natural environment. The population increased, and more land was needed for housing, development, and infrastructure. This led to further deforestation and loss of habitat, as well as increased pollution and degradation of waterways.

Despite these significant changes, Fayetteville has also taken steps to preserve and protect its natural environment. A pivotal moment in Fayetteville's Urban Forestry history came in 2000 when Mary Lightheart protested the removal of trees at a proposed development and climbed into a massive oak tree, living there for three weeks. She and 50 other activists were protesting a new shopping center that would cause the removal of a large stand of mature oak trees.

Activists helped bring light to tree preservation and the importance of trees. The following year, a stronger tree preservation ordinance was enacted. This action has led to the City of Fayetteville leading the state in progressive urban forestry programs. The residents of Fayetteville made it clear that trees are vital to this City.

This commitment to the natural environment is carried on by Fayetteville's Urban Forestry Management Plan and the City's programs for trees that are detailed in the Current Conditions section.

TREES AS A PUBLIC GOOD

A diverse and healthy urban forest works to the benefit of the community, the environment, and the economy. Trees make cities more livable by decreasing summer temperatures and improving well-being. Greater contact with natural environments correlates with lower levels of stress, improved performance, and fewer sick days. Residents in areas with more greenery are three times more likely to be physically active and less likely to be overweight than residents living in areas with little greenery.



Cooler Pavement Diminishes Urban Heat Islands

Tree canopy lowers temperatures by shading buildings, asphalt, and concrete. Trees deflect radiation from the sun and release moisture into the air, reducing surface temperatures by as much as 36 degrees. Lower temperatures diminish fumes from heated asphalt and mitigate the urban heat island effect.



Improve Air Quality

Trees produce oxygen and clean the air by removing pollutants that would otherwise contribute to human health problems such as asthma and other respiratory diseases.



Protect Wildlife and Ecosystems

Preserving and planting trees provides valuable habitat for wildlife, supports pollinator species, and provides favorable conditions for beneficial soil microorganisms.



Save Energy and Lower Energy Costs for Buildings

As natural screens, trees insulate homes and businesses from extreme weather, keeping buildings cooler and reducing air conditioning bills. Shade trees planted on a sunny exposure can provide savings of up to 50% in the summer. In winter, evergreen trees provide a barrier to cold winter winds.



Conserve Water and Soil

A tree's root system draws water into the soil and their canopy slows rainfall, reducing runoff and erosion while removing contaminants. In contrast, impervious surfaces like roads and parking lots allow water to run off unfiltered and at high volumes, increasing the likelihood of flooding and impaired water quality.

Other benefits include increased property values, reduced pavement wear, aesthetics, health, traffic calming, public safety, among others. View a compilation of research on urban forest benefits and services prepared by the Alliance for Community Trees (www.actrees.org). Tree benefits are quantified in the following section.

"In light of the ongoing effects of climate change, trees and their associated canopy have innumerable benefits and an urban forest plays a role in carbon sequestration, mitigating stormwater issues, filtering pollutants, increasing property values, improving public health, and reducing the heat island impacts associated with urban areas."

FAYETTEVILLE CITY PLAN, 2040

A CLOSER LOOK

Trees come in various forms: shade trees, flowering trees, edible fruit and nuts trees, and trees with vibrant fall colors. All types contribute benefits and services to the urban ecosystem. The environmental benefits of trees in urban areas are identifiable and measurable, while other benefits are tangential and experiential, such as the feeling of walking a quiet tree-covered trail.



Park and street trees create a sense of community, offering opportunities for people to come together and engage in various activities. These shared spaces foster a sense of belonging and connection among residents. Additionally, Fayetteville's urban forest provides a respite from the hustle and bustle of city life, offering peaceful retreats where individuals can relax, unwind, and enjoy nature.

Research summarized in the following paragraphs shows the presence of trees and greenery in urban areas reduces stress, improves mental well-being, and encourages physical activity, all of which contribute to healthier and happier communities. Moreover, Fayetteville's urban forest creates opportunities for environmental education and volunteering, inspiring residents to learn about nature, participate in tree planting initiatives, and engage in environmental stewardship.



Figure 2. Human health and social benefits of trees.

Studies have found that the amount of trees and vegetation in common spaces such as parks are related to a sense of neighborhood safety and more social activity. In turn, greenery in cities enhances the strength of social ties among neighbors (Kim, et al., 2020).

Encounters with nature in cities also lead to enhanced positive attitudes, decreased stress levels, improved attention spans, and better performance on cognitive memory assessments (Wolf, et al., 2020).

Tree canopy cover and greenspaces in cities motivate and provide opportunities for people to be physically active. The percentage of greenspace within a two mile radius of a person's home has been associated with the percentage of residents reporting good health, particularly among the elderly and those with lower socioeconomic status groups that are typically less likely to get sufficient physical activity. Research shows that community residents are three times as likely to be physically active when living in areas with more greenspace (Ulmer, et al., 2016).



Opportunities to experience urban nature—whether it's a view of a street tree out a window or actually being outside in nature— are key to the mental well-being of city residents. People are happier, experience a greater sense of well-being, and have reduced stress levels when they live in areas with more greenspace nearby or on a tree canopied neighborhood street (White, et al., 2013).

Tree cover near schools has a positive effect on student performance. Children with challenges concentrating are more focused following a 20-minute walk in an urban park or tree canopy covered sidewalk than they do after walks in other urban settings without trees and greenery (Taylor, et al., 2009). Trees in neighborhoods and parks connect children to nature.

The link between time spent in natural settings and health outcomes has been the center of focus for healthcare and insurance industries in recent years. Trees and greenspaces have shown to increase longevity, reduce the risk of cancer and heart disease, reduce anxiety and depression, improve immune function, and reduce stress hormones. A study in 2016 of 108,000 people found a 12% lower rate of non-accidental mortality among those with the most greenery in a 820-foot (250 meters) radius around their homes (James, et al., 2016). In addition, hospital patients placed in rooms with views of nature experienced shorter stays in the hospital compared to patients in rooms that faced other buildings (Mihandoust, et al., 2021).

ENVIRONMENTAL BENEFITS OF TREES

Research over the past several decades provides valuable quantified data on environmental benefits for urban forest researchers, managers, and practitioners. This data can be used to communicate tree benefits to residents and stakeholders and to incorporate trees into infrastructure design such as stormwater management. It can also be used to develop strategies that reduce inequities.

A tree canopy assessment conducted by the City in 2020 (with 2019 imagery) determined that 39.4% of the City (14,000 acres) was shaded by tree canopy. In 2022, a sample inventory of 2,712 public trees and 848 private trees was conducted to estimate the composition and structure of public and private tree populations. These datasets were used to calculate the following benefits of the citywide urban forest and public tree population.

Citywide Tree Canopy

The citywide tree canopy across public and private land provides an annual estimated benefit of $55 million by improving air quality and reducing stormwater volumes (Endreny, 2018).

Public Trees

Public trees are comprised of trees along streetscapes, in medians, alleys, parks, trees in high use areas on City-owned land. The 2022 sample inventory of public trees determined there are 42,000 trees in public spaces, and 25,000 are maintained.

The 25,000 publicly maintained trees were used to calculate the benefits and services below. Using i-tree tools, it is estimated that the 25,000 trees provide $71,615 in ecosystem benefits annually.

It is also estimated that they sequester (capture) 1.4 million pounds of carbon dioxide annually, worth $33,613. The air quality benefits equate to $23,949 annually in services. $14,053 of stormwater benefits are diverted from the 25,000 trees. Using these three benefits, the 25,000 public trees provide a yearly total estimated $71,615 in ecosystem benefits (Tree Inventory Summary).



Photo of Eastern towhee habitats are supported by healthy urban forests. Source: Audubon Arkansas

CARBON BENEFITS	**$33,613**
AIR QUALITY BENEFITS	**$23,949**
STORMWATER BENEFITS	**$14,053**
TOTAL BENEFITS	**$71,615**

Assuming an average tree lifetime of 37.5 years based on the i-Tree model, the 25,000 maintained public trees are estimated to generate $7.5 million in ecosystem benefits over their lifetime. Similarly, the 42,000 trees in public spaces are projected to provide over $4.2 million in ecosystem services under the same lifespan assumption. *(For more informaation see Supplement 3, Tree Inventory Supplement page 10)*

ECOSYSTEM BENEFITS	AMOUNT FOR 2712 TREES	AVERAGE PER TREE	TOTAL FOR 25,000 PUBLIC TREES
Overall Monetary Benefit ($)	$7,767	$2.86	$71,599.65
Air Quality Monetary Benefit ($)	$2,598	$0.96	$23,949.30
CO (Carbon Monoxide) Pollution Removed (lbs)	12	0.004480	112.00
CO Removed Monetary Benefit ($)	$8	$0.003	$71.72
NO2 (Nitrogen Dioxide)Pollution Removed (lbs)	55	0.02	505.90
NO2 Removed Monetary Benefit ($)	$11.1	$0.004	$102.69
O3(Ozone) Pollution Removed (lbs)	1,046	$0.39	$9,643.25
O3 Removed Monetary Benefit ($)	$1,233	$0.45	$11,366.70
PM2.5 (Particulate Matter 2.5 microns) Pollution Removed (lbs)	28	0.01	257.65
PM2.5 Removed Monetary Benefit ($)	$1,339	$0.49	$12,343.93
SO2 (Sulfur dioxide) Pollution Removed (lbs)	21	0.01	189.07
SO2 Removed Monetary Benefit ($)	$0.01	$0.000004	$0.09
Pollutants Removed (lbs)	1,169	0.43	10776.27
Carbon Sequestrated Monetary Benefit ($)	$3,646	$1.34	$33,613.57
Carbon Sequestered (lbs) Annually	156,765	57.8	1445102.2
Stormwater Monetary Benefit ($)	$1,524.53	$0.56	$14,053.56
Evaporation (ft^3)	289,960	106.9	2672938.6
Interception (ft^3)	290,397	107.1	2676967.0
Transpiration (ft^3)	613,646	226.3	5656762.4
Potential Evaporation (ft^3)	2,500,561	922.0	23050897.7
Evapotranspiration (ft^3)	1,892,393	697.8	17444623.9
Runoff Avoided (ft^3)	22,804	8.4	210213.8
CO2 Storage (lbs)	5,348,466	1972.1	49303704.8
CO2 Storage Monetary Benefit ($)	$124,391	$45.87	$1,146,668.05
Carbon Dry Weight (lbs)	2,917,345	1075.72	26892933.08
Carbon Storage (lbs)	1,458,672	537.86	13446459.26

"lbs" = pounds; "gal" = gallons; "ft3"= cubic feet

Table 2. Estimated annual benefits of Fayetteville's public trees Source: USDA Forest Service i-Tree research

To understand the annual ecosystem benefits above, it important to understand the difference between carbon sequestration, and carbon storage. Carbon sequestration is the action of capturing carbon from the atmosphere and storing it in another form that cannot be immediately released, and carbon storage, which is the total amount of carbon in a forest or tree.

BUILDING ON PROGRESS

A review of the 2012 Urban Tree Canopy Assessment (Supplement 9, Urban Tree Canopy Assessment Project 2012) was completed to track progress and build upon successes. A summary of the 2012 recommendations with progress information follows.

1. Share this report to promote cohesion among the City, AFC, FNHA, and other partners and community stakeholders:

- People are part of the urban forest. This report can be used as a catalyst among urban forest managers and community stakeholders to meet Fayetteville's natural resource goals.
- Solicit feedback from community partners to refine tree preservation ordinances, tree planting initiatives, and steps to encourage survivability and forest health.
- Develop best management practices (BMPs), such as maintaining higher canopy cover in ecologically sensitive areas (wetlands), parking lots, schools, and commercial properties.

2024 Update. On Going and Complete. *The old and new Urban Forestry Plan will be available on line.*

Staff regularly meets with the Urban Forestry Advisory Board to discuss ordinance changes and tree-planting initiatives and stress the importance of planting the right tree in the right place for longevity. The Urban Forestry Advisory Board advises staff on ordinance changes and tree-planting initiatives. The board is made up of a diverse group of community stakeholders.

Staff has developed a Best Management Practices to ensure we care for new yearly plantings. We set our planting goals based on what we can maintain and grow to maturity.

2. Monitor, adapt, and enforce existing Tree Preservation and Protection ordinances.

- Streamline tree-related policies and identify if codes are working against local goals.
- Enforce requirements in the Tree Preservation plan, especially the 90% survival rate for forested areas and tree plantings.
- Collaborative planning can reduce costs and provide consistency for public works officials, planners, developers, stormwater, and resource managers.

2024 Update. Integrated and Complete. *Urban forestry staff continually review policies and codes and regularly adjust to necessary changes. We inspect all projects for a 90% survival rate. We collaborate with planning, sustainability, park maintenance, stormwater engineers, and others throughout the city for many projects.*

3. Develop a regional urban tree canopy assessment report in Arkansas.

Utilize the information gained from this assessment and others in the state to compile and compare results. Involve interdisciplinary partners in the process and draft an appropriate call to action.

2024 Update. Incomplete. *Fayetteville is one of the few cities in the state that conducts regular tree canopy assessments, completing a study every ten years. Only a handful of other cities in the state have followed suit. Bentonville, for example, completed tree canopy studies in 2013 and 2019. Moving forward, it would be beneficial to advocate for a more regional approach, with additional cities undertaking similar assessments. Urban Forestry staff would enthusiastically participate in a coordinated, regional canopy assessment led by the NWA Regional Planning Commission, which could provide a more comprehensive picture across Northwest Arkansas.*

4. Assess tree canopy every 8-10 years to monitor trends and assess the effectiveness of public education & outreach campaigns and the tree preservation ordinance. Tools such as the I-Tree Canopy can be used between comprehensive GIS-based assessments.

2024 Update. Integrated and Ongoing. *Urban Forestry Staff has worked with the GIS department and receives NAIP imagery as it is released; we can get regular canopy updates every two years. GIS has used the standards to give us tree canopy assessments every other year. We received one in 2015, 2017, and 2019 and are getting canopy assessments for 2021 and 2023.*

The City's urban foresters frequently participate in public education and outreach campaigns. Since 2012, the City has expanded its educational efforts and launched several new programs:

- *A ban on invasive plants was implemented, accompanied by an informational packet and a public outreach campaign to raise awareness.*
- *An "Invasive Plant Bounty" program was created, which has since been emulated nationwide.*
- *The "Amazing Trees of Fayetteville" initiative highlights significant or unique tree species within the City.*
- *"Tree Price Tags" were hung in high-traffic areas, showcasing the ecosystem benefits of the City's trees.*
- *The City now participates annually in school events like Symbols Day and Forest Awareness Day, reaching hundreds of elementary students.*

These new programs have steadily increased public participation and engagement each year

Since 2012, the City Council has amended the Tree Preservation ordinance seven times, strengthening the code, closing loopholes that enabled clear-cutting, adding Low-Impact Development mitigation options, and clarifying key aspects of the regulations.

5. Disseminate this project's land cover and UTC assessment data broadly.
While it is current, encourage its use for applications such as water supply planning, stormwater modeling, land use planning, green infrastructure, and Low Impact Development (LID) design.

2024 Update. Integrated and Complete. *The Urban Forestry staff has several tools to help with the above, and we use GIS and the multitude of layers to plan green infrastructure. The staff has included LID features in many of the City's details, and engineering has included LID in the stormwater management of new developments in our city. Our maps are available to everyone.*

6. Foster academic partnerships. Recommend that the University of Arkansas become a Tree Campus USA and work with local schools to educate and plant/care for trees.

2024 Update. Ongoing. *We have been in touch with several groups at the University of Arkansas to encourage them to become a Tree Campus USA, but we have not been successful. We maintain regular contact with the University's Landscape Architecture department and have also reached out to the Sustainability Department at the University of Arkansas.*

Our staff regularly collaborates with public and private schools in Fayetteville. We have organized tree planting projects with students at Butterfield Elementary, Haas Hall Academy, The New School, and Washington Elementary. Additionally, we have been involved with the Fayetteville High School Advanced Placement science program, which oversees the monitoring and removal of invasive plants at McNair Middle School. Furthermore, we have taken part in numerous regional activities aimed at educating children about the importance of trees.

7. Explore all potential partnerships to achieve urban forest goals: public/private including corporate and academic sponsors, council representatives, environmental quality, and stormwater associations, volunteers, non-profit organizations, and neighborhood associations.

2024 Update. Ongoing. *Fayetteville's Urban Forestry has partnered with Compassion Fayetteville, Beaver Watershed Alliance, Illinois River Watershed Partnership, the NWA Land Trust, Arkansas Urban Forestry Council, and other groups. In 2022, we started partnerships with several Property Owners Associations.*

8. Promote hardy, climate-adapted, and long-lived tree species that are appropriate for Fayetteville's environment to ensure investments in trees achieve maximum benefits.

2024 Update. Active, Integrated and Complete. *In 2023 the City of Fayetteville codified the use of native Ozark trees as the recommended tree species. We have stressed the right tree for the right place. We actively promote using only Ozark native trees and shrubs in development. We updated the recommended tree species list and are working on a new one.*

9. Target areas for tree planting using the assessment data.

- Use results to justify targeted public tree plantings in the public right-of-way and greater private planting in commercial landscaping.
- Ground-truth possible planting areas and planting site locations. Make these data sets available on a GIS web map as social assessment tools for residents and businesses.

2024 Update. Integrated and On Going. *Over the last five years, we have used Tree Equity Score to locate new planting locations. We also use heat maps and other tools to help us plant trees in the most needed locations. Before that, we have always used income, access to trees, heat islands, and other factors to locate new tree plantings.*

10. Create a central repository for monitoring tree planting and tree removals on public and private property, possibly using a web-based application open to the public.

2024 Update. Integrated and On Going. *The Urban Forester in the Parks, Natural Resources, and Cultural Affairs department receives all city planting plans and tracks the annual removal and planting of trees. The staff has also created a spreadsheet to monitor tree removals during the development review process. However, the current workload in the Development department has made it challenging for the staff to keep up with this data, and they hope to receive additional staffing soon. The Urban Forester has prioritized collecting this data in 2025.*

11. Ensure consistency in future UTC assessments using comparable image resolution, classification techniques, and QA/QC procedures. LiDAR and 1.5-2.0' multispectral satellite imagery acquired at similar times would provide an ideal data set.

2024 Update. Integrated and On Going. *With NAIP imagery, we can bring regular reports closer together; however, rapid technological advances may not always make this possible. We will continue to try to do this. This field has made many advances over the past ten years, and aerial imagery allows us to compare information. However, the imagery gets more accurate and improves each year. The latest data will be the most accurate.*

12. Create or update an existing targeted education and outreach campaign using the ecosystem benefits values. Use the data, maps, tools, and tree benefits to help non-profits, residents, and businesses visualize their role in reaching, maintaining, and expanding Fayetteville's urban forest for social, environmental, and economic benefits that are relevant to them.

2024 Update. Integrated and On Going. *We use trees' benefits and values daily with developers and internal customers. This topic is talked about frequently. We won an award for placing price tags on trees that showed the benefits of each tree.*

13. Work on urban forestry goals and design specifications for other environmental planning initiatives such as wetland restoration projects, open space conservation easements, green infrastructure & low impact development (LID) plans, and energy efficiency programs.

2024 Update. Integrated and On Going*. Goals are something we continue to assess and focus on for tree preservation. We will have new goals when we complete this document.*

Forestry is starting to move towards other natural resource management. The foresters worked with the engineering department on specifications for BMPs for stormwater; this included tree preservation, usually near a stream. Staff created mitigation options and codified the options for green roofs, green facades, and other LID features.

14. Assess forest stands at risk from development by overlaying zoning or future land use data and developed slope percent. Quantify and locate areas at risk that, if developed, would impact overall citywide canopy cover goals as the economy improves and development follows.

2024 Update. Modified and Integrated. *The staff has not assessed at-risk forests in the city using zoning codes and future zoning. However, staff uses multiple maps when reviewing development projects such as the enduring green network, heat island map, flood plan, Hill Side Hilltop Overlay District, Nature Based Climate Resilience Score, and other available mapping tools. We use these tools to recommend conservation in the form of tree preservation easements and tree preservation on each project. We identify high-priority areas during our reviews of each project.*

15. Promote cost-effective professional development in urban forestry. eLearn Urban Forestry is a state-of-the-art on line, distance-learning program geared toward beginning urban foresters and those allied professionals working in and around urban and urbanizing landscapes, including service foresters, natural resource planners, landscape architects, City officials and public works employees. eLearn Urban Forestry provides free access to learning modules with a link to the Continuing Forestry Education (CFE) group, where you can get ISA or SAF credit for a small maintenance fee. Visit elearn.sref.info/ for more details.

2024 Update. Integrated and On Going. *Urban Forestry staff codified ISA and other entities as a requirement for internal and external foresters. The city supports employees who want to become certified arborists and allows travel for continuing education. Staff continue to meet continuing education requirements to maintain credentials.*

16. Provide an environment for natural forest regeneration. This study shows that grass, herbaceous, and shrub/briar land cover types naturally regenerate into forests, contributing to the City's overall tree canopy and ecosystem services.

2024 Update. Integrated and On Going. *Last year, Urban Forestry undertook two major forest regeneration initiatives. The department has been systematically converting City-owned hay fields into native forests and savannas. For instance, a hay field at Bayyari Park was planted with 75 large Ozark native trees, while Rodney Ryan Park gained 56 Ozark native trees to restore the original savanna landscape. Additionally, Harmony Pointe Park is slated for an upcoming reforestation project.*



THE TIME IS NOW

It is critical for Fayetteville's environment, economy, and community well-being that the City act now to sustainably manage the urban forest. The City has a Comprehensive Plan for how Fayetteville will grow and change with development. Among other plans in place or in development is the City's Climate Action Plan. Fayetteville's Urban Forestry Management Plan supports and builds on the goals and policies of these plans and supplements those with vital analyses, studies, metrics, and strategies relating to the City's natural environment and specifically, the urban forest.

Undeveloped areas contain native trees and vegetation, fertile soils, vital water resources, natural prairie, and wetlands. Protection and conservation of these critical areas is up to the citizens and the choices made by the City.

Fayetteville's Urban Forestry Management Plan provides the roadmap with goals and supporting recommendations to manage, grow, preserve, and strengthen the urban forest through invigorated partnerships that align with city and community priorities.

PLAN PURPOSE AND VISION

The Urban Forestry Management Plan serves as a guide to proactively manage, care for, protect, and expand the City's tree canopy while navigating these competing pressures. The Plan provides a strategic and systematic framework for the sustainable stewardship, enhancement, and utilization of trees within Fayetteville. This Plan serves as a roadmap to guide decision-making and actions related to the urban forest.

Caring for and prioritizing the urban forest is an important part of maintaining a sustainable and vibrant city. However, urban forest management must also support the City's goals including economic development, transportation, urban design, and the goals of property owners. In recognition of this, Fayetteville's Code of Ordinances requires 'a tree canopy analysis and an Urban Forestry Effects Model study' or their current equivalent studies within the current geographical boundaries of the city every ten (10) years (UDC 167.03).

SUSTAINABILITY AND ENVIRONMENTAL HEALTH:

The Plan ensures that the ecological benefits of trees are maintained and enhanced, contributing to the overall environmental health and resilience of the City.

QUALITY OF LIFE AND COMMUNITY WELL-BEING:

The Plan provides strategies to create and maintain accessible and inviting greenspaces that enhance the quality of life and foster community pride.

CLIMATE CHANGE MITIGATION AND ADAPTATION:

The Plan's overarching goal to increase canopy enables the City to maximize the urban forest's contribution to climate change mitigation and adaptation efforts.

PUBLIC SAFETY AND INFRASTRUCTURE:

The Plan provides recommendations for public tree maintenance and risk management.

EDUCATION AND OUTREACH:

The Plan includes recommendations for community engagement, outreach, and education to raise awareness about the value of trees, promote responsible stewardship, and support the community in tree planting and maintenance activities.

LONG-TERM VISION:

A vision for the urban forest ensures decisions made today have a positive impact on future generations. It provides a framework for adaptive management, allowing for adjustments based on changing conditions and priorities.

An Urban Forestry Management Plan is....

A planning tool that sets values and goals for the current and future urban forest.

A planning tool that identifies Public interest, broad planting and maintenance goals, service gaps, canopy trends and identifies opportunities for improvement.

A planning tool that outlines strategies for achieving urban forestry goals.

An Urban Forestry Management plan is <u>not...</u>

A plan focused on individual sites.

An operations model or financial budget.

A detailed planting plan for trees.

A detailed rewrite of Urban Development Codes pertaining to trees.

Section 3: Current Conditions



CURRENT CONDITIONS

The urban forest includes streetscapes, parks and open space, trail and waterway corridors, commercial and residential properties, among others. While the Plan primarily addresses public trees, all trees across ownership types and the care of these trees contribute to the health, sustainability, and associated benefits of the urban forest.

The current conditions of Fayetteville's urban forest and tree populations are characterized by the type of setting (public or private) and the party responsible for maintenance (the city, property owners, or others).

Public trees are comprised of trees along streetscapes, in medians, parks, and trees in high use areas on City-owned land. View the illustration below for a summary of the tree types in Fayetteville.



Figure 3. Illustration of the types of trees in Fayetteville.

TREE INVENTORY

In October 2022, a sample inventory of public and private trees in Fayetteville was conducted by a contracted Certified Arborist accredited by the International Society of Arboriculture (ISA).

The tree inventory was intended to gather data that informs the current extent, structure, characteristics, and maintenance needs of the urban forest that can be addressed in the Plan. The University of Arkansas property was not included in this plan's public or private tree inventory.

Note, the sample public and private tree inventory analysis was conducted in October 2022. Due to ongoing tree maintenance and the dynamic characteristics of trees, changes such as condition, tree size, and maintenance needs may have changed since the analysis. Additional summaries and analyses of the sample public and private tree inventories from 2022 are provided in the Tree Inventory Supplement.

CHALLENGES FACING FAYETTEVILLE'S URBAN FOREST

EXTERNAL CHALLENGES

Urban forests across the country face common stressors including urban heat, poor air quality, weather extremes, pressure from development, and invasive plants, pests, and diseases. These challenges are often intensified by conflicting priorities and a shortage of resources.

COMMUNITY GROWTH

Fayetteville's urban forest has been growing and changing as development and redevelopment occurs in the City. In many ways Fayetteville and the northwest region of the state are fortunate to be such a highly desirable place to live, work, recreate, and study. Rapid growth in northwest Arkansas is predicted and the effects are already being felt. From 2010 to 2020, Washington County's population rose by 21.1% and almost half of that growth was in Fayetteville alone. Specifically, Fayetteville is experiencing a 28% growth rate and is now the second largest city in the state, replacing Fort Smith (NWARPC). According to Woods & Poole Economics, Inc., the Fayetteville-Springdale- Rogers metropolitan area has a 76% population growth projected from 2022 to 2060.

EQUITY

Like many cities, the tree canopy cover in Fayetteville is not equitably distributed across the City. As a result, some neighborhoods experience higher surface and ambient temperatures, poorer air quality, and more frequent flooding than neighborhoods with greater canopy cover. Additionally, the lack of access to trees and greenspace impacts residents' physical and mental health, sense of community, and overall well-being.

CLIMATE CHANGE

Climate change is an overarching challenge that is compounding the issues facing Fayetteville's trees. In addition to the known pests, diseases, and weather that the native trees have evolved to withstand, the new changes in temperature and weather extremes bring a new onslaught of pests, diseases, and wet/dry cycles.

Healthy trees can play a significant role in making Fayetteville more resilient to weather and climate extremes by sustaining the natural ecosystem health, yet the ability of urban forests to achieve their full potential is often significantly limited due to poor tree health stemming from reactive fixes instead of holistic solutions, limited training of tree care professionals, and insufficient municipal budgets.

INTERNAL CHALLENGES

Proper and timely management of the trees in accordance with current best management practices.

The need for updated tree-related regulations that preserve, protect, and grow the urban forest aligned with best practices and City priorities.

Limited financial and operational resources to address the gradual and immediate impacts of climate change.

Concerns regarding the organizational structure and communications with having three Urban Forestry groups working in three different departments.

Preparing for emerald ash borer and other emerging tree pests and diseases.

Strategic tree planting programs and initiatives needed to sustain and expand tree canopy and the associated benefits.

Educating and revitalizing community tree stewardship.

2022 PUBLIC TREE SAMPLE INVENTORY

Fayetteville's urban forest is a diverse ecosystem consisting of young and mature trees of varying species, function, and associated benefits. A sample inventory was conducted including public trees and private trees (utilizing public rights-of-way for visual assessments). The University of Arkansas property was not included in this plan's public or private tree inventory. A total of 2,712 public trees were inventoried and used to estimate the total public maintained tree population at 25,000 trees. For more detailed information, refer to the Supplement 3, Tree Inventory Summary.

Based on the sample and assumptions, it is estimated that Fayetteville has 25,000 public trees, which are trees along streets, in medians, parks, and high-use areas. The map below shows the locations of the trees surveyed to collect the data used to create this plan.

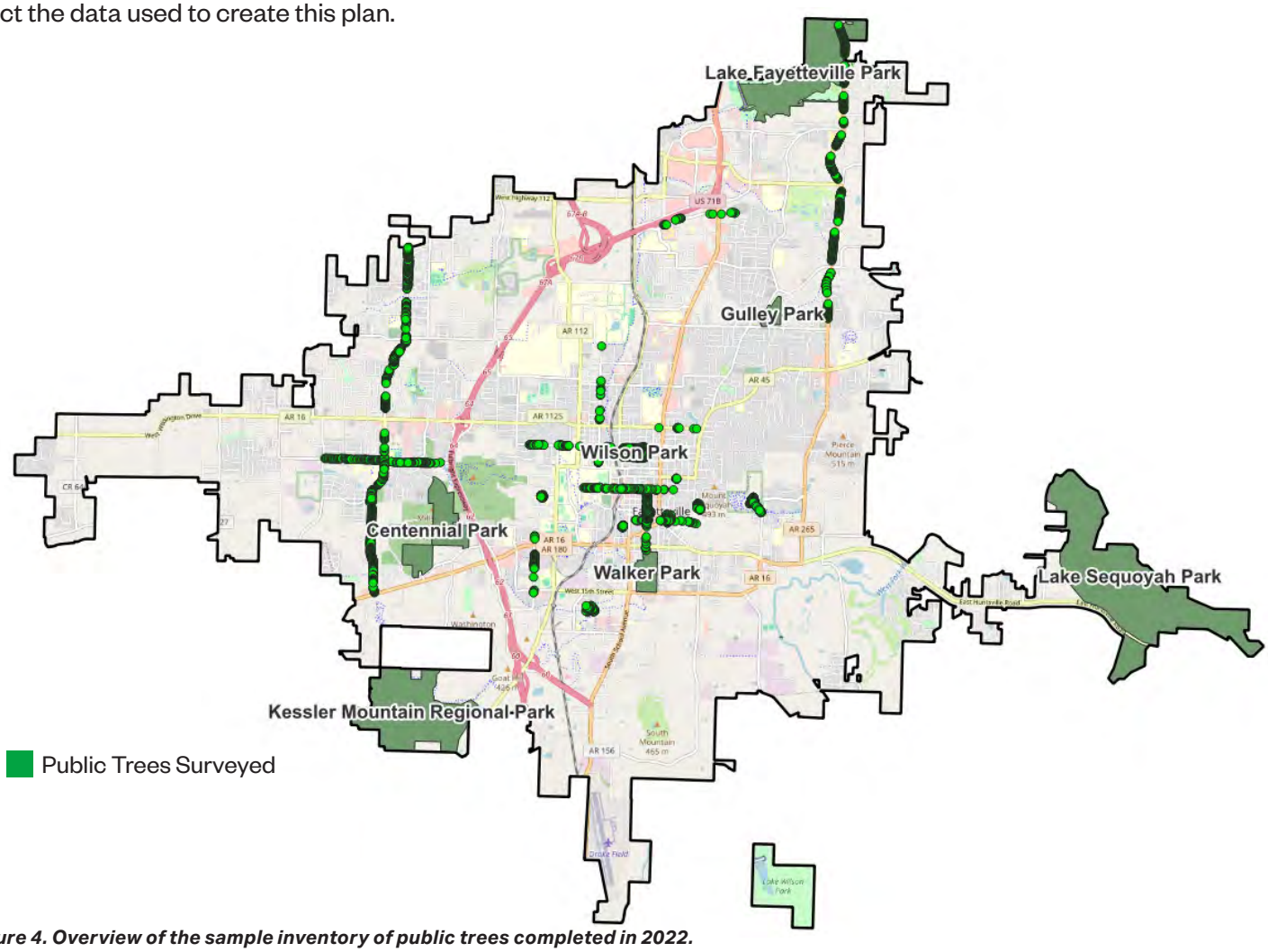


Figure 4. Overview of the sample inventory of public trees completed in 2022.

To grow a healthy and diverse urban forest, the public tree population must be well understood and managed. The data from the 2022 sample tree inventory were examined and assessed to determine the species, size, health, structural integrity, quality of the growing space, and maintenance needs, among other key characteristics for management that is representative of the citywide public tree population. For more detailed information, refer to the Tree Inventory Summary Supplement.

SPECIES DIVERSITY

Species composition data are essential since the types of trees present throughout the City dictate the amount and type of benefits produced, tree maintenance activities required, budget considerations, and influences species selection for future plantings.

It is estimated the current public tree population consists of 111 different species and 54 unique tree genera, which is relatively average in terms of species diversity in the region based on benchmarking research. Princeton elms comprise the highest percentage of trees with 7% of the total tree population, followed by post oaks at 6% and willow oaks with 6%. The top ten most common species make up 44% of the total public tree population— slightly lower than average compared to benchmarking research— which is a potential indicator of a healthy level of tree species diversity. If the most common tree species comprise less than half of the population, it may be a sign that the tree population is relatively diverse due to the number of unique tree species and their frequency of occurrence. The remaining 56% of public trees are made up of other species that are primarily pin oaks, blackgums, red maple, northern red oak, bald cypress, and hackberry. Refer to Supplement 3, The Tree Inventory Summary, for more details.



111 unique public tree species



75% of public trees in good condition



55% of public trees are 0 to 6 inches in diameter

SPECIES (TOP 10)

Princeton Elm
Post oak
Willow oak
Pin oak
Blackgum
New Harmony Elm
Red maple
Northern red oak
Bald cypress
Hackberry

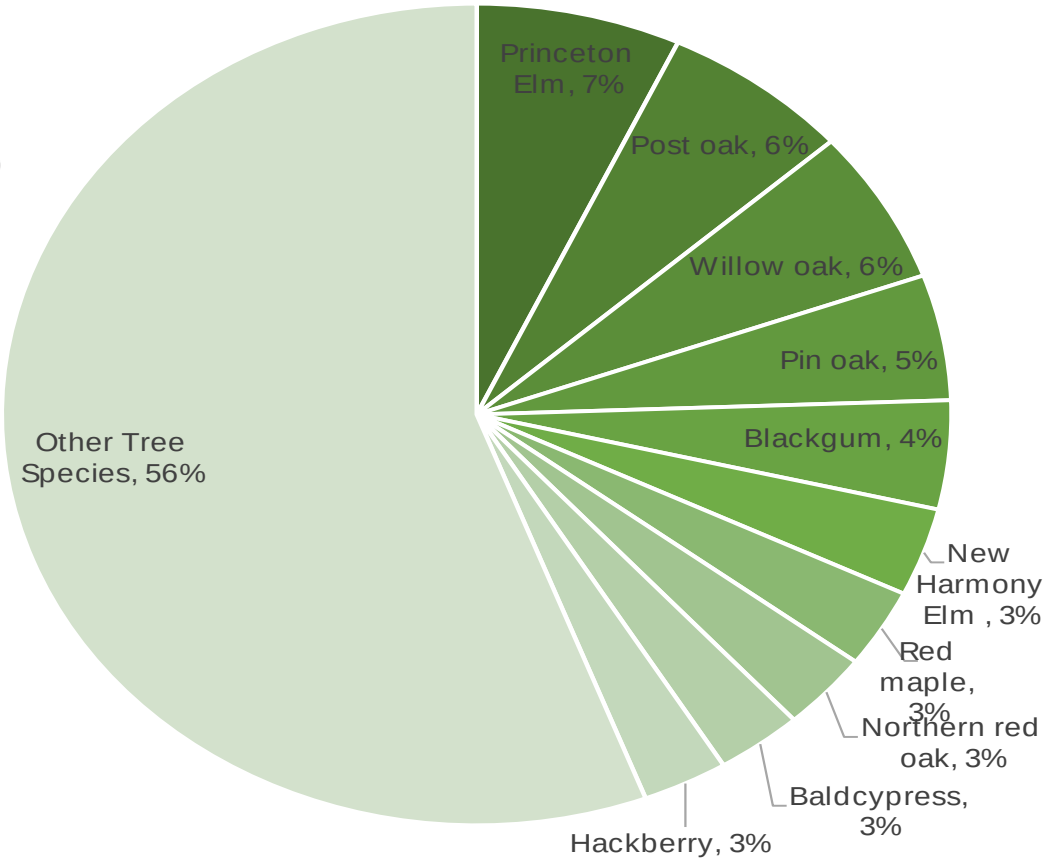


Figure 5. Overview of the species results of the 2022 sample inventory of public trees.

SIZE AND RELATIVE AGE DISTRIBUTION

The distribution of public tree ages and size classes influences the structure of the citywide urban forest and impacts present and future management costs. An unevenly aged urban forest offers continued flow of ecological benefits and a more uniform workflow allowing managers to more accurately allocate annual maintenance schedules and budgets.

To optimize the value and benefits of Fayetteville's trees, the public tree population should have a high percentage of large canopy trees which provide greater ecosystem benefits. There must also be a suitable number of younger, smaller trees in the urban forest to replace large and mature trees in decline. Having a healthy percentage of young trees in the urban forest will ensure a sustainable tree population.

To compare Fayetteville's urban forest structure to industry-recommended standards, the 'ideal distribution' is used (Richards, 1983 and 1993). The diameter at breast height ("DBH" measured at 4.5-feet above grade) is used to measure relative age.

Based on the sample inventory and estimated public tree population, the size distribution of Fayetteville's public tree population is similar to the ideal age distribution. Generally, an ideal distribution has a larger proportion of small diameter trees compared to larger diameter trees. Below is an chart that shows the ideal distribution and Fayetteville's distribution.

Tree Size	Ideal Distribution	Fayetteville's Distribution
Tree in the 0-6 in class/ Young trees	40%	55%
Trees that are 6-12 class	25%	19%
Trees that are 12-18 class	15%	14%
Trees that are 18-24 class	10%	6%
Trees that are 24-30 class	6%	4%
Trees that are over 30" DBH	4%	2%

Table 2. Comparing public tree size classes

It is estimated that 55% of Fayetteville's public trees are in the 0-6 inch class compared to the recommended 40%. In contrast, the City also has less 6-12-inch trees (19%) compared to the ideal distribution of 25%.

The size and relative age distribution of Fayetteville's public trees indicates the population is relatively young given the City has more small-diameter trees and fewer trees than the ideal percentage for each of the larger size classes. This distribution may be an indication of an increase recently in planting efforts. The City should expect a growing demand for maintenance as the large number of young / small trees mature.

CONDITION

Understanding current and changing conditions plays an important role in planning, budgeting, and resource allocation. An analysis of the condition can provide an indicator of how well the trees are managed and how they are performing given site-specific conditions. Tree maintenance needs are assigned for public safety reasons and by tracking these needs, managers are able to better plan and manage Fayetteville's public trees and the citywide urban forest.

Findings from the sample inventory of public trees were used to identify potential trends in tree condition and make the management recommendations to improve condition or minimize the deterioration of trees. Tree health was evaluated by a contracted ISA Certified Arborist based on the condition of the wood, foliage, and structure.



Based on the analysis, it is estimated that three out of four public trees (75%) are in good condition and 15% are in fair condition with only 5% of trees in poor or dead condition. The dead trees or trees noted for removal should be addressed and planned for immediately. Trees classified as "Fair" or "Poor" should be examined to determine the necessary mitigation or plant health care, if any, to improve their condition.

OBSERVATIONS AND DEFECTS

Tree defects were recorded during the 2022 sample inventory to describe further a tree's health, structure, or location. Using a system of 20 observation categories, the arborist found the public trees exhibited 11 of the 20 categories. For more detailed information, refer to page 7 of supplement 3, the Tree Inventory Summary.

A total of 1,283 observations were recorded during the tree inventory. Crown dieback was the most frequent observation recorded. It is estimated that 30% of the citywide public tree population has some level of crown dieback and 6% have cavity decay present. Mechanical damage due to lawnmowers, weed trimmers, construction, or other may comprise 5% of the public tree population followed by poor structure with 4%.

The data reveals several key insights about tree management. Of the recorded observations, 17% of the defects or concerns identified were potentially preventable and fixable. This indicates that many issues are primarily human-caused, highlighting the crucial role of proper tree care practices.

For example, poor tree structure can be prevented through timely and appropriate young tree pruning. Implementing industry best practices and standards would reduce the number of improperly pruned trees. Additionally, selecting quality nursery stock, proper planting techniques, and soil amendments can prevent poor root systems. Trees with suboptimal locations or hardscape damage could have been avoided by selecting species suited to the site and ensuring adequate root space.

Furthermore, the data shows the impacts of deferred maintenance, with about 35% of the recorded observations potentially addressable through proactive pruning and plant health care. Lastly, simple measures like adequate mulch rings, growing space, tree grates, and general awareness could have prevented many instances of mechanical damage. Addressing these areas can enhance the long-term viability and benefits provided by the urban tree canopy.

MAINTENANCE NEEDS

The City's current practices of proactive, routine pruning of public trees have resulted in a low overall maintenance need. Only 8% of the public tree population requires clearance pruning, 6% need removal, 3% require pruning around utilities, and 1% need routine pruning or crown cleaning. While newly planted trees should be structurally pruned (training pruned) within five years, this was not an observable need in the sample inventory.

INTERPRETATION OF PRIVATE TREE ANALYSES AND ESTIMATES

Though less data was collected for private trees during the 2022 sample inventory, this data is valuable in providing information about the citywide urban forest. A total of 850 private trees were inventoried from the public rights-of-way. Based on industry research and benchmarking of comparable cities, it is estimated that there are 80,000 trees in maintained areas on private property.

The sample inventory analysis estimates that oaks (Quercus) comprise 19% of the tree population, maples (Acer) 12%, and pines (Pinus) 9%. The top ten most common tree genera account for 78% of the private tree population, while the top ten most common tree species make up 57%. The most prevalent tree species are pin oak (9%), loblolly pine (8%), red maple (8%), arborvitae, London planetree, hackberry, eastern redbud, eastern red cedar, Princeton elm, and black cherry. Most private trees fall into the 0-6-inch (39%), 6-12-inch (20%), and 12-18-inch (23%) size classes. Only 2% of private trees exceed 30 inches in diameter.

Similar to public trees, it is estimated the private tree population is primarily in good condition (70%) with only 4% in poor condition and 2% consist of dead trees. Based on the contracted ISA Certified Arborists observations of private trees from the public rights-of-way, it appears that the most common maintenance needs are pruning for clearance (9%), removing hardware from trees (6%), and utility pruning (2%).

SUMMARY OF TREE INVENTORY ANALYSIS

Understanding the extent, structure, condition, characteristics, and maintenance needs of public trees enables Fayetteville's Urban Forestry Program and Transportation Department's right-of-way crews to effectively budget, plan, and address maintenance and planting needs in a sustainable, safe, and equitable manner.

For private trees, understanding the extent, health, composition, and other factors provides the Urban Forestry Program with a better picture of the entire urban forest. Challenges such as pests and diseases, invasive plant species, climate resiliency, among other threats to the urban forest can be addressed for private trees by providing resources, education, training, and other support to property owners to support growing a sustainable and resilient urban forest.

Additional summaries and analyses of the sample public and private tree inventories from 2022 are provided in Tree Inventory Summary supplement.



URBAN TREE CANOPY ASSESSMENT- A SNAPSHOT

Urban Tree Canopy Assessments (UTC) provide the comprehensive data and information needed to develop goals and strategies relating to tree planting, preservation, tree equity, risk management, and the data to support community outreach and education. This information can be utilized with other city planning efforts for sustainability, equity, human health, climate resiliency, stormwater management, water quality, wildlife preservation and enhancement, air quality improvements, and development guidelines, among many others. UTCs provide a baseline understanding of existing canopy cover across the entire city. In addition, these assessments can provide an analysis of possible planting areas citywide and by various planning boundaries. This baseline assessment should be utilized to measure the progress resulting from implementing this plan.

2019 UTC Findings – Citywide The City of Fayetteville is 35,712 acres in size. Tree canopy covers 14,081 acres of this area (39.4%) according the analysis of 2019 imagery.

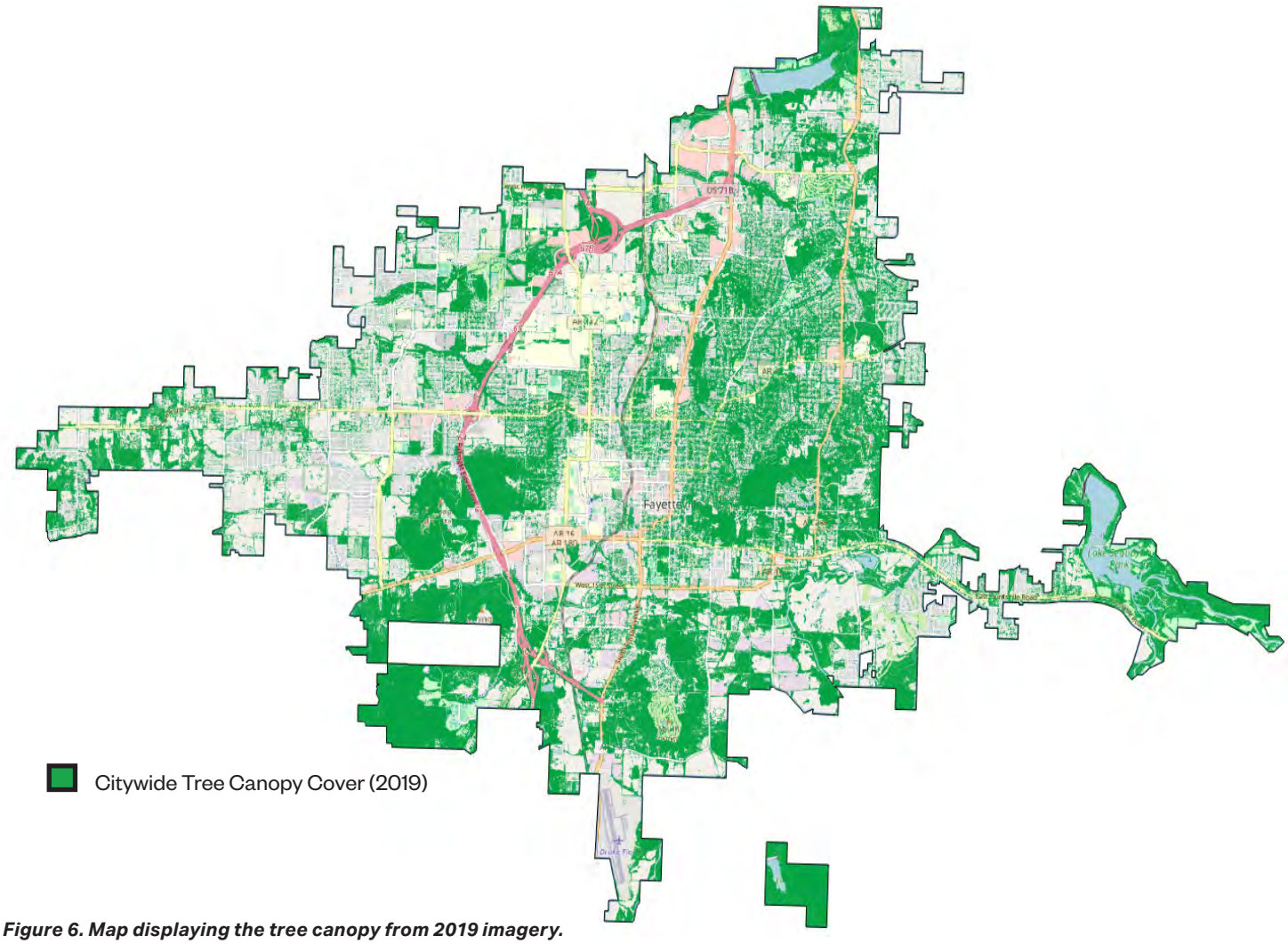


Figure 6. Map displaying the tree canopy from 2019 imagery.

URBAN TREE CANOPY (UTC) FINDINGS - OVERVIEW

A consultant provided an analysis and a report with recommendations on Fayetteville's tree canopy cover change from 2002 to 2010, and in 2020, the City's Geographic Information System (GIS) Department assessed the existing tree canopy and possible planting areas citywide using imagery from 2013, 2015, 2017, and 2019. The historical imagery and related assessments provide information on the canopy change over time though this section focuses on the most current assessment from 2019. The summaries below provide an overview of the baseline conditions relating to urban tree canopy cover and possible planting area in the City. For more information on GIS methodology, see GIS Study.

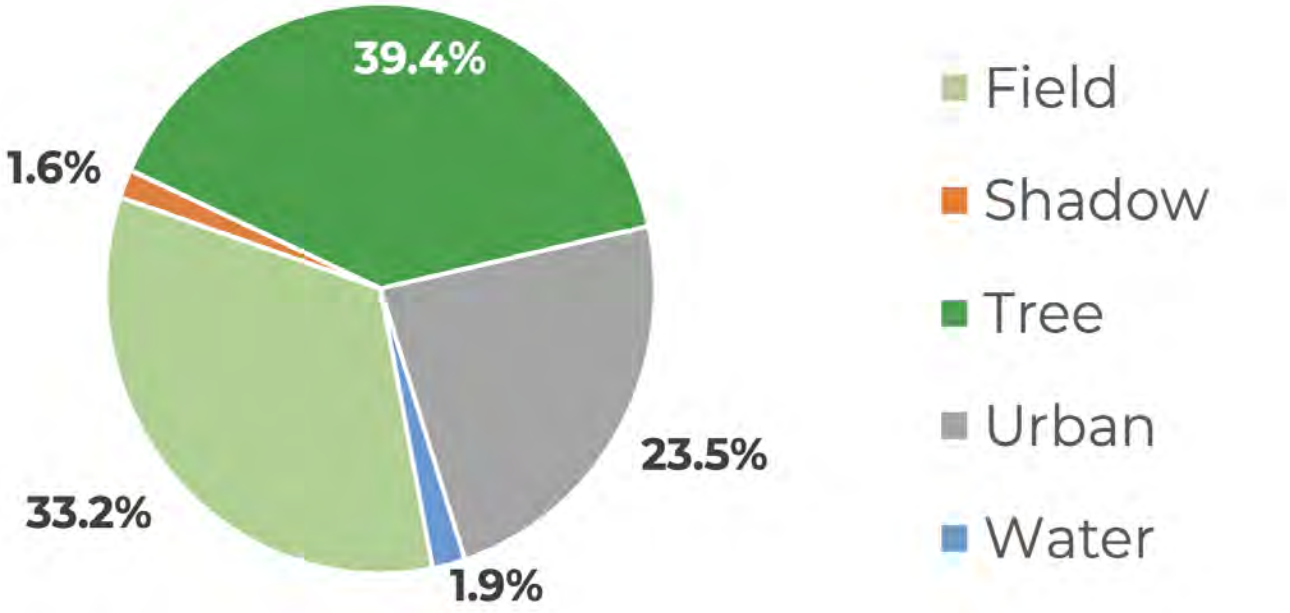


Figure 7. Citywide tree canopy results (2019). Source: City of Fayetteville



Figure 8. Examples of the land cover classes.

UTC COMPARISON

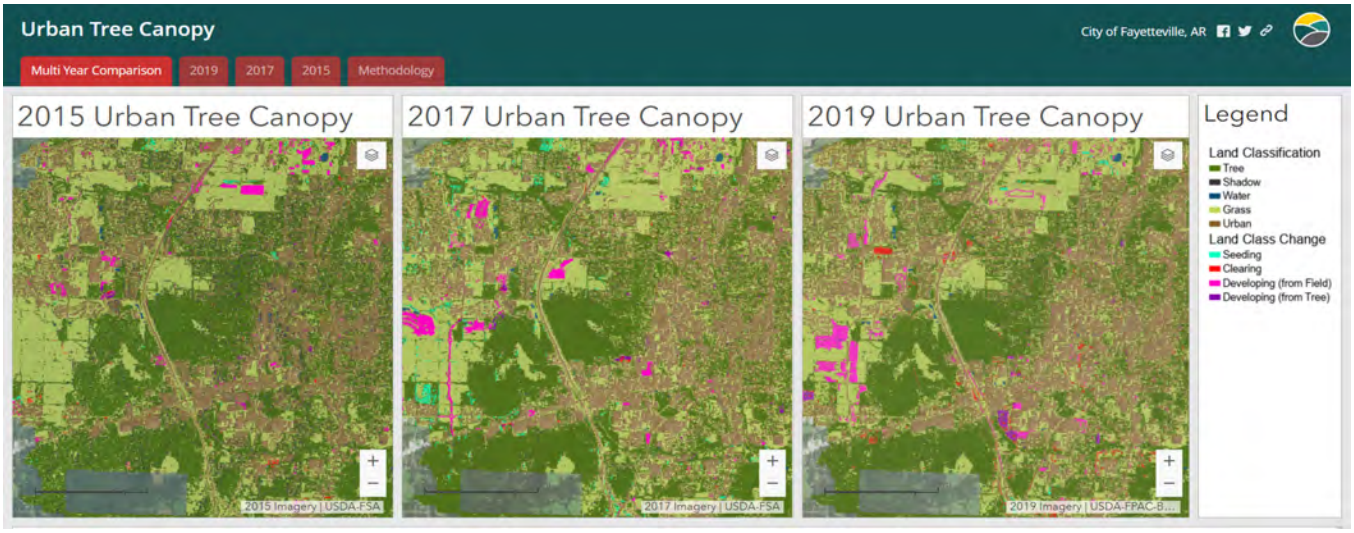


Figure 9. Comparison of canopy in 2015, 2017 and 2019

High-resolution GIS assessments of land cover were completed to identify the extent and opportunities for urban tree canopy cover. The City conducted these assessments based on 2013, 2015, 2017, and 2019 imagery to analyze canopy cover change. A consultant provided an analysis and report on the City's tree canopy cover change from 2002 to 2010 (in 2012), and in 2020, the City's GIS Department completed the Tree Canopy Cover and Environmental Equity study, report, and supporting web map for the 2013, 2015, 2017, and 2019 time periods to examine the correlations between canopy cover and socioeconomic data. (Equity Tree Study).

The difference in reported tree canopy from 2002, 2010 to 2013 and the following years may be due to several factors beyond actual changes in tree canopy:

- Variation in imagery used for the different years of the study.
- Different methods in computing canopy.
- Improvements in the technology and methods used to assess and map the tree canopy.

National Agriculture Imagery Program (NAIP) aerial imagery, captured during the peak growing season, provides optimal data for tree canopy analysis. For this and future reports, the city will use the 2015 city boundary, encompassing 35,457 acres. As the city grows, it can provide data for the new boundaries alongside information based solely on the 2015 city limits. This 2015 boundary will be used to evaluate the success of the ten-year canopy coverage goal (40.6%) outlined in the plan.

Utilizing GIS and NAIP imagery to measure canopy coverage represents a valuable, innovative technology that increases the accuracy of these assessments.

	ACTUAL CITY BOUNDARY			STUDY WITH 2015 BOUNDARY	
Year	City Boundary (Acres)	Tree Canopy (Acres)	Canopy Percent	Study Boundary (2015)	Study Canopy Percent
2013	35,456	14,518	40.95%	35,457	40.95%
2015	35,457	14,217	40.10%	35,457	40.10%
2017	35,457	13,934	39.30%	35,457	39.30%
2019	35,712	14,081	39.43%	35,457	39.71%

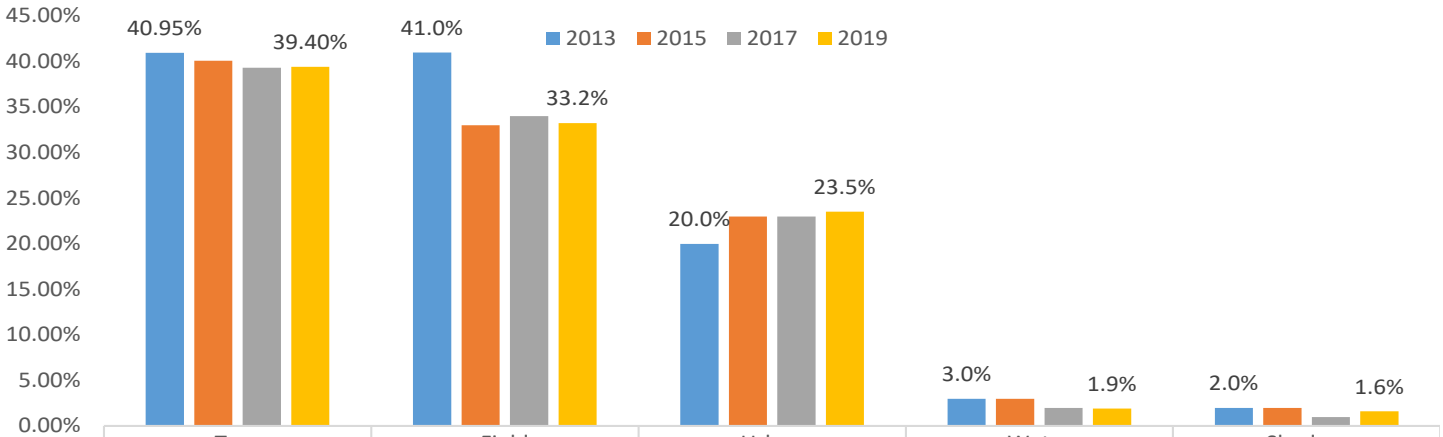
Table 3. Comparison of boundary used for GIS data.

As shown in the previous figure, Fayetteville has demonstrated a proactive commitment to urban forest management by assessing tree canopy cover over several time periods and implementing the recommendations as resources allow. By monitoring the state of tree canopy cover, the City can better understand the urban ecosystem's health and make informed decisions.

Fayetteville's urban forestry efforts have made commendable progress, and the 2024 Urban Forestry Management Plan builds on the progress and guides the City toward a long-term vision. The City must continue its commitment to reassessing canopy cover over time. By measuring changes in tree canopy cover, city planners, urban forest managers, and policymakers can understand how changes and regulations are affecting the health and vitality of the City, as well as the quality of life of residents. Urban forests are dynamic systems that are impacted by a variety of factors, including urbanization, climate change, and invasive species.

LAND COVER CHANGE OVER TIME

From 2013 to 2019, the canopy cover decreased from 43.0% to 39.4% and the land cover classified as field decreased from 41.0% to 33.2%. Urban land cover increased by 3.5% going from 20.0% to 23.5%. This is an increase of 1,400 acres or 2.2 square miles of urban land since 2013. The data is representative of the changes occurring in the City over time as development increases.



	Tree	Field	Urban	Water	Shadow
2013	40.95%	41.0%	20.0%	3.0%	2.0%
2015	40.10%	33.0%	23.0%	3.0%	2.0%
2017	39.30%	34.0%	23.0%	2.0%	1.0%
2019	39.40%	33.2%	23.5%	1.9%	1.6%

Figure 10. Examples of the land cover classes analyzed as part of the tree canopy study.

In Fayetteville, the urban forester within Development Services actively monitors and tracks tree canopy cover change through development regulations and is supported by the urban forester in Parks, Natural Resources, and Cultural Affairs. Comprehensive worksheets and data, along with GIS data, are utilized to track on a monthly and yearly basis. This tracking includes forecasting future canopy growth and loss, and providing staff with clear and reliable guidance on a wealth of information and specifically the following:

- Areas impacted the most by the removed canopy
- Areas to add canopy
- The time it will take to replace the canopy (This can even be tracked on a parcel level or development project level)

Change in tree canopy cover can be used to inform future policy and decision-making. For example, by tracking changes in tree canopy cover over time, city planners can identify areas where new trees may need to be planted to maintain or increase overall canopy cover. The information can also be used to inform land-use planning and development decisions, such as determining where to locate new parks or green spaces.

TREE ORDINANCES IN FAYETTEVILLE

Chapter 167 in the Fayetteville Urban Development Code (UDC) is the Tree Preservation and Protection ordinance. This preservation ordinance preserves and protects trees and natural areas in the City based on the type of project and its location. The regulations require a tree preservation plan and canopy cover retention or the planting of trees to meet minimum canopy cover requirements by zoning designation for proposed development projects.

The table below summarizes the tree minimum canopy cover requirements by zoning designation that are factored into the canopy goals recommended in the Urban Forestry Management Plan. Note, the zoning designations in the table below are consolidated into generalized categories. Specific zoning designations and details for each are available in the UDC, Table 1 of Chapter 167.04.C.

MINIMUM TREE PRESERVATION REQUIREMENTS

ZONING DESIGNATION (CONSOLIDATED)	Percent Minimum Canopy
Residential	15-25%
(single-family, residential office, residential intermediate, multi-family)	*(depending on designation)*
Neighborhood Services	20%
(includes limited and general)	*(for both sub-categories)*
Neighborhood Commercial	20%
Community Services	20%
Thoroughfare	15%
(includes commercial and urban thoroughfare)	*(for both categories)*
Central Business Commercial	15%
Downtown Core	10%
Main Street Center	10%
Downtown General	10%
Neighborhood Conservation	20%
Heavy Commercial & Light Industrial	15%
General Industrial	15%
Institutional	25%
Planned Zoning District*	25%

Table 4. Minimum canopy requirements by zoning designation according to The Tree Preservation and Protection Ordinance.

All residential zoning districts and C-1 districts within the Hillside/Hilltop Overlay District shall have their percent minimum canopy requirements increased by 5% to a total requirement of either 30% or 25%.

Chapter 177, Landscape Regulations, is the ordinance aimed to meet the following goals: a greener, more attractive city with reduced heat, noise and air pollution; and increased property values. The City of Fayetteville requires developers to include landscaping in their building plans to beautify property, provide shade, and screen the perimeters of parking lots, utilities, incompatible uses, and vehicular use areas. Those requirements are found in this chapter of the UDC.

The Tree Preservation and Landscape Manual, created in 1999, updated in 2006, and condensed in 2016, aligns perfectly with the City of Fayetteville Unified Development Code Chapter 167: Tree Preservation and Protection and Chapter 177: Landscape Regulations. This alignment ensures that the manual is a reliable and comprehensive tool for developers and others involved in the development process.



A cursory review of existing tree-related ordinances in Fayetteville was conducted based on industry tools and resources, comparisons of findings from benchmarking research, input gathered from internal stakeholders, and a cross-examination of regulations compared to industry standards and best practices. Appendix C provides a summary of the evaluation of Fayetteville's tree-related ordinances. This integrated approach aims to balance goals for tree canopy cover, development, and other priorities in the future.

SUMMARY OF FAYETTEVILLE'S KEY URBAN FORESTRY PROGRAMS AND RESOURCES

The Urban Forestry team in Public Works performs tree maintenance on street trees not adjacent to private property. They also maintain trees in parks and along the trails.

Tree preservation and protection for new development is performed by the Urban Forester in Development Services. Residential reviews are performed by the Urban Forester in Parks, Natural Resources and Cultural Affairs.

Development Services administers Chapter 167 of the Unified Development Code to ensure Fayetteville maintains, enhances, and preserves trees and the City's natural beauty.

The City's Urban Forestry Advisory Board advises the City Council and the Mayor on urban forestry issues.

Fayetteville Code of Ordinances Chapter 167 Tree Preservation and Protection to preserve and expand the City's urban forest. Chapter 177 regulates landscape for developments.
Volunteer opportunities for tree stewardship and education.

Tree City USA accreditation and Arbor Day celebrations.

Amazing Trees of Fayetteville program and on line inventory.

Celebration of Trees Event and other events celebrating and educating attendees about Fayetteville's urban forest.

The City has an invasive plant ordinance, encourages Ozark native trees, and discourages trees found to have issues.

TREE CANOPY EQUITY

Tree canopy is often not distributed equitably across city landscapes and ownership types. The American Forests organization created the Tree Equity Score (TES, www.treeequityscore.org) tool to measure tree equity across 150,000 U.S. neighborhoods and 486 municipalities in urban areas. Each community's TES indicates whether there are enough trees for everyone to experience the health, economic, and climate benefits that trees provide. The scores are based on how much tree canopy and surface temperature align with income, employment, race, age, and health factors. A 0- to-100-point system makes it easy to understand how a community is doing.

The TES can be used by Fayetteville's community leaders, tree advocates, and residents to address, and evaluate the urban forests through the lens of social equity, guide technical decisions and implementation of the 2024 Urban Forestry Management Plan.

A score of 100 represents tree equity. Based on a 2022 analysis, Fayetteville's overall tree equity score is 87 out of 100. Based on the nationwide dataset for 197,505 U.S. Census-defined urban areas, the average score is 85 (as of 2023).

EQUITY IN TREE CANOPY COVER (TREE EQUITY SCORE TOOL)

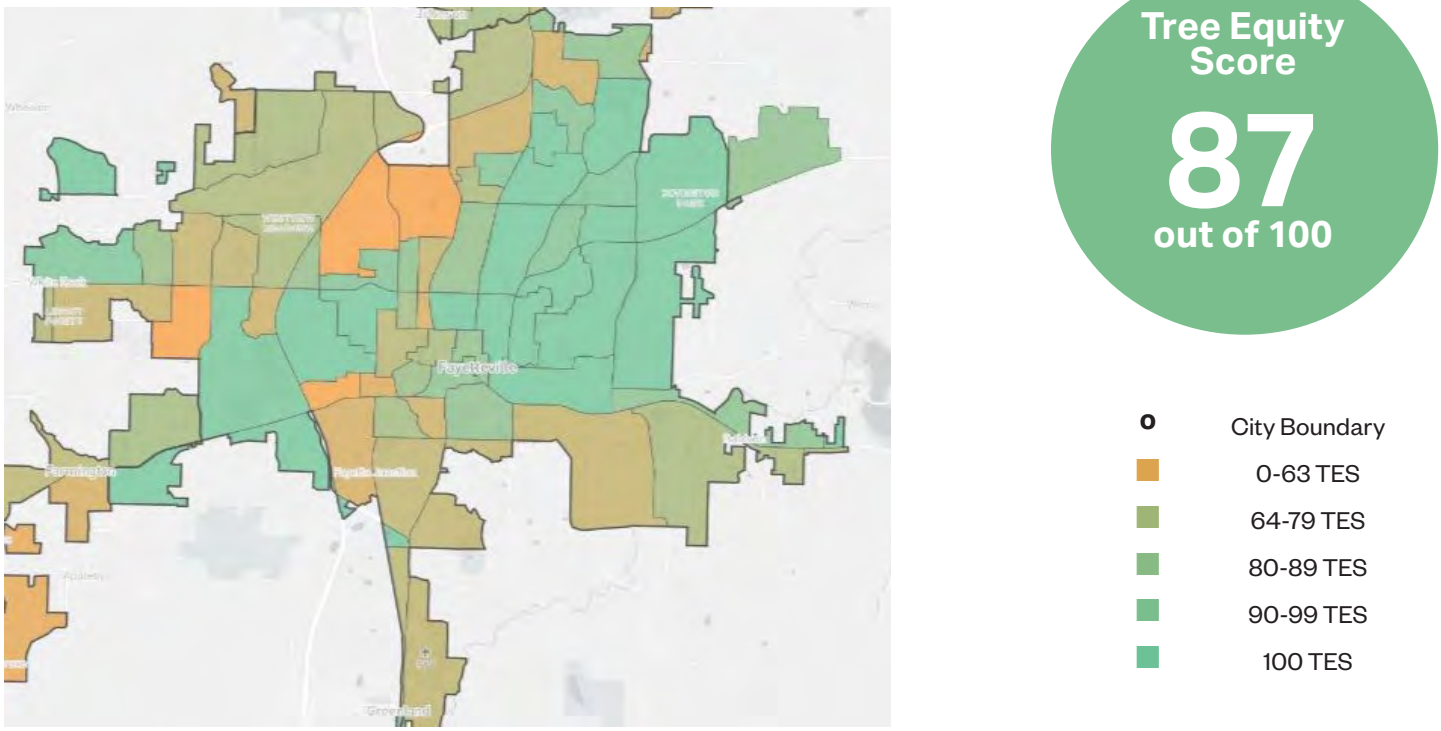


Figure 11. Map showing the Tree Equity Scores for Census Block Groups in Fayetteville. Source: American Forests' Tree Equity Score Tool

Compared to other cities in the state, Fayetteville's Tree Equity Score of 87 is the second highest score out of 10 cities in the study (see figure on the next page) and has the fourth highest score out of eight U.S. Cities commonly used in comparing Fayetteville (see figure on the following page). Fayetteville's score is based on a combination of metrics listed in the figure 12.

Tree equity is being increasingly acknowledged as a priority, and confronting the past practices, to ensure that communities, landscapes, and policies are more intentional about enhancing historically disinvested areas. Fayetteville's Urban Forestry Management Plan seeks to increase canopy in the greatest need areas. Urban Forestry staff has been actively using and will continue to use equity as a criteria for tree planting projects

TREE EQUITY SCORE INPUTS

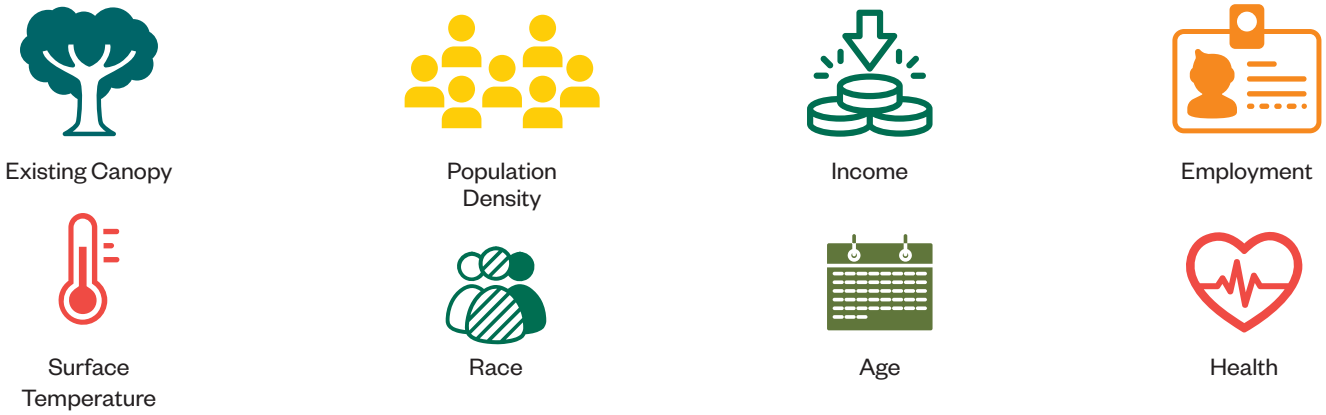


Figure 12. Tree equity data matrix.

COMPARISON OF TREE EQUITY SCORES IN ARKANSAS, AVERAGE: 77

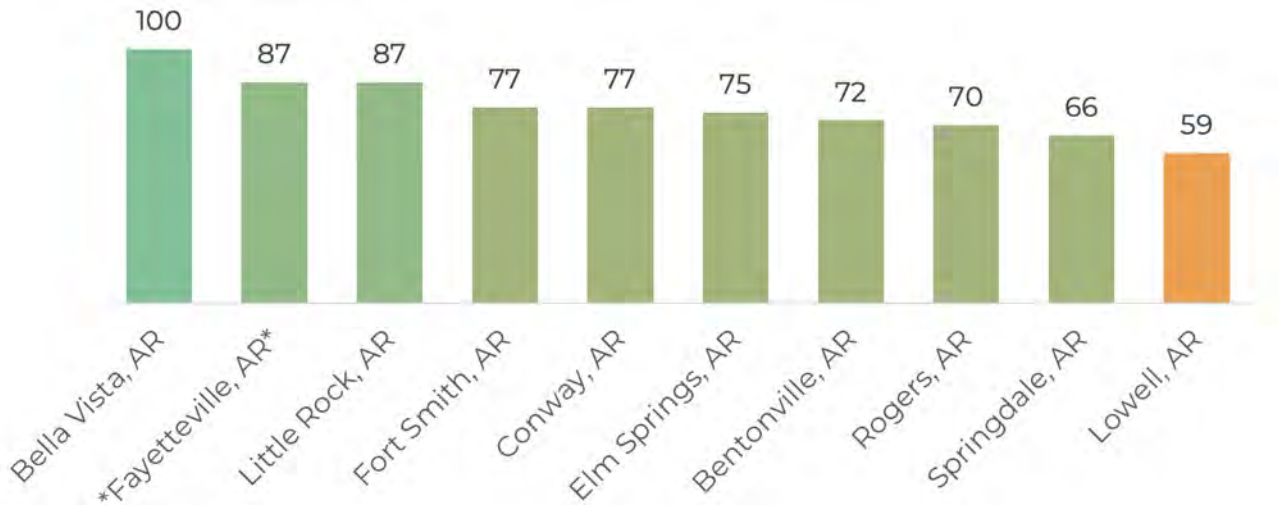


Figure 13. Tree equity score inputs and Comparison of Tree Equity Scores for select Arkansas cities based on a 2023 study. Source: American Forests' Tree Equity Score Tool.

COMPARISON OF TREE EQUITY SCORES IN SELECT U.S. CITIES, AVERAGE: 87

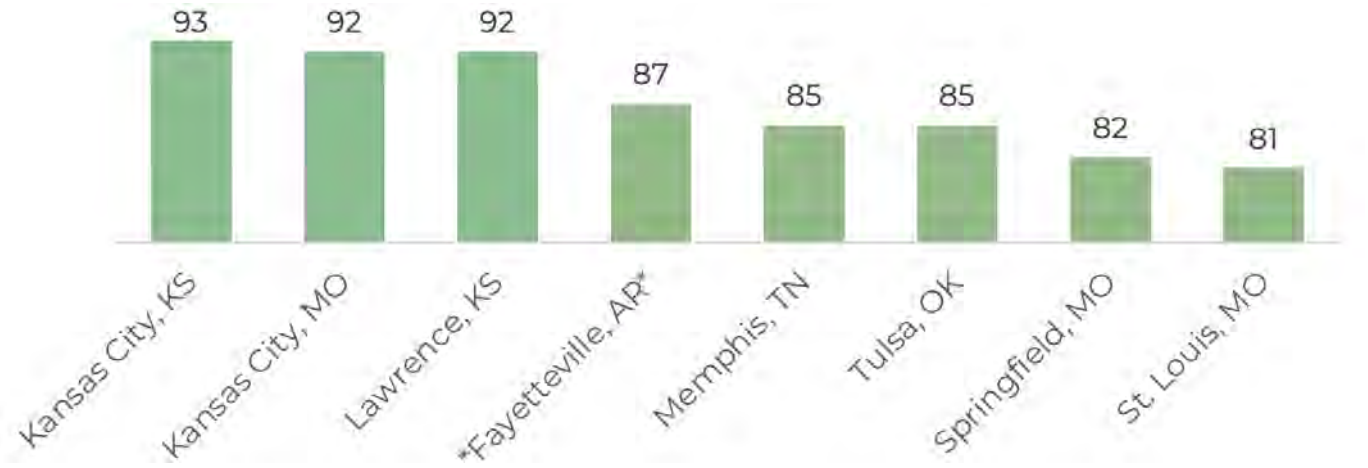


Figure 14. Tree equity score comparison for select U.S. Cities. Source: American Forests' Tree Equity Score Tool.

*Note, the Tree Equity Score tool utilized data from EarthDefine and found the canopy cover percentage to be 35.6%, the UFMP utilizes the 39.4% determined by the City. The numbers by EarthDefine are only used for this comparison. For more information about the data sets and input refer to https://www.treeequityscore.org.

NATIVE PRAIRIE



Photo of Wilson Springs Preserve, a 121-acre preserve with the largest wetland remnant in Fayetteville and one of the last tall grass prairies in the region. Source: City of Fayetteville

In considering a plan for Fayetteville's urban forest and goals to increase tree canopy cover, it is important to evaluate areas of the City where it may not be preferable or permitted to plant trees. While some native prairie lands have been lost to development and other areas are being restored, it's important to consider the native habitats and ecosystems and whether they support growing trees that survive and thrive. Historically, areas of the City were covered in tallgrass prairie, which supported a variety of grasses, wildflowers, and other plants, as well as large grazing mammals like bison and elk. Fayetteville's native prairie land is a rare and valuable ecosystem that is home to a diverse array of plant and animal species.

As mentioned in the background, much of Fayetteville's native prairie land has been converted to other land uses, such as agriculture, urban development, and transportation infrastructure. However, there are still some remnant prairie areas in and around the City that provide important habitat for native plant and animal species. One example of a native prairie area in Fayetteville is the Wilson Springs Preserve, a 121-acre site that is the largest wetland remnant in Fayetteville and one of the last tall grass prairies in the region (Northwest Arkansas Land Trust).

Based on GIS maps provided by the Northwest Arkansas Land Trust (NWALT) and the City of Fayetteville, there are areas of the City that may lend themselves to prairie restoration. The following map provided by Northwest Arkansas Land Trust (NWALT) illustrates an overview of native prairie lands that may lend themselves to future prairie restoration.

CANOPY COVER IN HISTORIC NATIVE PRAIRIE LAND

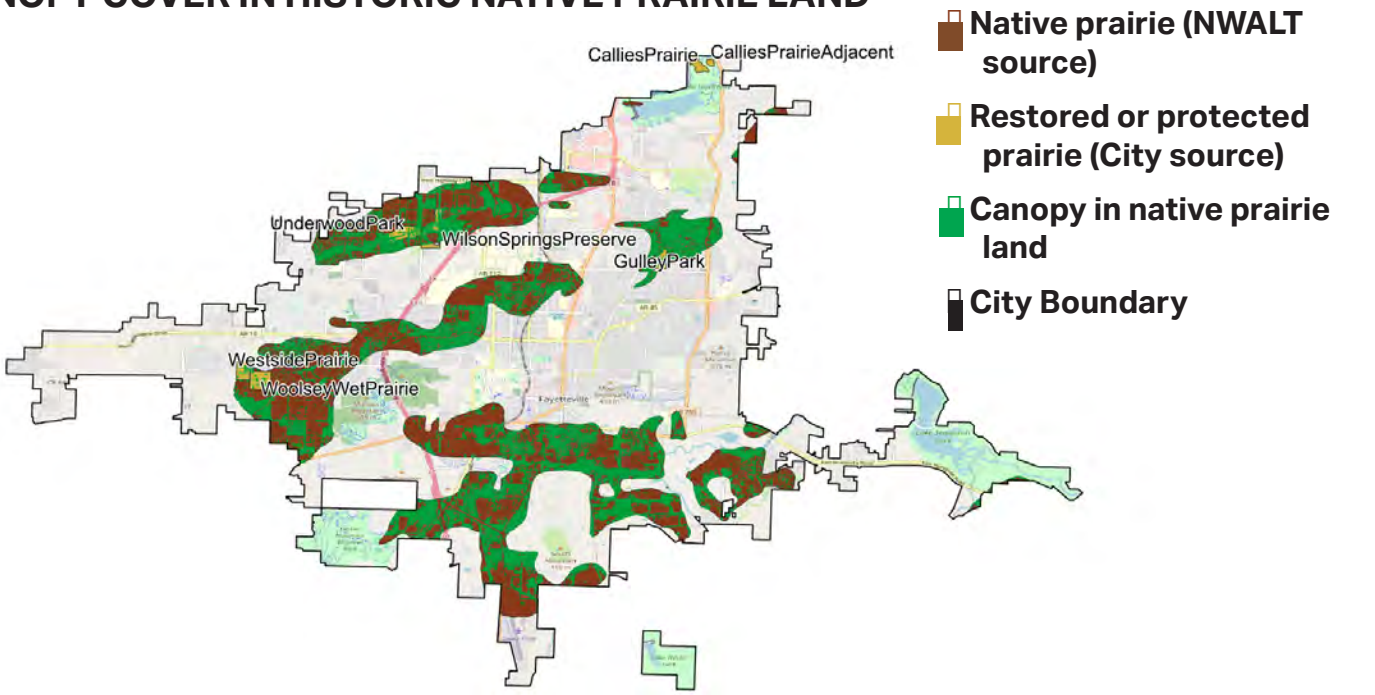


Figure 15. Map of the canopy within native and restored prairie land.

Total Prairie Acres	Total Canopy in Prairies	% of Canopy within Prairies
9,769 total native prairie land acres	1,957 total canopy acres in native prairie land	20% canopy in native prairie land

Figure 16.Acres of native and restored prairie land.

Protected Prairie-related Areas	Acres*
Woolsey Farmstead and Wet Prairie Sanctuary	50
Westside Prairie	40
Wilson Springs Preserve	121
Underwood Park	5 (estimated)
Callies Prairie	33
Gulley	3
TOTAL	**252 acres**

Figure 17. Native and restored prairie land.

As shown in the map and tables above, the City has nearly 10,000 acres of land that was native prairie land. 20% of the native prairie land contains tree canopy which amounts to 1,957 acres of canopy. Over time, the City and organizations have actively restored and protected or preserved portions of this native prairie land as shown in the previous table.

Based on the figures provided by the City, 252 acres of prairie have been restored and/or protected while other native prairie land has been reshaped by development or is vulnerable. In Appendix A explores priority planting areas with a consideration to preserve or restore native prairie land by not introducing trees into the landscape.

THE UNIVERSITY OF ARKANSAS



Aerial photo view of the University of Arkansas campus. Source: University of Arkansas

The University of Arkansas located in Fayetteville owns and manages the urban forest within its campus. The Universities goals for their urban forests may differ from those of the City. While the urban forest within the University contributes benefits to all City residents, the environment, and local economies, the City does not have authority to determine how canopy is preserved, expanded, or reduced. Therefore, an analysis was conducted to look at the amount of canopy on University grounds and the section of this Plan that discusses priority planting areas considers excluding these areas within the University.

The University property was not included in this plan's public or private tree inventory. The University of Arkansas properties were not included in goals or future visions. However, its property and trees were included in the GIS canopy cover measurements. The University, as an independent entity, owns and manages its property, and is not bound by the landscape requirements, tree maintenance practices, or any other landscape regulations enforced by the City of Fayetteville. In the context of this plan, the University operates with a degree of autonomy within the City.

TREE CANOPY COVER WITHIN THE CAMPUS OF THE U OF A

University Acres	Canopy Area (Ac)	Canopy %
377 campus acres	22 acres of canopy on campus	6% canopy on campus

Citywide Acres	35,712
Citywide Canopy Acres	14,081
Citywide Canopy %	39.43%
Citywide Canopy Acres Excluding University	14,059

Table 5. Canopy within University of Arkansas property

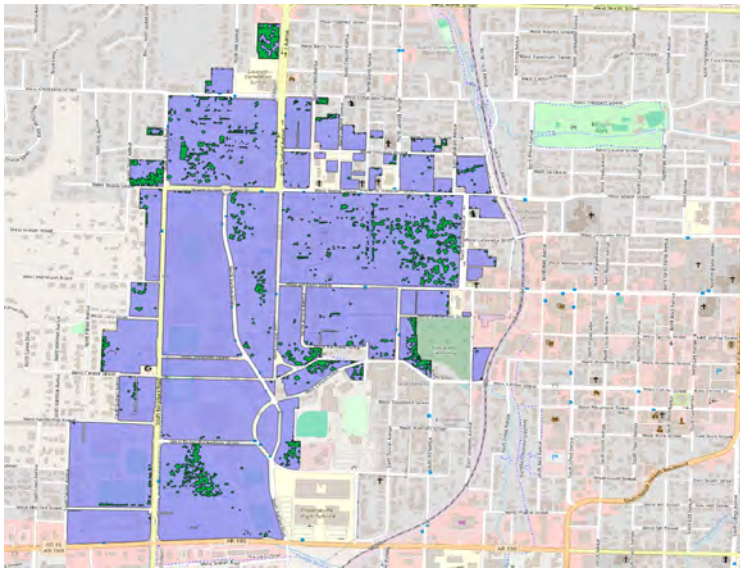


Figure 18. Map displaying tree canopy on University of Arkansas property within the urban core.

University of Arkansas property in urban core

Canopy within University of Arkansas property

As shown in the map and table above, an analysis of tree canopy cover within the University of Arkansas (UA) property in the urban core (excludes the UA Department of Food Science properties to the north) was completed as part of the study. A total of 377 acres of University property were mapped and it was found that within those areas, there are a total of 22 acres of canopy resulting in a 6% canopy for the University of Arkansas.

Although the main U of A campus covers a relatively small area compared to the entire city, the benefits of its tree canopy for students, visitors, and residents warrant ongoing coordination and communication with community institutions and stakeholders. While the University, as state property, is exempt from city development regulations like tree preservation, it is still important to maintain positive relationships with University stakeholders.

TREE MANAGEMENT TEAM

The City's urban forest is governed by a variety of policies, regulations, programs and departments; each bringing important expertise, perspective and resources. Combined, the financial support is estimated at nearly $700,000.

Due to this shared management, Fayetteville is a leading city in urban forestry, having been recognized as a Tree City USA for 28 years, the fifth longest running designation in Arkansas. Fayetteville has also received more Growth Awards than any other city in the state, with 10 awards as of 2023.

Department	Division	Count of FTEs*	Title	Certifications
Development Services	Development Review	1.00	Urban Forester	ISA** Certified Arborist
Parks, Natural Resources and Cultural Affairs	Parks Planning & Urban Forestry	1.00	Urban Forester	ISA Certified Arborist, ISA Municipal Specialist, ISA TRAQ***
Public Works	Park Maintenance	6.00	Urban Foresters	3 ISA Certified Arborists

Table 6. Summary of the departments and staff involved in urban forest management in Fayetteville.

* Full-time employee or full-time equivalent, ** International Society of Arboriculture, *** Tree Risk Assessment Qualification

DEPARTMENT RESPONSIBILITIES

The management of the city's urban forest is divided across three municipal departments. The Parks, Natural Resources and Cultural Affairs Department oversees the City's Urban Forestry Program, which is led by one of the Urban Foresters and supports public street tree maintenance crews. In addition to these responsibilities, the Urban Forester also creates and manages tree planting initiatives, public outreach programs, provides guidance on hazardous trees, and serves as the staff liaison to the City's Urban Forestry Advisory Board.

Development Services' Urban Forester provides services related to development plan reviews and other supporting services. Specifically, the Urban Forester administers, reviews, and monitors regulations within Chapter 167 of Fayetteville's Unified Development Code titled, "Tree Preservation and Protection" and Chapter 177 "Landscape Requirements Code."

Public Works has six Urban Foresters in Public Works Park Maintenance for public street tree and park tree management. The Parks Maintenance Division was integrated into Public Works in 2021 and continues to support Parks, Natural Resources and Cultural Affairs in operations, facility improvements, and tree activities.

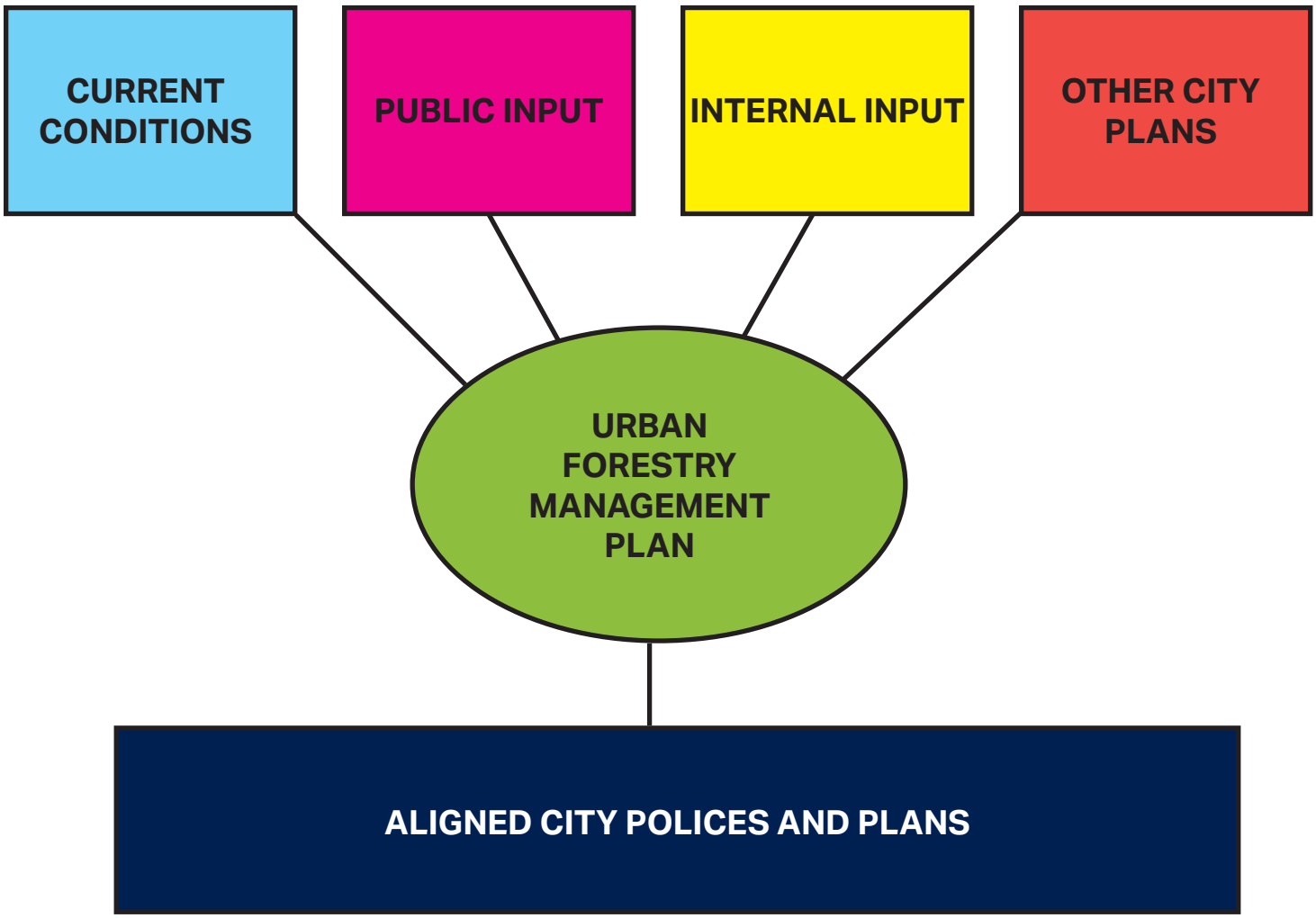
Sharing public tree maintenance and management responsibilities across departments can yield many benefits, such as utilizing limited resources efficiently. It is critical that workflows are clear and understood. Fayetteville's urban forest continues to grow and change, public awareness of the City's urban forest and its programs is increasing, and the beneficial impacts of trees to mitigate climate change are understood better than ever. In turn, it is anticipated the service demands will continue to rise, especially as the City implements the Plan's strategies to increase tree canopy cover. As service demand continues to increase so does the need to find methods to increase capacity and efficiency under strained fiscal support.



Section 4: Planning Process

PLANNING PROCESS

Evaluating the alignment of existing policies and plans in Fayetteville with urban forest management elements ensures a strong connection among the programs that manage the urban forest and the projects and initiatives that support them. Proper alignment of urban forestry program recommendations reduces the risk of wasting resources and enables success of key projects that support urban forestry goals. Plans cannot live in isolation, therefore, cross-examining various plans and documents brings to light any projects or initiatives that are a misplacement of resources and time. Tree regulations in the City provide the foundation from which tree canopy cover can be preserved, protected, and expanded while aligning with industry standards and best practices. Regulations for trees on private property are the primary tools for urban foresters to guide private landowners and developers in sustainable practices.



Several documents and resources were reviewed and indexed during the development of the Urban Forestry Management Plan. These documents included:



City Plan 2040 (2020 update): The City of Fayetteville adopted its first comprehensive plan in 1970. The plan, and all of its subsequent updates and revisions, seek to establish a framework of goals, policies, and guidelines to direct future physical, economic, and social development.



Energy Action Plan (2018): This plan is structured around one overarching goal: reducing greenhouse gas emissions (GHG) for activities occurring in Fayetteville. While GHG reduction is the guiding goal, a host of co-benefits accompany these actions. The plan outlines ways that the City can increase energy efficiency, transition to cleaner fuel sources, improve public health outcomes, build more resilient local businesses, among other core principles.



Active Transportation Plan (updated February 2023): The plan serves as a guiding document for Fayetteville infrastructure and program development related to active transportation. It outlines a network of sidewalks, trails, and bicycle facilities to provide walkers, cyclists, and other users with clear pathways and connections to important city destinations.



Park and Recreation System Master Plan (2023): This plan was in development during the planning stage of the Urban Forestry Management Plan. In February 2023, the Park and Recreation System Master Plan was completed. It exemplifies the City's values in providing a thriving park system for all ages, abilities, and activities. The strategic plan will guide the future of Parks and Recreation for the next decade. It evaluated the existing conditions of the park network and identified areas for growth, improvement, and preservation.



Climate Action Plan: The goal of the Climate Action Plan will inform future policies, programs and actions undertaken by the City and to assist the City in its efforts to remain resilient to the anticipated changes in the climate to preserve the quality of life for those who live, work and play in Fayetteville. Carbon sequestration helps to mitigate carbon dioxide levels. Our urban forests help sequester and store carbon.

The relevant plans and studies are summarized above to demonstrate the parallels among urban forest and other planning efforts in the City. The Urban Forestry Management Plan's long-term framework aims to complement goals and policies within these City plans and studies that pertain to trees in Fayetteville. This evaluation of existing resources serves to reduce conflicting priorities in the City. For more information and cross plan goals see Appendix E: Existing Plan Cross Referencing.

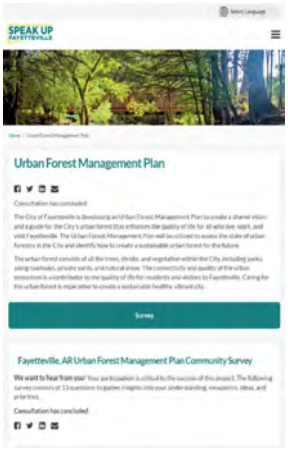
PUBLIC ENGAGEMENT

Engaging internal and external stakeholders is critical to the success of an urban forestry management plan. By involving Fayetteville's staff, residents, businesses, and other stakeholders, the urban forestry team gained a better understanding of the community's needs and concerns. This engagement was woven throughout the development of Fayetteville's Urban Forestry Management Plan, shaping a final plan that reflects the diverse needs of all stakeholders.

To raise awareness and encourage participation, the project team utilized the City's "Speak Up Fayetteville" website (speakup.fayetteville-ar.gov). The website provided background information, project timelines, draft outcomes, and a platform to launch the public survey, allowing the community to stay informed and provide feedback.

From December 2022 through mid-January 2023, a 14-question on line survey was launched on the City's Speak Up Fayetteville website to learn how trees impact the lives of Fayetteville's community members, to gather feedback on canopy goals and priority planting areas, to identify where the City should prioritize resources and investments, and to recognize the benefits and services provided by trees that the community values most.

A total of 169 responses were received. The following provides an overview of the engagement garnered from the effort followed by a summary info-graphic. The majority of respondents own a home in Fayetteville (61%) and are between 25 and 35 years old (28%).



Respondents are engaged with their urban forest in that they understand and appreciate trees providing shade and reducing surface temperatures (62%) and would like to see trees planted where there is historically less canopy coverage (50%). The trees planted should be resilient to pests and diseases, changing climates, limited space, and storm events (40%). To improve public tree health, respondents support setting and achieving canopy goals that are based on reducing heat, improving ecosystems, expanding canopy cover in under served communities, and increasing the benefits trees provide (74%). They would also like to see more trees and preservation incorporated into development projects (66%) and planting trees that can coexist with sidewalks and underground utilities (41%). Future resources and investments that result from the Plan should be focused on strengthening ordinances for private development (70%), purchasing land for conservation (54%), planting trees on public property (51%), and partnering with private property owners to plant trees on private property (41%). To achieve canopy goals, respondents would like to see parks and greenways prioritized (69%), followed by planting trees along streets (68%), on commercial and industrial property (60%), and on school and campus grounds (40%). The kinds of trees respondents would like to see planted include trees and priority areas that are climate-based (56%) and location-based using the right tree right place principle and replanting trees that were removed (25%). Most respondents support watering the street trees adjacent to their property during periods of drought (73%).

The success of this engagement effort is largely attributed to the City's commitment to share the survey and conduct outreach. The survey was announced on the City's website, the Speak Up Fayetteville project web page, social media posts, press releases, news media, and shared throughout relevant partner networks.

The public comment period for the UFMP was open from September 27 to October 11, 2024, allowing time for review and comments. The plan has been presented to the Environmental Action Committee, Parks, Natural Resources, and Cultural Affairs Advisory Board, Planning Commission, and Urban Forestry Advisory Board.

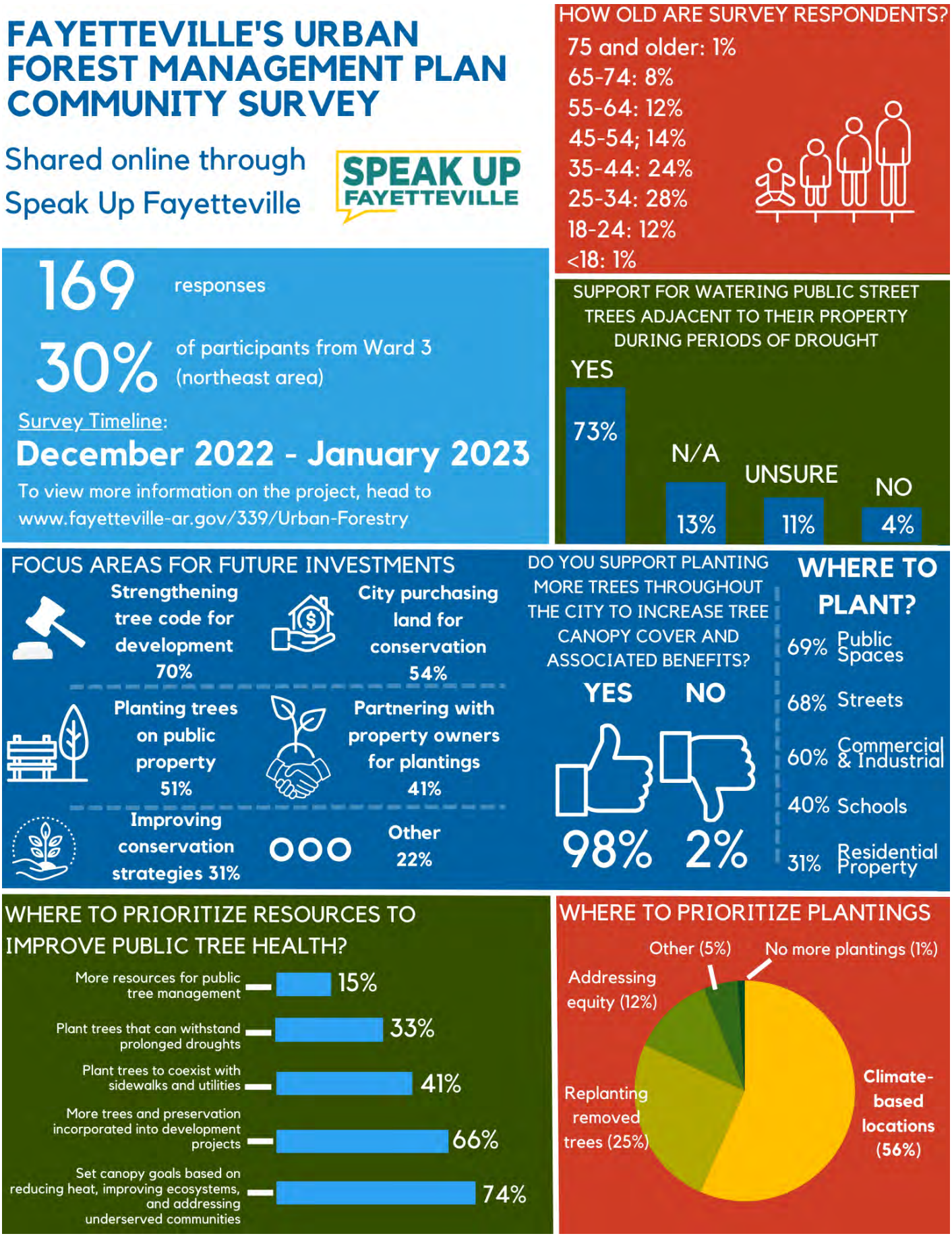


Figure 19. Info-graphic summary of the public's priorities and viewpoints regarding the urban forest.

INTERNAL ENGAGEMENT

In August and September 2022, engagement with City staff in various departments to develop the Urban Forestry Management Plan began with an on line survey to identify workflows, measures of success, concerns, priorities, and shared goals and outcomes as it relates to trees in the City. A total of 28 of the 59 (47%) invited staff and board /commission members participated in the survey and follow-up interviews as desired.

Staff participants represented the departments of Parks, Natural Resources and Cultural Affairs; Public Works; Environmental; and Development Services. In addition, members from the Urban Forestry Advisory Board, Parks, Natural Resources and Cultural Affairs Advisory Board, Environmental Action Committee, Planning Commission, and Keep Fayetteville Beautiful participated.

The figure on the following page provides a graphic summary of responses. Most respondents serve as advocates for public trees and park improvements, over 60% support community recreation and engagement, and half are involved with City planning. Over half of the respondents noted the staffing levels as a challenge, along with needed improvements as they relate to ordinances and infrastructure conflicts (50% each). 46% feel there is more to be done in terms of preparedness planning as well as 46% concerned with the sustainability of ecosystems.

The respondents noted their top priorities to address in the Plan as procuring funding for the City to purchase land for tree preservation and canopy expansion, supporting local businesses and others in the community to cooperatively grow and maintain the urban forest, and increase funding to purchase trees to be planted to support canopy goals.



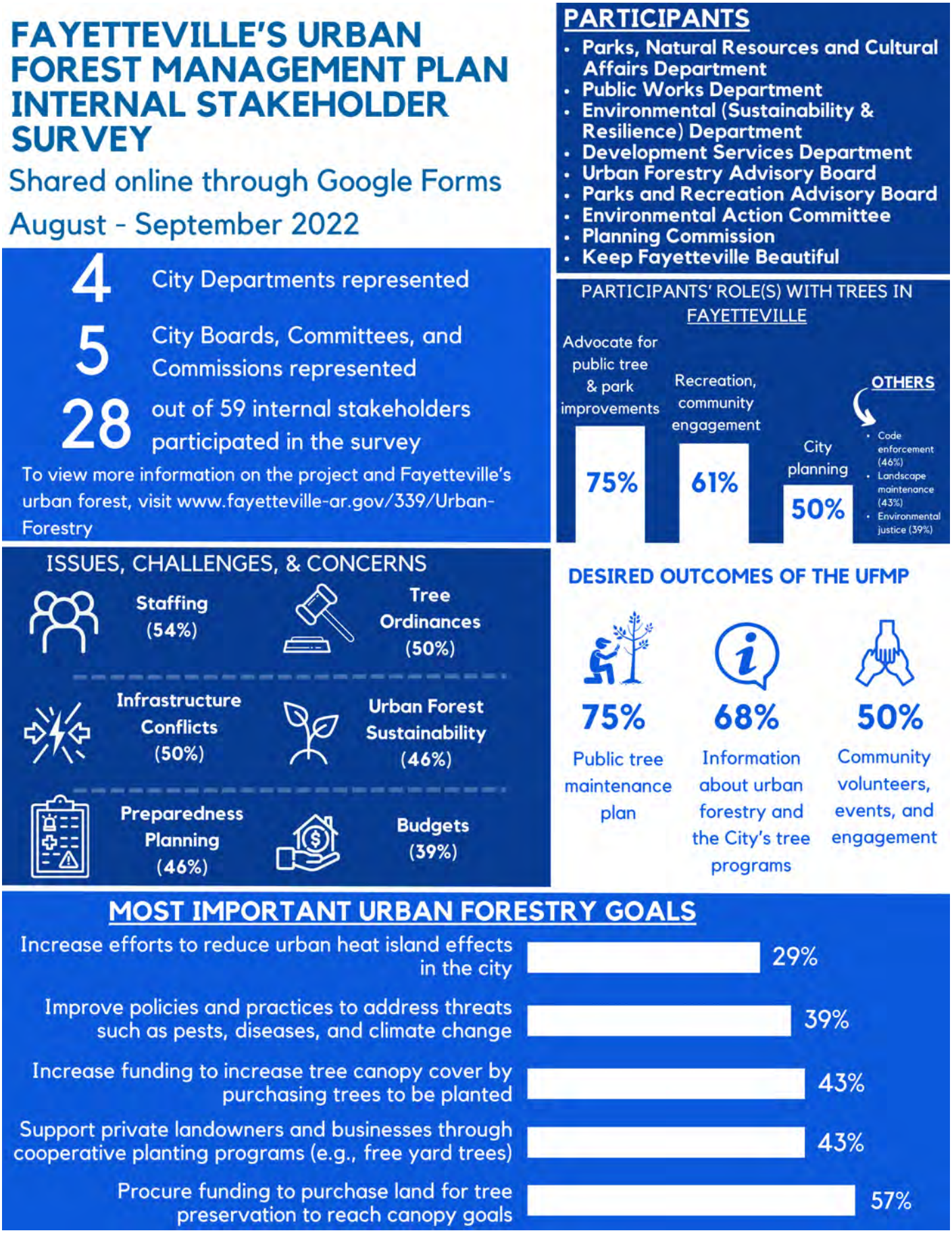


Figure 20. Summary of the feedback received from internal stakeholders.



Section 5: Vulnerabilities

DEVELOPMENT AND LAND USE CHANGE

The Northwest Arkansas Regional Planning Commission (NWARPC) estimates that Fayetteville will grow to a population of 142,496 by the year 2040. This will be an increase of an additional 48,547 people added to the most recent U.S. Census Bureau estimated population of 93,949 in 2020. Planning and anticipating the location, form, and function of land use and growth patterns enables the City and the existing residents to guide where and in what pattern this growth will occur. Relative to neighboring cities, Fayetteville has a large percentage of undeveloped land including swaths of canopy cover and native prairie land. However, according to the City's Urban Forestry Program, Fayetteville lost 35 acres of tree canopy cover in 2022 due to development. While the City's tree ordinances do require tree preservation, protection, and planting to mitigate canopy loss, it is projected that there will be a net loss of 20 acres of canopy solely for those development projects reported in 2022. Additionally, existing urban areas rezoned for more dense development reduce available space for trees and greenspace.

Fragmentation

Development often results in fragmentation of tree canopy, creating isolated populations that are less likely to cross-pollinate. This can reduce biological and genetic diversity of the ecosystem and change the species composition (Fahrig, 2003). It may also result in the loss of buffering potential, such as vegetative stabilization of stream banks. As sites become fragmented and the amount of ecosystem space is reduced, many plants and animals that rely on connected habitats may disappear from the region (Saunders, et al., 1991).

Altered Soils

Urban trees must often survive in compacted soils that have been altered for the built environment. A good growing medium for trees contains approximately 50% pore space (which allows the root system access to the air and water it needs to survive) and a layer of organic matter. In contrast, construction soils typically have less than 25% pore space and organic matter combined.

Competition for Space

Conflicts with hardscapes and utilities often occur when trees are not provided adequate space for root and canopy growth. In rights-of-way, trees may compete for space with signs and streetlights, underground utilities, and overhead electric and telephone lines. As trees outgrow available space, their roots can raise sidewalks as they search for water, air, and growing space. The resulting sidewalk repairs may require removal of the tree or application of alternative sidewalk solutions. The City has regulations and best management practices (BMPs) for addressing these situations.

To prevent and address negative impacts from development, the City of Fayetteville coordinates efforts to ensure projects adhere to City requirements such as tree canopy cover, stormwater management, public safety, and accessibility.

The prevention of future conflicts requires streetscape design that considers the mature size of trees being planted as well as available technologies that allow trees to thrive in this environment. Examples of these unique designs are provided in the graphic below:



EASEMENTS



ROOT BARRIERS



SUSPENDED PAVEMENT



STRUCTURAL SOILS

Figure 21. Streetscape design solutions for preventing or mitigating tree and infrastructure conflicts.

EASEMENTS AND CANOPY VULNERABILITY

Easements grant legal rights to a city, utility, or other municipality to use specific areas of private property for public purposes, such as installing utilities or constructing public infrastructure like sidewalks and roads. However, trees located within these easements can be vulnerable if not properly managed or if regulations fail to adequately preserve and protect the existing tree canopy.

The construction of public infrastructure like sidewalks or roads can lead to the removal of trees due to conflicts with the design and function. Easements may also restrict the planting of trees or other vegetation that could interfere with the installed infrastructure or utilities. This restriction limits the potential for future tree canopy cover in those areas. Additionally, the installation of underground utilities in City easements can damage tree roots, potentially causing tree decline or death. Maintenance activities such as pruning or tree removal may also be necessary in easements to ensure proper functioning of public infrastructure. However, if not done properly, these activities can result in the loss of valuable tree canopy cover.

An analysis of tree canopy within Fayetteville's easements was conducted in 2023 utilizing the City's 2019 tree canopy data, to determine the impact of potential canopy loss. The City contains a number of different types of easements ranging from access, aviation, conservation, drainage, utilities (e.g., gas, sewer, and water), grading, landscape, private, sidewalk, telephone, trail, and tree preservation. The potential for tree canopy gains and losses largely depends on the intended use of the easement, responsible parties, and the regulations.

CITY EASEMENT TYPES

- Conservation
- Tree Preservation
- Drainage
- Utilities

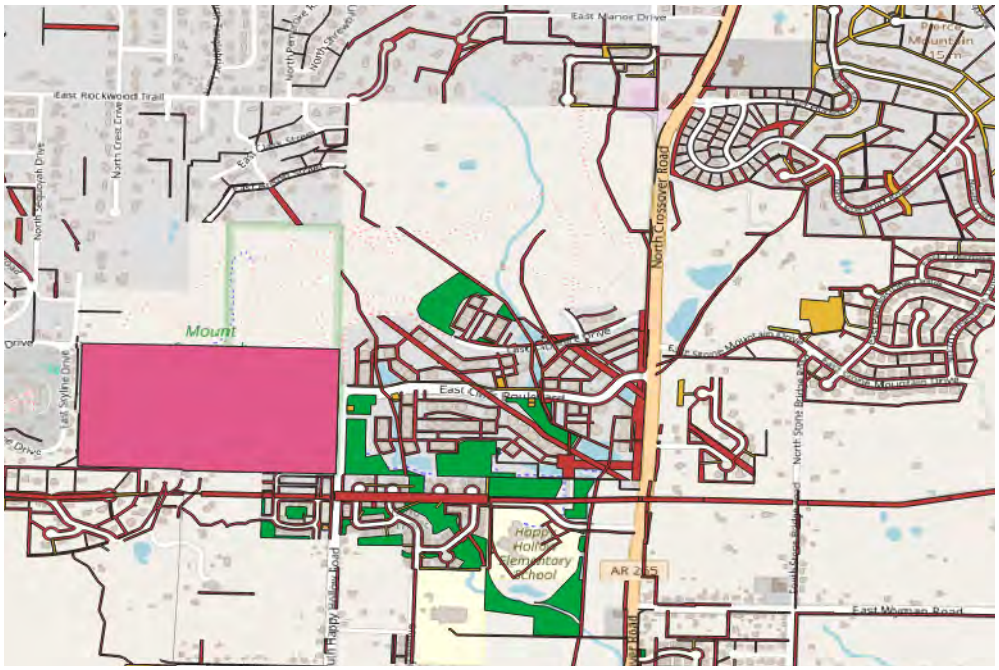


Figure 22. Examples of the types of easements found in the City of Fayetteville.

The table and map below describe the easement types vulnerable to canopy loss

Canopy Likely Preserved	Canopy At Risk ("Vulnerable Easements")	Areas to Proactively Preserve Canopy
Conservation, Tree Preservation	Access, Null, Aviation, Drainage, Utilities, Grading, Landscape, Private, Sidewalk, Telephone, Trail,	Access, Landscape, Sidewalk, Trail,

Table 7. Potential vulnerability to canopy loss by easement type.

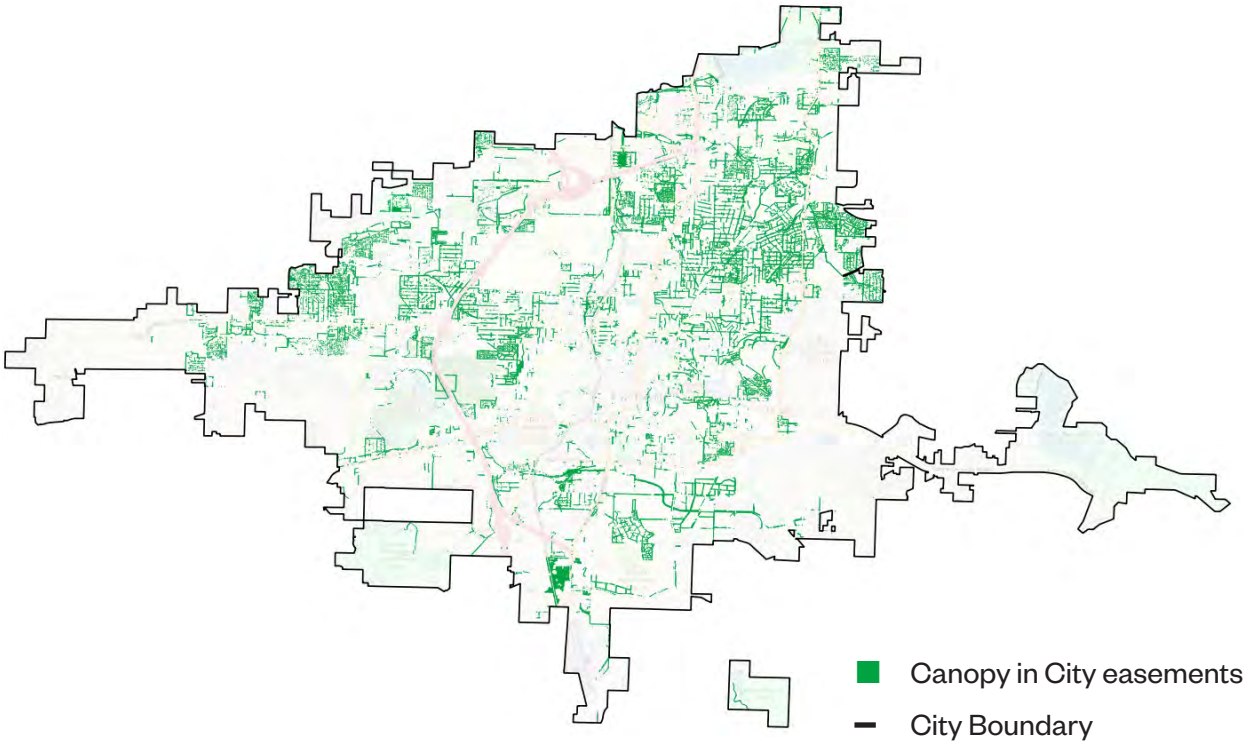


Figure 23. Canopy cover within vulnerable easements.

Acres of Vulnerable Easements	Acres of Canopy in Vulnerable Easements	% Canopy of Vulnerable Easements	Impact on Citywide Canopy Cover
3,981 total acres of vulnerable easements	1,015 acres of canopy in vulnerable easements	25% canopy within vulnerable easements	2.6% potential loss (39.4% reduced to 36.8%)

Table 8. Summary of vulnerable canopy in City easements.

Based on these categories, the vulnerable easements amount to a total of 3,981 acres and within that area, there are a total of 1,015 acres of canopy or 25%. The 1,015 acres of canopy represents 7.2% of the total citywide canopy cover (14,081 acres). This means that if the trees in these easements are not protected and canopy is removed, the City's canopy cover of 39.4% would be reduced to 36.8%.

CLIMATE CHANGE IMPACTS

As the effects of climate change take hold, already stressed trees will decline more rapidly, and healthy trees will have to endure multiple stressors to survive and thrive. The extreme heat and drought will reduce water availability, the plant hardiness zone will shift and introduce invasive plant species, stronger storms will occur resulting in more downed trees and limbs due to the canopy declining, and existing and introduced tree pests and diseases will flourish as trees continue to weaken.

If the City does not commit to a long-term proactive approach and disciplined investment to improve the health and reliability of the public trees, Fayetteville will fight a costly, reactive and escalating battle against failing trees, which will have a detrimental impact to public safety, budgets, tree crews, road closures, and utility reliability. The negative environmental, public well-being and scenic impacts will also be significant. With a quarter of Fayetteville's public street trees in fair or worse condition, and with climate change altering the types of species that thrive, the City's tree canopy is at considerable risk.

URBAN HEAT

Like many urban areas, Fayetteville is experiencing the detrimental effects of excessive summer heat. Urban heat island is a phenomenon that describes the higher air and surface temperatures in urban areas compared to surrounding rural areas. The temperature difference is largely due to the prevalence of buildings, roads, and other elements of the built environment that absorb and retain heat. Increased emissions of greenhouse gases and reduced tree canopy serve to magnify these impacts. Without strategic intervention, urban heat threatens the well-being and health of the community, particularly vulnerable populations lacking the cooling shade of trees.

With urban heat rising, the concern of tree decline is at the forefront of planning in urban areas. To understand Fayetteville's urban forest vulnerability to urban heat, analyses were conducted to measure and project potential impacts on its trees. These impacts include:
Increased stress on trees: Urban heat adds to stress trees are already facing from factors such as air pollution, drought, and pests, making it more difficult for trees to survive and thrive.

- **Reduced tree growth:** Urban heat can slow down tree growth, which can lead to a decline in the overall health of the urban forest.
- **Increased tree mortality:** Urban heat increases the risk of tree loss, which can lead to gaps in the urban forest.
- **Reduced air quality**: Urban heat tends to hold pollutants in the atmosphere, worsening air quality. This places an additional burden on trees' air purifying capabilities while also having a negative impact on human health and the environment.
- **Changes in plant communities**: Urban heat can lead to changes in the composition of plant communities as some species are more tolerant of heat than others. This can lead to a loss of biodiversity in the urban forest.



Figure 24. Illustration of the temperature difference in urban areas due to the urban heat island effect.

Changes in Plant Communities

Climate change will have a dramatic impact on the tree species that can survive and thrive in Fayetteville. To inform the Plan's recommendations, the USDA (United States Department of Agriculture) Forest Service Climate Change Tree Atlas was utilized to model habitat changes for tree species growing in the southeast region of the United States, which includes Arkansas. However, some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included (Iverson, et al., 2019).

The tables below list tree species that may be found growing in Fayetteville and their predicted vulnerability to habitat loss due to changing conditions. It also includes the proportion of those tree species that are currently in Fayetteville's public tree population based on the 2022 sample inventory.

Predicted Habitat Change	Tree Species Common Name	Percent of Fayetteville's Public Trees
SPECIES HABITAT PREDICTED TO INCREASE **Note: this list is not all inclusive or a recommendation, it is an ever-evolving list. The City will decide on the types of species to be approved.**	Princeton Elm	7%
	Post oak	6%
	Willow oak	6%
	Blackgum	4%
	New Harmony Elm	3%
	Red maple	3%
	American elm	3%
	Eastern redbud	3%
	~~Green ash~~ (Emerald Ash Borer)	2%
	Eastern red cedar	1%
	Winged elm	1%
	Water oak	1%
	Eastern hop hornbeam	1%
	Honeylocust	1%
	Flowering dogwood	1%
	Tulip tree	1%
	Osage orange	1%
	Shortleaf pine	1%
	Black cherry	1%
	Loblolly pine	0.5%
	American sycamore	0.4%
	Pecan	0.3%
	Overcup oak	0.3%
	Sweetgum	0.3%
	American holly	0.2%
	American hornbeam	0.2%
	Mockernut hickory	0.2%
	Southern red oak	0.2%
	Persimmon	0.2%
	Southern magnolia	0.1%
	Blackjack oak	0.1%
	River birch	0.1%
	~~White ash~~ (Emerald Ash Borer)	0.1%
	Sassafras	0.04%
Total		**51%**

Table 9. USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to increase (low emission scenario).

Predicted Habitat Change	Tree Species Common Name	Percent of Fayetteville's Public Trees
SPECIES HABITAT PREDICTED TO NOT CHANGE **Note: this list is not all inclusive or a recommendation, it is an ever-evolving list. The City will decide on the types of species to be approved.**	Bald cypress	3%
	Hackberry	3%
	White oak	2%
	Black walnut	1%
	Nuttall oak	1%
	Mulberry	1%
	Scarlet oak	0.4%
	Boxelder	0.3%
	Shumard oak	0.3%
	Swamp chestnut oak	0.1%
	American beech	0.1%
	Chinkapin oak	0.1%
	Pignut hickory	0.1%
	Bitternut hickory	0.04%
	Black Hickory	0.04%
Total		**12%**

Table 10. USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas' predicted to not change (low emission scenario).

Predicted Habitat Change	Tree Species Common Name	Percent of Fayetteville's Public Trees
Species Habitat Predicted to DECREASE **Note: this list is not all inclusive or a recommendation, it is an ever-evolving list. The City will decide on the types of species to be approved.**	Pin oak	5%
	Northern red oak	3%
	Sugar maple	3%
	Serviceberry	2%
	Bur oak	1%
	Silver maple	0.4%
	Shagbark hickory	0.4%
	American basswood	0.3%
	Black oak	0.2%
	Ohio buckeye	0.1%
	Black locust	0.1%
Total		**16%**

Table 11. USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario).



Figure 25. Climate change vulnerability of Fayetteville's public street trees. Source: USDA Climate Change Atlas

Important Note: The USDA Forest Service Tree Atlas models predict habitat change for 134 native tree species in the eastern United States. The research is then modeled for tree species in the southeast U.S. including Arkansas. Some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included. With limited data currently available on the resilience and vulnerability of native Arkansas tree species, this table provides a glimpse of how the species composition of Fayetteville's urban forest may change.
Web source: www.fs.usda.gov/nrs/atlas/tree/

According to the Climate Change Atlas and based on the 2022 sample inventory of Fayetteville's public street trees, 51% or an estimated 12,703 trees are expected to have their growing conditions and habitat improve and increase due to climate change. 12% or 2,913 public trees in Fayetteville are predicted to not be impacted by changing climates and 16% or 3,899 trees are predicted to be negatively impacted by climate change and experience habitat loss.



URBAN TREE PESTS AND DISEASES

Pests and diseases add to the existing stresses faced by trees in an urban environment. Stressed trees are more vulnerable to insects and diseases, although some pests and diseases pose an equal threat to healthy trees. Climate change can create conditions that are favorable for the spread of pests and diseases. Also, prolonged drought stresses trees causing them to be more susceptible to pests and diseases.

Though emerald ash borer (EAB) was found in Arkansas in 2002, it is still a concern for the ash (Fraxinus) trees across the City. From the sample inventory of public trees in 2022, it is estimated that 2% (600 trees) are ash trees. Currently, the City does not treat any ash trees on public land, but ash trees are no longer planted or recommended.

The insect attacks and kills healthy as well as stressed trees, causing catastrophic loss to all ash species. Its impact on the structural integrity of host trees can cause these trees to become safety hazards.

Figure 26. Emerald ash borer (EAB) insect (top), dieback (left), larvae (bottom left), borer holes (right), and larvae galleries (bottom right). Source: AR Department of Agriculture

Sudden oak death (SOD) is caused by Phytophthora ramorum, a fungus-like microorganism. At least 90 species of trees and woody ornamentals are hosts for SOD. Changing climates may cause SOD to become more widespread and harder to control. The disease produces rapid decline in oaks and other tree species; death may occur within months to years later. Symptoms include bleeding cankers on the lower trunk, and leaf spots. Control of SOD is focused on early detection and eradication of infected plants.



Figure 27. Sudden oak death (SOD) wood and bark discoloration.The lesions and discoloration of leaves of one of the 90 different tree species SOD impacts. Source: AR Department of Agriculture

Dutch elm disease (DED) is caused by a fungus (Ophiostoma ulmi) that infects the vascular system of elm (Ulmus) trees. The disease propagates on a number of different elm species but the majority of cases in Arkansas have been found on American elm (Ulmus americana).



Figure 28. American elm identifying features (left), leaf flagging symptom of Dutch elm disease (middle), and gallery of bark beetles that are the vector for the Ophiostoma ulmi fungus. Source: University of Arkansas Cooperative Extension Service

Bacterial leaf scorch (BLS) is a systemic disease caused by the bacterium Xylella fastidiosa that disrupts the transportation of water through the tree. It is commonly transmitted by insects with piercing mouth parts, impacting sycamore, sweetgum, American elm, and various maple, oak, and other tree species. With higher temperatures and drought predicted, the impact of BLS on Fayetteville's trees is likely to increase.



A B C D

Figure 29. Bacterial leaf scorch observed on oak (A), redbud(B), elm (C), and maple (D) leaves. Source: University of Arkansas Cooperative Extension Service

There are other pests and diseases to monitor such as the jumping oak gall disease affecting white oak trees, tent caterpillars with a wide range of hosts, oak wilt, red oak borer insect, thousand cankers disease, laurel wilt disease, and the threat of Asian long-horned beetle that prefers maples but also has a wide range of preferred host tree species. Additional information regarding tree pests and diseases can be found at the University of Arkansas Cooperative Extension Service.

Section 6: Vision, Recommendations, and Implementation



INTRODUCTION

This section provides guidance and recommendations for the City of Fayetteville to continue to provide high levels of service now and into the future over the next 10 years. The Urban Forestry Management Plan's recommendations include those that may only take a few months and others that will require a coordinated effort that may need to continue on beyond the 10-year time frame.

PLAN VISION STATEMENT

"Healthy Trees, Healthy City: To cultivate a thriving, diverse, and well-maintained tree canopy that enhances the livability, health, and sustainability of our community for current and future generations."



VISION

What does the urban forest and its programs look like ten years from now?

The vision guides direction on where Fayetteville is headed and helps guide recommendations for the future.

GUIDING PRINCIPLES

What are we aspiring to achieve?

These are the aspirations for the City over the next 10-years. They are key themes for organizing the plan and include a citywide canopy cover goal.

GOALS

How do we achieve our principles and vision?

The goals are specific opportunities for the City to move toward the 10-year vision.

STRATEGIES

What is the approach to take?

Strategies provide the general direction or method to take to achieve the goals.

Priority Actions

What is the next Step?

This is the prioritized list of steps to take.



GUIDING PRINCIPLES, GOALS, STRATEGIES, AND ACTIONS

Fayetteville's Urban Forestry Management Plan aims to guide the City in managing, protecting, and growing its urban forest. The goals, strategies, and priority actions are developed based on research and analysis of available data, extensive internal and external engagement, and an evaluation of urban forest sustainability criteria. The resulting goals and recommendations address the current conditions, existing and potential challenges, and shared priorities.

To achieve the vision for the urban forest, a citywide canopy cover goal 44.4 % over 30 years was established as the cornerstone metric for tracking progress in implementing the Urban Forestry Management Plan. This metric can be used by the City to track and monitor the urban forest, it resonates with residents, creating a tangible and shared vision of a lush and vibrant urban environment. Moreover, the canopy cover goal aligns with other goals and priorities in the City such as environmental stewardship, climate change resilience, public health, air quality enhancement, and temperature moderation. By using canopy cover as an overarching measure, Fayetteville ensures a comprehensive approach that not only improves the urban ecosystem but also fosters a sense of pride, unity, and responsibility among its residents.



Fayetteville's Tree Canopy Cover Goal

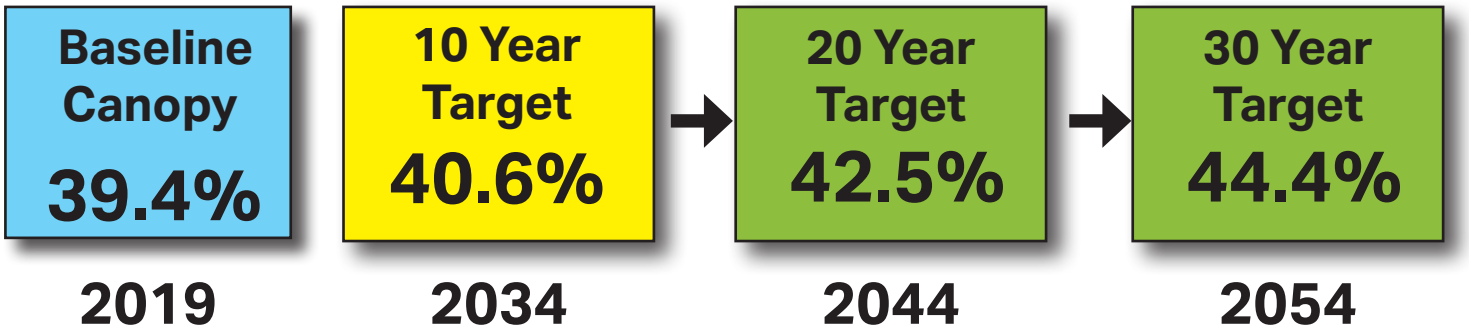


Table 11. Fayetteville's canopy goal milestones and targets.

The overall 30-year goal is to increase canopy from 39.4% to 44.4%. The first step in achieving the 30-year goal is to focus on the actions necessary for the next ten years. The ten-year goal is to increase canopy by 1.2% to 40.6%.

The city's goal of adding 1,850 net trees (trees that reach a level of maturity past their most vulnerable stage of growth) is flexible, with the trees coming from three sources: city plantings, tree giveaways, and citizen plantings. This innovative approach prioritizes maintaining trees to maturity over simply planting a large number. The plan starts by determining how many trees the Public Works Urban Foresters can realistically maintain over the next three years. The direct citizen tree planting program is the second component for reaching the 1,850 net tree goal. Finally, the number of trees given away will be adjusted as needed to ensure the overall target is met. By using realistic mortality rates, the city can better understand and achieve its tree-planting objectives. The example below illustrates how this flexible approach can be implemented.

Planting Sources	**Annual Planting**	**Survival Rate**	**Net Trees**
City Planting	450	90%	405
Citizen Planting	100	90%	90
Subtotal			**495**
Tree Give Aways	2085	65%	1355
Total Net Trees			**1850**

This example shows that even though we need to adjust for fluctuation in maintenance capacity and participation in neighborhood plantings, we can still achieve our 1850 net tree goal. Using this integrated approach, along with preservation and mitigating the loss of canopy, the City of Fayetteville can be confident that this ambitious goal is achievable.

City Plantings

Public Works Urban Forestry staff has maintained information that lets us know how many trees our maintenance staff can care for each year. Newly planted trees require regular watering, structural pruning, mulching, and monitoring for pests and diseases. After 3-5 years, the regular maintenance is lower and requires pruning every few years as needed. We use a 90% survival rate for our newly planted trees. Communication from Public Works Urban Forestry is key to knowing what our annual tree planting will be for the following year. The number of trees planted by the City will fluctuate based on the maintenance capacity of our Public Works Urban Forestry staff.

Citizen Plantings

Urban Forestry Staff has created a pilot program that works directly with property owners and homeowners' associations to add trees on streets, in lots, or around detention areas. These programs are currently adding

approximately 100 trees annually to the canopy. The survival rate for these trees is estimated at 90% since the homeowners will be planting them directly and maintaining trees on their property. The annual number of these types of plantings is targeted to grow.

Tree Give Aways

The city currently hosts two annual tree giveaway events - the Celebration of Trees and the Invasive Plant Bounty - which provide 1,250 free trees to residents. To further expand these efforts, the city could create additional tree distribution programs around Earth Day, Arkansas Arbor Day, and National Arbor Day. Given the strong community interest and attendance at these existing initiatives, expanding the opportunities for residents to receive free trees would be a valuable program addition.

Urban Tree Mortality

Trees do have a lifespan that is typically much longer than humans. However, we must account for natural tree mortality, as 1.1% of the tree stock is estimated to be lost annually (Nowak & Greenfield, 2012).

Our city has a diverse tree population, including forests, public, and private trees. The natural mortality in city forests is offset by replacement and natural regeneration, so the overall forest canopy remains stable.

In contrast, the City actively replaces dead and dying trees on streets, parks, and other municipal properties. Private property owners are also accounted for in the biannual NAIP canopy assessment, and tree replacement programs like Celebration of Trees and partnerships with POAs/HOAs help replant dead trees and add new trees to barren yards.

By addressing tree natural mortality while actively replenishing the urban canopy through public and private efforts, the city is able to maintain a healthy, sustainable tree population. This helps us focus on adding to our overall tree canopy.

Development

It is estimated from available data that approximately 3,728 trees are planted annually due to development activities. The tree planting numbers presented in this plan are based on a no net canopy loss, meaning a balance of canopy loss, regardless of cause, with canopy growth through private and public tree plantings and natural regeneration across the city. Development activities that remove the canopy must be mitigated to reach the canopy goals, which is part of the standards and purpose in 177.01 B1: “Promoting reasonable conservation and replenishment of valued tree canopy and vegetation.” Urban Forestry staff suspects this is insufficient to replace the lost canopy from development.

The primary goal of the Urban Forestry Management plan is to increase the city’s overall tree canopy from 39.4% to 40.6% over the next 10 years. While development has the largest impact on the city’s tree canopy, with some projects resulting in tree loss, particularly in wooded areas, other projects in less treed areas like agricultural fields are expected to gain canopy. To minimize canopy loss, the city’s development code requires a minimum tree cover that must be met for each parcel, with tree mitigation required if a parcel cannot fully meet these requirements. Extensive tree planting efforts from both public and private sources will be required to achieve the targeted 1.2% canopy increase.

Studying and tracking development impacts to the tree canopy is crucial for the Urban Forestery program to respond to evovling conditions.

PRIORITY PLANTING AREAS

Maintaining and selecting locations for trees to reach maturity requires careful planning and consideration of the location. The following maps are recommended to be used when selecting tree planting areas, these areas are high priority and can have the biggest impact. Social, economic, and environmental considerations go into locating areas for tree planting projects.

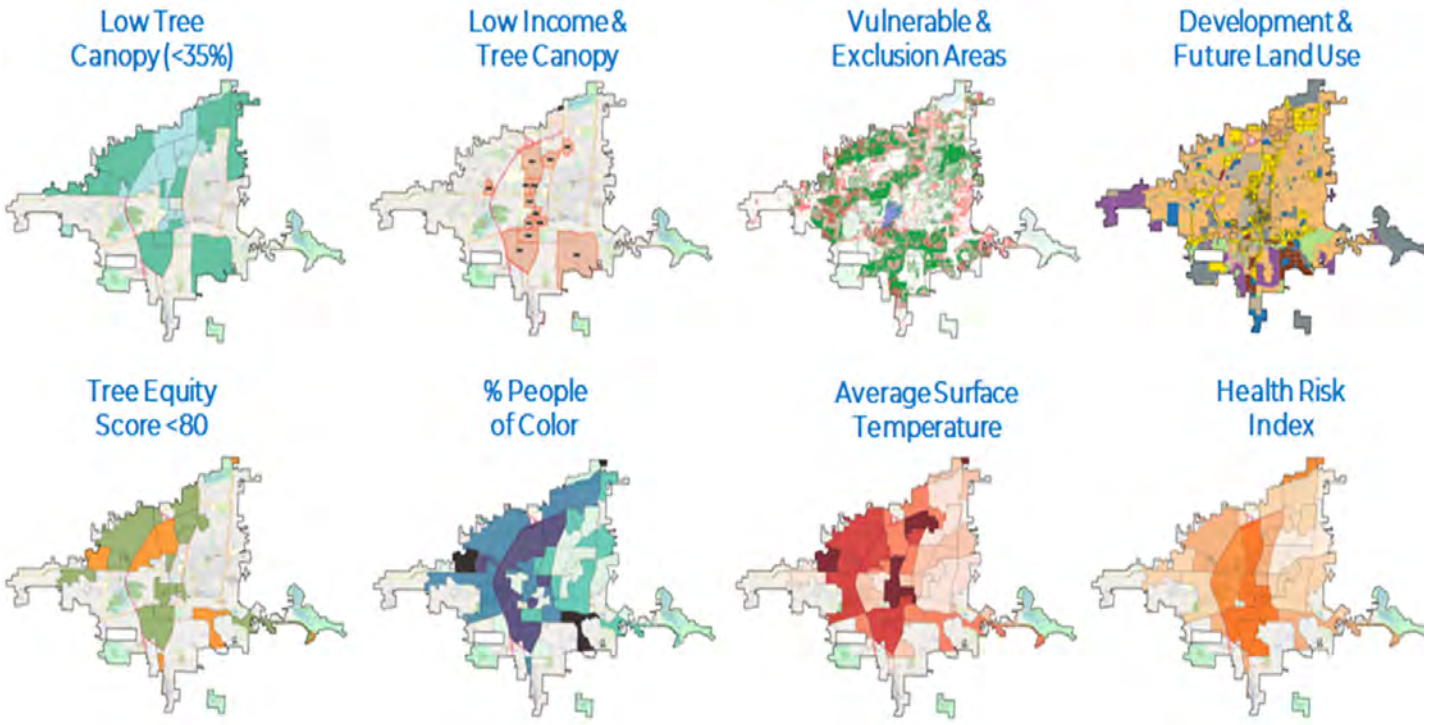


Figure 30. Scenarios for priority planting areas to achieve canopy goals and the Plan's outcomes. Larger Maps can be found on pages 108-111

By identifying priority planting areas to achieve the canopy goal, tree planting and maintenance can be strategically targeted where trees will have the most beneficial impact. The figure above provides an illustration of the priority areas for consideration and Appendix A provides the criteria going into the priorities along with larger maps.

STAKEHOLDER- DRIVEN GUIDING PRINCIPLES AND GOALS

During the data analysis, information collection, and internal and external stakeholder input gathered, a series of overarching guiding principles emerged. These principles were shaped by the feedback received from the surveys. The community's role in this process is crucial, and these priorities, along with the Urban Forest Audit and the Indicators of Sustainable Urban Forestry (detailed in Section 2) established the foundation of the Plan.

	Guiding Principles	Goals
A 	**Equitable and Resilient Canopy Cover** We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges.	**Equitable and Resilient Canopy Cover Goals** **Goal A1:** Increase tree canopy cover citywide beginning in priority areas and purchased land. **Goal A2:** Implement a cooperative tree planting program with businesses, institutions, organizations, neighborhoods, and property owners. **Goal A3:** Plant trees that are resilient to current and future challenges such as climate change and tree pests.
B 	**Maintenance and Management** We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity.	**Maintenance and Management Goals** **Goal B1:** Prioritize public tree maintenance and tree risk management. **Goal B2:** Reduce conflicts between trees and other infrastructure such as sidewalks and utilities. **Goal B3:** Manage harmful tree pests and diseases that are present or expected to impact the urban forest. **Goal B4:** Conduct ongoing industry and professional training for City staff interacting with trees in Fayetteville.
C 	**Tree Preservation and Protection** Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the city and best practices.	**Tree Preservation and Protection Goals** **Goal C1:** Establish or update policies and practices to reduce the urban forest's vulnerability to tree pests, diseases, and climate change impacts. **Goal C2:** Update or amend tree-related ordinances to support the citywide canopy cover goal and other goals in the Plan. **Goal C3:** Monitor and enforce tree-related ordinances.
D 	**Funding and Levels of Service** The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges.	**Funding and Levels of Service Goals** **Goal D1:** Procure funding for the City to purchase land for tree preservation and planting and to achieve other City goals. **Goal D2:** Increase funding to purchase trees to be planted and supporting infrastructure in support of the canopy cover goal. **Goal D3:** Evaluate the staffing levels, structure, and resources for tree-related programs and adjust as needed to meet the goals of the Plan and growing demands of the urban forest.
E 	**Community Education, Engagement, and Stewardship** A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement.	**Community Education and Engagement Goals** **Goal E1:** Continue to achieve Tree City USA status and other industry recognitions. **Goal E2:** Create and implement an engagement strategy for all demographics and stakeholders in the community. **Goal E3:** Provide inclusive program offerings such as events, education, and training to meet the needs of all.

Figure 31. Guiding principals and goals.

A) EQUITABLE AND RESILIENT CANOPY COVER

We value and appreciate the benefits and services provided by the trees in our community. These benefits and services should be maximized and equitably distributed across the City by growing an urban forest that is sustainable and resilient to current and future challenges.

STAKEHOLDER INPUT AND SUPPORT

Experts and stakeholders stressed the importance of setting and achieving local and citywide canopy goals to support the long-term health and sustainability of the urban forest. For example, planted trees must be resilient to drought and extreme weather events while supporting biodiversity in the urban ecosystem. A diverse mix of tree species is necessary to ensure the ability of the urban forest to survive pest and disease outbreaks. Success is predicated on planting trees matched to the site in terms of soils, water availability, space, and desired function. Post-planting care is required for trees to become established and thrive in the urban environment.

GOAL A1: INCREASE TREE CANOPY COVER CITYWIDE BEGINNING IN PRIORITY AREAS AND PURCHASED LAND.

Goal A1 Strategies
a) Procure funding to purchase land for the City to preserve and plant trees.
b) Review and refine the priority planting areas provided by the Plan.
c) Continue to offer free trees to citizens.
d) Plant 1,850 net trees per year for 10 years and reassess citywide canopy cover.
e) Coordinate with other City plans and programs.
Goal A1 Priority Actions
Review, refine, and finalize the canopy cover goals and planting priorities.
Develop a neighborhood-level and citywide planting plan to achieve the canopy goals. Align efforts with the Climate Action Plan, Energy Action Plan, the 2023 Park and Recreation System Master Plan, and other initiatives.
Fully integrate tree plantings into City projects. Use the recommendation to inform the annual tree planting plan for parks as recommended in Goal E3 of the 2023 Park and Recreation System Master Plan.
Continue to offer tree care information especially in the priority neighborhoods.
Monitor progress toward achieving the canopy goals and planting targets. Use high-resolution imagery to assess and monitor canopy cover every two years. At minimum, reassess canopy cover citywide and by planning boundaries by 2029 for a 10-year canopy change assessment.

GOAL A2: IMPLEMENT A COOPERATIVE TREE PLANTING PROGRAM WITH BUSINESSES, INSTITUTIONS, ORGANIZATIONS, NEIGHBORHOODS, AND PROPERTY OWNERS.

Goal A2 Strategies
a) Identify existing and potential stakeholders.
b) Collaborate and share resources to identify program funding opportunities.
c) Track progress and recognize successes.
d) Conduct pilot programs to determine efficient ways to assist private land owners with tree plantings.
Goal A2 Priority Actions
Draft a list of existing and potential stakeholders with input from multiple departments.
Organize workshops or seminars that focus on the importance of the program.
Create a task force or utilize the Urban Forestry Advisory Board to collaborate on program design, priority planting locations, funding, tree selection, and ongoing maintenance.
Utilize data management software to track the plantings and recognize partnerships and program success possibly during Arbor Day celebrations.

GOAL A3: PLANT TREES THAT ARE RESILIENT TO CURRENT AND FUTURE CHALLENGES SUCH AS CLIMATE CHANGE AND TREE PESTS.

Goal A3 Strategies
a) Use data and research to make decisions on approved tree species for planting.
b) Select the right tree for the right site.
c) Provide ongoing tree care and monitor the condition of tree plantings.
Goal A3 Priority Actions
Utilize the Climate Tree Atlas study in the Plan to adjust approve tree species lists.
Evaluate the composition of the urban forest to inform changes to tree species selection for planting to maintain diversity.
Provide watering and irrigation for public tree plantings.
Evaluate measures to improve the enforcement of regulations for post-planting maintenance within Chapters 167 and 177 of Fayetteville's Code of Ordinances.

B) MAINTENANCE AND MANAGEMENT

We care for our trees and the citywide urban forest to ensure the benefits are available for current and future generations. Our operations and investments prioritize sustainability, fiscal responsibility, and equity.

STAKEHOLDER INPUT AND SUPPORT

The community would like to see more shade trees along streets and sidewalks, recognizing that this will require additional resources. Participants in the engagement to develop the Plan stated that they would like the City to maintain street trees in a routine, proactive manner. City staff are in support of cooperative planting programs with businesses, institutions, organizations, and individuals where trees can be planted in yards to shade sidewalks. The staff engaged in the planning effort also support improving policies and practices for better public tree maintenance addressing concerns such as tree pests, diseases, and climate change impacts.

GOAL B1: PRIORITIZE PUBLIC TREE MAINTENANCE AND TREE RISK MANAGEMENT.

Goal B1 Strategies
a) Assess the public tree population for maintenance needs and potential risks.
b) Develop a public tree maintenance plan.
c) Develop a plan for maintaining trees that are planted toward the canopy goal.
d) Stay current with industry research, tools, technology, standards, and best practices.
e) Focus on planting strategies and designs that produce long-lived trees.
Goal B1 Priority Actions
Periodically conduct sample inventories or windshield surveys of public trees to identify changes to maintenance and risk management priorities.
Create annual work plans and seek funds to implement those plans using the actions within Goal D3.
Track maintenance records for public trees. Continue to add assets and management data to databases that track total asset management for more efficient maintenance planning.
Acquire and maintain industry certifications and trainings for Urban Foresters.
Continue to manage invasive plant species on public properties and within public rights-of-way. Support controlled burns to manage invasive and wildlife on public properties.
Strengthen or establish public tree risk assessment and mitigation protocols.
Develop a framework and approach to utilize more biomass resulting from public tree maintenance, removals, and post-storm cleanup. Expand efforts beyond mulching by including logs for wood products for local craftsmen.

GOAL B2: REDUCE CONFLICTS BETWEEN TREES AND OTHER INFRASTRUCTURE SUCH AS SIDEWALKS AND UTILITIES.

Goal B2 Strategies
a) Assess public trees for current and potential infrastructure conflicts.
b) Identify existing and potential alternative solutions to infrastructure conflicts.
c) Coordinate with internal and external stakeholders.
d) Ensure trees are planted with the proper soil volume.
Goal B2 Priority Actions
Establish or improve protocols and checklists for evaluating current and potential infrastructure conflicts which includes potential alternative solutions to the conflict.
Establish regular meetings and protocols with internal and external stakeholders for improved coordination during infrastructure and utility planning, design, construction, and maintenance phases.

GOAL B3: MANAGE HARMFUL TREE PESTS AND DISEASES THAT ARE PRESENT OR EXPECTED TO IMPACT THE URBAN FORESTS.

Goal B3 Strategies
a) Identify the primary tree pests and diseases of concern.
b) Provide information for identifying tree pests and diseases.
c) Monitor public trees and the urban forest for tree pests and diseases of concern.
d) Create a preliminary emerald ash borer (EAB) plan.
Goal B3 Priority Actions
Develop and implement an integrated pest management or plant health care plan for public trees.
Integrate tree pest and disease education into the community education strategy (Goal E1 – E3).
Focus on education and technical assistance with large private landowners.

GOAL B4: CONDUCT ONGOING INDUSTRY AND PROFESSIONAL TRAINING FOR CITY STAFF INTERACTING WITH TREES IN FAYETTEVILLE.

Goal B4 Strategies
a) Identify the staff and training needs and secure the annual budget required.
b) Conduct internal cross-training and document training materials and protocols.
c) Consider offering or supporting training of volunteers and tree care professionals.
Goal B4 Priority Actions
Utilize free and available on line trainings and materials where appropriate.
Support the Urban Forestry Advisory Board in attending the free on line Tree Board University program developed by the U.S. Forest Service.
Expand the trainings to include considerations for youth and workforce development.

C) TREE PRESERVATION AND PROTECTION

Our existing tree canopy cover and the investments made in planting and caring for the urban forest are preserved through sound but fair policies and regulations that align with shared priorities in the City and best practices.

STAKEHOLDER INPUT AND SUPPORT

Preservation and protection of existing trees was identified as a high priority. Existing mature trees have an out sized impact on sustainability, environmental justice, wildlife and ecosystems, and human health. Exploring changes to the tree ordinances was raised in most engagement activities and sessions. Preservation and planting requirements should be robust but not unduly burdensome to developers. They should also be tailored to the biome, e.g., different standards for natural prairies compared to forested areas. Trees planted or protected should survive post-development and be replaced if they die. City staff are in support of procuring funding to purchase land for tree preservation in order to maintain and increase tree canopy cover.

GOAL C1: ESTABLISH OR UPDATE POLICIES AND PRACTICES TO REDUCE THE URBAN FOREST'S VULNERABILITY TO TREE PESTS, DISEASES, AND CLIMATE CHANGE IMPACTS.

Goal C1 Strategies
a) Quantify the urban forest's role in climate change mitigation.
b) Maintain tree regulations to minimize urban forest vulnerabilities.
Goal C1 Priority Actions
Calculate the carbon sequestration, storage, and avoided carbon generated from the citywide urban tree canopy cover and the public tree population using industry tools such as i-Tree. Utilize the data to build support and inform climate-related plans.
Update the Tree Preservation and Landscape Manual with any changes to tree-related ordinances.
As needed, update tree lists that prioritize native and climate-resilient tree species. Consider updates based on the diversity of the urban forest and existing / potential pests and diseases. At minimum, maintain a list of prohibited tree species reflective of the latest research and concerns.

GOAL C2: UPDATE OR AMEND TREE-RELATED ORDINANCES TO SUPPORT THE CITYWIDE CANOPY COVER GOAL AND OTHER GOALS IN THE PLAN.

Goal C2 Strategies
a) Monitor and track tree plantings and removals.
b) Adopt a no-net-loss policy for public trees.
c) Review and implement recommended changes to tree ordinances.
Goal C2 Priority Actions
Identify the departments, roles, and workflows (i.e., City Engineering and Transportation) and track public tree removals and plantings in a data management program.
Analyze the potential causes for canopy cover gains and losses as identified in the canopy assessments of four time periods.
Strengthen the mechanisms for tracking tree preservation, removals, plantings, mitigation, and canopy percentages for development projects. Use the tracking to inform potential changes to minimum canopy requirements for zoning designations as needed to support the canopy goal.
Review and refine the tree ordinance evaluation worksheet completed as part of the Plan (see Appendix C). Gather feedback from internal and external stakeholders before significant changes to ordinances are made. For example, develop incentives to preserve existing canopy instead of opting for mitigation and consider updating the penalties for illegal removal of protected trees.
Conserve open space and protect areas of significant riparian benefit, tree canopy, prairie, and other environmental resource through cluster development provisions, density controls, protective easements, and/or other development tools.
Update design standards to be more accommodating to trees and the necessary soil volume while balancing the needs for development.
Establish a policy for reassessing the citywide tree canopy cover at regular intervals to monitor the canopy goal.

GOAL C3: MONITOR AND ENFORCE TREE-RELATED ORDINANCES.

Goal C3 Strategies
a) Distribute information and resources regarding changes to tree regulations.
b) Establish a formal protocol.
c) Recognize exemplary tree preservation practices and projects.
Goal C3 Priority Actions
Update information on the City's website and in materials as tree regulations change.
Consider developing a protocol for scheduled inspections, random spot checks, record keeping, an on-site education.
Develop a program that recognizes exemplary and innovative development projects that preserve and expand tree canopy cover.

D) FUNDING AND LEVELS OF SERVICE

The programs and staffing involved with the trees in our community have the resources necessary to meet current and future demands and challenges.

STAKEHOLDER INPUT AND SUPPORT

During engagement exercises, concerns were raised regarding limited resources, staffing, funding, and time to address the current climate challenges. Additional resources in Development Resources, where code compliance officers are located, are needed to inspect, monitor, and enforce tree regulations. Proactive maintenance in Public Works is needed to water, plant new trees, and monitor new trees that will mitigate the impact of climate change. Stakeholders largely supported allocating additional resources to ensure the availability of urban forest resources now and in the future. City staff support increasing funding to purchase trees to plant towards a citywide canopy cover goal.

GOAL D1: PROCURE FUNDING FOR THE CITY TO PURCHASE LAND FOR THE TREE PRESERVATION AND PLANTING NEW TREES.

Goal D1 Strategies
a) Identify potential areas for land acquisition.
b) Coordinate with partners for land acquisition and management.
c) Lead by example and distribute information about the program.
Goal D1 Priority Actions
Review the priority areas for tree planting and preservation to identify opportunities for land acquisition. Consider vacant land as an initial step and utilize the City Plan 2040's Enduring Green Network map and data.
Develop a multi-year program and allocate funding for land acquisition. Build support from land trusts and other organizations.
Implement best management practices and share information for private landowners to learn about the opportunities for urban forest stewardship on their own property(s).
Develop management plans for the properties purchased.
In the long-term, consider utilizing land acquired for pilot projects such as testing new tree species for the region and in-house tree production (i.e., tree nursery).

GOAL D2: INCREASE FUNDING TO PURCHASE TREES TO BE PLANTED AND SUPPORTING INFRASTRUCTURE IN SUPPORT OF THE CANOPY GOAL.

Goal D2 Strategies
a) Identify the funding gap and funding source(s).
b) Communicate the benefits of a robust planting effort.
c) Develop and implement a tree planting program aligned with the canopy goal.
Goal D2 Priority Actions
Quantify the benefits and services provided by the 1,850 trees planted per year to communicate the future value added to Fayetteville's ecosystem, community, and economy.
Secure the necessary funding to meet the annual tree planting targets.
Provide annual reports on canopy goal progress to justify continued funding for tree plantings.
Coordinate with tree nurseries the tree species for planting to reduce costs and address tree species diversity goals.

GOAL D3: EVALUATE THE STAFFING LEVELS, STRUCTURE, AND RESOURCES FOR THE TREE-RELATED PROGRAMS AND ADJUST AS NEEDED.

Goal D3 Strategies
a) Track and report program activities and Plan implementation progress.
b) Analyze the organization of departments involved with trees in Fayetteville.
c) Conduct cost-benefit analyses and evaluate growing service demands.
Goal D3 Priority Actions
Develop a mission and vision statement for urban forest management in the City that align with the goals in this Plan.
Share with City departments and stakeholders the progress made in implementing the Plan by using the Monitoring section's guidelines. Successes and shortcomings build awareness and supporting for changes to staffing and program structure(s).
Evaluate staffing and contractor resources required to effectively plant trees aligned with canopy goals and to provide post-planting care.
Determine the need for consolidating tree programs into one department, section, or division to improve efficiencies and levels of service.
Consider the need and framework for establishing a City section specific to managing natural areas and open space (e.g., wetlands, bottomlands, prairies).
Secure funding to implement a tree watering program for newly planted public trees. Continuously explore avenues to ensure diverse funding sources and advocate for increased operations and capital funding to address priority tree maintenance and care needs.

E) COMMUNITY EDUCATION, ENGAGEMENT, AND STEWARDSHIP

A sustainable urban forest requires a shared commitment from the City and the community. We will foster tree stewardship in our community through equitable and impactful community education and engagement.

STAKEHOLDER INPUT AND SUPPORT

Participants reported a perception of conflicting policies and priorities regarding the City's trees. City departments, partners, developers, and the community must have a common understanding of the challenges and opportunities surrounding the urban forest to develop a shared vision for addressing them. A public communications plan stemming from a citywide coordinated effort was seen as a necessary step in bringing clarity to the roles of City departments involved with the urban forest and tree care. Half of the internal stakeholders engaged support bolstering community engagement and volunteer efforts.

GOAL E1: CONTINUE TO ACHIEVE TREE CITY USA STATUS AND OTHER INDUSTRY RECOGNITIONS.

Goal E1 Strategies
a) Continue to track program activities and budgets.
b) Explore the opportunities and requirements for other recognition programs.
Goal E1 Priority Actions
Continue to track and annually report urban forestry activities of all partners and continue to maintain Arbor Day Tree City USA designation. Strive to continue to achieve Arbor Day Foundation Growth Awards and Sterling Tree City status.
Achieve an award from the American Public Works Association's Awards Program for innovative programs and outcomes resulting from this Plan.
Conduct a follow-up benchmarking exercise toward year 10 of this Plan to compare program budgets and activities to other Tree City USA communities in the region.

GOAL E2: CREATE AND IMPLEMENT AN ENGAGEMENT STRATEGY FOR ALL DEMOGRAPHIC AND STAKEHOLDERS IN THE COMMUNITY.

Goal E2 Strategies
a) Identify and collaborate with stakeholders to draft the strategy.
b) Implement the strategy as a coordinated effort.
c) Review and adapt the strategy as changes occur.
Goal E2 Priority Actions
Finalize a robust community outreach strategy and a communications plan to garner support, spur behavior change, and increase participation from the community. Use the data and recommendations from this Plan.
Increase outreach and marketing for improving and expanding tree canopy for the public good.
Implement the outreach strategy as a coordinated citywide effort by convening with other City departments and stakeholders. Gather input and feedback from the Urban Forestry Advisory Board.
As outlined in the community outreach strategy, gather input and feedback from the public regarding implementation of this Plan and changes to urban forestry programs.
Identify existing and potential partners and organizations to support the implementation of the community outreach strategy and support engagement that is inclusive and equitable.

GOAL E3: PROVIDE INCLUSIVE PROGRAM OFFERINGS SUCH AS EVENTS, EDUCATION, AND TRAINING TO MEET THE NEEDS OF ALL.

Goal E3 Strategies
a) Implement programs and services through the lens of environmental equity.
b) Coordinate with new and existing community and regional partners.
c) Develop strategies to remove barriers to participation.
Goal E3 Priority Actions
Use the outreach strategy from Goal E2 to identify community groups that represent all neighborhoods.
Identify low tree canopy neighborhoods for targeted engagement.
Coordinate with partners and secure funding for regular public events, training, and educational materials as outline in the outreach strategy.
Make the data and information from this Plan accessible to the public online.
Gather feedback for continual improvements to events, education, and trainings.



Photo: Fayetteville's urban forestry programs engage with youth in the community by planting a tree at Butterfield Elementary School. Source: City of Fayetteville

STAFFING LEVELS FOR URBAN FOREST MANAGEMENT

Many cities struggle to maintain adequate staffing and resource allocation. Available resources may cover short-term needs while neglecting important initiatives necessary to sustain long-term urban forest management. Determining and maintaining optimal staffing levels is critical to a program's efficiency. Optimal staffing depends on several factors including the number of public trees, how authority and responsibility is defined in the municipal code, internal and external expectations, customer service (i.e., the public), operations, and existing programs.

The City of Fayetteville's commitments to public health and safety, combating climate change, and addressing inequities translates into a growing demand for both long-term initiatives, and the staff to operate them. The growing urban forest will require increased staffing levels to achieve and maintain urban forest goals. Public Works and Development Services need to add full time employees to maintain the current level of services. As the City grows these positions will need to grow.

Some capacity and efficiencies for existing workloads can be improved through clarifications of roles, responsibilities, and workflows among City departments and divisions. Periodically examining program structures, staffing needs, and levels of service may identify ways to improve efficiencies, communications, and workflows within and among departments. Cities often consider consolidating their tree programs into one division or section to achieve these outcomes. Establishing a strong organizational structure with clear operating procedures is foundational in reducing future costs and addressing increased service demands.

IMPLEMENTATION

The framework of the goals and actions in the Urban Forestry Management Plan provides the City of Fayetteville with the means to measure progress and adapt to an ever-changing environment and availability of resources. As actions are implemented, the City may conduct new iterations of the Urban Forest Audit to gauge success, evaluate progress, and adjust accordingly.

Based on the assessment of Fayetteville's urban forest resource, the programs that manage it, and the community that shapes and benefits from it, the following implementation summary is recommended. Implementing the Plan in this manner will effectively and efficiently address the City's shared challenges and priorities using available resources. As the Plan progresses, more resources will be neccessary to implement the longer-term actions.

MONITORING PLAN

This Urban Forestry Management Plan will be updated every ten years as outlined in the code. Revisions can be made in five years, and canopy data will be collected from GIS every two years and revised periodically. Better data will help reflect changes in the urban forest and incorporate changes in industry standards. Also, community response and industry recommendations should be considered to reach the established goals. This process should be supported by an urban forestry working group consisting of community members with various skill sets and backgrounds. Examples include the City's Urban Forestry Program, Urban Forestry Advisory Board members, other City staff, and stakeholders. The monitoring of the plan should follow the evaluation, monitoring, reporting, and revising methodology. Knowing how the City and its partners are doing will require a continual evaluation process. This section presents examples of how to monitor, analyze, and revise the Plan, which will keep stakeholders informed of the status of the Urban Forestry Program. To monitor progress toward implementing the Plan recommendations, an evaluation similar to the U.S. Forest Service's Urban Forest Audit (details below in the Evaluate section) conducted to develop the initial Plan should be completed. This evaluation will identify progress and shortfalls compared to the baseline audit.

In addition, a report card could be created based on the audit's outcomes and distributed to the public periodically. This will measure progress toward implementing the Plan's actions. The Report section provides a suggested structure for measuring and reporting success toward accomplishing each goal. Other indicators to measure progress may need to be developed to ensure a thorough and accurate evaluation.



EVALUATE



The U.S. Forest Service's Urban Forest Audit System provides a framework for routine evaluations of the urban forest, the programs that manage it, and the community that shapes and benefits from it. The deliverables to this Urban Forestry Management Plan project include guidance for completing an update to the audit completed in 2023 to develop the Plan. This audit system consists of 11 categories of urban forest management, sustainability, and community. Within the 11 categories are approximately 130 subcategories or elements. Each element was ranked or scored based on the consultants' evaluations in 2023 for the Urban Forestry Management Plan. It is recommended the City's urban forestry working group (or similar) complete a bi-annual audit to inform any alterations to actions and strategies.

About the Urban Forest Audit

The primary objectives of the audit are defined by the Urban Forest Audit System authors and adapted by the City's urban forestry consulting team to engage the full spectrum of the organizations' management team, provide program direction that increases the level of professionalism in management, conduct a gap analysis of management practices and the health of urban forests, provide strategic direction to improve the health of the urban forest, and optimize management for environmental justice and equitable distribution of resources.

1) Management Policy and Ordinances
2) Professional Capacity and Training
3) Funding and Accounting
4) Decision and Management Authority
5) Tree-related Inventories
6) Tree-related Plans
7) Risk Management
8) Disaster Planning
9) Standards and Best Practices
10) Community
11) Green Asset Management

Table 13. Categories for evaluation using the U.S. Forest Service's Urban Forest Audit System.

Urban Forest Audit Process

The process of analyzing the urban forest involved extensive information and document gathering and research to identify policies, practices, programs, and standards pertaining to categories of urban forest sustainability and management as defined by Clark et al. (1997), Kenney et al. (2011), and the Forest Service. The categories are listed in Table 13.

Each category has a series of subcategories pertaining to the specific category. As an example, the subcategories listed in Table 14 are in the Management Policy and Ordinances category:

1.01) Climate Change (Sustainability)
1.02) No Net Loss
1.03) Risk Management
1.04) Tree Canopy Goals
1.05) Tree Protection
1.06) Utility
1.07) Human Health
1.08) Wildlife Diversity/Habitat/Protection
1.09) Performance Monitoring
1.10) Private Tree Ordinances
1.11) Public Tree Ordinances
1.12) Development Standards
1.13) High-Conservation Value Forests
1.14) Urban Interface (WUI)

Table 14. List of subcategories within the Management Policy and Ordinances category of the audit

EVALUATE

Measuring accomplishment of the actions will require ongoing analysis. The outcomes of the Urban Forest Audit System in the Evaluate section can be used to monitor change over time. These benchmark values should be tracked, and a state of the urban forest report should be prepared and distributed to the public every 2 to 5 years. Analysis may include an updated public tree inventory, i-Tree benefits analyses, or urban tree canopy assessments. The state of the urban forest report should include the benchmark values as reported in the Plan and the Urban Forest Audit System as of 2023, so that the City can measure and compare changes to the urban forest. The report should reflect changes to the audit system that are measured.



Primary Urban Forest Benchmark Values to Measure Plan Progress

2019 Urban Tree Canopy (UTC) Cover (Assessed in 2022)	
Tree Equity Score (2022)	87 out of 100
Urban Tree Canopy	39.4%
Short-term Canopy Goals	39.9% by 2029 (1,850 trees/year) 40.6% by 2034 (1,850 trees/year)
Long-term Canopy Goals	44.4% by 2054 (3,000 trees/year)
Total Trees to Reach 10-year Goal	18,500 trees by 2034 (1,850 trees/year)
Total Trees to Reach 30-year Goal	91,000 trees by 2054 (3,000 per year avg.)
Public Tree Counts (2022 estimates)	
Total Public Trees (alive or dead)	42,000 (estimated)
Total Public Street Trees	25,000
Total Public Street Planting Sites	TBD
Total Public Open Space Trees	Unknown
Tree Benefits (2022 estimates)	
Citywide (UTC Assessment)	2019: $76.5 million (total)
Ecosystem Benefits of Public Trees	2022: $4.2 million (annual estimate)
Tree and Budget Distribution (2021)	
Public Trees (street and park) per Capita	0.44
Budget per Capita	$6.66
Urban Foresters (3 departments)	8.00 (2023)
Total Public Trees per Staff	5,000 trees for every 1.0 FTE
Management Activities (2023)	
Public Trees Pruned	To be recorded at the end of the year
Public Trees Removed	To be recorded at the end of the year
Public Trees Planted	To be recorded at the end of the year
Number of Volunteers and/or Hours	To be recorded at the end of the year
Urban Forest Audit System (Total Score of 2023): 73%	
Management Policy and Ordinances	71%
Professional Capacity and Training	89%
Funding and Accounting	67%
Decision and Management Authority	63%
Tree-related Inventories	65%
Tree-related Plans	54%
Risk Management	78%
Disaster Planning	64%
Standards and Best Management Practices	73%
Community	89%
Green Asset Management	80%
Public Perception (2022)	
Tree-related priorities	62% want trees for shade
Preference for improving public tree health	74% for setting canopy goals, 66% for more trees and preservation in development
Where to prioritize future investments	70% for improved tree code for development

Table 15. Fayetteville's primary urban forest benchmark values to measure Plan progress.

REPORT AND REVISE



To assess the progress of the Plan's implementation, the City's urban forestry department (or similar) should track, record, and report on the success metrics identified in the Urban Forest Audit that was used to develop the Plan's goals. Based on the findings from these reports, the City should revise its policies, procedures, goals, codes, and other relevant areas as needed.

POLICY AND ORDINANCES

Urban forest policies are the foundation for preserving the environmental benefits, resiliency, and the character of Fayetteville's urban forest.

- List all City-led planning efforts.
- Describe related City-led tree planting efforts.
- Communicate citywide canopy goals.
- List recommended changes to City Code, policies, and manuals.
- Distribute any recommended tree list to city staff, partners, and residents.

CAPACITY, TRAINING, AND AUTHORITY

Fayetteville has the capacity and expertise to provide optimal levels of service for sound urban forest management.

- List the existing staff and supporting departments and partners.
- Summarize roles and responsibilities of the Urban Forestry Advisory Board.
- Describe existing and needed certifications, qualifications, and training.
- Report the number of volunteers and volunteer hours.

BUDGET AND FUNDING

Funding and resources enable comprehensive and sustainable urban forest management for the preservation and enhancement of tree benefits.

- Report the proportion of public trees to the City population.
- Report the number of volunteers and volunteer hours.
- List the unfunded urban forestry needs.
- Report the budget, and donations.

ASSESSMENTS AND PLANNING

A thorough understanding of the urban forest ensures data-driven decisions, sustainable and comprehensive planning, and amplified tree benefits.

- Report the number of public trees planted, pruned, and removed.
- Report the number of trees assessed for risk.
- Provide a summary of existing tree canopy cover citywide every two years.

COMMUNITY ENGAGEMENT

Sustainable urban forest management and equity is achieved through a partnership with the City and its residents resulting in improved well-being, human health, and local economies.

- List existing and potential partners.
- Report the number of planting events and trees planted.
- Report the history/count of Tree City USA and supporting awards.
- Report the number of volunteers, events, and volunteer hours.
- Report the results of public surveys.
- Report on the activities of the Urban Forestry Advisory Board.

GREEN ASSET MANAGEMENT

Fayetteville proactively manages the public trees, continues to grow and expand a healthy canopy, effectively mitigates climate change impact. List the existing and potential outreach platforms and initiatives.

- Report the number of public trees pruned, removed, and planted.
- Report the number of mitigation plantings and stormwater plantings.
- Report progress towards canopy goals and tree planting targets.
- Provide a map of planting areas for upcoming year.
- Report on Urban Forestry Audit score every 5 years.

Figure 32. Evaluation, monitoring, and reporting techniques to achieve the urban forestry goals.

REVISE

Completion of this Plan is a critical step towards meeting the vision for Fayetteville's urban forest. Continual monitoring, analysis, and reporting will help to keep urban forest partners involved and focused on accomplishing the actions. Plans are typically revised every 10 to 15 years; hence, the Plan will need formal revision to respond and adapt to changes as they develop. Formal revision of the Plan should coincide with the update of the City's Comprehensive Plan, Park and Recreation System Master Plan, Energy Action Plan, Tree Preservation and Landscape Manual, climate/sustainability and stormwater plans, and other relevant planning efforts. Recommendations and goals of each should be compared. Revisions to the Plan may occur with major events, such as newly discovered pests or diseases, changes in program budget and resources, or significant changes to industry standards or legal codes.

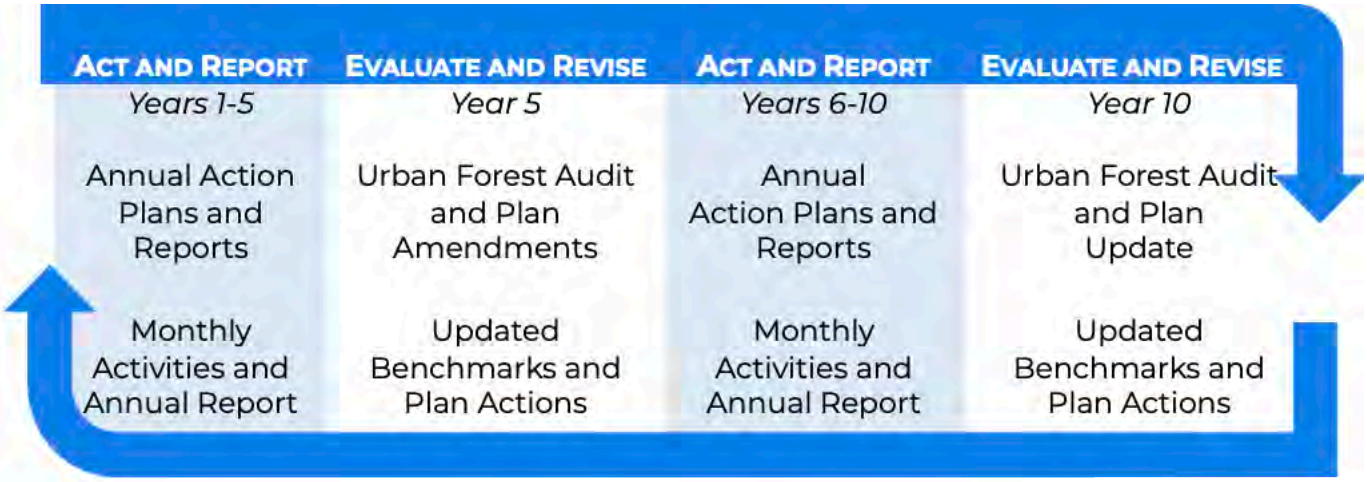


Figure 33. Example of the plan implementation, evaluation, and revision process.

Applying the Urban Forest Audit to Revise the Plan

The Urban Forest Audit can serve as the tool for the City to effectively Evaluate, Monitor, Report, and Revise the Plan as part of the implementation and monitoring protocols. As found in the 2023 Urban Forest Audit completed to develop the Plan, there are areas of urban forest management where the City is performing at a high level and other areas where improvements are needed. The goals and actions in the Plan address both these strengths and challenges.

Ranking	Count	%	% of Total
1) In Development	63	25%	49%
2) Adopted Common Practice	62	48%	48%
0) Not Practiced	4	0%	3%
Category Total	**129**	**73%**	**100%**

Table 16. Summary count of the evaluations completed in the 2023 Urban Forest Audit.

Out of the nearly 130 elements (or subcategories) within the Audit, the majority (63 elements or 49%) ranked "1) In Development" followed by 62 (48%) elements ranked as "2) Adopted Common Practice". Most of the elements given the "In Development" ranking was a result of the outcomes from the Urban Forestry Management Plan or the strategic actions within the Plan to be implemented. As the Plan is being implemented, the status or score of the categories within the audit should change.



Section 7: Conclusion

CONCLUSION

Trees are an integral part of the community and the ecological systems in which they exist. They provide significant economic, social, and ecological benefits, such as carbon sequestration, reduction of urban heat islands, energy savings, reduction of stormwater runoff, improvement of water quality, enhancement of human health and wellness, and increase the value of properties. Planting and maintaining trees helps Fayetteville become more sustainable and reduces the negative impacts on the ecosystem from urban development. Trees are as necessary as water, infrastructure, and energy to sustain healthy communities. The health of the urban forest is directly linked to the health of the region.

The Urban Forestry Management Plan is a roadmap for a strategic approach to manage Fayetteville's urban forest. The Plan contains goals and supporting actions that are critical to the long-term vitality of the forest. However, in order for the Plan to actually have an impact on the forest resource, it requires stewardship and financial resources to begin implementation. Further, it needs to be institutionalized as a document requiring implementation with a sense of urgency to get things started. Completion of the Urban Forestry Management Plan clearly demonstrates that City leadership understands that a healthy urban forest is critical to guaranteeing the long-term health and vitality of the community.

In order to accomplish the goals, the City should consider the following commitments:

- **Recognize that the trees of the urban forest are more than aesthetic enhancements.**
- **Recognize trees as the backbone of the urban ecosystem and an essential part of the community's green infrastructure.**
- **Promote the health and growth of the urban forest by following scientifically established best management practices for tree selection, planting, watering, and pruning.**
- **Promote a robust urban forest through policies and practices that reduce its vulnerability to known diseases or pest infestations, and future threats, including the anticipated effects of climate change.**
- **Engage in a continuous process of long-range planning for the growth and maintenance of the urban forest.**
- **Promote public appreciation of the urban forest through educational outreach programs.**
- **Support local businesses, institutions, organizations, and individuals in their efforts to grow and maintain the urban forest through community education.**
- **Proceed in a manner that is inclusive and transparent.**

Successful implementation of actions in this Plan will bring Fayetteville to a higher level of service that is more equitably distributed across the City resulting in a sustainable and thriving urban forest that benefits all residents and future generations— ultimately achieving the Plan vision: Healthy Trees, Healthy City: Fayetteville's urban forest is to cultivate a thriving, diverse, and well-maintained tree canopy that enhances the livability, health, and sustainability of our community for current and future generations.



Appendices and References

INDEX

APPENDIX A CANOPY GOALS 93
APPENDIX B URBAN FORESTRY AUDIT 94
APPENDIX C TREE PLANTING CRITERIA 110
APPENDIX D ORDINANCE EVALUATION 115
APPENDIX E EXISTING MANAGEMENT PLANS CROSS REFERENCING 121
REFERENCES 127

LIST OF TABLES

TABLE 1 Summary of the Vision and Guiding Principles 10
TABLE 2 Estimated annual benefits of Fayetteville's public trees 18
TABLE 3 Comparison of City boundary used by GIS 35
TABLE 4 Minimum canopy requirements by zoning 37
TABLE 5 Canopy information within the U of A property 44
TABLE 6 Summary of the department's staff 45
TABLE 7 Potential vulnerability to canopy 56
TABLE 8 Summary of vulnerable canopy 56
TABLE 9 USDA climate change atlas for increase trees species 58
TABLE 10 USDA climate change atlas for no change tree species 59
TABLE 11 USDA climate change atlas for decrease tree species 59
TABLE 12 Fayetteville's canopy goals, milestones, and targets 66
TABLE 13 Categories for US forest audit 82
TABLE 14 Sub-categories for the US forest audit 82
TABLE 15 Fayetteville's primary urban forest benchmarks 84
TABLE 16 Summary count of the evaluations completed 87

LIST OF FIGURES

FIGURE 1 Maps displaying the location of Fayetteville, Arkansas within Washington County 12
FIGURE 2 A view of the Ozark Mountains from Fayetteville. Source: Experience Fayetteville 15
FIGURE 3 Illustration of types of trees in Fayetteville 26
FIGURE 4 Overview of Sample Inventory 28
FIGURE 5 Overview of the species results of the 2022 sample inventory of public trees 29
FIGURE 6 Map displaying the tree canopy mapped from 2019 imagery 33
FIGURE 7 Citywide tree canopy results (2019). Source: City of Fayetteville 34
FIGURE 8 Examples of the land cover class 34
FIGURE 9 Comparison of canopy in 2015, 2017 and 2019 35
FIGURE 10 Examples of the land cover classes analyzed as part of the 2019 tree canopy study 36
FIGURE 11 Map showing the Tree Equity Scores for Census Block Groups 39
FIGURE 12 Tree equity score inputs and Comparison of Tree Equity Scores for select Arkansas 40
FIGURE 13 Tree Equity Score comparisons for select U.S. cities. Source: American Forests' 40
FIGURE 14 An example of higher tree canopy cover east (right) of North Gregg Avenue 40
FIGURE 15 Map of the canopy within native and restored prairie land 42

FIGURE 16 The acres of native and restored prairie land 42
FIGURE 17 Native and restored prairie land 42
FIGURE 18 Map displaying tree canopy on University of Arkansas property within the urban core 45
FIGURE 19 Info-graphic summary of the public's priorities and viewpoints regarding the urban forest 50
FIGURE 20 Info- graphic summary of the feedback received from internal stakeholders 52
FIGURE 21 Streetscape design solutions for preventing or mitigating tree and infrastructure conflicts 54
FIGURE 22 Types of easements found in the City of Fayetteville 55
FIGURE 23 Canopy cover within vulnerable easements 56
FIGURE 24 Illustration of the temperature difference in urban areas due to the urban heat island effect 57
FIGURE 25 Climate change vulnerability of Fayetteville's public street trees 60
FIGURE 26 Emerald Ash Borer Information 60
FIGURE 27 Sudden Oak Death informaiton 61
FIGURE 28 Dutch Elm Disease Information 61
FIGURE 29 Bacteria Leave Scorch Information 61
FIGURE 30 Priority planting areas to achieve canopy goals and the Plan's outcomes 68
FIGURE 31 Guiding principals and goals 69
FIGURE 32 Evaluation, monitoring, and reporting techniques to achieve the urban forestry goals 86
FIGURE 33 Example of the plan implementation, evaluation, and revision process 87

Supplemental Material Contains more in-depth information and data.

Supplement 1- Urban Forestry Benchmarks

Supplement 2- Canopy Goal Setting and Priority Areas

Supplement 3- Tree Inventory Summary

Supplement 4- Public Survey Results

Supplement 5- Staff & Board Member Survey Results

Supplement 6- US Forest Service Urban Forest Audit

Supplement 7- Recommended Tree List and Sister City Climate City Assessment

Supplement 8- Invasive Plant Species Program Review

Supplement 9- Urban Tree Canopy Assessment Project 2012

APPENDIX A. CANOPY GOALS

Canopy Goal Assumptions: Data from Fayetteville's tree canopy cover assessments (2019) and the American Forests Tree Equity Score (TES) tool were analyzed to identify a feasible canopy goal and to develop strategies to achieve it. The draft canopy goal was refined by examining the available land area, resources, other ongoing city priorities, future land use, land ownership types, opportunities to mitigate urban heat, and preservation of native prairie land. Other considerations were our climate, elevations, historic canopy coverage for the regions, topography, survey results, climate change atlas, invasive species, and development patterns. The goals were set to be achievable and flexible so that staff could take different strategic approaches to planting trees.

Using this integrated approach, the City of Fayetteville's ambitious and achievable goal is 44.4% tree canopy in 30 years— up from 39.4% based on 2019 imagery. To achieve this, the City and partners must preserve the existing canopy to the greatest possible extent, mitigate the lost canopy, and increase canopy coverage by planting trees.

- Existing tree canopy cover is based on imagery from 2019.
- Promote growing trees to maturity rather than focusing on a number.
- A no-net-loss strategy is sought, balancing tree loss with tree gains through out the city.
- Development projects must continue to mitigate tree removal, dedicate tree preservation easements, and add street trees.
- Most new large neighborhoods are in previous pasture land.
- Supporting citizens and growing trees in existing neighborhoods with POA/HOA support.
- Trees that grow into large canopy trees are planted wherever feasible.
- The City will need to plant public street planting sites and consider converting impervious surfaces to planting sites and planting in parks and natural areas.
- Assumes a potential for young tree mortality post-planting is 10% with POA/HOA projects and City projects (the standard for Fayetteville is 10%).
- Assume a potential for trees given away with a survival rate of 65% (10% is our mortality rate, and studies show around 75% make it into the ground from tree giveaways combined. The survival rate is an optimistic 65%).
- $408 per tree is the average cost for contracted tree planting.
- Emphasis should be placed on planting native and highly adaptable trees that support strategies for climate resiliency and tree species diversity.

APPENDIX B: URBAN FORESTRY AUDIT

US FOREST SERVICE URBAN FOREST SUSTAINABILITY AND MANAGEMENT AUDIT

To assess the current state of Fayetteville's urban forest, the programs that manage it, and the community that shapes and benefits from it, a comprehensive evaluation was conducted using the framework of the U.S. Forest Service's Urban Forest Sustainability and Management Audit (Abbot, et al., 2015).

The framework was adapted from the Model of Urban Forest Sustainability (Clark, et al., 1997) and subsequent iterations. The primary objectives of the evaluation of Fayetteville's urban forest are defined by the authors and adapted by the Fayetteville Urban Forestry Management Plan consulting team:

- Engage the full spectrum of the organizations' management team
- Provide program direction for ongoing professional training
- Conduct a gap analysis of management practices and the health of urban forests
- Provide strategic direction to improve the health of the urban forest
- Optimize management for environmental equity

A sustainable system can be defined as one that survives or persists. In the context of urban forests, the objective can be stated as attempting to achieve the maximum long-term benefits over the greatest amount of time. Clark's framework provides specific criteria to evaluate sustainability along with measurable indicators. Social and economic factors as well as natural science are considered, as sustainability is often viewed as the "overlap between what is ecologically possible and what is societally desired by the current generation". Recognizing that both conditions will change over time, sustainability is addressed as a process rather than a goal (Clark, et al., 1997).

Clark's framework categorizes urban forest sustainability indicators in terms of the trees (or resource), the management, and the people who benefit from the urban forest. Within each category, a series of urban forestry industry standards and best management practices were used to evaluate Fayetteville's current performance level. Indicators were rated as low, medium, or high based on available data and information provided by stakeholders. Assessment results were used to identify areas where Fayetteville's urban forest can be improved and to develop recommendations.

RESULT

Based on the analysis of findings from the needs assessment, Fayetteville scored a 73% in terms of urban forest sustainability and management as defined by the U.S. Forest Service, partners, and planning consultants. Based on 16 similar audits completed by the urban forestry consultants, the average score is 64%. The City of Fayetteville scored relatively high when compared to other urban forestry audits completed by the consultants for other communities of similar size. Overall, the City scored highest in Professional Capacity and Training, Community, Green Asset Management, and Risk Management— all of which are at or above 75%. The Urban Forestry Management Plan provides guidance to maintain these strengths and to address shortcomings as opportunities.



Figure 33. Summary of the 2023 Urban Forest Audit completed for Fayetteville's Plan.

The main purpose of the urban forest audit is to apply the research and findings gathered throughout the planning effort to inform the plan's goals, strategies, and priority actions. This audit or "gap analysis" enables the City's Urban Forestry Program to control different aspects of its program with data. This gap analysis identified the shortcomings that the program should overcome and by quantifying them, the program can make improvements. It also enables effective monitoring of Plan goals in that the audit categories and elements can be revisited at key intervals in the implementation process to measure progress and adapt strategies accordingly. For the comprehensive evaluation of all subcategories within the Urban Forest Audit, see Appendix B.

All available documents and plans were reviewed and tallied in the audit worksheet as part of the information discovery phase. Based on the evaluation of the documents and outcomes of all planning processes (i.e., research, City staff interviews, urban forest benchmarks, data analyses, and community engagement) each subcategory within the 11 categories was "ranked" using the following system:

0) Not Practiced - Component doesn't exist or is not practiced; 0 points
1) In Development - Component is in development as part of or aside from this Plan; 1 point
2) Adopted Practice - Component is routinely practiced; 2 points
3) Exceeds Adopted Practice - The component is exceeded; 3 points

The points were then totaled for an overall rating to provide a summary of the City's level of achieving each category of urban forest management and sustainability.

Urban Forest Audit Results for Fayetteville

#	Category	SOC* (% Achieved)	Base** (% Achieved)	Overall Rating	Overall (% Achieved)
1	Management Policy, Ordinances	50%	67%	20	71%
2	Professional Capacity and Training	100%	NA	16	89%
3	Funding and Accounting	75%	NA	8	67%
4	Decision, Management Authority	50%	100%	5	63%
5	Tree-related Inventories	NA	56%	17	65%
6	Tree-related Plans	NA	50%	13	54%
7	Risk Management	83%	50%	14	78%
8	Disaster Planning	NA	67%	9	64%
9	Standards and BMPs***	75%	69%	44	73%
10	Community	100%	NA	25	89%
11	Green Asset Management	NA	NA	16	80%
TOTAL		**76%**	**65%**	**187**	**73%**

*Standard of Care (SOC) elements represent the minimum group of urban forestry management "best practices" that a municipality should consider for implementation. SOC refers to the degree of prudence and caution required of an individual who is under a duty of care (i.e., legal obligation of the controlling authority, owner, or manager) to minimize risk. Neither state, regional, nor national minimum management components have been established for SOC but these are interim recommendations for consideration. (NA = not applicable)

**Base Practices (BP) elements represent additional urban forest management activities or components that may effectively expand a program beyond the SOC group (see footnote above). These elements are typically precursors to other "non-core" elements in the category. (NA = not applicable)

***Best Management Practices (BMPs)

Table 18. Outcomes of the urban forest audit completed in 2023 for Fayetteville's Plan.

Category	Findings
Management Policy and Ordinances Rating of 71%	The City scored relatively average in this category due to the existing tree ordinances, development standards, and the Tree Preservation and Landscape Manual. The Tree-related Plans and Regulations section of this Plan summarizes existing tree ordinances and Appendix C provides a summary of an evaluation of these ordinances based on industry standards and best practices. The City's Comprehensive Plan includes urban forestry and tree canopy as a vital component in addressing climate change. As part of the Plan, a canopy analysis was completed, and canopy goals were drafted to support a "no net loss" approach with canopy expansion.
Professional Capacity and Training Rating of 89%	Staff have industry certifications, qualifications, and training. The Urban Forestry Program has staff for park and trail tree maintenance and to administer tree preservation and protection for new development. In addition, the program works with other departments, partners, and contractors to plant trees. In recent years, staffing levels increased but capacity should be evaluated periodically to ensure it aligns with the goals of this Plan and the service demands.
Funding and Accounting Rating of 67%	The City's adopted budgets have specific line items for the Urban Forestry Program and staff. The City's Tree Escrow account is one funding source for tree planting activities. The figures reported for Arbor Day Foundation Tree City USA accreditation incorporate budgets from other departments but do not include the urban forestry budgets for Public Works' programs responsible for planting trees. Until very recently tree escrow was the primary funding source, now, there is a designated budget for tree planting. The score will improve with the next audit score.
Decision and Management Authority Rating of 63%	An Urban Forestry Advisory Board exists to advise on urban forestry matters. Currently, urban forest management is distributed across three groups in three different departments. The delineation of responsibilities at times is unclear and there is no single department or staff person designated as a point of contact for urban forestry. It is likely that communications and workflows could be improved with an adjusted program structure. Unique to other cities, Fayetteville's Urban Forester in Development Services has direct authority and oversight on tree preservation and protection for new development.
Tree-related Inventories Rating of 65%	Fayetteville completed a sample inventory of public trees and planting spaces along with a private tree sample inventory. In addition, the City conducted GIS analyses of urban tree canopy cover over four time periods and examined the correlation of tree canopy to sociodemographic data. Also, the Urban Forester actively tracks canopy gains and losses occurring on development projects— one of the most robust tracking systems the urban forestry consultants have seen. Within the City, the University of Arkansas has an inventory of its trees through its Arboretum Mapping Project.

Tree-related Plans Rating of 54%	Tracking and reporting of urban forest management activities, this Plan, and urban forestry referenced in the Comprehensive Plan and canopy goals in the Energy Action Plan resulted in higher than average scores for certain elements within this category. The City completed a Tree Canopy Cover and Environmental Equity Story Map and supporting reports.
Risk Management Rating of 78%	The Urban Forester in Parks, Natural Resources and Cultural Affairs is trained in tree risk assessments and the City has an adopted standard of care. The City completed a sample public tree inventory in 2022 to inform management strategies. The City also has an Emergency Operations Plan, actively manages invasive plant species and pests and diseases, and has lists and resources for recommended and prohibited trees.
Disaster Planning Rating of 64%	The City's maintenance staff and contractors address downed trees and limbs and collaborate when extensive response is needed.
Standards, and Best Practices Rating of 73%	Fayetteville has an average rating for this category though its strengths include tree ordinances, the Tree Preservation and Landscape Manual, Comprehensive Plan, Standard Details such as the Tree Preservation detail, clear guidance on the City's website relating to regulations and best practices, tree species lists, and tree protection requirements for construction and development.
Community Rating of 89%	Fayetteville has been a Tree City USA city consecutively since 1995, demonstrating the value placed on urban forests. This Plan included a public survey and has engaged and informed the public through an interactive project website— Speak Up Fayetteville. The City conducts Arbor Day events, has an Urban Forestry Advisory Board, engages the public through social media, website, and other platforms, addresses service requests, conducts the annual Celebration of Trees event, has an on line resource for Amazing Trees in Fayetteville, provides education resources and trainings, and works closely with other community partners.
Green Asset Management Rating of 80%	The sample public tree inventory determined there are 54 unique tree genera and 111 unique tree species resulting in no tree species exceeding the recommended diversity thresholds. The size classes of public trees are in line with an ideal distribution and the majority (75%) of public trees are in good condition. Also, only 6% of trees are recommended for removal and the primary maintenance need is clearance pruning (8%). Most importantly, the City's Park Maintenance's right-of-way crews proactively prune approximately 4,000 public trees per year resulting in an estimated 5.7-year rotation and the Urban Forestry Program conducts public park and trail tree maintenance.

The information provided in the table above describes the current conditions of Fayetteville's urban forest, the programs that manage it, and the community framework. As recommended in the Plan's monitoring methods, the City should use this framework to evaluate implementation progress, report successes, and inform changes to Plan actions. Many of the urban forest audit elements were given a rating of "In Development" as they previously did not exist but are addressed in this Urban Forestry Management Plan. This means that the City is already well underway in advancing its program and its Urban Forest Audit score.

APPENDIX B. 2023 URBAN FOREST AUDIT RESULTS

Urban Forest Audit Scoring Key

Not Practiced (0)	In Development (1)	Adopted Practice (2)

Management Policy

Category	Component Evaluated	Description or Criteria for Evaluation
1.00	Approved Policy Statements	Written policy statements approved by a governing body.
1.01	Climate Change (Sustainability)	Also referred to as Sustainability. With reference to urban trees. Addresses the long-term health and productivity of the natural resource.
1.02	No Net Loss	No net loss is mitigating the lost canopy within 20 years.
1.03	Risk Management	Should reference: ANSI A300 Part 9, ISA BMP, and prioritization funding mechanisms.
1.04	Tree Canopy Goals	Overall community/campus goal, or by designated "zone".
1.05	Tree Protection	Construction and/or landscape maintenance.
1.06	Utility	Utility pruning, planting, and installation policy (e.g. boring vs. trenching).
1.07	Human Health – Physical & Psychological	Recognizes and addresses the human health benefits of the natural resource (e.g., exercise, air quality, stress management, shade). Could also include Urban Heat Island (UHI) policies.
1.08	Wildlife Diversity/Habitat/Protection	Mammals, birds, or reptiles.
1.09	Performance Monitoring	Recognizes the annual or biennial calculation of metrics (e.g. some component of ecosystem services) for the purpose of tracking management performance.
1.10	Ordinance (Private)	Tree protection and management for trees on private property.
1.11	Ordinance (Public)	Tree protection and management for public trees.
1.12	Development Standards	US Green Building Council's LEED® rating systems (or similar internationally) LEED v4 BD+C (Sustainable Sites) LEED 4 ND (Neighborhood Pattern & Design, Green Infrastructure) ASLA's SITES® Rating System
1.13	High-Conservation Value Forests	Programs or policies for identification, acquisition, and/or protection of groups of trees or forests that provide unique public benefits.
1.14	Urban Interface (WUI)	Programs or policies that improve management of the urban interface for fire and/or invasive species.

Capacity and Training

Category	Component Evaluated	Description or Criteria for Evaluation
2.00	Professional Management	Provision for professional consultation.
2.01	Certified Arborist - Staff	International Society of Arboriculture
2.02	Certified Arborist - Contracted	International Society of Arboriculture
2.03	Certified Arborist - Other Resource	International Society of Arboriculture
2.04	Other Professional - Advising/directing UF management	This could be a professional in an allied field like Landscape Architecture.
2.05	Municipal Forestry Institute	Graduate of Society of Municipal Arborist's MFI program or similar
2.06	USFS Urban Forestry Institute or similar	Attendance at USFS UFI or similar
2.07	Campus/city arborist – ISA CA instructor for CEUs	Arborist routinely provides ISA CEU presentations/workshops.
2.08	Tree Board University or similar	On-line training modules from Oregon U&CF for Tree Board/Advisory Council or similar
2.09	Organizational Communications	Process, procedures, and protocol for cross-professional communications within the organization (all departments "touching" trees).

Funding and Accounting

Category	Component Evaluated	Description or Criteria for Evaluation
3.00	Urban Forestry Budget	
3.01	Budgeted Annually	Budget authorized/required for tree board, tree maintenance, and/or tree planting.
3.02	Contingency Budget Process	A protocol is in place to prioritize urban forestry management activities during budget shortfalls; e.g. during times of limited funding for: [1)] risk management, [2)] young tree care, [3)] mulching.
3.03	Funding Calculated from Community Attribute	Budget in terms of per capita, per tree, or for performance (e.g. per tree weighted by size class or age.
3.04	Funding Based on Performance Monitoring	Budget connected with/based on ecosystem service (ES) monitoring and performance.
3.05	Urban Forestry Line Item	Is the budget specific to urban forest management?
3.06	Green Asset Accounting	Maintain green infrastructure data in the "unaudited supplementary disclosure of an entity's comprehensive annual financial report (CAFR)". GASB 34 implementation for municipalities.

Authority

Category	Component Evaluated	Description or Criteria for Evaluation
4.00	Authority	
4.01	Urban Forest Manager	Professional urban forest manager with authority over the program and day-to-day activity. Including designated budget line item.
4.02	Staff Authority	Designated staff with authority over the program and day-to-day activity. Including designated line item.
4.03	Communication Protocol	Established protocol and mechanism(s) for communication among all members of the urban forest management "community" in your municipality or organization (e.g. manager, department under control, advisory board, finance, field operations, public, NGOs, business community, developers).
4.04	Tree Board, Commission, or Advisory Council	Establishes a board for public participation (advisory or with authority).

Tree-related Inventories

Category	Component Evaluated	Description or Criteria for Evaluation
5.00	Inventories and Assessments	
5.01	Canopy Inventory (UTC)	Periodic (≤5 year) canopy inventory and assessment. Public & private.
5.02	Ecosystem Services	Recent (≤5 year) ecosystem services (ES) inventory & assessment? Public: 100% or street trees; Public & Private: Sample; or Campus. Or, are ES calculated annually or biennially based on partial re-inventory and projected growth as a monitoring tool.
5.03	Public Trees 🡻	🡻 Evaluate below 🡻
5.04	Street Trees	Encompassed with the current inventory.
5.05	Parks/Riparian Areas	Encompassed with the current inventory.
5.06	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.
5.07	Continuous inventory on a cycle (≤5 years; i.e. panel)	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services for the purpose of long-term monitoring of urban forest management performance (e.g. carbon or leaf surface).
5.08	Private Trees 🡻	🡻 Evaluate below 🡻
5.09	Campus (Educational)	Not applicable.
5.10	Corporate	Not applicable.
5.11	Other Private Property	Not applicable.
5.12	Continuous inventory on a cycle (≤5 years; i.e. panel), inventory software	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services for the purpose of long-term monitoring of urban forest management performance (e.g. carbon or leaf surface).
5.13	Green Stormwater Infrastructure (GSI)	BMP stormwater mitigation practices and locations (e.g. Washington DC)
5.14	Spatial	Inventory data includes Lat/Long (i.e. GIS). Should address the spatial relationship between the natural resource and people (i.e. residents, visitors, activities) that would help manage the resource for benefits associated with proximity (air quality, recreation, stress mitigation, improved educational opportunity).
5.15	Maintenance and Planting Records Maintained	Planting details (nursery, species, size, cost, contractor, etc.) maintained with inventory or as separate database or recordkeeping system. Also pruning and removal histories.

Tree-related Plans

Category	Component Evaluated	Description or Criteria for Evaluation
6.00	Management Planning Activities	
6.01	Annual Maintenance Calendar	An annual calendar that defines typical activity by season. To support scheduling.
6.02	Public Trees ↓	↓ Evaluate below ↓
6.03	Street Tree Management	Public works Urban Forestry manages street trees.
6.04	Parks/Riparian Area Management	Several restoration projects are underway.
6.05	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.
6.06	Private Trees ↓	↓ Evaluate below ↓
6.07	Campus (Educational)	Not applicable.
6.08	Corporate	Not applicable.
6.09	Other Private Property	Not applicable.
6.10	Green Infrastructure	There is a plan for green infrastructure. Large-scale projects.
6.11	Other Written Plans	Not applicable
6.12	Tree Planting	Plans are done yearly.
6.13	UF as Part of a Comprehensive Plan	Is any UF management plan referenced in the comprehensive plan (i.e. county or municipality) or master plan (i.e. Campus)?
6.14	Urban Forest Planning and Management Criteria and Performance Indicators	Criteria and indicators based on *A Model of Urban Forest Sustainability* (Clark, J.R., Matheny, N.P., Cross, G., and Wake, V. 1997 Journal of Arboriculture.) or on work of W.A. Kenney, P.J.E. van Wassenaer, and A.L. Satel in *Criteria and indicators for strategic urban forest planning and management*. (2011)

Risk Management

Category	Component Evaluated	Description or Criteria for Evaluation
7.00	Risk Management Activities	
7.01	TRAQ Attained	At least one staff or consultant is TRAQ.
7.02	Annual Level 1 (ANSI A300 Part 9 & ISA BMP)	All trees in high occupancy areas visited annually.
7.03	Mitigation Prioritization	A protocol for prioritizing mitigation following Level 1 and Level 2 assessments. Reflects the controlling agency's threshold for risk.
7.04	Occupancy Areas Mapped	Has TRAQ staff/consultant discussed/mapped occupancy levels with controlling authority?
7.05	Recordkeeping, Reporting, and Communications	A process has been put in place to maintain records on requests, inspections, evaluations, and mitigation of risk; and on the communications among the managers related to those risk assessments.
7.06	Standard of Care Adopted	Controlling authority has adopted a Standard of Care (SOC) or risk management policy.
7.07	Tree Risk Specification	Is there a written specification that meets requirements of ANSI A300 (Part 9)? And, has it been discussed with the controlling authority with relevance to the controlling authority's threshold for acceptable risk?
7.08	Urban Tree Risk Management	The community has prepared and follows a comprehensive program for urban tree risk management.
7.09	Invasive Management	Plan to address and manage invasive: plants, insects, and disease.

Disaster Planning

Category	Component Evaluated	Description or Criteria for Evaluation
8.00	Disaster Planning Activities	
8.01	Response/Recovery Mechanism	Staff knowledge of the municipality's protocol for requesting disaster resources through the county or state with access to mutual aid and EMAC.
8.02	Urban Forestry as part of the County Disaster Plan	The UF plan (8.3) is incorporated into the county/municipal disaster plan; specifically in reference to debris management and risk mitigation.
8.03	Urban Forestry Disaster Plan	A separate/specific plan within the urban forestry management program (i.e. who to call, priorities).
8.04	Pre-disaster Contracts	Contracts are in place for critical needs.
8.05	Mitigation Plan	A mitigation plan has been developed for pre-disaster, recovery, and post-disaster.
8.06	EMAC Mission Ready Packages (MRP)	Municipality has published disaster resources with state EM and participates in inter-state Mutual Aid to support Urban Forest Strike Teams (UFST).
8.07	Urban Forest Strike Team	Participation in the UFST project.

Standards and Best Management Practices

Category	Component Evaluated	Description or Criteria for Evaluation
9.00	ANSI Standard & BMP Activities	
9.01	ANSI Standards	Reference and adherence to ANSI Standards for arboricultural practices (A300), safety (Z133), or Nursery Stock (ANSI Z60.1) (any or all).
9.02	Ages/Diameter Distribution	Specific management for the development of an age-diverse tree population
9.03	Arborist Standards	Standards of practice for arborists (i.e. Certification).
9.04	Best Management Practices (BMPs)	Establishes or references tree maintenance BMPs (i.e. written comprehensive standards & standards).
9.05	Fertilization and Mulching	Fertilization or mulching standards required for conserved & planted trees.
9.06	Lightning Protection Systems	BMP written to the ANSI A300 Standard.
9.07	Planting	Planting and transplanting standards required/specified.
9.08	Pruning	Pruning standards required for conserved & planted trees.
9.09	Removal	Infrastructure damage, stump grinding, etc.
9.10	Support Systems (Guying and Bracing)	BMP written to the ANSI A300 Standard.
9.11	Tree Risk	Tree risk assessment procedures; ISA BMP or equivalent.
9.12	Construction Management Standards	Written standards for: tree protection, trenching/boring in CRZs, pre-construction mulching, root or limb pruning, watering (any or all).
9.13	Design Standards	Standards for design that specifically require trees; standards for tree placement (i.e. location), soil treatment, and/or drainage.
9.14	Genus/Species Diversity	Suggests or requires diversity of plant material.
9.15	Green Stormwater Infrastructure (GSI)	BMPs for site level GI practices like rain gardens and swales. Small-scale projects.
9.16	Inventory Data Collection	Community has adopted or developed applicable standards for local urban tree inventory data collection to support QA/QC.
9.17	Minimum Planting Volume	Minimum required root zone volume.

Standards and Best Management Practices (continued)

Category	Component Evaluated	Description or Criteria for Evaluation
9.00	ANSI Standard & BMP Activities	
9.18	Minimum Tree Size	Minimum caliper for tree replacements, and/or minimum size of existing trees to receive tree density or canopy credit.
9.19	Root Protection Zone (CRZ)	Defines adequate root protection zone; Critical Root Zone (CRZ).
9.20	Safety	Safety logs, trainings, reference to ANSI Z133 Safety Standard
9.21	Topping	Prohibits topping or other internodal cuts (public & private).
9.22	Tree Species List	Identifies and publishes a list of the most desirable, recommended, and/or preferred species (may include native and non-native species); alternatively, a list of species prohibited.
9.23	Tree Quality Standards	Written standards for tree selection at nursery in addition to Z60.1.
9.24	Utility Right-of-Way (ROW) Management	Requirements for planting, pruning, and/or removal of trees within a utility ROW.
9.25	Urban Agriculture	Enabled urban food forestry practices.
9.26	Wood Utilization	Larger diameter material is processed for wood products.
9.27	Third-party forest products certification compliance	Examples: American Tree Farm System (ATFS), Forest Stewardship Council™ (FSC®).
9.28	Energy generation	Local or regional use of chips or other woody debris for co-generation facilities (an efficient process that uses one fuel to generate two types of energy— electrical and thermal).
9.29	Composting of Leaf and/or Other Woody Debris	Leaves and small woody debris are captured and used on-site or processed by someone by composting for reuse.
9.30	Watering Standards	

Community

Category	Component Evaluated	Description or Criteria for Evaluation
10.00	Activities that Build Community	
10.01	Social Media Website or Similar	Does your community/campus use social media platforms or similar to document and publicize your urban forestry program, activity, or events?
10.02	Education	The urban forest is used as an educational laboratory for class activity; Kids in the Woods, PLT, high school, or college level.
10.03	Private Property Tree Program	Does your community sponsor this program locally?
10.04	Public-facing Tree Inventory and Management Software	Public access to the community tree resource via an on-line mapping program (i.e. any Web Map Service; WMS).
10.05	Public Perception	Is public management consistent with private property requirements for tree protections and care? Does the Campus/public tree management reflect neighborhood norms?
10.06	Recognition Programs	Programs that raise awareness of trees or that use trees to connect the community to significant events or activities.
10.07	Arbor Day Celebration	Whether or not associated with Tree City USA.
10.08	Arboretum designation	Internal or third party arboretum designation.
10.09	Significant trees	For example: size, history.
10.10	Memorial/Honorarium	Tree planting or tree care programs than honor/memorialize individuals, organizations, or events.
10.11	Social Media	Does your community/campus make use of Twitter, Facebook, Blogs for internal or external outreach?
10.12	Active Communications	Press releases, regular news articles (print), “State of the Urban Forest” reports, periodic analysis of threats and opportunities.
10.13	Tree Care	Are volunteers trained and used for basic tree care (e.g. mulching, pruning, planting).
10.14	Tree Campus USA®, Tree City USA®, Tree Line USA®	Community/campus meets current qualifications for any of these programs.
10.15	Volunteer Opportunities	Ad hoc or scheduled. Any/all age groups. Tree Campus USA student activities.

Green Asset Management

Category	Component Evaluated	Description or Criteria for Evaluation
11.00	Observed Outcomes (Activity, Health)	
11.01	Deadwood	Look for evidence of periodic or ad-hoc deadwood removal (i.e. lack of dead limbs ≥ 2" in the trees or on the ground).
11.02	Genus Diversity	No genera exceed 20% of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local species of concern.
11.03	Mature Tree Care	Mature trees are retained in the landscape, and are of acceptable risk; i.e. veteran tree management.
11.04	Mulching	Evidence of adequate (i.e. spatial extent, depth, and material) roots zone mulching for all age classes.
11.05	Planting Site Volume Optimization	Are species & sites matched for optimization of above ground canopy; right tree in the right spot concept.
11.06	Rooting Volume Optimization	Are species & sites matched for optimization for below ground rooting volume; right tree in the right spot concept.
11.07	Species Diversity	No species/cultivars exceed 10% of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local genera of concern. Also evaluate the role of regionally local native species.
11.08	Soil Compaction	Observe evidence of soil compaction by users or staff during maintenance. Include "desire" lines and construction activity at time of evaluation.
11.09	Tree Health	Rate the overall tree health in all size (age) classes; look for crown dieback, decay, foliage density & color.
11.10	Young Tree Pruning	Look for evidence of periodic (e.g. every 3 years to year 9) structural pruning (e.g. subordination cuts, dominant central leader, co-dominant stems lower that 20').

APPENDIX C: TREE PLANTING AREAS AND CRITERIA

Priority Planting Areas to Achieve Canopy Goals and Tree Equity

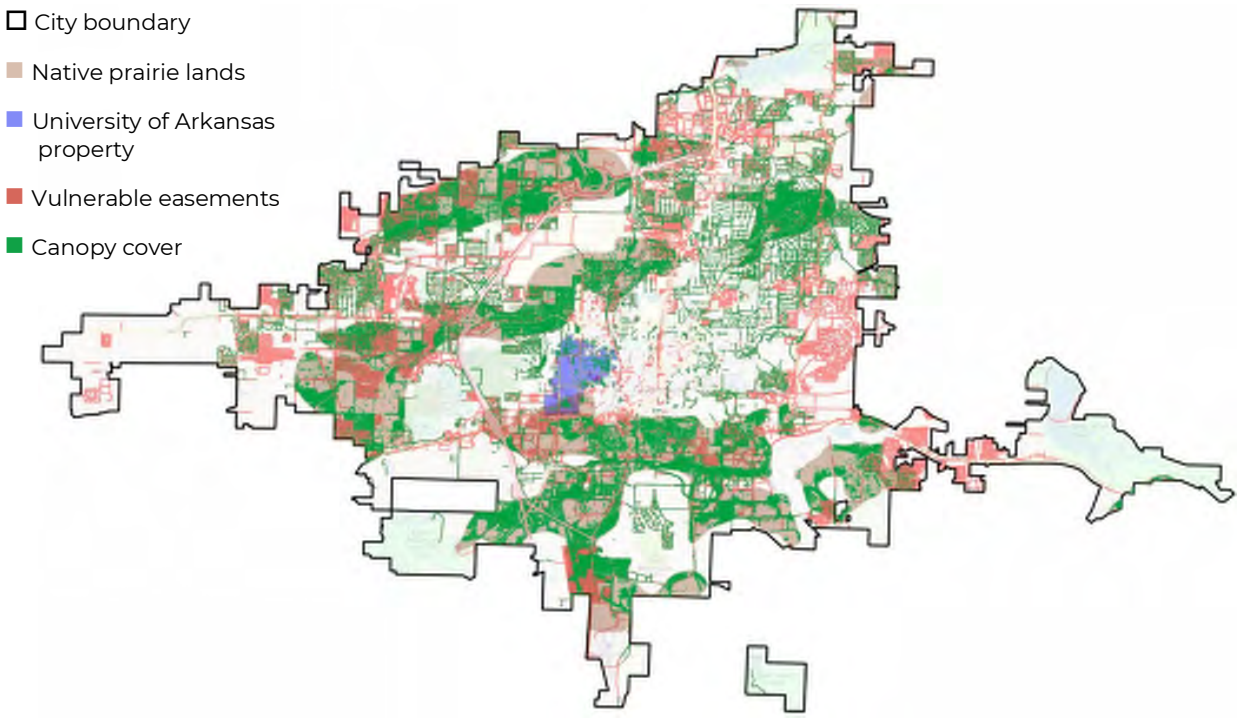
Once the City finalizes local and citywide tree canopy goals, it is recommended to establish priority areas based on a variety of themes and community needs. Themes may include ownership type (public and private), areas of low existing tree canopy, Tree Equity Scores (TreeEquityScore.org), and greatest amount of available planting space while other themes may address air quality, stormwater reduction, water quality, and preserving native land cover (e.g., native prairie land). Others may evaluate opportunities to address disadvantaged areas, densely populated regions, loss due to development, and human health factors such as asthma cases, median age, and mental health. In any planting prioritization scenario, the scale may include U.S. Census Bureau Census Block Groups, Future Land Use Classes, neighborhoods, ownership (public, private, campus and institutional), and citywide.

Using the results from the 2019 Urban Tree Canopy Assessment and an analysis of canopy change over four time periods and analyses in a Geographic Information System (GIS), a series of recommended prioritization techniques is provided. The description of the prioritization techniques and scenarios is provided below followed by a series of corresponding priority maps.

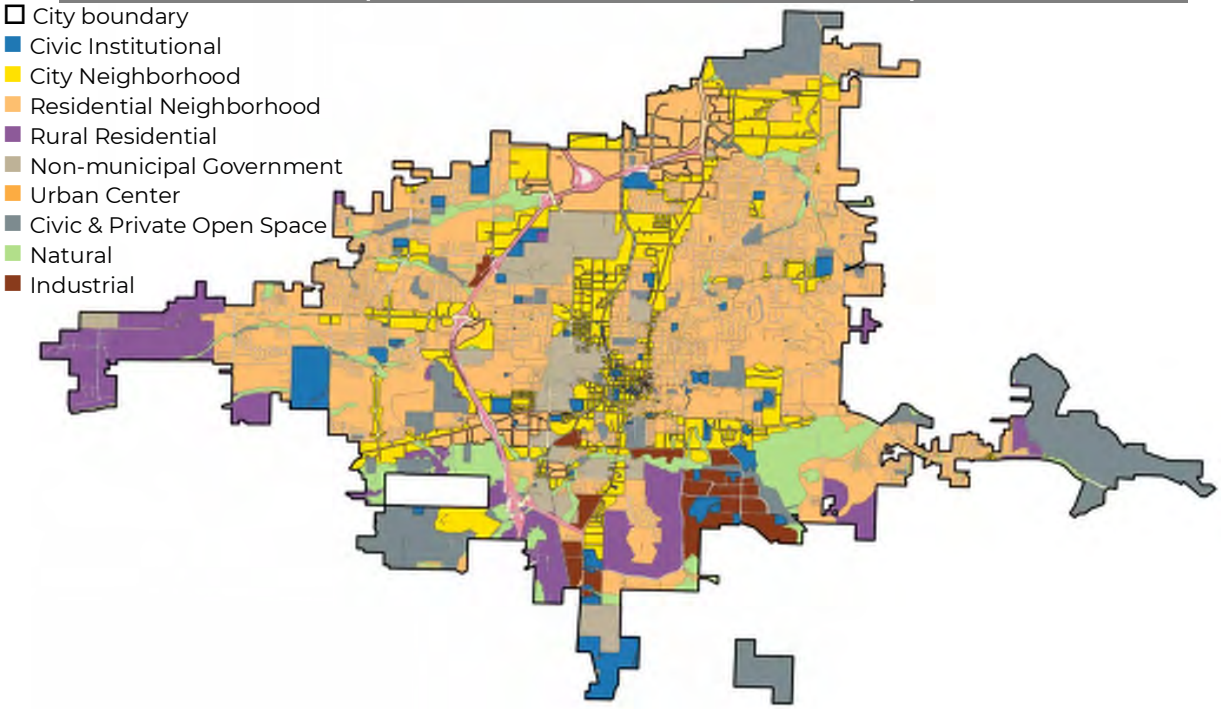
- **Low Tree Canopy:** It is important to understand the existing distribution of existing tree canopy across the City. This scenario shows Census Block Groups (CBGs) that are low in canopy cover (less than 35% canopy cover).
- **Low Income and Tree Canopy:** This scenario shows the CBGs with a high proportion of low-income populations and low amounts of tree canopy cover (less than 35%).
- **Vulnerable and Exclusion Areas:** Certain areas of the City may not be preferable to plant trees such as in native prairie land. Other areas are outside of the City's jurisdiction such as the University of Arkansas. And other areas such as easements have tree canopy that is vulnerable to change such as the removal of trees for a utility easement.
- **Development and Future Land Use:** With robust tree regulations in place, tree plantings in future land use areas can be considered to support a citywide canopy goal.
- **Tree Equity:** The American Forests' Tree Equity Score tool evaluates the correlation between tree canopy cover, surface temperatures, and socioeconomic data. Priority areas may include CBGs that have less than the citywide score of 87 out of 100.
- **Percent People of Color:** Redressing tree canopy cover inequities requires multiple facets of urban forest management though identifying canopy cover and the proportion of people of color within CBGs can assist in determining priority areas for plantings.
- **Average Surface Temperature:** Trees and green spaces have been proven to lower surface temperatures and mitigate urban heat island effects. Data from USGS Landsat 8 imagery, thermal bands.
- **Health Risk Index:** Research shows trees can improve human health through air quality improvements and encouraging physical activity. Priority areas are based on self-reported poor mental health, poor physical health, asthma, and coronary heart disease from the Centers for Disease Control.

View the maps on the following pages for examples of the listed planting priority techniques.

Vulnerable and Exclusion Areas



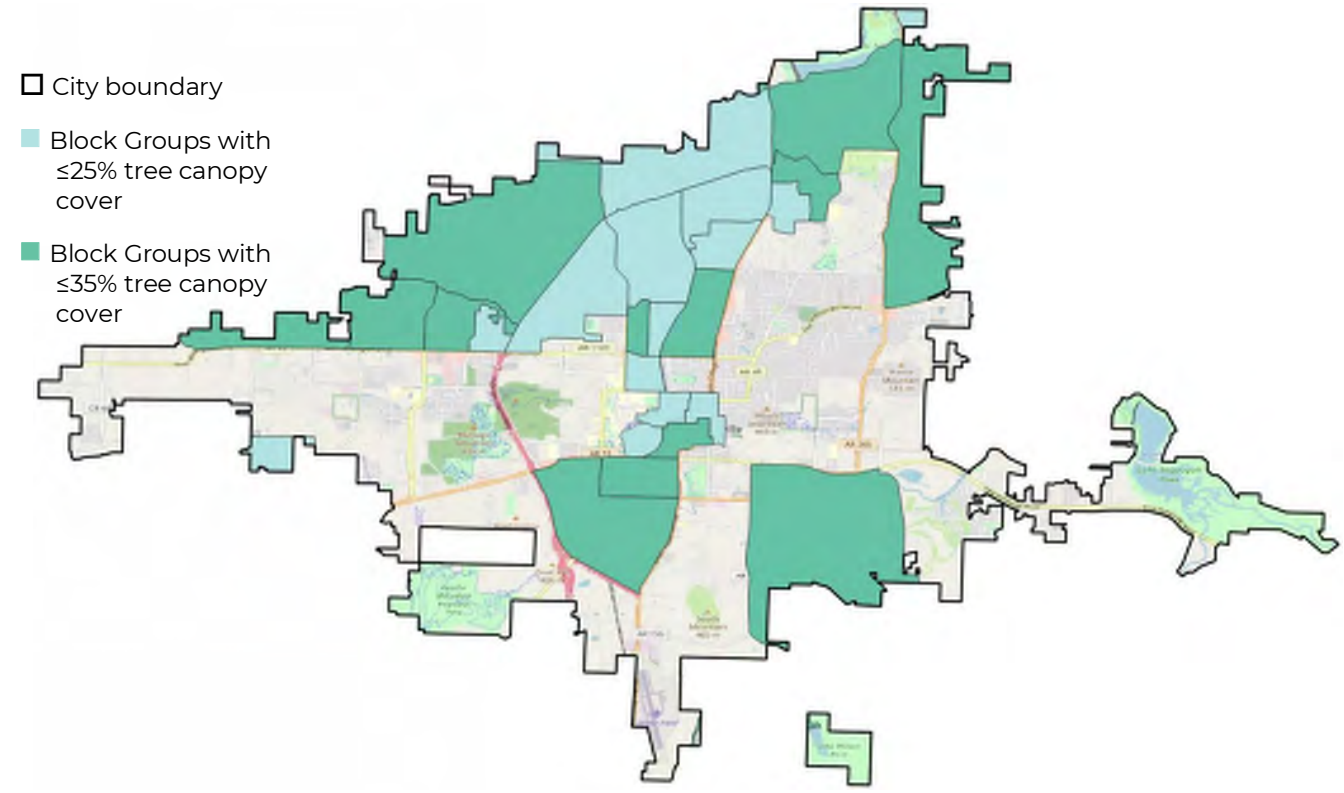
Development and Future Land Use Impacts



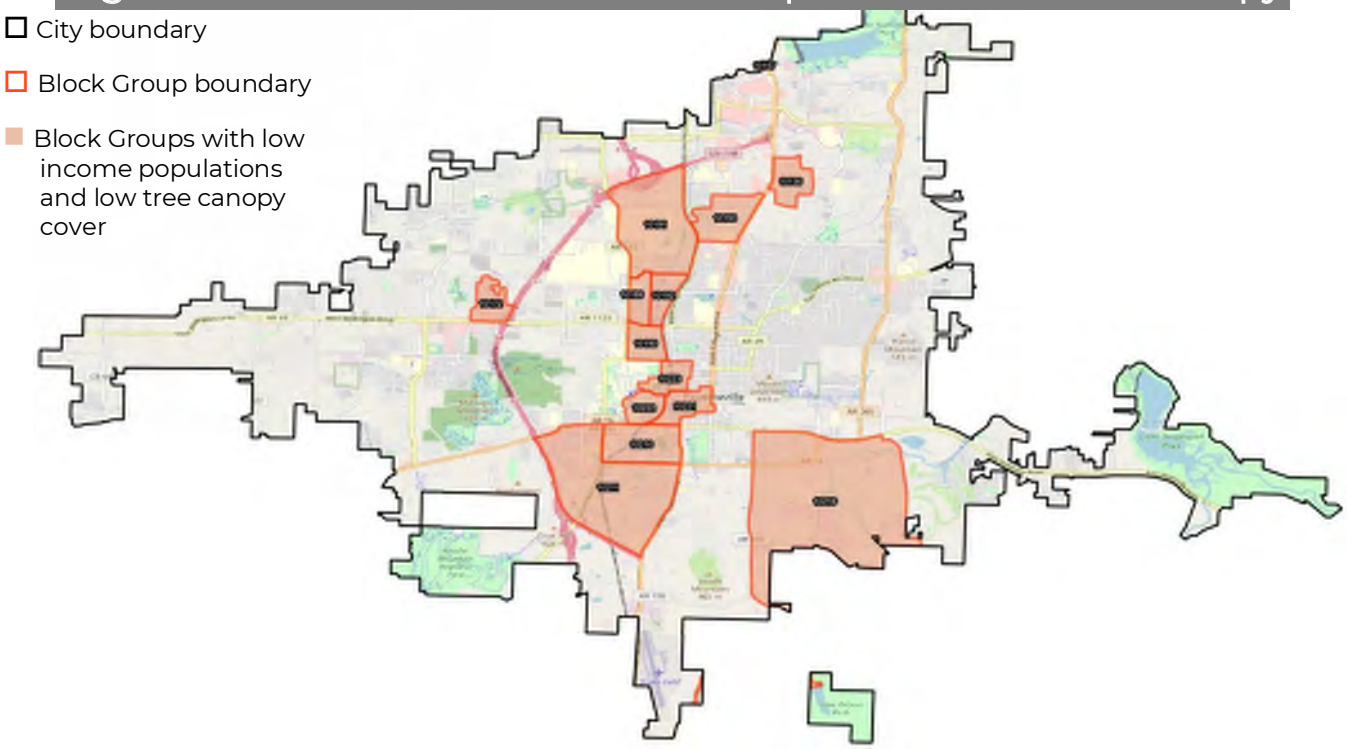
Priority Planting Maps by Theme

Figure 50. Priority planting maps by planting theme.

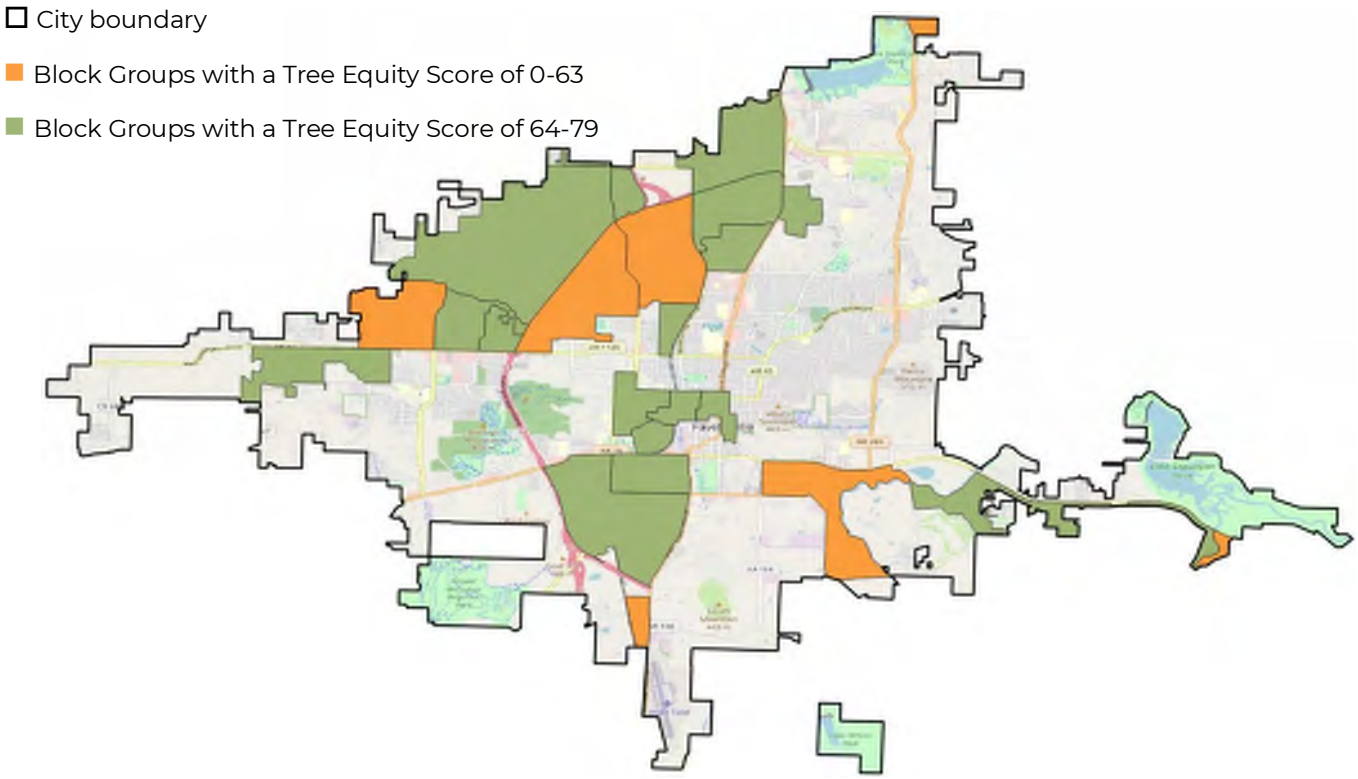
Areas with Low Tree Canopy Cover (<35%)



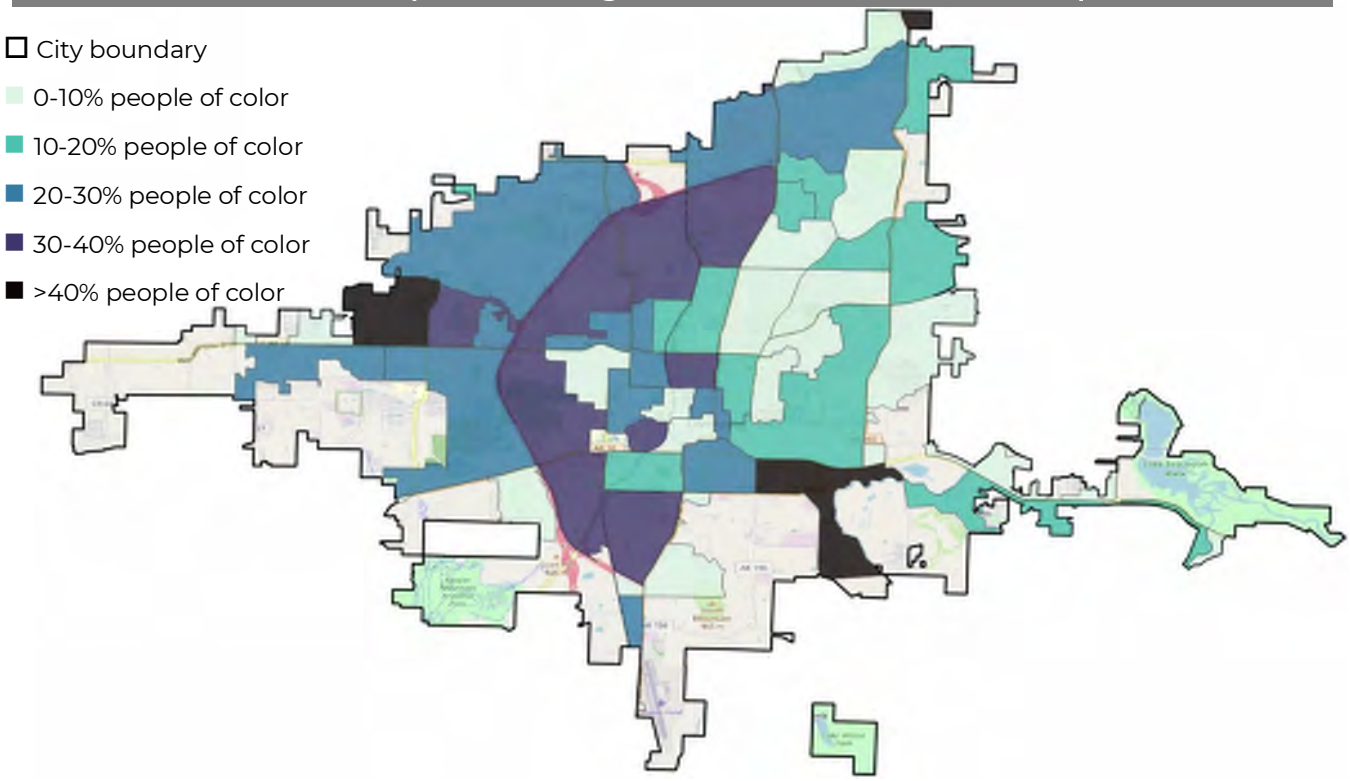
High Concentration of Low-Income Populations and Low Canopy



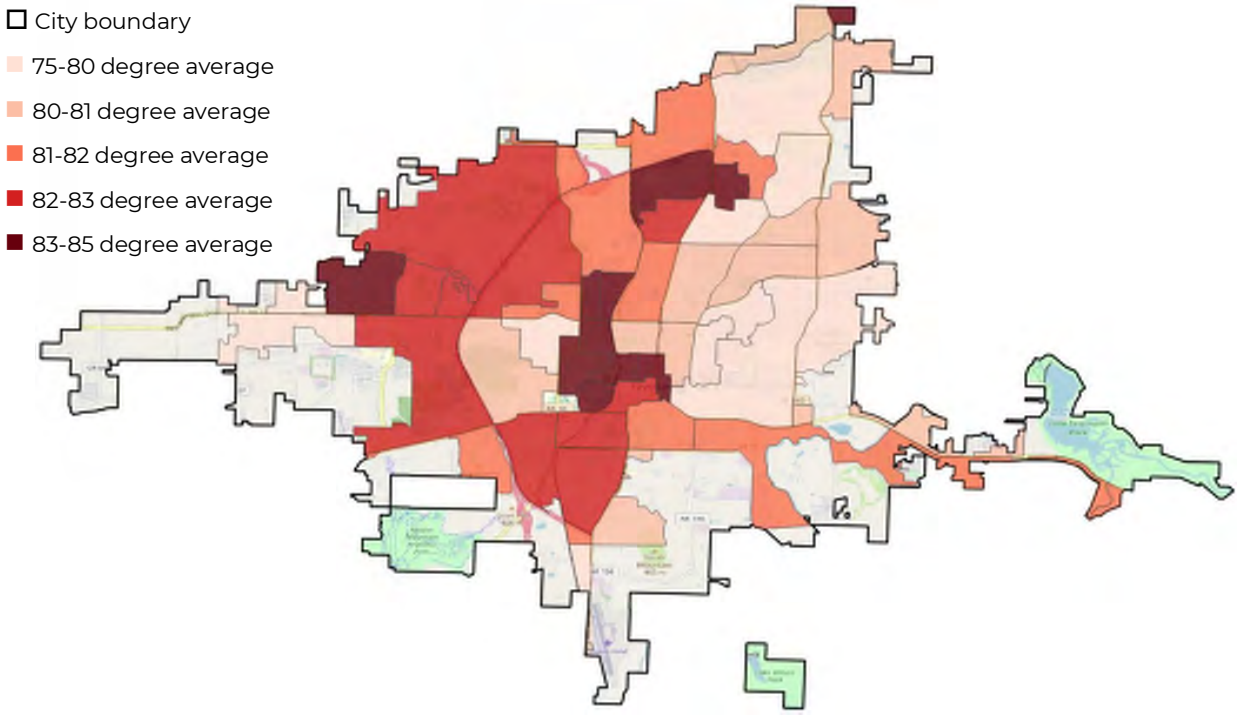
Areas with Tree Equity Scores Less Than 80 out of 100



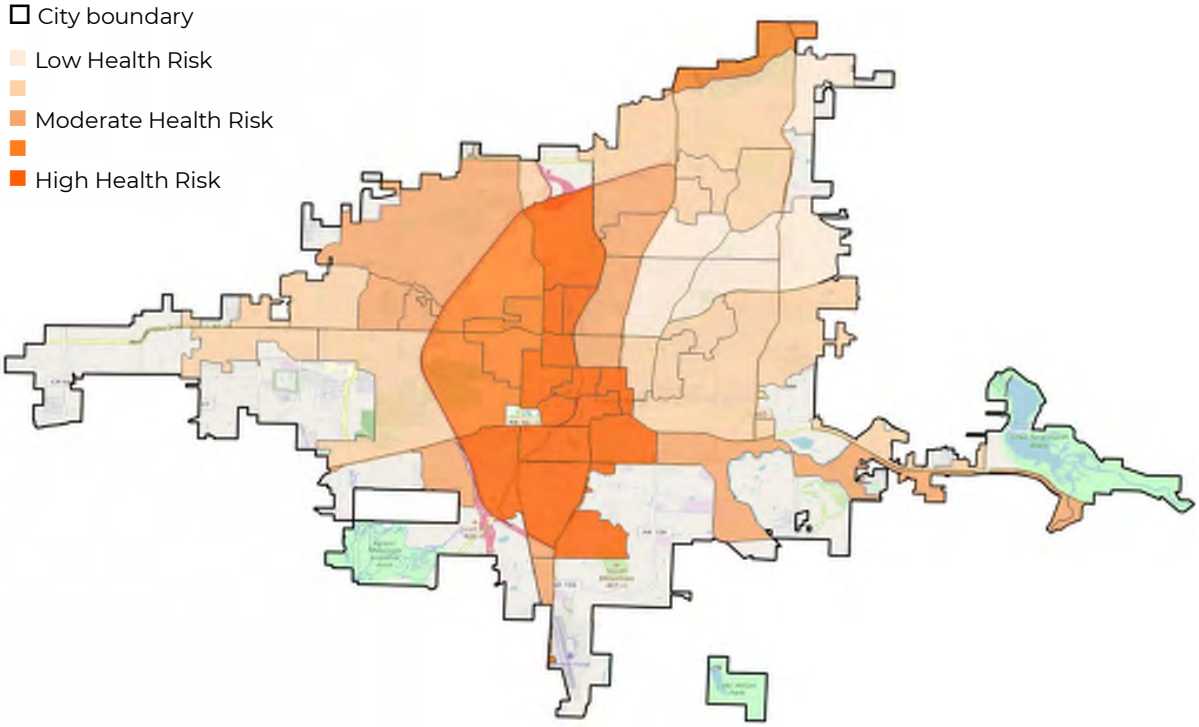
Census Block Groups with High Concentrations of People of Color



Areas with Higher than Average Surface Temperature



Health Risk Index Based on the Centers for Disease Control



APPENDIX D: ORDINANCE EVALUATION

The following considerations are provided for Chapter 167 Tree Preservation and Protection and Chapter 177 Landscape Regulations of Fayetteville's Code of Ordinances. The evaluation is based on a checklist shown in the table on the following page. Considerations for changes may also pertain to City design standards, protocols, and manuals such as the Fayetteville Tree Preservation and Landscape Manual (referred to as the Tree Manual in this section). Based on this approach, the following summary provides the City with considerations for tree regulation changes in the future.

- Prior to any significant change(s) to tree ordinances, it is recommended that the City engage with internal and external stakeholders and the general public to gather input and feedback.
- Include references to the Urban Tree Canopy (UTC) assessments and the amount of tree canopy cover (39.4% based on 2019 imagery) and associated ecosystem benefits. Begin by updating section 167.01 Purpose and section 177.01 Purpose with these references and expand on the purpose to include the benefits of trees in mitigating climate change and other benefits and services not currently listed such as the human health and social benefits.
- Consider creating a section within Chapter 167 ("Definitions") that specifically defines and clarifies urban forestry-related terms. An example of a clarification could include descriptions and criteria for "significant trees", "priority trees" (listed in section 167.04.E.3), and trees within the "Tree Registry". As an alternative, the definitions could be listed in the Tree Manual and referenced in Chapter 167.
- Identify changes to resources needed to provide adequate staffing for administration, monitoring, and enforcement of tree-related ordinances. Update Code language accordingly.
- Consider a more nuanced approach to tree mitigation requirements for private development. For example, large mature and/or specimen trees that are approved for removal should have a greater requirement in terms of mitigation, replacement plantings, and/or fees. Explore mitigation and penalties for the unauthorized removal of private protected trees Chapter 167) and public trees (Chapter 177). Periodically review and update canopy goal requirements as needed.
- Gather feedback to determine if any changes are necessary for public and private tree variances to the regulations. Develop incentives and regulations for projects to meet the canopy cover requirements (%'s) rather than defaulting to mitigation.
- During the periodic update to the Tree Manual, review the recommended tree species for planting and revise as needed based on the latest research and goals for tree species diversity. Periodically revisit the invasive plant species list in section 177.09 of Fayetteville's Code of Ordinances and update as needed based on the latest research, presence of species of concern, and the emergence of favorable habitats for new invasives to the region due to changing climates.
- Clarify roles and responsibilities for public street trees planted as part of private development projects (Chapter 177). Consider updating regulations for public street trees that are not planted as part of private development projects.
- Clarify regulations for trees in proximity or in conflict with overhead utilities.
- Review the evaluation table on the following page to finalize a scope of potential changes to tree-related ordinances.

Table 22. Tree ordinance evaluation checklist. Source: PlanIT Geo

Priority Level Key: 1 = High Priority, 3 = Low Priority " –" = adequate regulations in place

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Credentials				
Requires certified arborist for paid private tree work	X	167.07		-
Requires certified arborist for public tree work	X	167.07		-
Requires licensing of private tree care firms	X	167.07		-
Defines official authority for public tree management	X	Throughout Ch. 177		-
Public Tree Management and Protection				
Establishes/authorizes Urban Forester to regulate public trees	X	Throughout Ch. 177		-
Establishes/Authorizes City position (e.g., Mayor, City Administrator, DPW Director) to regulate public trees	X	177.02.B	Defines the authority and role of the Urban Forestry Advisory Board	-
Requires annual public tree work plans				2
Identifies formula for determining monetary tree value				1
Establishes responsibility for public tree maintenance (e.g., City, adjacent property owner)	X (Limited)	177.05 177.10	Chapter 177 does not define responsibility beyond those street trees planted as part of private development	1
Requires regular public tree maintenance	X (Limited)	177.10	Provided only for street trees planted as part of private development (3 years)	1
Requires particular types of maintenance (e.g., pruning)	X	167.06.A		-
Requires adherence to ANSI A300 standards and best management practices	X	167.06.A		-
Establishes permit system for work on public trees				3
Establishes provisions for penalties for non-compliance				2

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Public Tree Management and Protection (continued)				
Restricts public tree removal	X	167.06.C		-
Permit or approval required for tree removal, pruning or excavating near public trees				1
Prohibits damage to public trees (e.g., attaching ropes, signs, wires, chemicals, storing materials, excavation etc.)	X	177.01 167.06.D	"Damage" should be defined and prohibited rather than "remove and replace damaged landscape"	-
Restricts burning of solid wood waste				3
Establishes a wood utilization program				2
Establishes an insect/disease control strategy			Address pests/diseases of concern. Consider ability to remove diseased trees on private property if a hazard	1
Defines tree maintenance requirements on public property	X (Limited)	177.10	Only applies to street trees as part of private development	1
Prohibits tree topping	X	167.06.E		-
Regulates abatement of hazardous or public nuisance trees	X	167.08		-
Regulates removal of dead or diseased trees	X	167.08		-
Tree Fund	X (Limited)	177.10.A.5.b	Only applies to street trees as part of private development. Consider adjusting $250 fee-in-lieu and $425 3-year maintenance fees to align with industry and comparable cities' rates	1
Public Tree Planting				
Regulates tree species which may or may not be planted on **private** property (approved tree list)	X	167.04.I.6	Update periodically based on research and trends	-
Requires replacement of removed publicly owned trees	X (Limited)	177.01	Only applies to private development street trees	2
Regulates tree species which may or may not be planted on **public** property (approved tree list)	X	177.09 167.06	Revisit species list periodically and update as needed	-

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Private Tree Protection and Preservation				
Requires tree planting around reconstructed parking lots	X	177, 167.04 Ch. 167 Table 1		-
Requires tree plantings around new parking lots	X	167.04 Ch. 167 Table 1	Required for lots with 5 or more spaces	-
Requires tree plantings around new developments	X	167.04.I.4 Ch. 167 Table 1	Plantings are regulated in terms of canopy retention and high or low priority canopy	-
Restricts tree removal on private property	X (Limited)	167.04.L.3	Consider fees / fines for violation(s). Only restricted in tree preservation easements	-
Permit or approval required for tree removal on private property	X (Limited)	167.04	Only restricted in tree preservation easements	-
Requires preservation of trees during development on private property	X	167.04	Mitigation is an option and should be a last resort to preservation	-
Prohibits damage to preserved/protected trees	X	167.05		-
Prohibits damage or removal of trees on another person's property	X (Limited)	167.05	Mitigation is the only penalty though. Consider changes	3
Inventory of trees on site required	X	167.04	Requires a preservation plan	-
Identification of forests/woodlands required	X	167.04		-
Specific species and/or size of trees regulated (e.g., heritage/significant trees)	X (Limited)	167.04.E	Revisit periodically to determine if sizes reflect species significance and value. Needs more protection in Code	2
Location of Critical Root Zone/Dripline required	X	167.05	Specification provided in Tree Preservation and Landscape Manual	-
Minimum canopy coverage requirement set	X	167.04.C	Table 1 Consider updating canopy requirements using the canopy assessment data and canopy goals as needed	-

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Private Tree Protection and Preservation (continued)				
Identification of riparian buffers, natural areas, preservation zones	X	167.04.E.2		-
Tree protection/preservation plan required	X	167.04		-
Identification of prohibited activities in dripline/critical root zone	X	167.05	Also in Tree Preservation and Landscape Manual	-
Tree protection fencing required	X	167.04.H.2 167.04.H.3 167.05.B	Chain link or orange fence required	-
Location/type of other tree protection measures (e.g., root pruning, aeration, vertical mulching, trunk/soil protection, irrigation,) on development plans (e.g., site plans, construction plans, etc.)	X	167.04.H.2 167.04.H.3 167.05.B		-
Provide incentives for tree preservation	X (Limited)	167.04.I 167.04.J	On- and off-site mitigation offered, fee-in-lieu toward Escrow account. Reevaluate for additional incentives to preserve canopy rather than mitigate. No credits considered	1
Landscape plan with proposed landscaping and mitigation trees to be planted	X	167.04		-
Requires Grading plan to include protected/preserved trees	X	167.04.A.10		-
Utility plan with trees to include protected/preserved trees	X (Limited)	167.06.J	Consider referencing industry standards for utility pruning and to consult with Urban Forester for pruning or removing trees encroaching utilities (above and below ground, including proposed lights)	1

Topic	Addressed (X)	Chapter & Section	Comments	Priority Level
Private Tree Protection and Preservation (continued)				
Tree planting requirements for removal of regulated trees	X	167.04.C	Consider a 2:1 replacement ratio for significant, specimen, special / priority trees or mitigation that is based on the diameter inches of tree(s) removed	-
Fee in Lieu of planting mitigation trees	X	167.04.J.4	Determine if Escrow Account fee per tree required and 3-year maintenance fee is adequate	-
Tree mitigation survival requirements	X	167.10	Binding 3-year maintenance and monitoring plan	-
New tree planting survival requirements	X	167.10	Binding 3-year maintenance and monitoring plan	-
Fine for removal of regulated trees			No penalties, fees, or fines listed. Only tree mitigation (planting) currently	1
Penalties established for damage and removal of preserved/saved trees			No penalties, fees, or fines listed	1
Bonding utilized to discourage tree removals			A tree bond requires a land developer to deposit a certain amount of money with the local authority during development. If the identified tree or trees are not present and healthy after the development, the funds are forfeited.	1
Tree Fund	X	167.04.J.4	City's Tree Escrow	-

APPENDIX E: EXISTING CITY PLANS CROSS REFERENCING

The Urban Forest has been valued for decades and accounted for in many planning efforts across city departments. References to the urban forest in other plans have been extracted and are summarized below.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
THE CITY PLAN 2040 VISION, 2020 UPDATE 	**City Plan 2040 Goals** **Goal 1 - We will make appropriate infill and revitalization our highest priority. P. 22.** **3.1.5 Reinvest in parks, street, and civic buildings within the heart of the City.** The tree-lined streets, parks, and historic civic buildings found in Fayetteville's older neighborhoods greatly contribute to the unique community character and high quality of life that residents treasure. Preservation of our tree-lined streets and parks and adaptive reuse of our historic civic buildings will maintain the community cultural identity. The City should continue to utilize the Enduring Green Network map to identify and preserve high-value open spaces that help to create an interconnected green network throughout the community. P. 24 **Goal 5 - We will assemble and enduring green network. P. 40** 3.5.1 Vigilantly nurture a continuum of greenspace. 3.5.2 Strategically plan for and acquire land that can be incorporated into the Enduring Green Network. 3.5.3 Promote conservation easements and alternative development patterns that encourage efficient use of land.
ENERGY ACTION PLAN, 2018 UPDATE 	**Cross Sector Building** **Strategy 3. Make existing institutional, commercial, and industrial buildings more efficient. P. 37** Encourage heat island mitigation features to help lower utility costs for residents and businesses. Encourage tree planting, green roofs, and other energy-saving techniques across the City through education, outreach, and tree give-aways. **Strategy 4: Conduct a community-wide tree canopy assessment and set a tree canopy coverage percentage goal. P. 39** Target areas in need of additional tree canopy by creating a tree canopy map layer.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
ENERGY ACTION PLAN, 2018 UPDATE 	**CROSS SECTOR- BUILDINGS** **Strategy 4: Conduct a community-wide tree canopy assessment and set a tree canopy coverage percentage goal. P. 39** Explore a strategy and funding mechanism to increase the permanent preservation of lands identified as the "Enduring Green Network" in the City's Future Land Use Plan and Map. These lands may be City-owned or preserved through land trusts, tree preservation easements, or other mechanisms. Increase awareness of utility-focused "Right Tree, Right Place" program through joint outreach campaigns. Explore options to develop a tree planting program partnering with residents, business owners, and institutions for the planting of trees in right-of-way, on easements, or on private properties. Evaluate the feasibility of modifying existing tree preservation minimums and mitigation rates in the City's Tree Preservation Code to improve the long-term ecological outcomes of urban development. Conduct a community-wide tree canopy assessment every five years. **City Government Strategies** **Strategy 2: Make all new and existing city-owned facilities and assets more energy efficient. P. 58** **Action Items:** Explore a strategy and funding mechanism to increase the permanent preservation of lands identified as the "Enduring Green Network" in the City's Future Land Use Plan and Map. These lands may be City-owned or preserved through land trusts, tree preservation easements or other legal mechanisms. Install native landscaping to provide relief from the urban heat island effect and reduce cooling costs in summer months. Continue to prioritize tree planting at existing and new facilities to provide shade, infiltrate stormwater, improve air quality, and generally enhance our urban ecosystem functions.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
CLIMATE ACTION PLAN, 2024 UPDATE 	**6.0 Nature Based Solutions Ecosystem Services** **Goal 3: Preserve land within the City's planning area that provide high ecosystem services for resilience to extreme weather events. P 38.** Action: Explore bond potential for land acquisition and conservation. P. 40 **Goal 4: Restore and improve ecosystem services provided by existing preserved natural areas. Existing preserved lands identified as having high ecosystem services value for adaptation to extreme weather events should be prioritized for conservation and restoration efforts. P. 41** Action: Secure the necessary funding to meet the annual tree planting targets and implement a tree establishment program **Goal 5: Reduce climate change threats to public infrastructure and private property. P. 42** Actions: Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment. Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way. Update tree lists that prioritize native and climate-resilient tree species. Identify opportunities to "rewild" parks that contribute to ecosystem resilience **Ecosystem Resilience** **Goal 1: Identify lands with high levels of biodiversity and ecosystem resilience. P. 43** Actions: Create a city-wide tool to track environmental assets and ecosystem services. Identify opportunities to "rewild" parks that contribute to ecosystem resilience. **Goal 2: Preserve lands with high levels of biodiversity and ecosystem resilience. P. 43** Actions: Acquire at least 100 acres of land with very high value for climate resilience by 2040.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
CLIMATE ACTION PLAN, 2024 UPDATE 	**Goal 3: Restore and enhance City-owned or managed lands with high levels of biodiversity and ecosystem resilience. P. 45** Actions: Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way. Identify opportunities to "rewild" parks that contribute to ecosystem resilience. Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way. Provide native plant species that offer optimal ecological benefit for the annual tree and plant giveaway events hosted by the Urban Forestry Division. Update tree lists that prioritize native and climate-resilient tree species. **Goal 4: Support on-going ecological education and outreach efforts by local expert organizations. P. 46** Actions:Plant species that provide optimal ecological benefit in City owned parks, trails, and rights-of-way. Provide native plant species that offer optimal ecological benefit for the annual tree and plant giveaway events hosted by the Urban Forestry Division. **Carbon Sequestration** **Goal 1: Measure and track carbon sequestration in the City's tree canopy and natural environment. P. 47** Actions: Calculate the carbon sequestration, storage, and avoided carbon generated from the citywide urban tree canopy cover. **Goal 2: Increase carbon sequestration into the City's soils, plants, and tree's biomass. P. 47** Actions: Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment. Plant native tree and plant species that provide optimal carbon sequestration benefit in City owned parks, trails, and rights-of-way. Distribute native tree and plant species that provide optimal carbon sequestration benefit for the annual tree and plant giveaway events hosted by the Urban Forestry Division.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
CLIMATE ACTION PLAN, 2024 UPDATE 	**Goal 3: Preserve and enhance existing carbon sinks such as wetlands, prairies, and forests. P. 48** Actions: Implement strategies and actions identified in the 2023 Urban Tree Plan and Assessment. Plant native tree and plant species that provide optimal carbon sequestration benefit in City owned parks, trails, and rights-of-way. Distribute native tree and plant species that provide optimal carbon sequestration benefit for the annual tree and plant giveaway events hosted by the Urban Forestry Division. Acquire lands with high carbon sequestration value.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
Active Transportation Plan (2023) 	**Pedestrian Recommendations – Planning P. 36** Include greenspace separation and/or street trees for all city and privately developed sidewalk projects.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
PARK AND RECREATION SYSTEM MASTER PLAN (FEBRUARY 2023) 	**Guiding Principle 1: Nature Connection** **Goal A2: Raise awareness about parks, recreation offerings, environmental education, and trails. P. 57** **Strategy g) Provide environmental education through signage, program partnerships, outdoor classrooms and stewardship and volunteerism.** **Goal A3: Increase nature interaction opportunities in parks, focusing on more urbanized areas of Fayetteville. P. 58** Restore flood plains and wetland areas, adding bird viewing screens and other amenities to promote nature based activities in locations and with methods that do not negatively impact wildlife or sensitive ecologies. **Guiding Principle 5: Resilient Natural Systems P. 80** **Goal E1. Conserve land and strategically direct acquisitions for conservation to meet environmental and community objectives.** a) Develop a Conservation Plan to advance the "Enduring Green Network" and other natural resource goals. Include a natural lands and open space acquisitions action plan with consideration to linked growth concepts. b) Re-purpose city properties and acquire properties in the city center that will provide access to nature contact and deliver environmental services. c) Partner with Northwest Arkansas Land Trust, Watershed Alliances, Corp of Engineers, Department of the Interior and others to conserve land.

PLAN NAME & DATE	EXCERPTS PERTAINING TO URBAN FOREST
PARK AND RECREATION SYSTEM MASTER PLAN (FEBRUARY 2023) 	**Goal E2. Promote green infrastructure and regional systems in support of environmental conservation and preservation. P. 81** **Strategies:** a) Seek opportunities for stormwater properties to serve multiple purposes such as urban forest or recreation purposes. b) Implement best management practices to reduce flooding and erosion and preserve the quality of streams. **Goal E3. Enhance the ecological performance of existing parks and natural land properties. P.82** a) Improve management of natural resources within city properties and make improvements that enhance performance for ecological/climate action purposes. b) Create a dedicated natural resources team within parks maintenance to focus on natural areas. c) Coordinate with the Urban Forestry Plan to increase/improve tree canopy throughout the parks system where appropriate. d) Integrate volunteers and environmental educators (such as the Watershed Conservation Resource Center) into restoration and environmental enhancement projects. e) Educate about the value of unconventional management practices such as prescribed burns, livestock grazing, weed management and use of native grasses.

References

Abbot, J., Hartel, D., Kidd, S., Macie, E., Mitchell, C., "Urban Forest Sustainability and Management Review" spreadsheet developed by Urban Forestry South (USDA Forest Service, Region 8, SRS-4952, Athens, GA. Original checklist develop in cooperation with Agnes Scott College Office of Sustainability, the ASC Arboretum Advisory Council, and the City of Austin, TX, 2015.

Alliance for Community Trees. 2011. Benefits of trees and urban forests: A research list. www.actrees.org.

Brook, R. D., Rajagopalan, S., Pope, C. A., Brook, J. R., Bhatnagar, A., et al., Particulate matter air pollution and cardiovascular disease: An update to the scientific statement from the American Heart Association, National Library of Medicine, June 2010.

Clark, J. R., Matheny, N. P., "A Model of Urban Forest Sustainability: Application to Cities in the United States." Journal of Arboriculture 24(2): pp. 17-30, March 1997.

Drescher, M. "Urban heating and canopy cover need to be considered as matters of environmental justice." National Library of Medicine, Proceedings of the National Academy of Sciences (PNAS), December 2019; 116(52): 26153-26154.

Endreny, T.A. Strategically growing the urban forest will improve our world. Nat Commun 9, 1160 (2018). https://doi.org/10.1038/s41467-018-03622-0

Environmental Protection Agency, What Climate Change Means for Arkansas, EPA 430-F-16-006, August 2016.

Fahrig, L. (2003). Effects of habitat fragmentation on biodiversity. Annual Review of Ecology Evolution and Systematics, 34, 487-515.

Fowler, A. (Ed) 2015. Arkansas Wildlife Action Plan. Arkansas Game and Fish Commission, Little Rock, Arkansas. 1678 pp.

Hauer, R., Petersen, W., "Municipal Tree Care and Management in the United States: A 2014 Urban & Community Forestry Census of Tree Activities." 2016.

Iverson, L.R., Peters, M.P., Prasad, A.M., and Matthews, S.N. (2019). Analysis of Climate Change Impacts on Tree Species of the Eastern US: Results of DISTRIB-II Modeling. Forests. 10(4): 302. https://doi.org/10.3390/f10040302.

Keet, C. A., Matsui, E. C., McCormack, M. C., Peng, R. D., Urban residence, neighborhood poverty, race/ethnicity, and asthma morbidity among children on Medicaid, Journal of Allergy and Clinical Immunology, Volume 140, Issue 3, 2017, Pages 822-827, ISSN 0091-6749.

Kellert, S.R., Wilson, E.O. 1993. The Biophilia Hypothesis. Island Press, Washington, DC. 484 pp.
Kim Y. J., Kim, E. J. Neighborhood Greenery as a Predictor of Outdoor Crimes between Low and High-Income Neighborhoods. Int J Environ Res Public Health. 2020 Feb 25;17(5):1470.

Konijnendijk, C., "Promoting health and wellbeing through urban forests – Introducing the 3-30-300 rule, LinkedIn, February 2021.

Leahy, I. (2017). Why We No Longer Recommend a 40 Percent Urban Tree Canopy Goal. American Forests, americanforests.org. Accessed January 2023.

McPherson, G.E., 2016. Structure, function and value of street trees in California, USA. Urban Forestry & Urban Greening 17 (2016) 104-115.

Mihandoust, S., Joseph, A., Kennedy, S., MacNaughton, P., Woo, M. Exploring the Relationship between Window View Quantity, Quality, and Ratings of Care in the Hospital. Int J Environ Res Public Health. 2021 Oct 12;18(20).

Miller, R. W. (1988). Urban Forestry: Planning and Managing Urban Greenspaces. New Jersey: Prentice Hall.

Miller, R. W., Hauer, R. J., & Werner, L. P. (2015). Urban Forestry: Planning and Managing Urban Greenspaces, Third Edition.

National Forest Foundation. (2014). Ozark Mountains, Stewardship and Restoration of the Ozark National Forest, Arkansas. Arkansas: National Forest Foundation.

Northwest Arkansas Regional Planning Commission (NWARPC). Regional and Community Planning. Accessed February 2023, nwarpc.org.

Pontius, R. and M. Millones. 2011. Death to Kappa: birth of quantity disagreement and allocation disagreement for accuracy assessment. International Journal of Remote Sensing. 32, 15: 4407-4429.

Richards, N. A. 1983. "Diversity and Stability in a Street Tree Population." Urban Ecology 7(2):159–171.

Richards, N.A. 1993. Reasonable guidelines for street tree diversity. Journal of Arboriculture 19:344–349.

Roman, Lara, Battles, John J., McBride, Joe R. (2014) Determinants of establishing survival for residential trees in Sacramento County, CA. Landscape and Urban Planning. 22-31.

Saunders, D. A., Hobbs, R. J., Margules, C. R., Conservation Biology, Volume 5, No. 1, pp. 18-32. "Biological Consequences of Ecosystem Fragmentation: A Review." March 1991.

Taylor, A. F., Kuo, F. E., "Children With Attention Deficits Concentrate Better After Walk in the Park," Journal of Attention Disorders 12.5 (2009): 402-409.

Ulmer, J.M.; Wolf, K.L.; Backman, D.R.; Tretheway, R.L.; Blain, C.J.; O'Neil-Dunne, J.P.; Frank, L.D. Multiple health benefits of urban tree canopy: The mounting evidence for a green prescription. Health Place 2016, 42, 54–62.

Wolf, K. L., Lam, S. T., McKeen, J. K., Richardson, G. R. A., van den Bosch, M., Bardekjian, A. C., "Urban Trees and Human Health: A Scoping Review." International Journal of Environmental Research and Public Health, June 2020.

Woods & Poole Economics, Inc., Washington, D.C. Metropolitan Statistical Area Data Pamphlet, Washington County, Arkansas. Accessed February 2023, woodsandpoole.com.

Received From: John Scott 10/23/2024 2:36PM



Supplements

SUPPLEMENTS

1. Urban Forestry Benchmarks
    - Budget Comparison
2. Canopy Goal Setting and Priority Areas
    - Planting Priority Maps
    - Prairie Maps
3. Tree Canopy Inventory
    - Species Distribution
    - Ecosystem Benefits
4. Public Survey Summary
5. Staff and Board Member Survey Summary
6. US Forest Service Urban Forest Audit
7. Recommended Tree list and Sister City Climate City Assessment
    - Future Climate Comparison
    - Climate Change Species Recommendation
    - Climate Adaptation Report
8. Invasive Plant Species Program Review
9. 2012 Fayetteville Urban Tree Canopy Report





URBAN FOREST BENCHMARKS

Last Updated: 8/30/2023

A comparison summary of analogous Arkansas Tree City USA cities for the:

City of Fayetteville, AR
Urban Forest Management Plan

CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™ developers of TreePlotter

CONTENTS

Background and Overview 1
Background 1
Benchmarking Data Sources 1
Phase I Benchmarking Research 2
Summary of Communities for Benchmarking Research 2
Comparison Cities & Comparison Groups 2
Phase I Benchmarking Comparison 3
Urban Forestry Budgets (2021) 3
Urban Forestry Activities 10
Table Summary of Urban Forestry Budgets and Activities (2021) 15
Budget per Capita Summary (2021) 16
Phase II Benchmarking Research 17
Urban Forestry Budgets 17
Comparison of Public Tree Counts, Distribution, and Value 19
Phase III Benchmarking Research ..... Error! Bookmark not defined.

TABLES AND FIGURES

Tables

Table 1. Communities benchmarked for the Fayetteville, AR Urban Forest Management Plan....2
Table 2. Complete table summary of all benchmarking metrics in Phase I (2021)....15
Table 3. Summary of urban forestry budgets compared to city populations (per capita) in 2021....16

Figures

Figure 1. Comparison of urban forestry budgets in 2021....3
Figure 2. Comparison of urban forestry budgets per capita in 2021....4
Figure 3. Comparison of tree planting and initial care budgets in 2021....5
Figure 4. Comparison of tree maintenance budgets in 2021....6
Figure 5. Comparison of tree removal budgets in 2021....7
Figure 6. Comparison of management budgets in 2021....8
Figure 7. Comparison of other expenditures in 2021....9
Figure 8. Comparison of volunteer hours in 2021....10
Figure 9. Comparison of the number of trees planted in 2021....11
Figure 10. Comparison of the number of trees pruned in 2021....12
Figure 11. Comparison of the number of trees removed in 2021....13
Figure 12. Combined comparison summary of tree management activities in 2021....14
Figure 13. Comparison of urban forestry budgets (Hauer, 2014)....17
Figure 14. Urban forestry budget compared to the total municipal budget (Hauer, 2014)....17
Figure 15. Total municipal budgets (Hauer, 2014)....18
Figure 16. Average budget per public tree (Hauer, 2014)....18
Figure 17. Comparison of urban forestry budget per capita (Hauer, 2014)....18
Figure 18. Comparison of the number of public trees (Hauer, 2014)....19
Figure 19. Comparison of public trees per capita (Hauer, 2014)....19
Figure 20. Comparison of the number of public trees per full-time tree care employee (Hauer,2014) 19
Figure 21. Comparison of the acres of public parks and open space (Hauer, 2014)....20
Figure 22. Comparison of the value of public trees (Hauer, 2014)....20

BACKGROUND AND OVERVIEW

Background

The purpose of Urban Forest Benchmarking is to understand the level of effort and capacity necessary to satisfy the City's adopted goals, to identify industry trends and best practices, and to ensure urban forest sustainability. Benchmarks help to gauge the City's investment in its urban forest compared to other communities facing similar issues in urban forest management. The results of the benchmarking exercise enable the urban forestry planning consultants to develop realistic strategies and achievable targets that align with comparable communities and industry standards. It will also serve as one platform and tool for monitoring implementation of Fayetteville, AR's Urban Forest Management Plan (in development as of January 2023).

BENCHMARKING DATA SOURCES

Several data sources were reviewed and compiled to evaluate how Fayetteville's urban forest and associated programs compare to industry standards and communities of a similar size or geographic location and how its own operations have changed over time.

Phase I of the benchmarking process uses the Arbor Day Foundation's Tree City USA 2021 dataset and compares statistics provided by the City of Fayetteville and as reported to Arbor Day for Tree City USA accreditation. The dataset includes program metrics for over 3,700 communities and the data is used to identify cities of similar size, location, and program structure that also participate in the Tree City USA program. Using this dataset helps better understand how Fayetteville's urban forestry budget and activities compare to relevant cities. Relevant cities are determined by 1) proximity (within 50 and 100 miles of city center), 2) population size (percent difference and cities with more than 90,000 but less than 200,000 people), and cities outside of these parameters but are areas of interest. The Tree City USA dataset is largely focused on urban forestry budgets, per capita funding information, and volunteer hours. The number of trees planted, removed, and pruned are also summarized. The budget from Tree City USA application includes all departments, equipment, vehicles, and volunteer hours. It does not represent the budgeted amount for Urban Forestry Tree plantings.



Phase II of benchmarking involves comparing Fayetteville's urban forestry operations to findings from an in-depth study conducted by researchers Richard Hauer and Ward Peterson (2014). In this study, researchers interviewed urban forestry programs in various regions across the U.S. and among varying population classes. A total of 670 communities participated in the census. Specific study focus areas include community and staff profiles, funding, tree management policy and planning, volunteers and partnerships, contracting tree care activities, community tree populations, tree operations and management, and assistance programs. Data from this study was compared to data obtained from the City of Fayetteville for the purposes of determining program health as compared to accurate data across a range of scales and locations.

Phase III of benchmarking is comprised of presenting the findings to the City and allowing time for any further data collection or clarifications in order to ensure the highest quality analysis. This phase also includes internal quality controls to ensure data comparisons are as accurate as possible. Information gathered during this process will inform the development of realistic and attainable goals and strategies in the City's Urban Forest Management Plan.

PHASE I BENCHMARKING RESEARCH

Summary of Communities for Benchmarking Research

Understanding the urban forest policies, management approaches, budgets, and programs of comparable communities and nationwide averages provides comparative data to benchmark the City's performance, present and future. While existing tree data describes the current conditions, benchmarks offer guidance to bring Fayetteville's urban forestry policies and practices into alignment with similar-sized cities in Arkansas and nationwide, enhancing urban forest management. A summary of the cities used for benchmarking Fayetteville can be found in (Table 1) below.

COMPARISON CITIES & COMPARISON GROUPS

Table 1. Communities benchmarked for the Fayetteville, AR Urban Forest Management Plan

Comparison Criteria	Community	County	Pop.*	Difference	Distance**
STUDY AREA	**Fayetteville**	**Washington**	**93,580**	**0**	**0.0**
AR Cities >25k Pop	Springdale, AR	Washington/Benton	87,609	-5,971	8.9
AR Cities >25k Pop	Rogers, AR	Benton	71,112	-22,468	22.7
AR Cities >25k Pop	Bentonville, AR	Benton	56,734	-36,846	27.0
AR Cities >25k Pop	Bella Vista, AR	Benton	30,808	-62,772	34.8
AR Cities >25k Pop	Fort Smith, AR	Sebastian	89,576	-4,004	58.1
AR Cities >25k Pop	Conway, AR	Faulkner	65,121	-28,459	159.7
AR Cities >25k Pop	Hot Springs, AR	Garland	38,114	-55,466	185.9
AR Cities >25k Pop	N. Little Rock, AR	Pulaski	64,162	-29,418	187.0
City Interest	Lawrence, KS	Douglas	98,193	4,613	267.4
City Interest	Columbia, MO	Boone	126,853	33,273	314.7
Pop. Group Nation	Springfield, MO	Greene	169,724	76,144	150.3
Pop. Group Nation	Topeka, KS	Shawnee	125,963	32,383	293.8
Pop. Group Nation	Norman, OK	Cleveland	128,097	34,517	243.0
Pop. Group Nation	Champaign, IL	Champaign	90,739	-2,841	541.1
Pop. Group Nation	Asheville, NC	Buncombe	93,350	-230	822.2
Pop. Group Nation	Edmond, OK	Oklahoma	93,697	117	211.6
Pop. Group Nation	Reading, PA	Berks	95,112	1,532	1204.6
Pop. Group Nation	Fishers, IN	Hamilton	99,116	5,536	628.7
AVERAGE			90,403	-3,353	297.9

Comparison Criteria	Pop.*	Difference
State Average	**22,685**	**-70,895**
Nationwide Average	**42,602**	**-50,878**

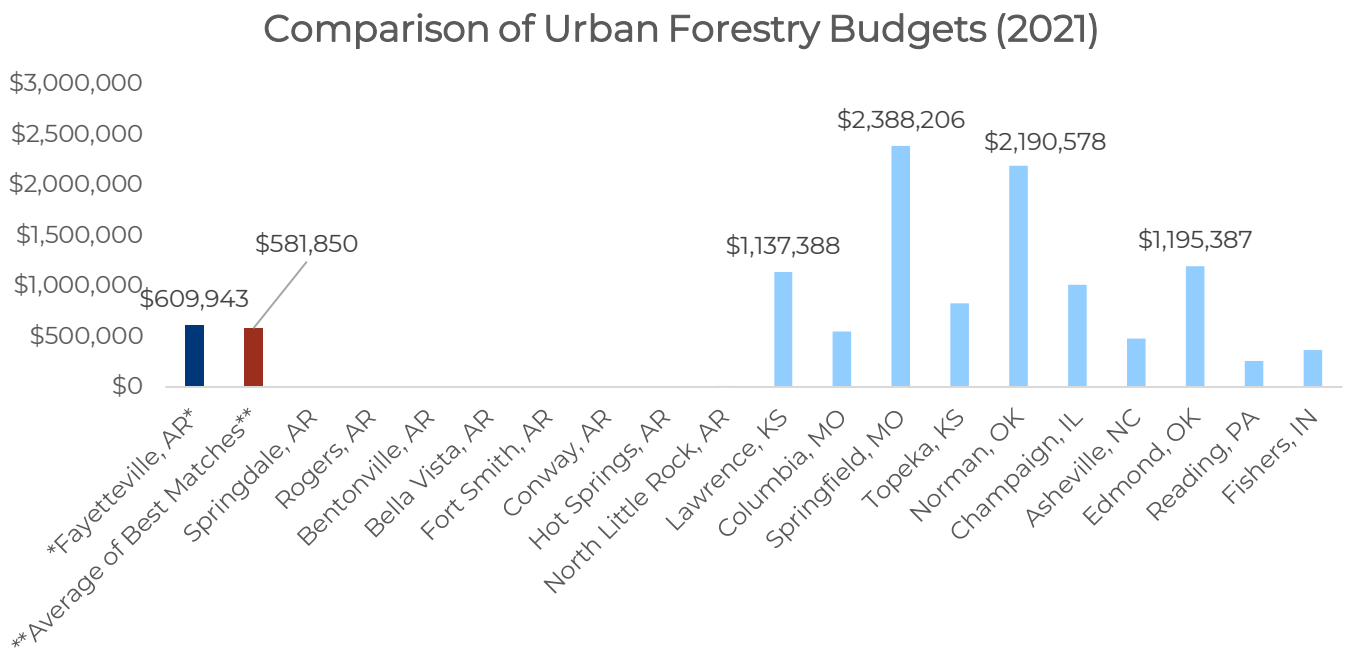
* Population as of 2021 TC USA reporting

** Driving distance from the study area in miles

After the City reviewed the draft list of communities, the list was refined as shown above and the following summaries were updated to serve as the second round of benchmarking.

Phase I Benchmarking Comparison

URBAN FORESTRY BUDGETS (2021)



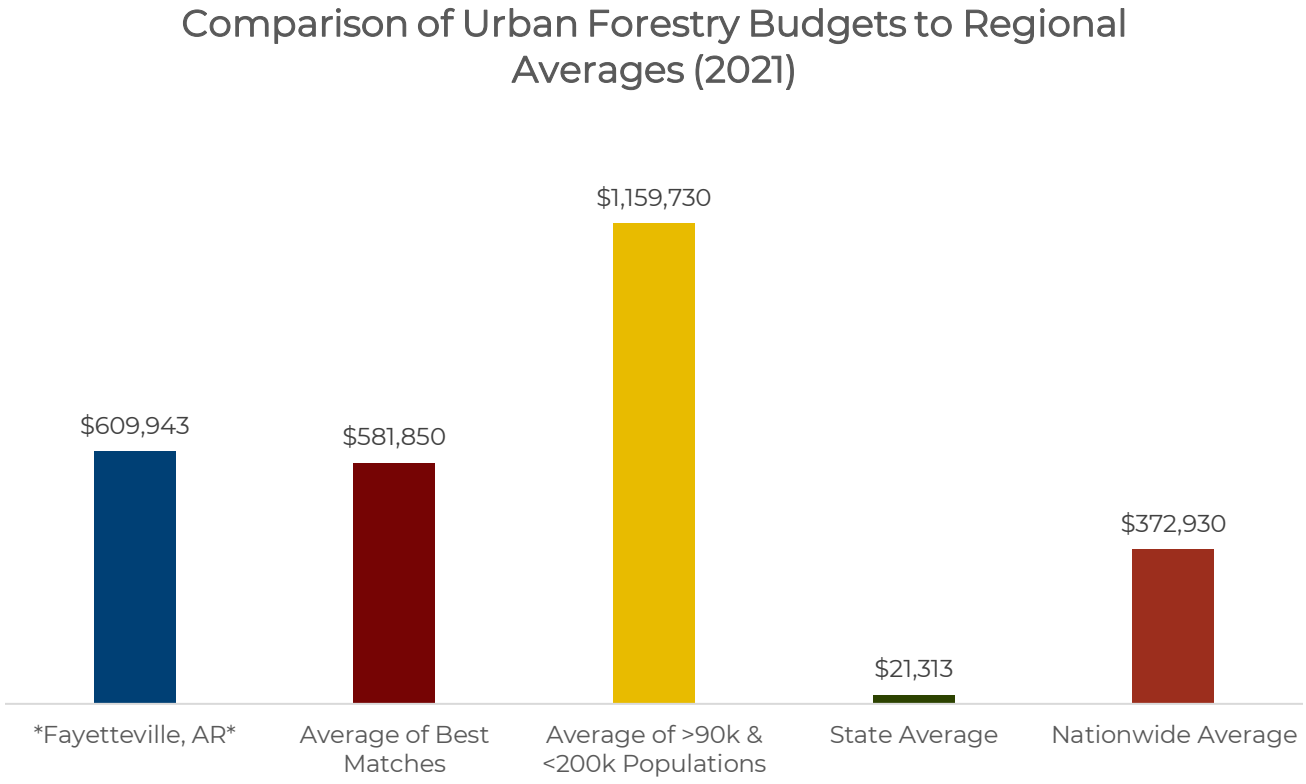
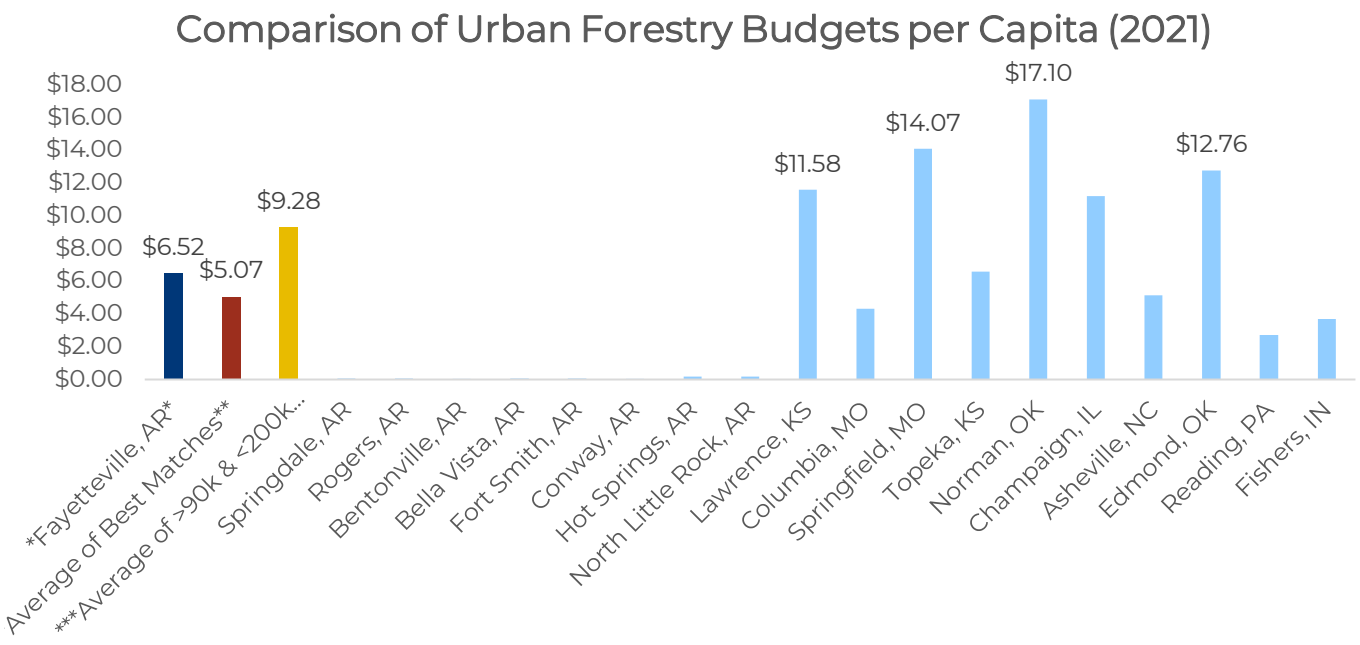


Figure 1. Comparison of urban forestry budgets in 2021



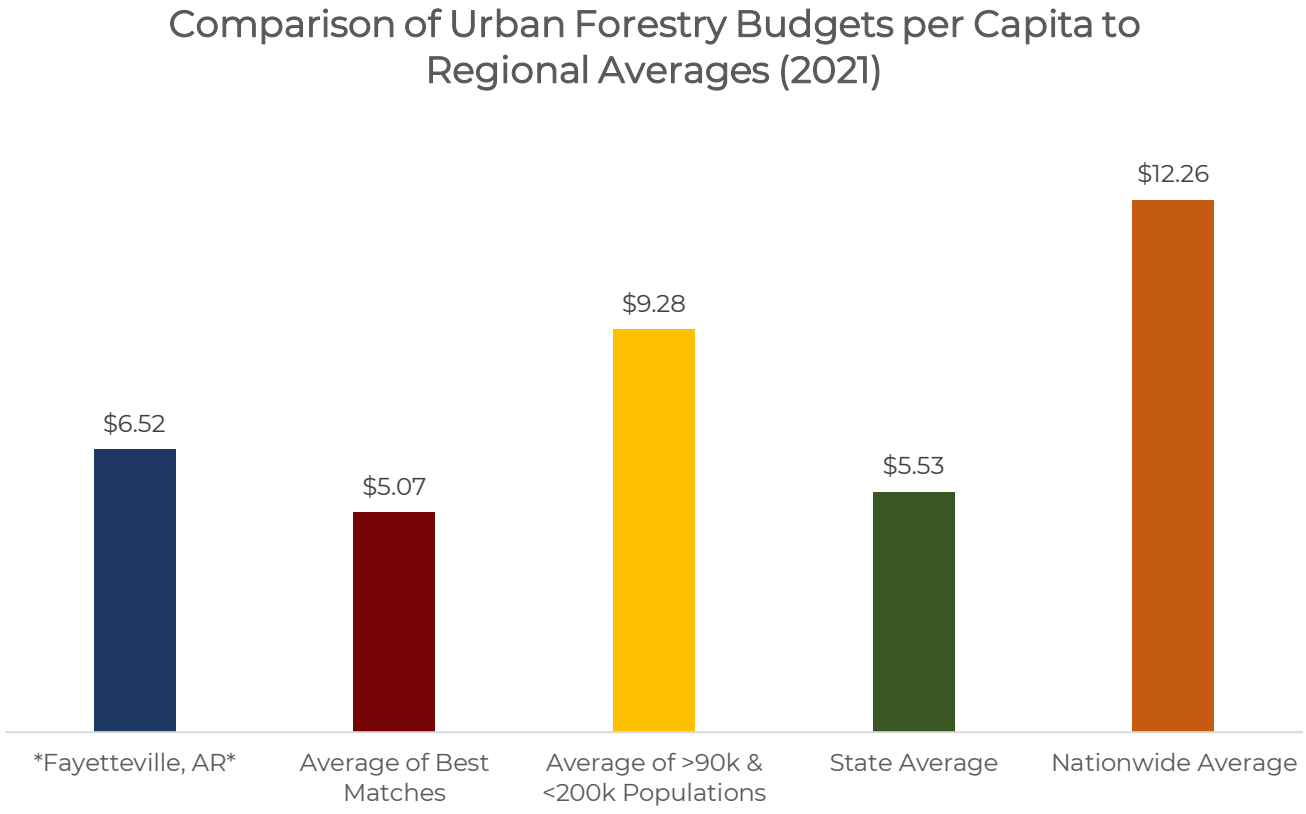
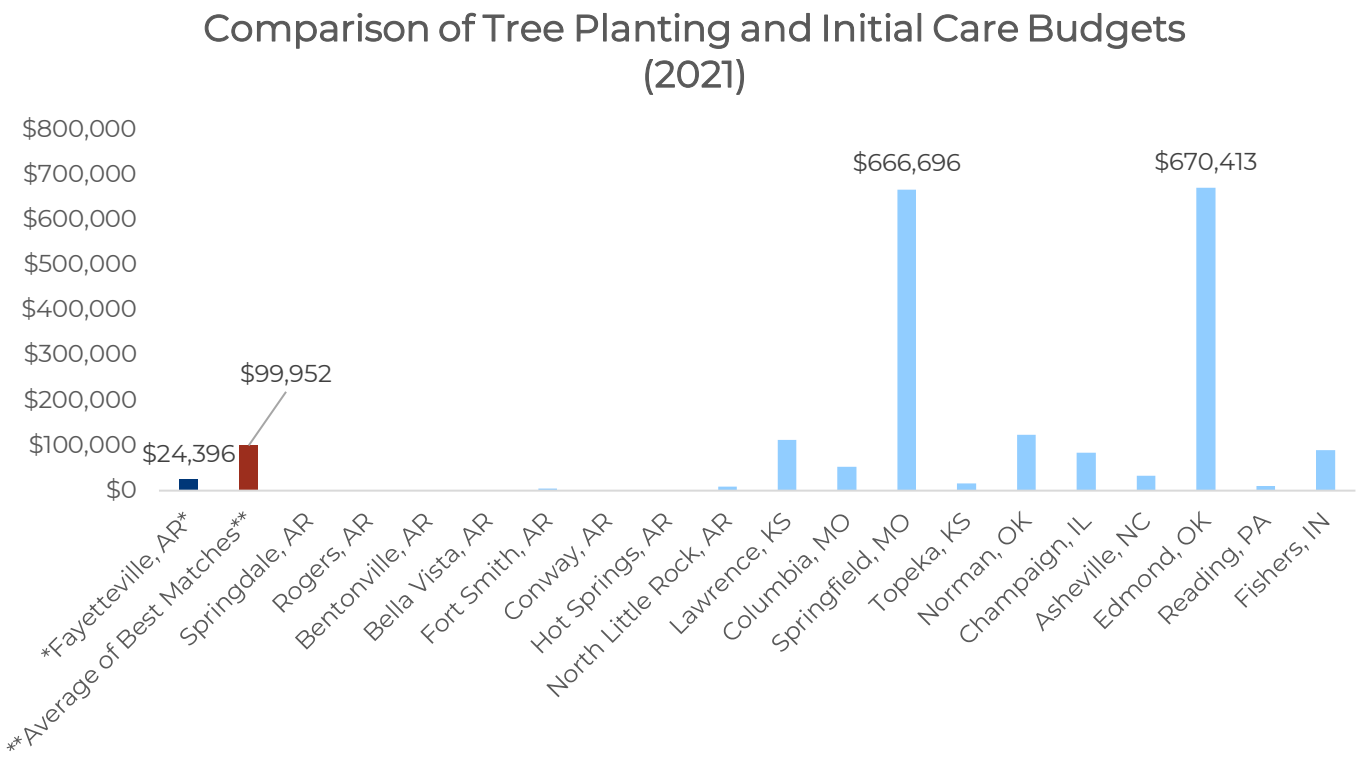


Figure 2. Comparison of urban forestry budgets per capita in 2021



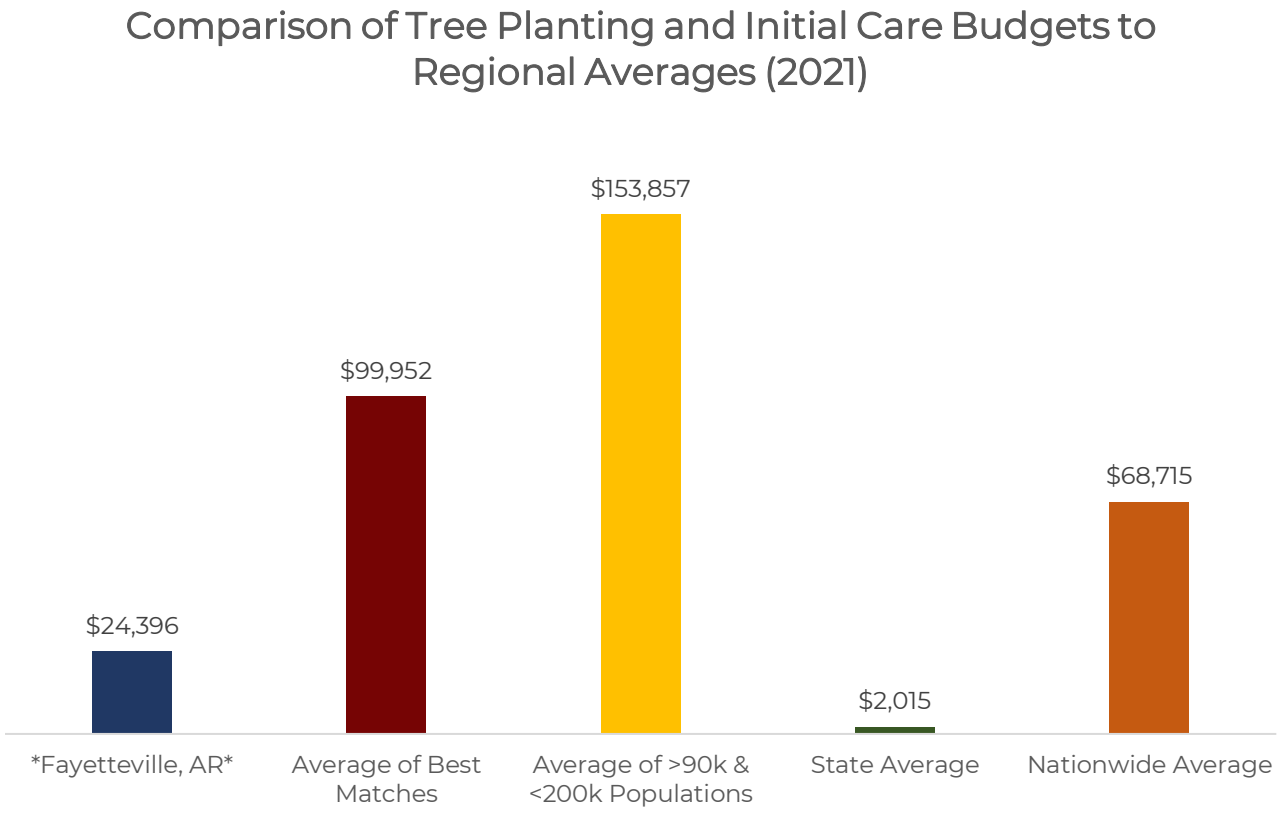
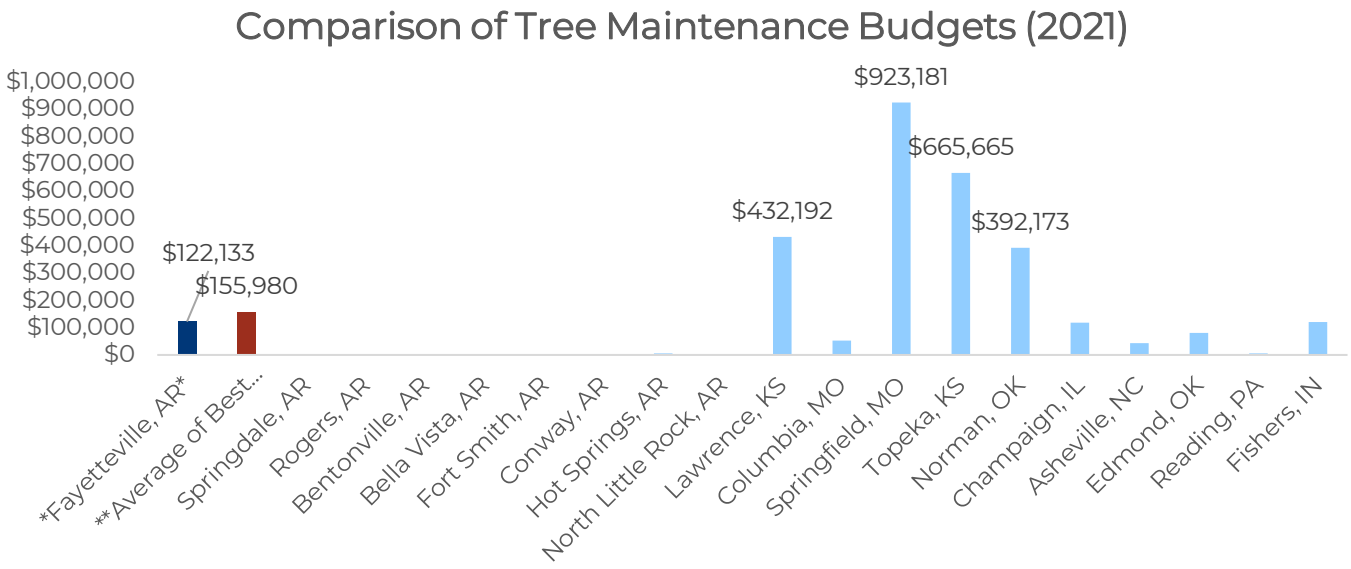


Figure 3. Comparison of tree planting and initial care budgets in 2021



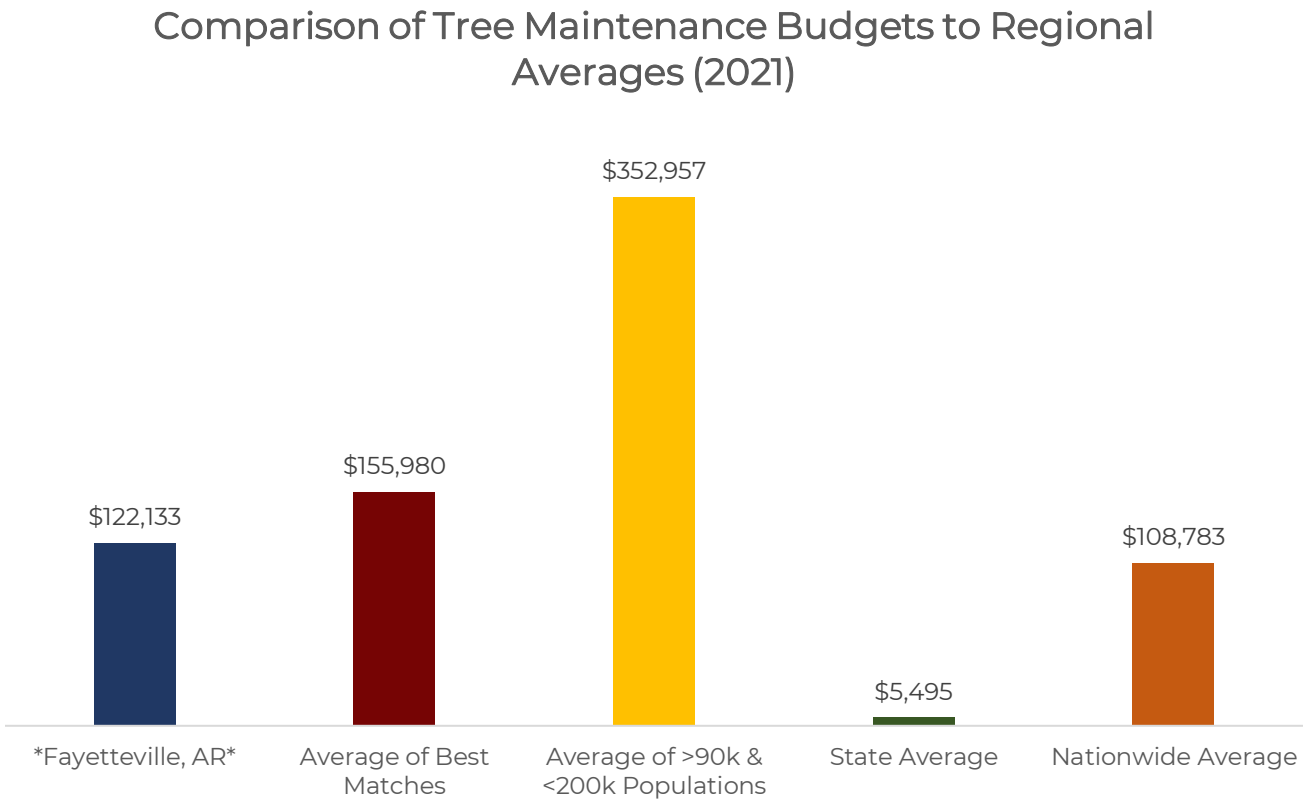
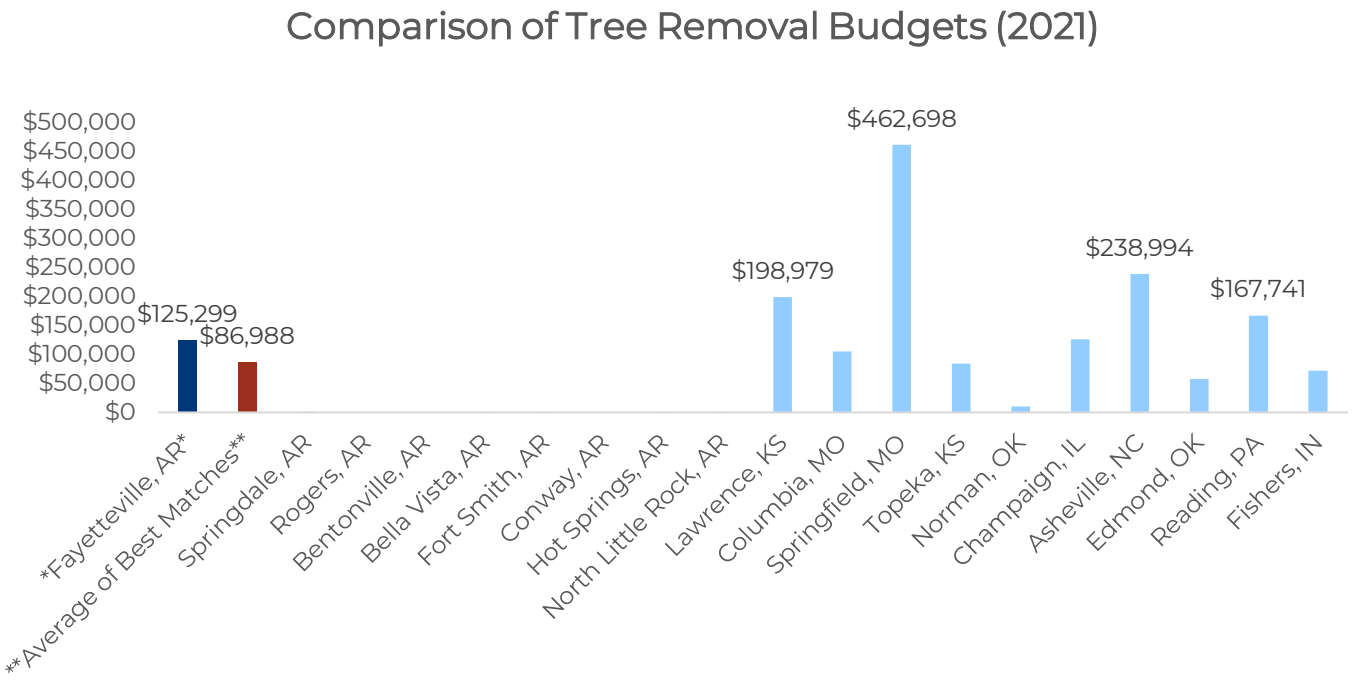


Figure 4. Comparison of tree maintenance budgets in 2021



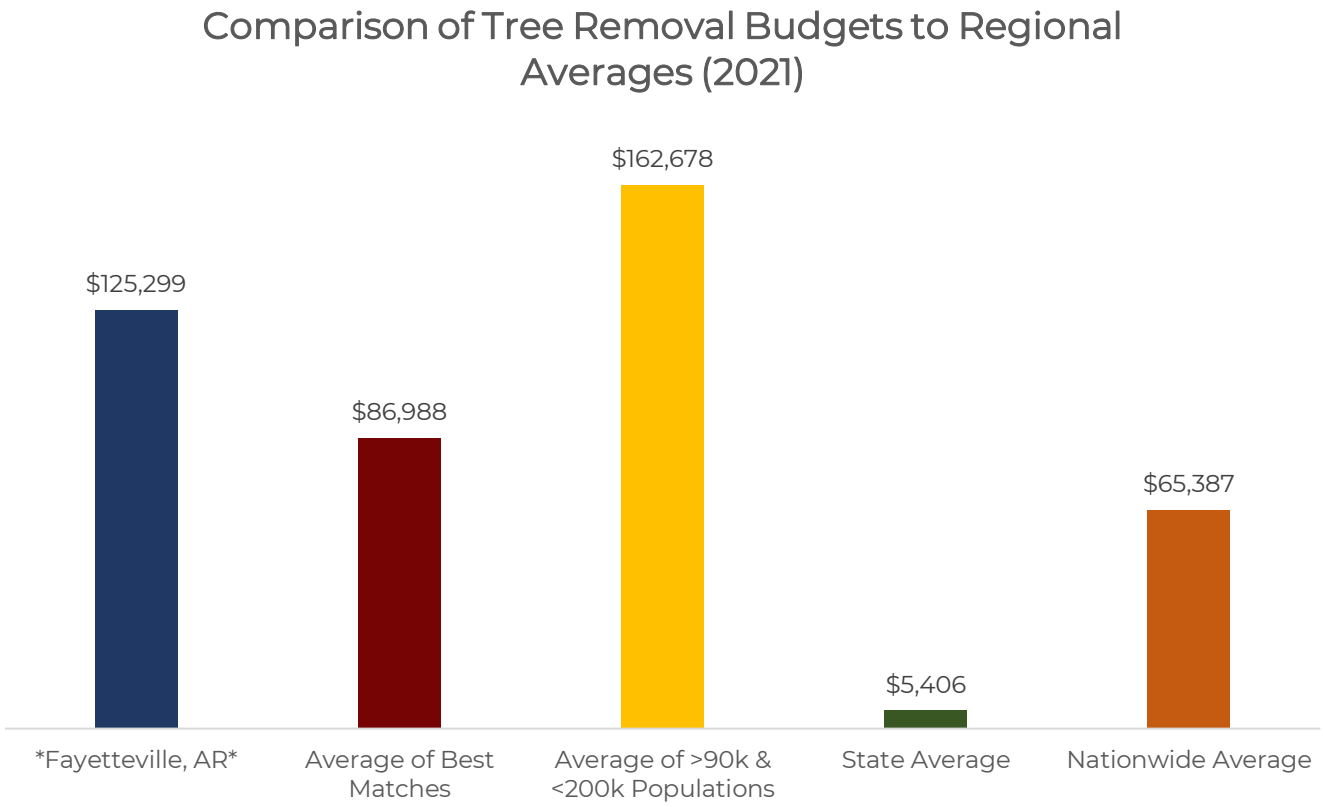
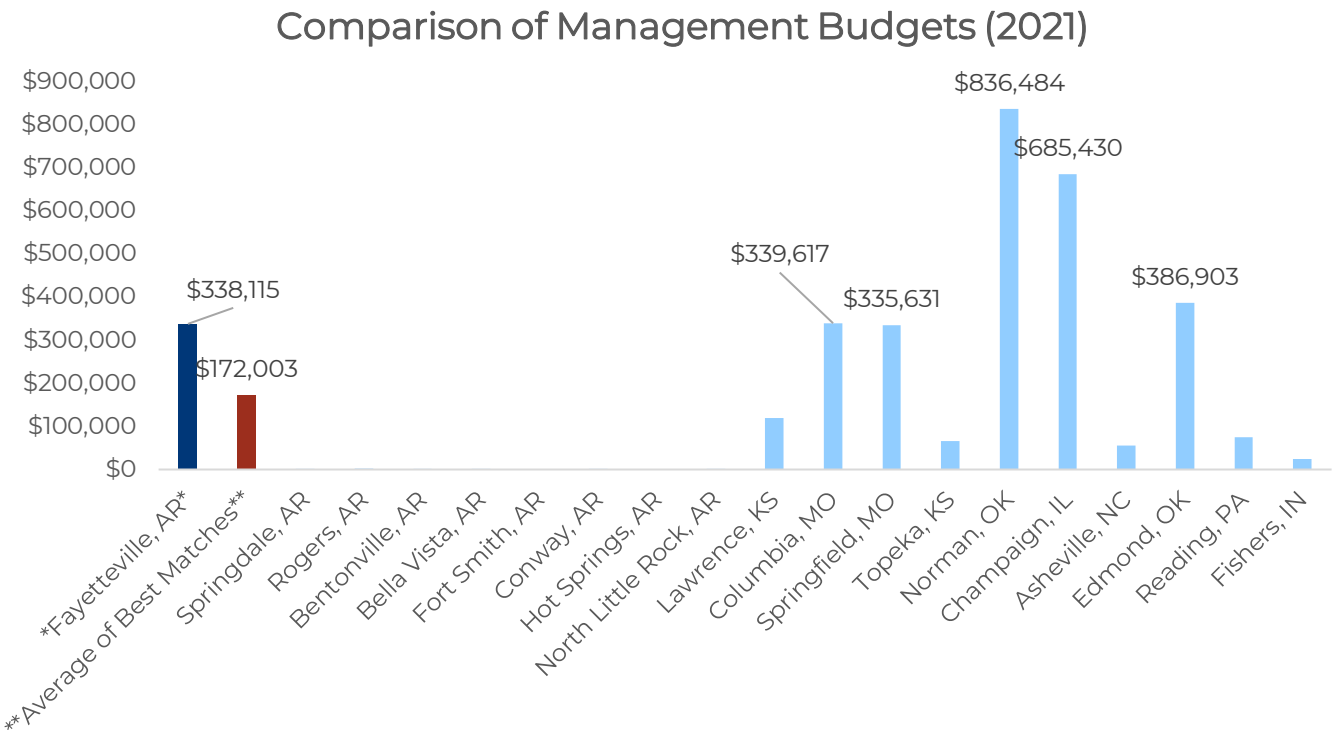


Figure 5. Comparison of tree removal budgets in 2021



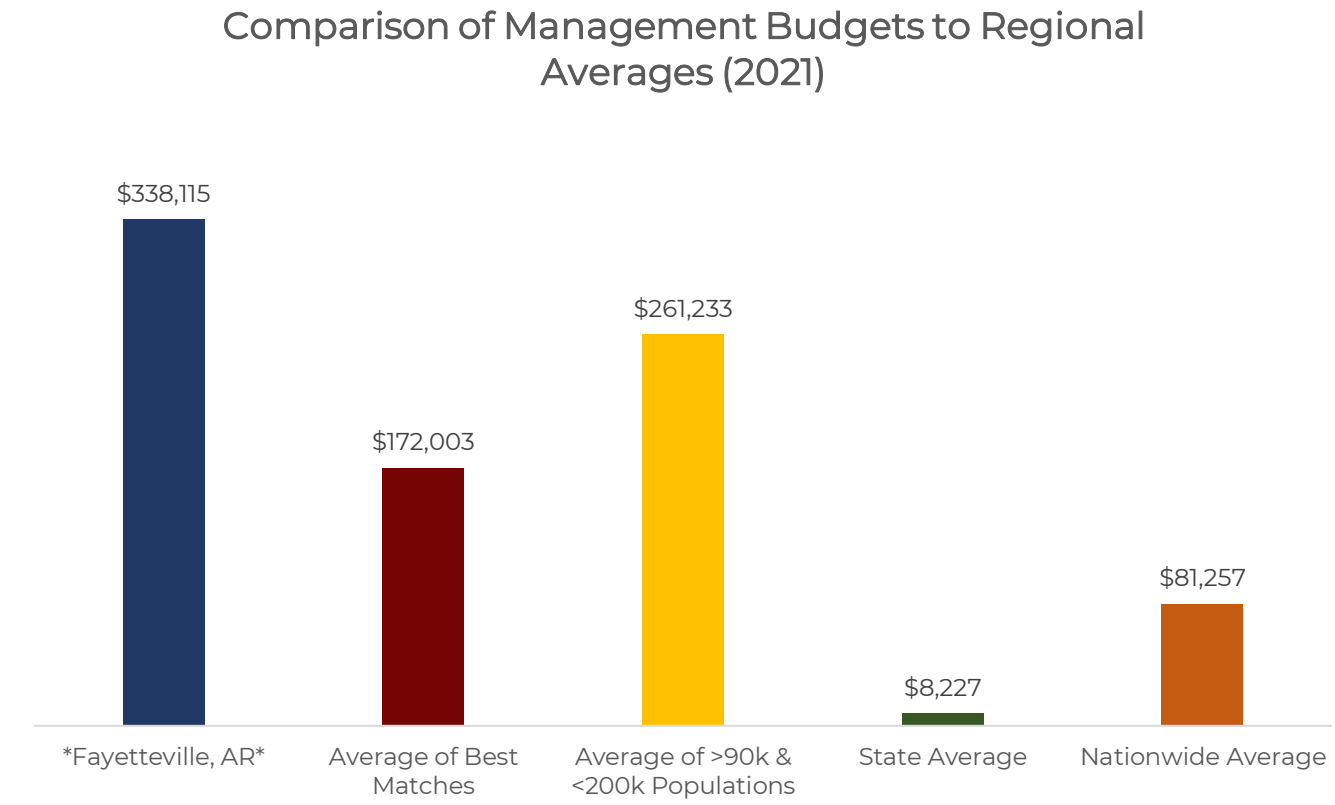
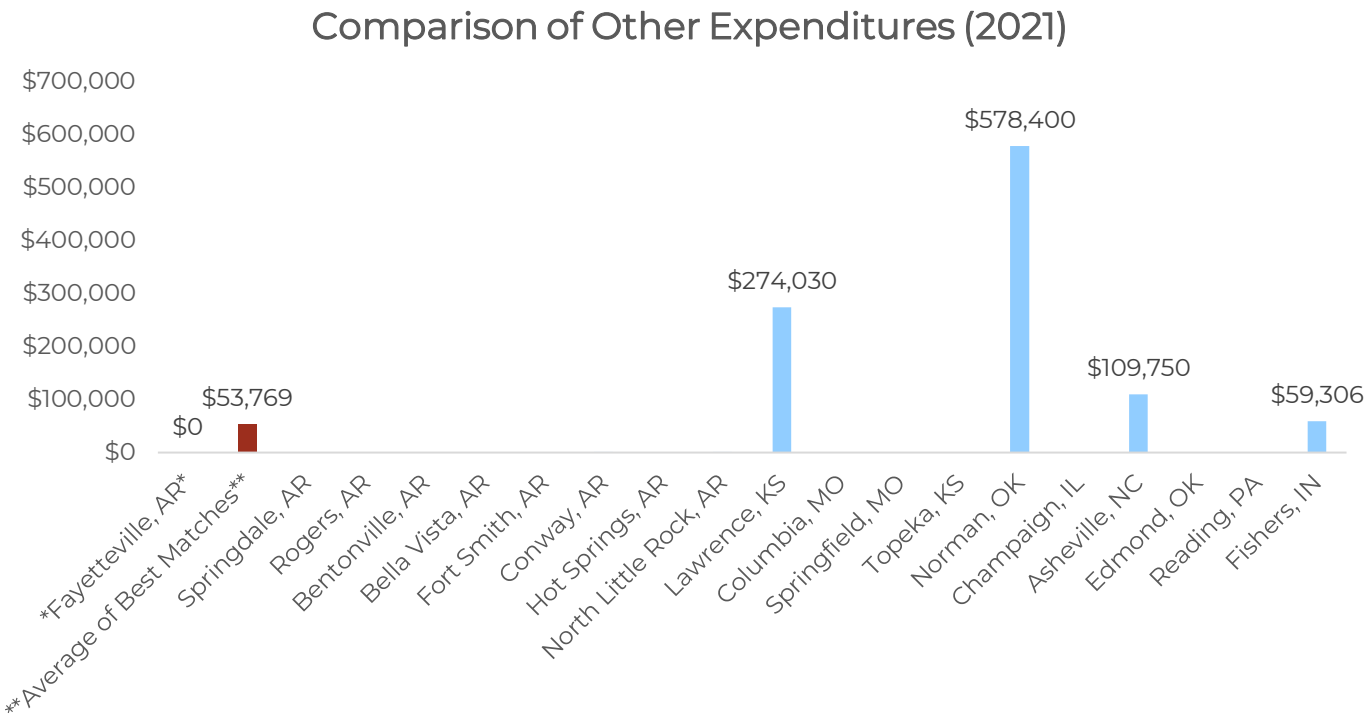


Figure 6. Comparison of management budgets in 2021



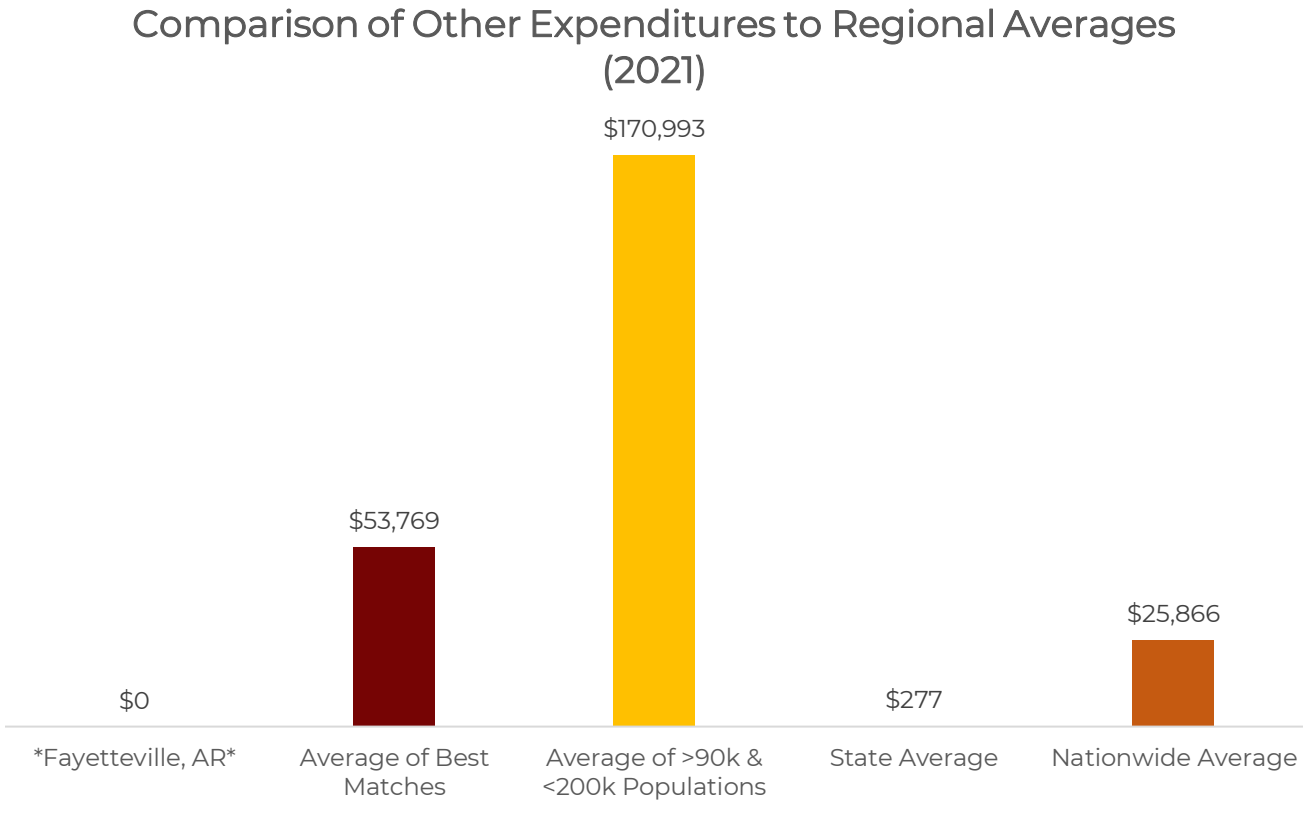
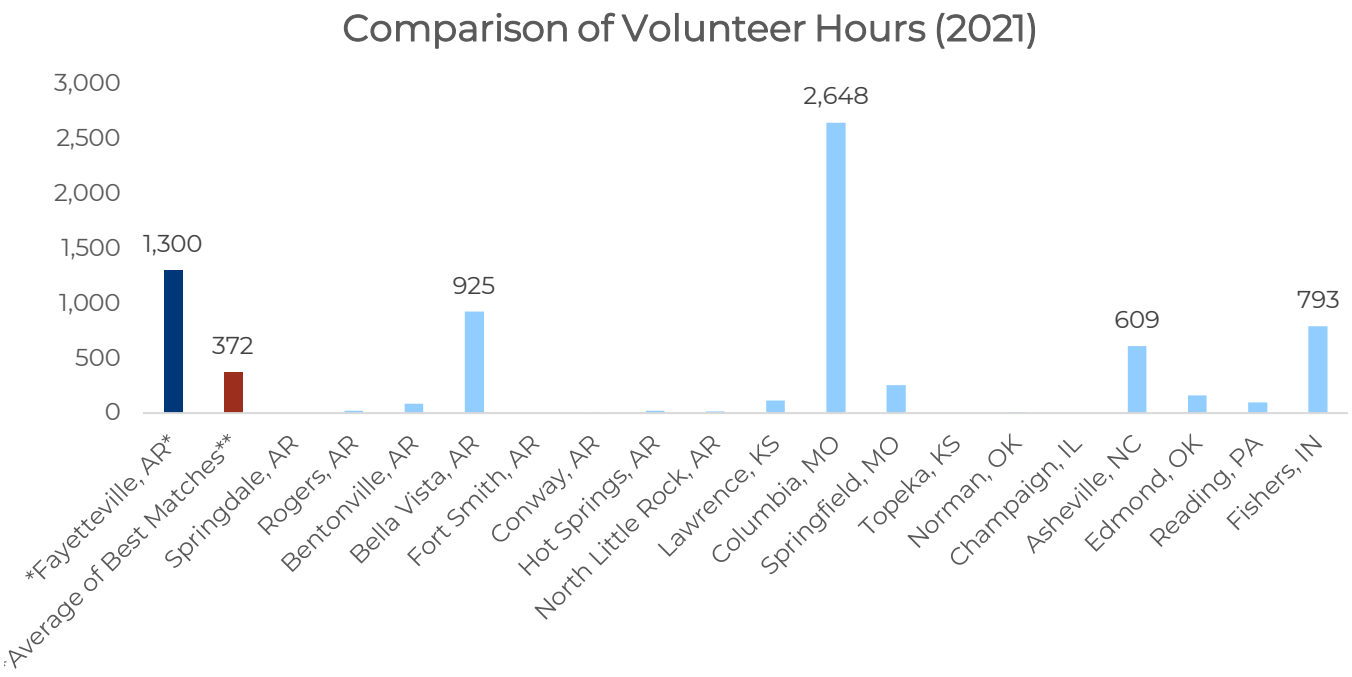


Figure 7. Comparison of other expenditures in 2021

URBAN FORESTRY ACTIVITIES



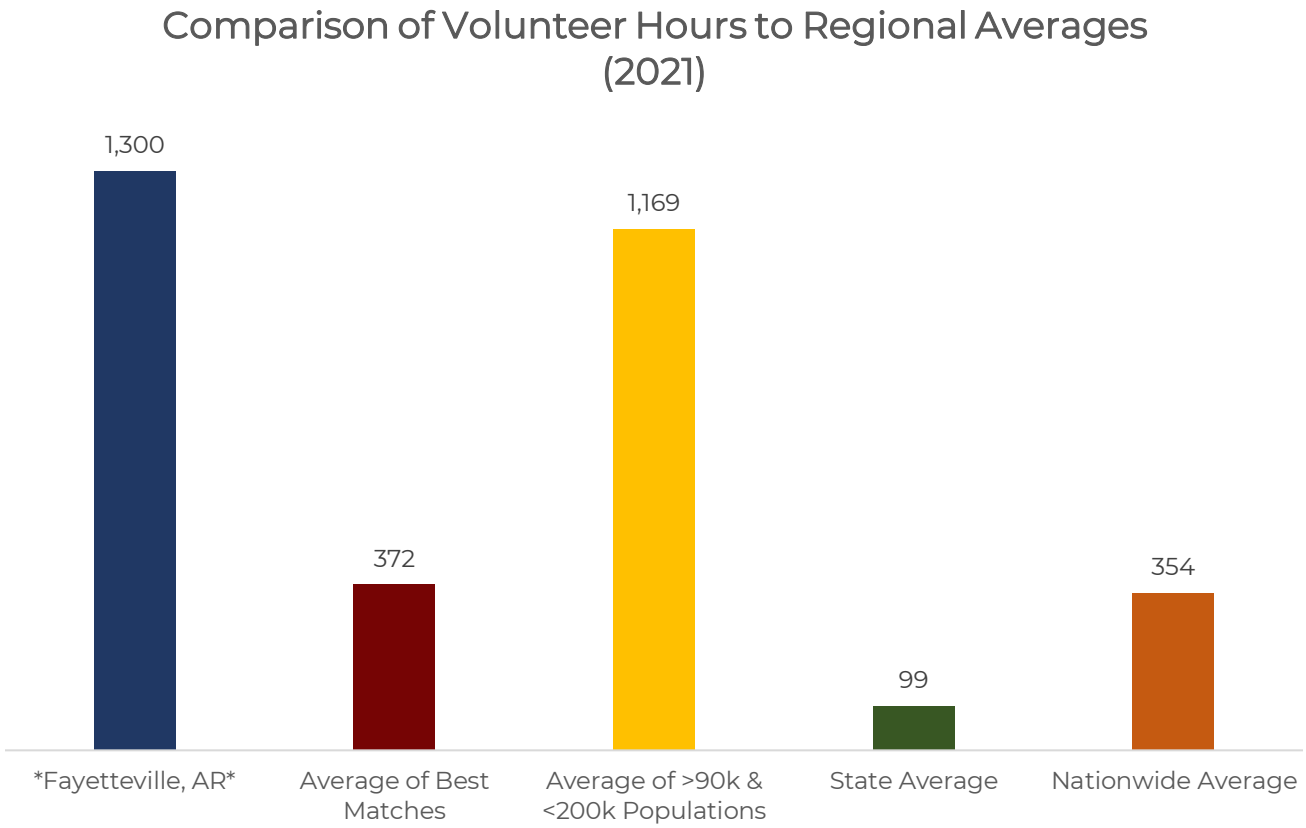
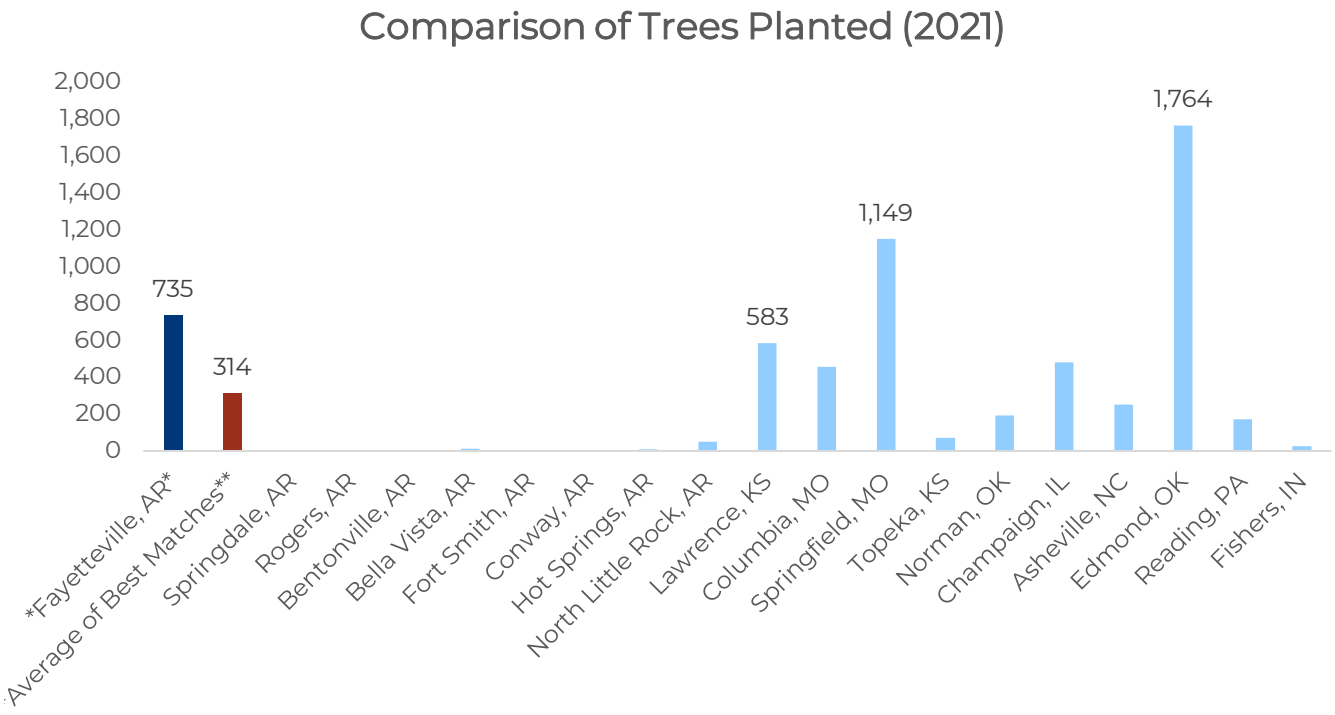


Figure 8. Comparison of volunteer hours in 2021



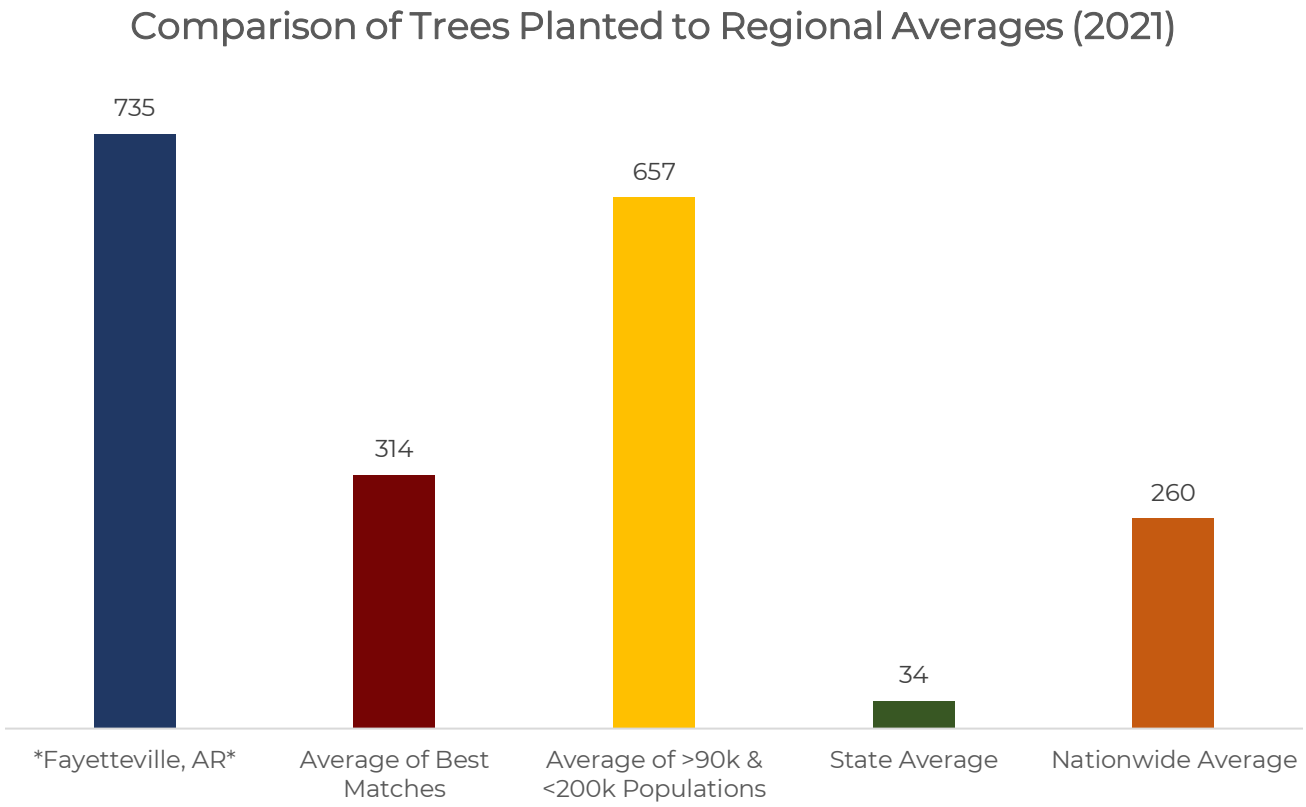
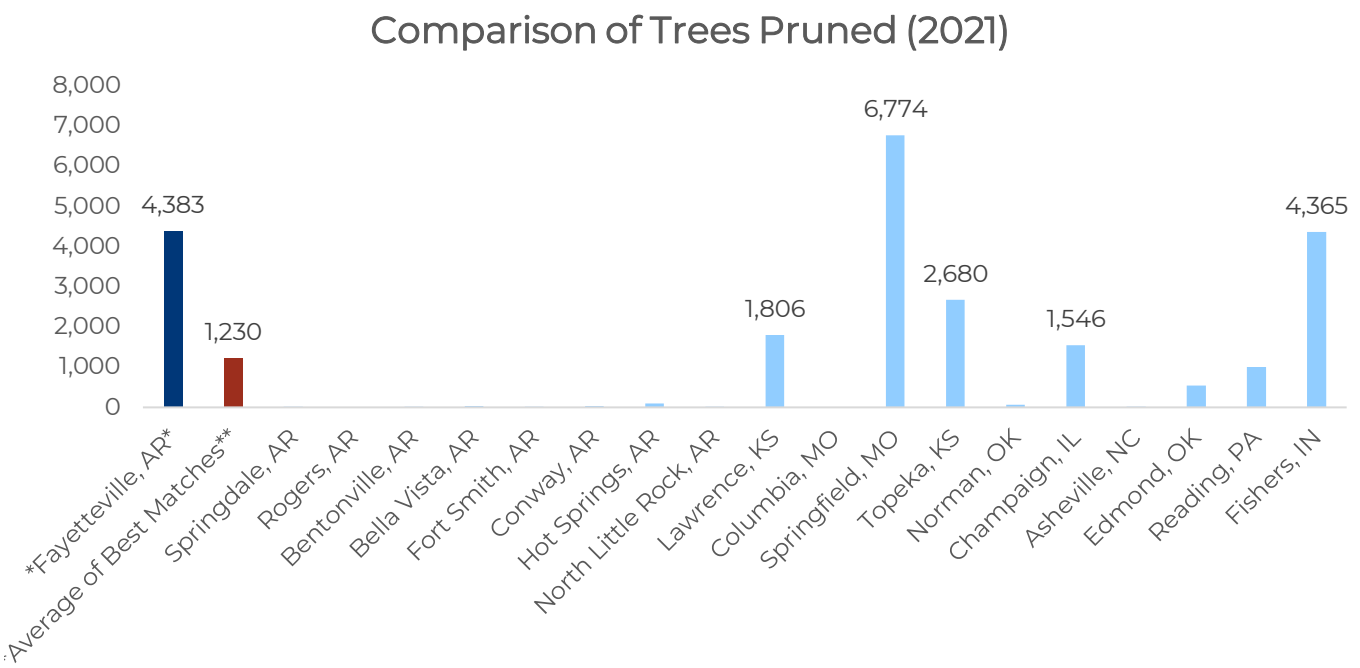


Figure 9. Comparison of the number of trees planted in 2021



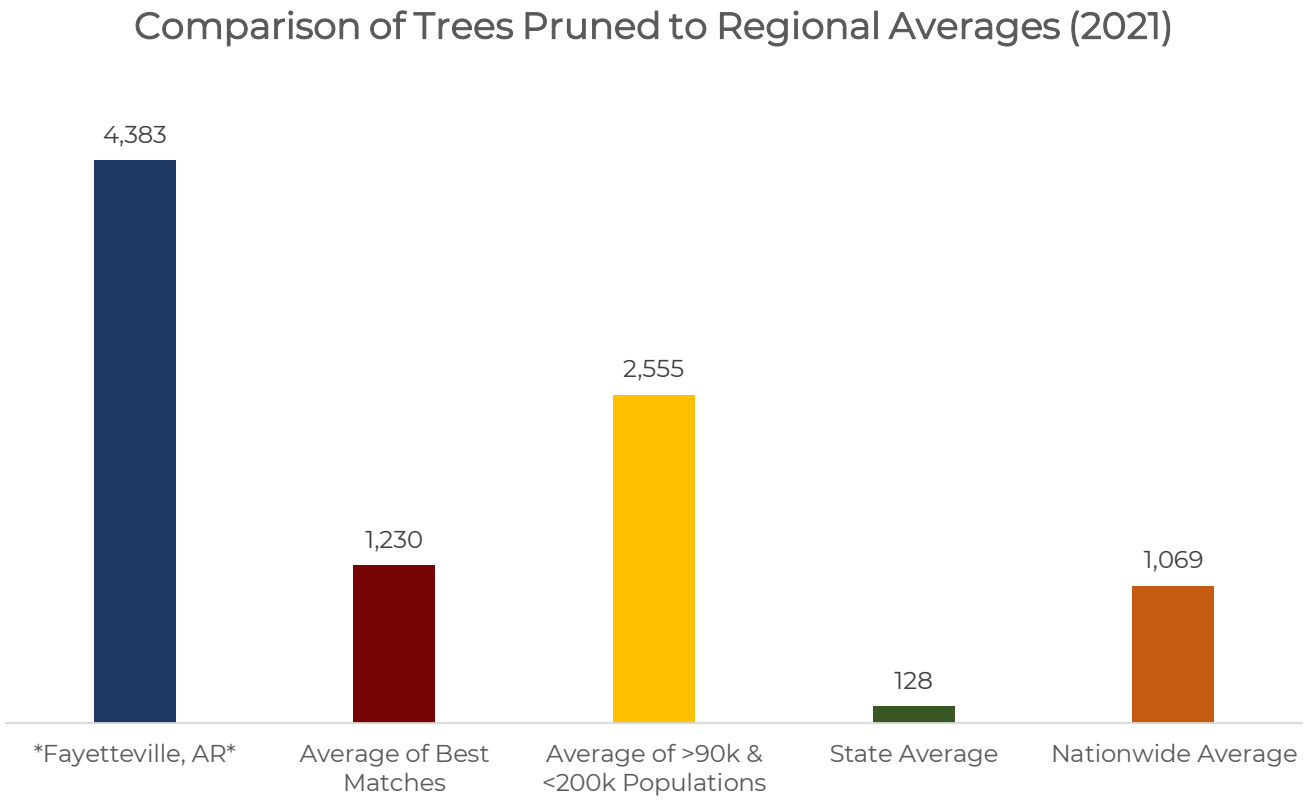
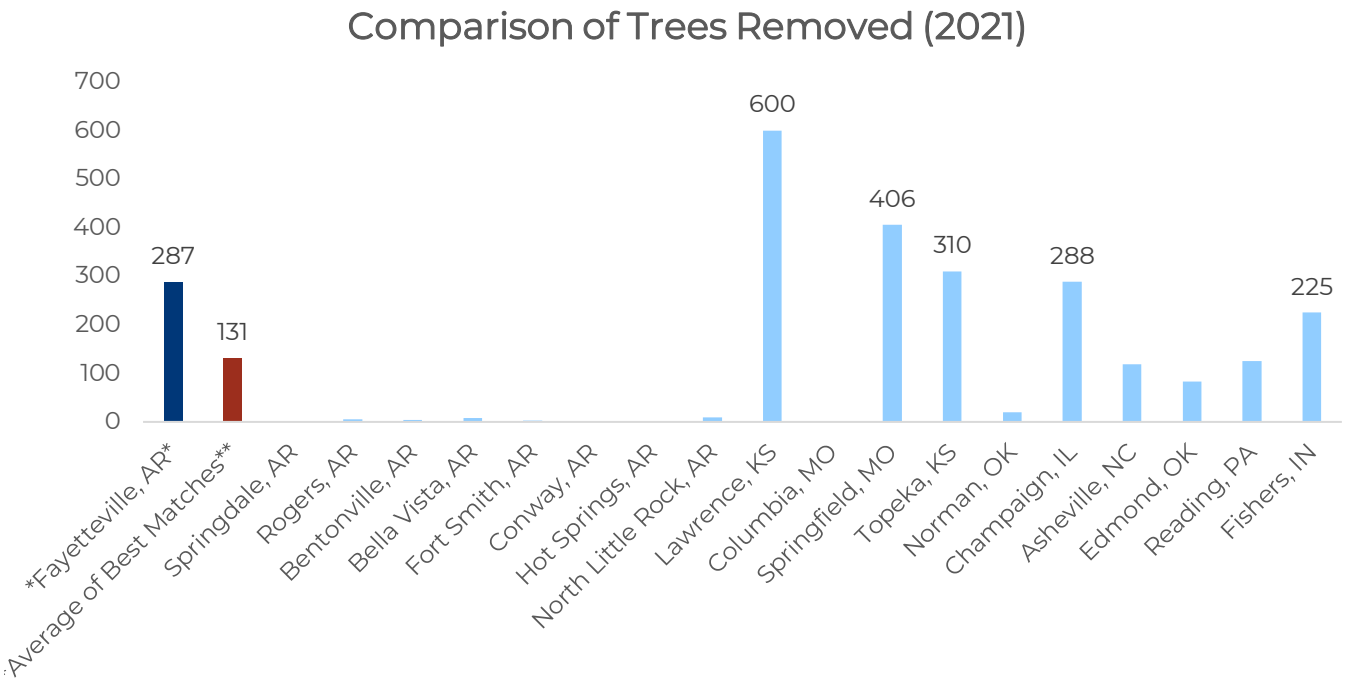


Figure 10. Comparison of the number of trees pruned in 2021



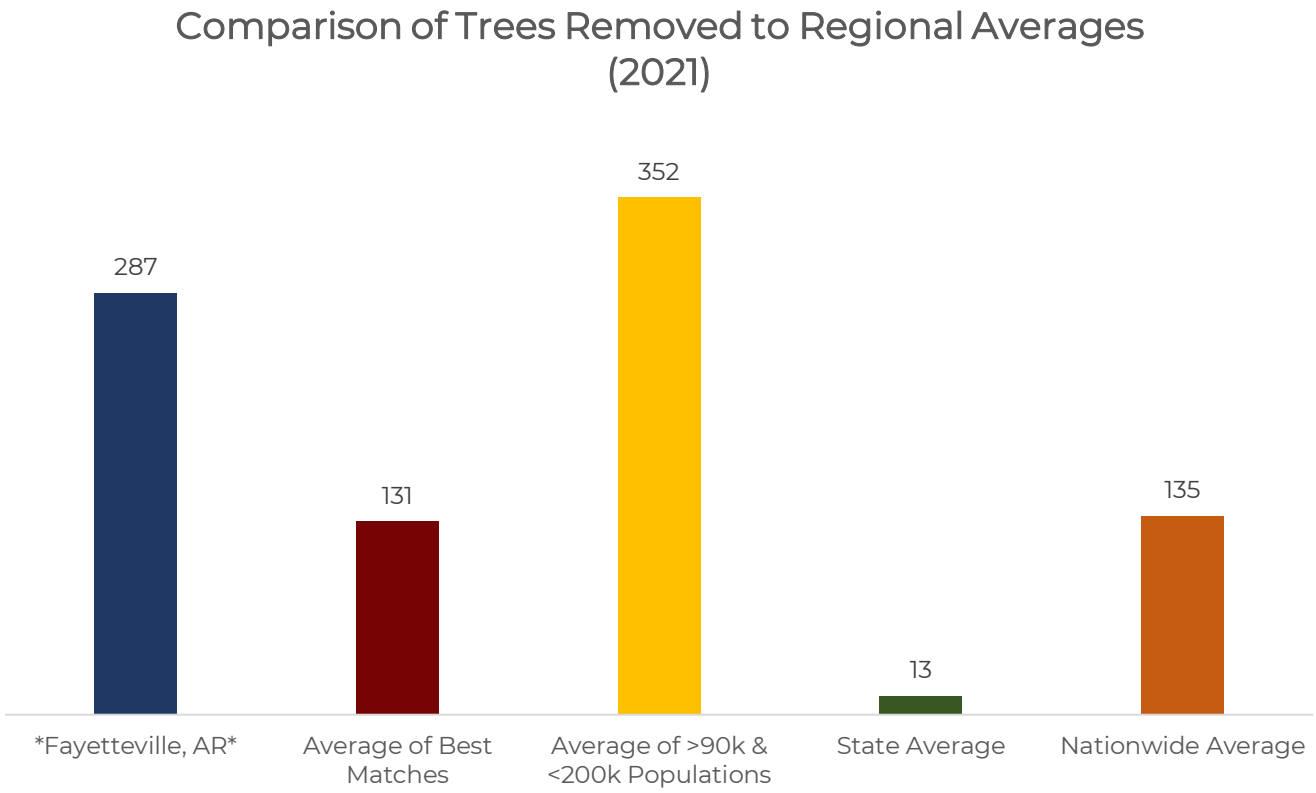
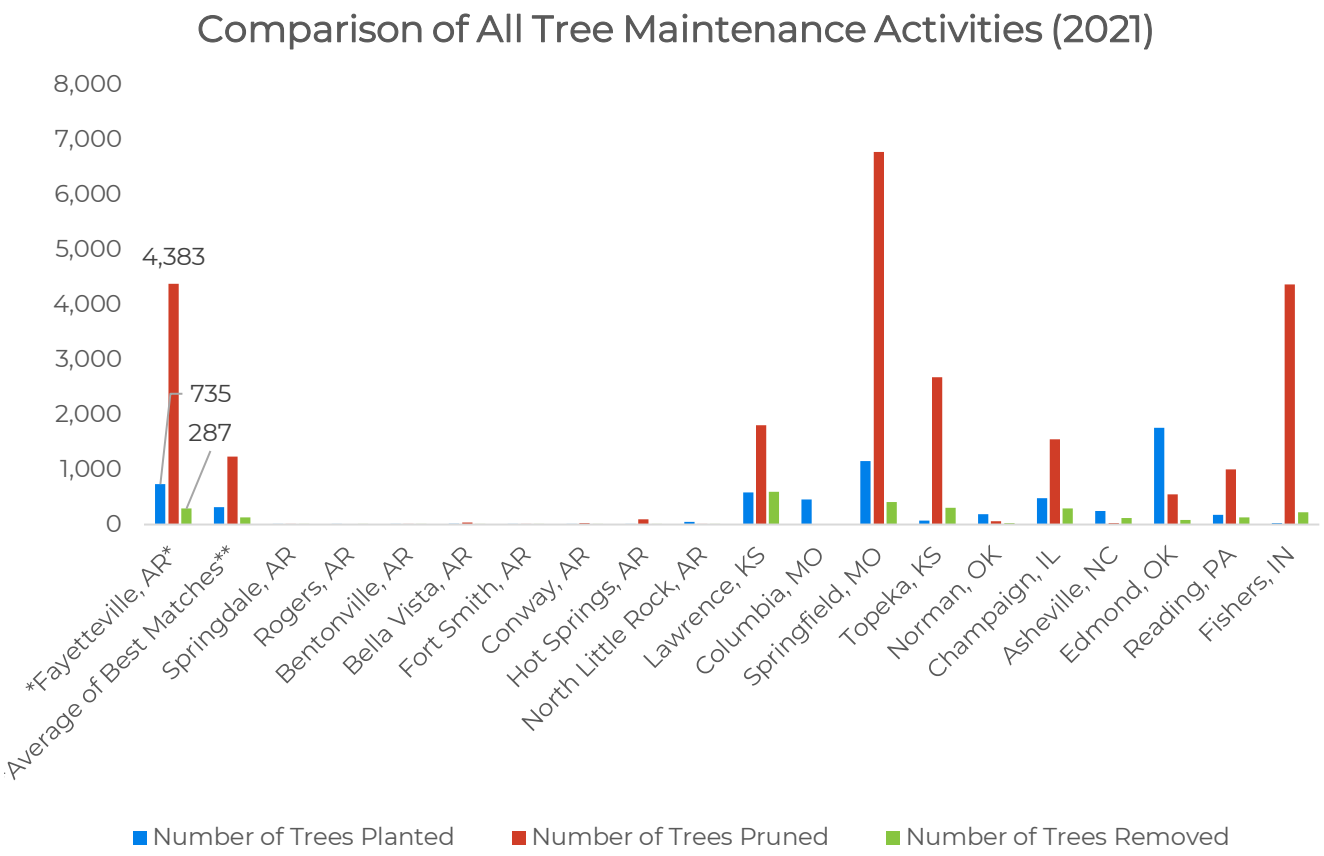


Figure 11. Comparison of the number of trees removed in 2021



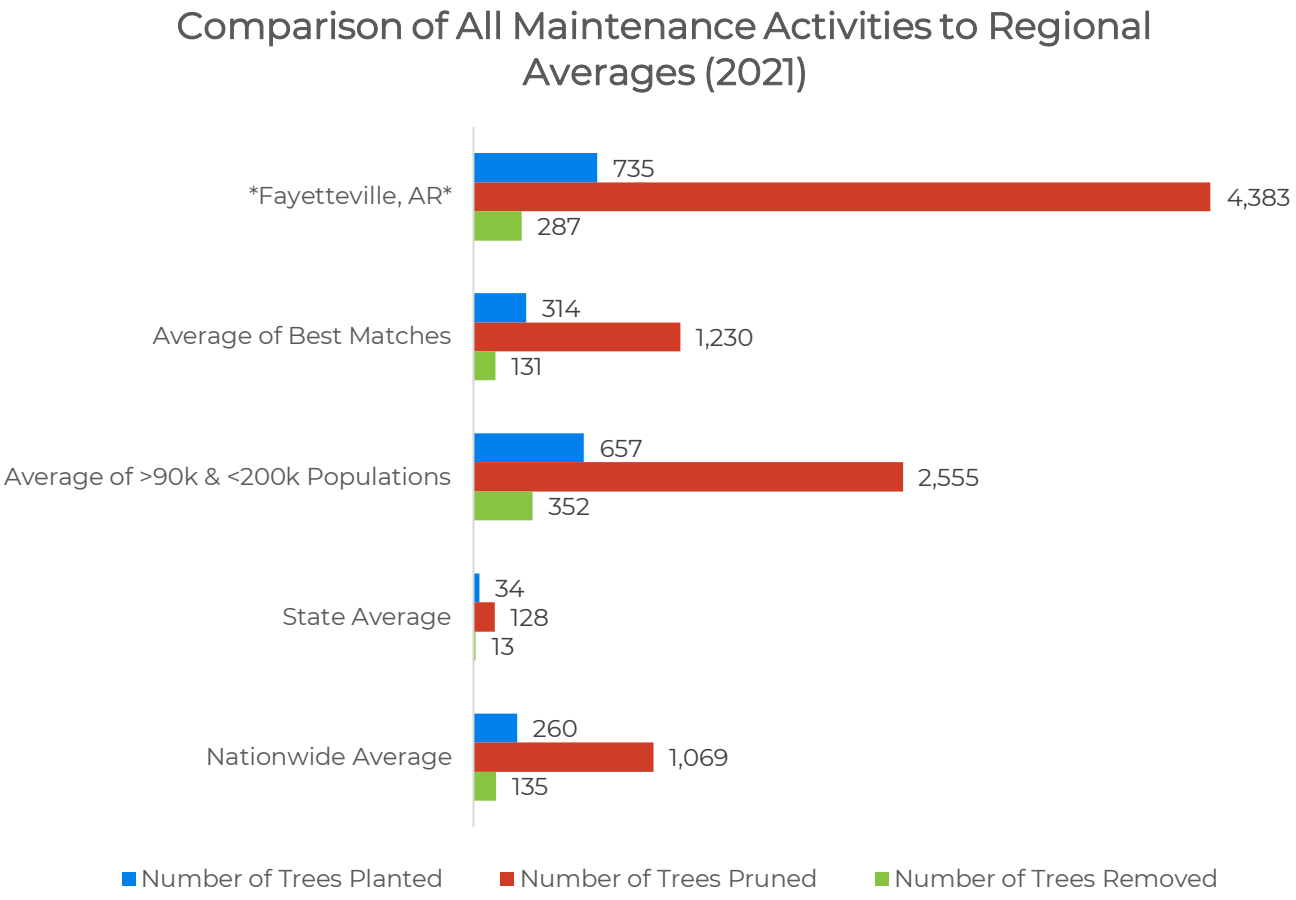


Figure 12. Combined comparison summary of tree management activities in 2021

TABLE SUMMARY OF URBAN FORESTRY BUDGETS AND ACTIVITIES (2021)

Community	Tree Planting and Initial Care	Tree Maintenance	Tree Removal	Management	Utility Line Clearance	Other Expend-itures	Overall Budget
Fayetteville, AR	$24,396	$122,133	$125,299	$338,115	$0	$0	$609,943
Average of Best Matches	$99,952	$155,980	$86,988	$172,003	$13,158	$53,769	$581,850
Average of >90k & <200k Populations	$153,857	$352,957	$162,678	$261,233	$58,013	$170,993	$1,159,730
Springdale, AR	$600	$300	$1,450	$1,400	$0	$0	$3,750
Rogers, AR	$700	$1,400	$0	$1,500	$0	$0	$3,600
Bentonville, AR	$229	$0	$0	$20	$0	$0	$249
Bella Vista, AR	$800	$200	$225	$75	$0	$0	$1,300
Fort Smith, AR	$3,900	$1,000	$100	$0	$0	$0	$5,000
Conway, AR	$680	$384	$0	$121	$0	$31	$1,216
Hot Springs, AR	$734	$6,000	$350	$0	$0	$0	$7,084
N. Little Rock, AR	$8,790	$500	$580	$680	$0	$100	$10,650
Lawrence, KS	$112,105	$432,192	$198,979	$120,082	$0	$274,030	$1,137,388
Columbia, MO	$52,595	$52,595	$105,191	$339,617	$0	$0	$549,998
Springfield, MO	$666,696	$923,181	$462,698	$335,631	$0	$0	$2,388,206
Topeka, KS	$15,302	$665,665	$84,165	$65,531	$0	$0	$830,663
Norman, OK	$123,521	$392,173	$10,000	$836,484	$250,000	$578,400	$2,190,578
Champaign, IL	$84,566	$117,944	$126,849	$685,430	$0	$0	$1,014,789
Asheville, NC	$33,155	$42,587	$238,994	$55,908	$0	$109,750	$480,394
Edmond, OK	$670,413	$80,522	$57,549	$386,903	$0	$0	$1,195,387
Reading, PA	$9,911	$4,835	$167,741	$75,567	$0	$0	$258,054
Fishers, IN	$90,000	$120,000	$72,600	$25,000	$0	$59,306	$366,906

Table 2. Complete table summary of all benchmarking metrics in Phase I (2021)

BUDGET PER CAPITA SUMMARY (2021)

Community	Overall Budget	Per Capita Budget
Fayetteville, AR	$609,943	$6.52
Average of Best Matches	$581,850	$5.07
Average of >90k & <200k Populations	$1,159,730	$9.28
Springdale, AR	$3,750	$0.04
Rogers, AR	$3,600	$0.05
Bentonville, AR	$249	$0.00
Bella Vista, AR	$1,300	$0.04
Fort Smith, AR	$5,000	$0.06
Conway, AR	$1,216	$0.02
Hot Springs, AR	$7,084	$0.19
North Little Rock, AR	$10,650	$0.17
Lawrence, KS	$1,137,388	$11.58
Columbia, MO	$549,998	$4.34
Springfield, MO	$2,388,206	$14.07
Topeka, KS	$830,663	$6.59
Norman, OK	$2,190,578	$17.10
Champaign, IL	$1,014,789	$11.18
Asheville, NC	$480,394	$5.15
Edmond, OK	$1,195,387	$12.76
Reading, PA	$258,054	$2.71
Fishers, IN	$366,906	$3.70

Table 3. Summary of urban forestry budgets compared to city populations (per capita) in 2021

PHASE II BENCHMARKING RESEARCH

Note: The following comparisons use Fayetteville's 2021 metrics whereas the metrics for the comparison populations are based on 2014 data. The urban forestry planning consultants will need 2014 metrics from the City or data from the US Forest Service for 2021 in order to finalize the Phase II benchmarking. The following study is a preliminary exercise intended for internal use and for initial comparisons from which strategies may be developed.

URBAN FORESTRY BUDGETS

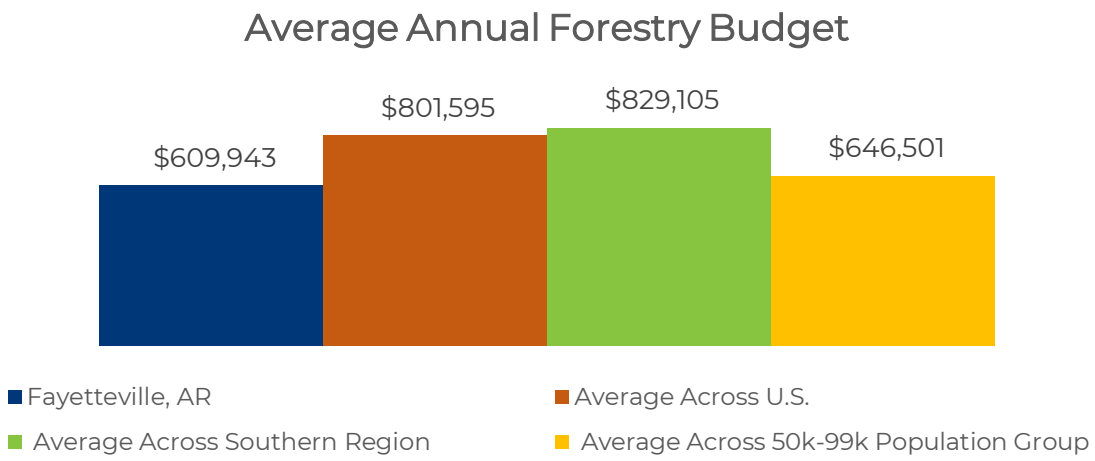


Figure 13. Comparison of urban forestry budgets (Hauer, 2014)

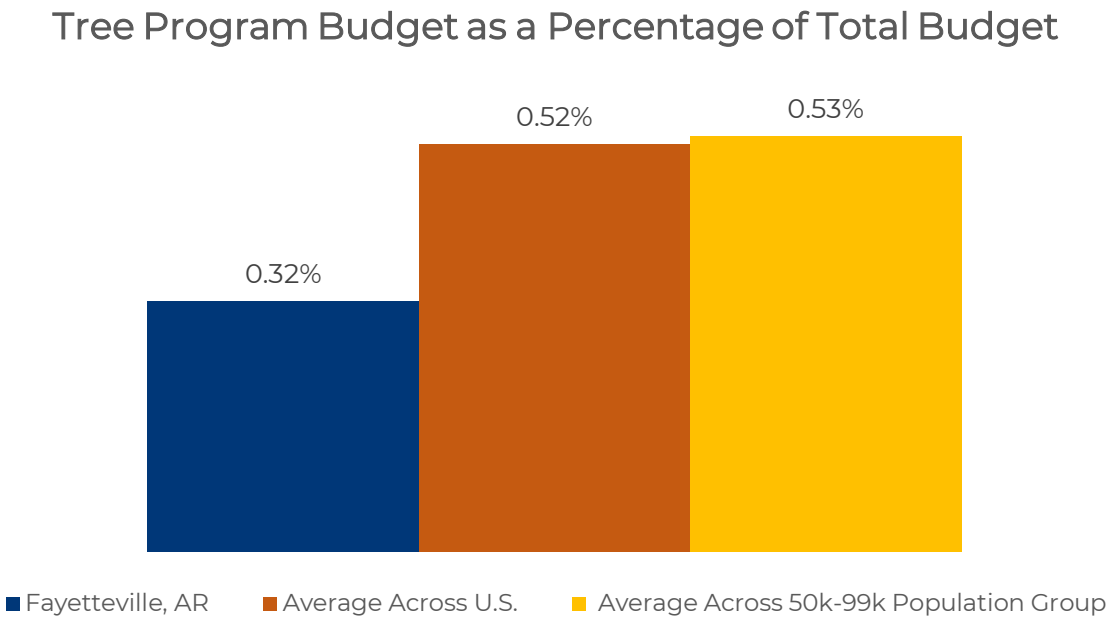


Figure 14. Urban forestry budget compared to the total municipal budget (Hauer, 2014)

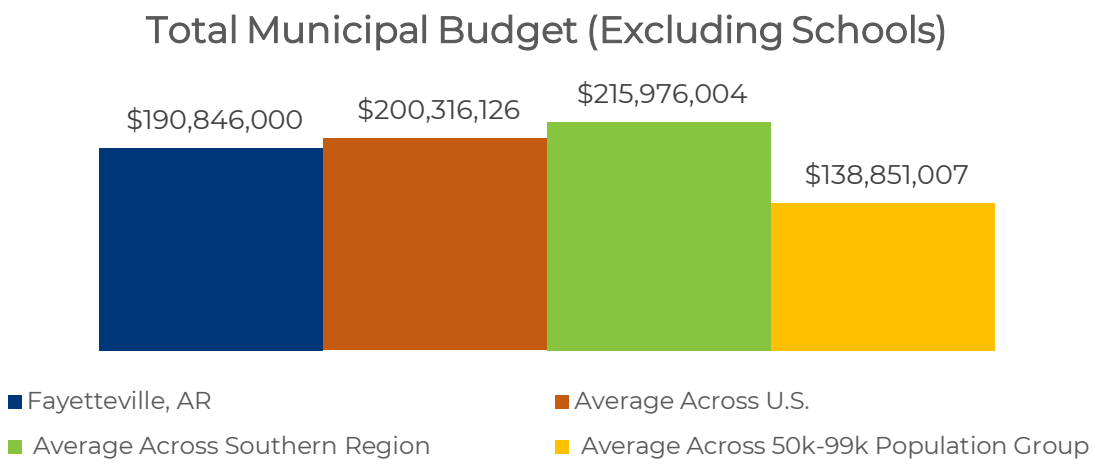


Figure 15. Total municipal budgets (Hauer, 2014)

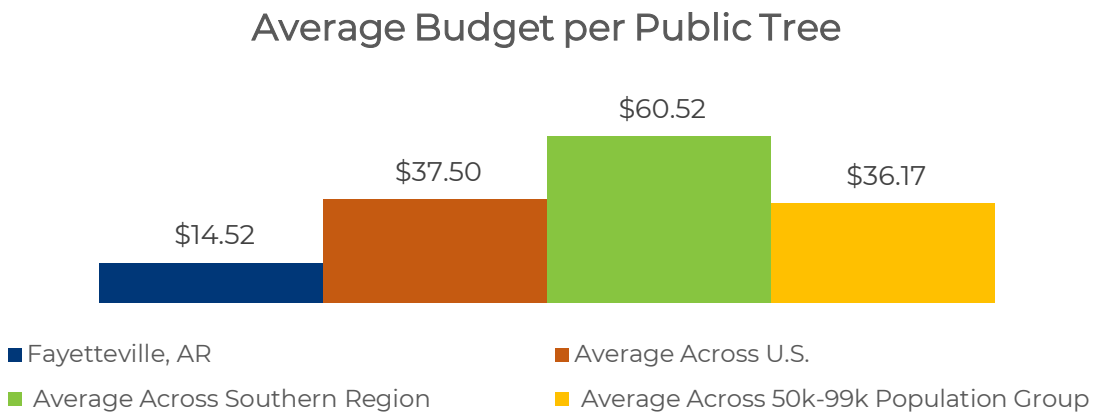


Figure 16. Average budget per public tree (Hauer, 2014)

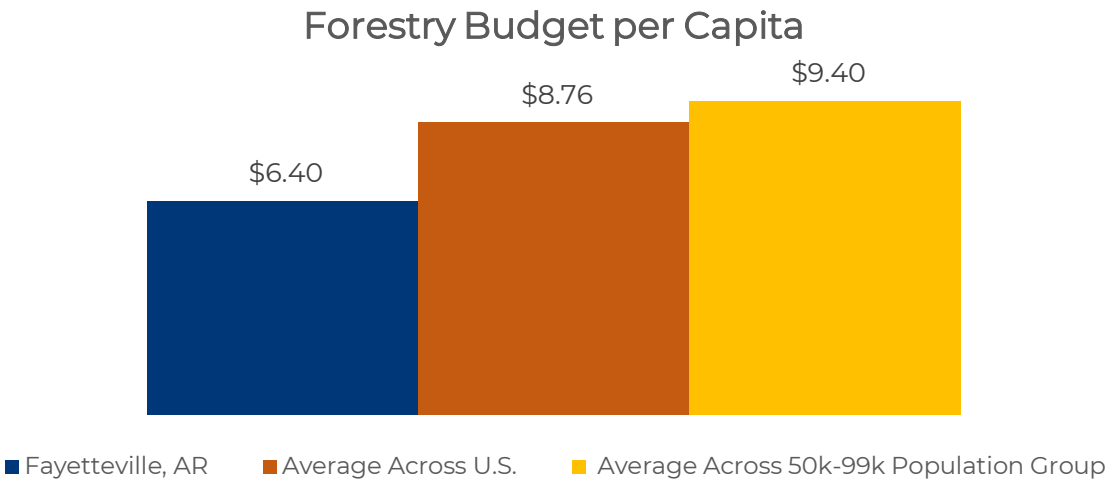


Figure 17. Comparison of urban forestry budget per capita (Hauer, 2014)

COMPARISON OF PUBLIC TREE COUNTS, DISTRIBUTION, AND VALUE

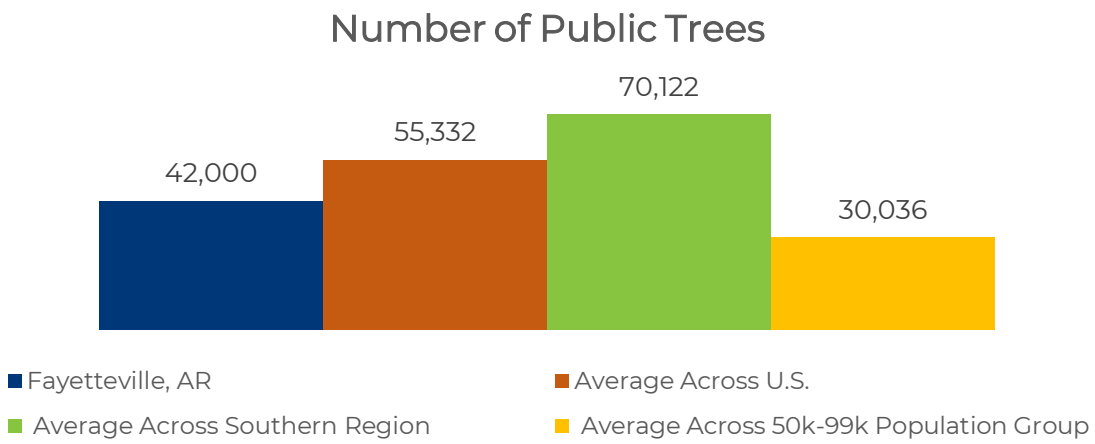


Figure 18. Comparison of the number of public trees (Hauer, 2014)

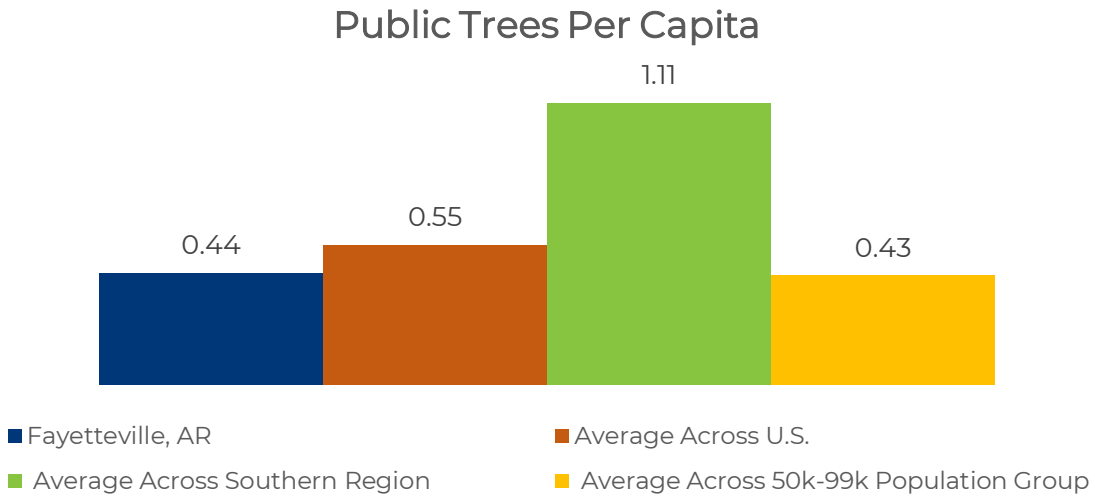


Figure 19. Comparison of public trees per capita (Hauer, 2014)

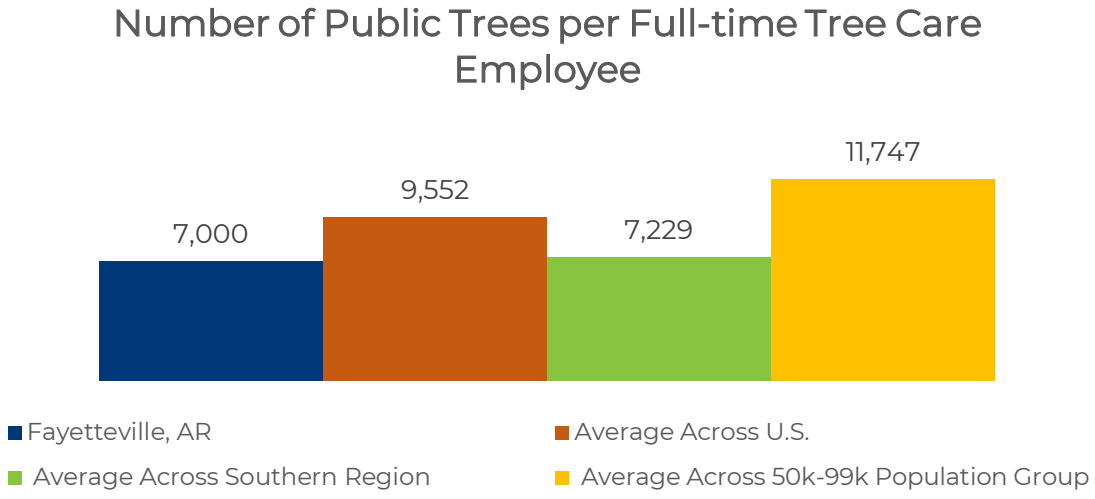


Figure 20. Comparison of the number of public trees per full-time tree care employee (Hauer, 2014)

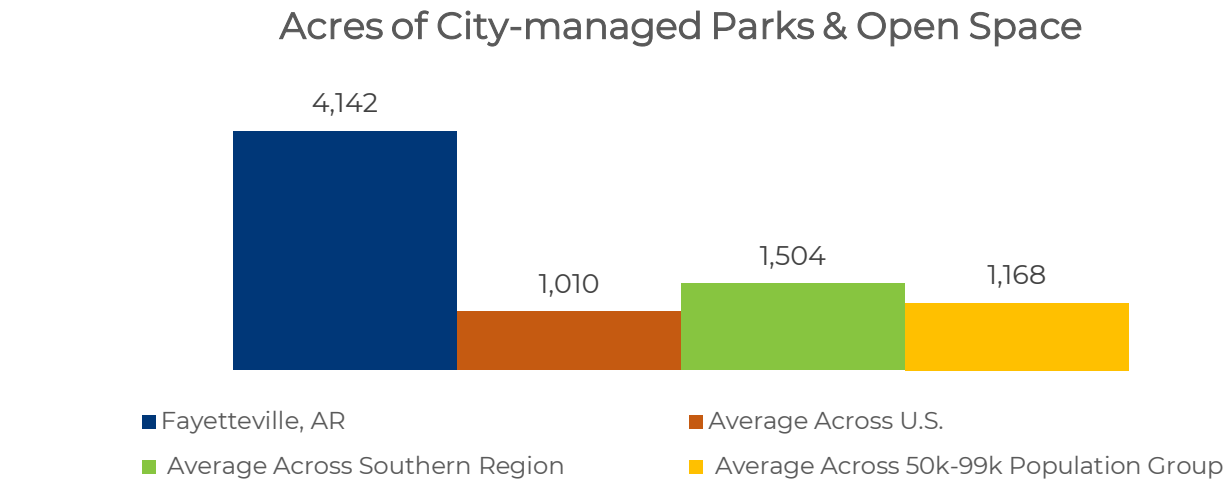
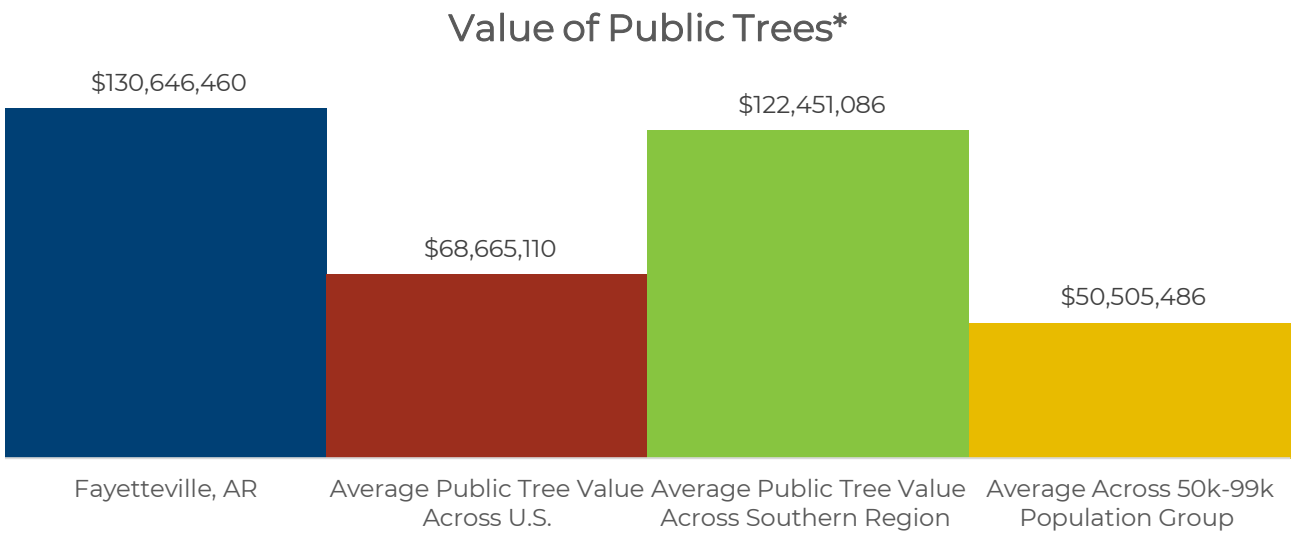


Figure 21. Comparison of the acres of public parks and open space (Hauer, 2014)



** Value of Fayetteville's public trees is based on the $1.3 million in ecosystem benefits and services ($110.63 per tree on average) plus the structural value of public trees estimated at $3,000 per tree on average based on regional research.*

Figure 22. Comparison of the value of public trees (Hauer, 2014)



Fayetteville, AR

URBAN FORESTRY MANAGEMENT PLAN

Canopy Goal Setting & Priority Areas

August 2023

Canopy Goals for Consideration

Milestones	Year Range	City Acres	Starting Canopy Ac	Total New Canopy Ac	Starting Canopy %	New Canopy %	Total Trees Added	Total Added Benefits	Total Carbon Seq. (lbs)
Year 1	2023	35,712	14,081	14,105	39.4%	39.5%	1,000	$18,559	149,592
Years 2-5	2024-2027	35,712	14,105	14,244	39.5%	40%	6,000	$111,354	897,552
Years 6-8	2028-2030	35,712	14,244	14,396	40%	40%	6,500	$120,634	972,348
Years 9-10	**2031-2032**	**35,712**	**14,396**	**14,512**	**40%**	**40.6%**	**5,000**	**$92,795**	**747,960**
Years 11-15	2033-2037	35,712	14,512	14,815	41%	41%	13,000	$241,267	1,944,696
Years 16-18	2038-2040	35,712	14,815	15,025	41%	42%	9,000	$167,031	1,346,328
Years 19-20	2041-2042	35,712	15,025	15,165	42%	42.5%	6,000	$111,354	897,552
Years 21-25	2043-2047	35,712	15,165	15,619	42%	44%	19,500	$361,901	2,917,044
Years 26-28	2048-2050	35,712	15,619	15,969	44%	45%	15,000	$278,385	2,243,880
Years 29-30	2051-2052	35,712	15,969	16,202	45%	45%	10,000	$185,590	1,495,920
TOTAL	30 Years			2,120	45.4%	5.9%	91,000	$1,688,869	13,612,872

Minus 10% cumulative canopy loss = 44.4% in 30 years (2023 – 2052). Considers 10% will be small canopy trees, 30% medium canopy, and 60% large canopy trees.

A 10-year goal requires a total of 18,500 trees with an average of 1,850 trees per year

If pursuing a 30-year goal, 91,000 total trees needed with an average of 3,000 trees per year needed.

Scenario B) Detailed Planting Targets to Establish a 10-year Canopy Goal

Milestone	Year	Total City Acres	Canopy Ac (2019)	Canopy % (2019)	Planting Scenarios (# of Trees)	New Canopy Acres Added	Total Canopy Acres	New % Canopy	Total Added Ecosystem Benefits	All Plantings: Future Carbon Sequestered by Large Trees (249.32 lbs/tree)	All Plantings: Total Future Carbon Sequestered
Year 1	**2023**	**35,712**	**14,081**	**39.4%**	**1,000**	**23.3**	**14,105**	**39.5%**	**$18,559**	**149,592**	**149,592**
	2024	35,712	14,081	39%	1,000	23.3	14,128	40%	$18,559	149,592	149,592
	2025	35,712	14,081	39%	1,500	35.0	14,163	40%	$27,839	224,388	224,388
	2026	35,712	14,081	39%	1,500	35.0	14,198	40%	$27,839	224,388	224,388
Year 5	2027	35,712	14,081	39%	2,000	46.6	14,244	40%	$37,118	299,184	299,184
	2028	35,712	14,081	39%	2,000	46.6	14,291	40%	$37,118	299,184	299,184
	2029	35,712	14,081	39%	2,000	46.6	14,338	40%	$37,118	299,184	299,184
Year 8	2030	35,712	14,081	39%	2,500	58.3	14,396	40%	$46,398	373,980	373,980
	2031	35,712	14,081	39%	2,500	58.3	14,454	40%	$46,398	373,980	373,980
Year 10	**2032**	**35,712**	**14,081**	**39%**	**2,500**	**58.3**	**14,512**	**40.6%**	**$46,398**	**373,980**	**373,980**
	2033	35,712	14,081	39%	2,500	58.3	14,571	41%	$46,398	373,980	373,980
	2034	35,712	14,081	39%	2,500	58.3	14,629	41%	$46,398	373,980	373,980
	2035	35,712	14,081	39%	2,500	58.3	14,687	41%	$46,398	373,980	373,980
	2036	35,712	14,081	39%	2,500	58.3	14,745	41%	$46,398	373,980	373,980
Year 15	2037	35,712	14,081	39%	3,000	69.9	14,815	41%	$55,677	448,776	448,776
	2038	35,712	14,081	39%	3,000	69.9	14,885	42%	$55,677	448,776	448,776
	2039	35,712	14,081	39%	3,000	69.9	14,955	42%	$55,677	448,776	448,776
Year 18	2040	35,712	14,081	39%	3,000	69.9	15,025	42%	$55,677	448,776	448,776
	2041	35,712	14,081	39%	3,000	69.9	15,095	42%	$55,677	448,776	448,776
Year 20	2042	35,712	14,081	39.4%	3,000	69.9	15,165	42.5%	$55,677	448,776	448,776
	2043	35,712	14,081	39%	3,000	69.9	15,235	43%	$55,677	448,776	448,776
	2044	35,712	14,081	39%	3,500	81.6	15,316	43%	$64,957	523,572	523,572
	2045	35,712	14,081	39%	4,000	93.2	15,409	43%	$74,236	598,368	598,368
	2046	35,712	14,081	39%	4,000	93.2	15,503	43%	$74,236	598,368	598,368
Year 25	2047	35,712	14,081	39%	5,000	116.5	15,619	44%	$92,795	747,960	747,960
	2048	35,712	14,081	39%	5,000	116.5	15,736	44%	$92,795	747,960	747,960
	2049	35,712	14,081	39%	5,000	116.5	15,852	44%	$92,795	747,960	747,960
Year 28	2050	35,712	14,081	39%	5,000	116.5	15,969	45%	$92,795	747,960	747,960
	2051	35,712	14,081	39%	5,000	116.5	16,085	45%	$92,795	747,960	747,960
Year 30	2052	35,712	14,081	39.4%	5,000	116.5	16,202	45.4%	$92,795	747,960	747,960

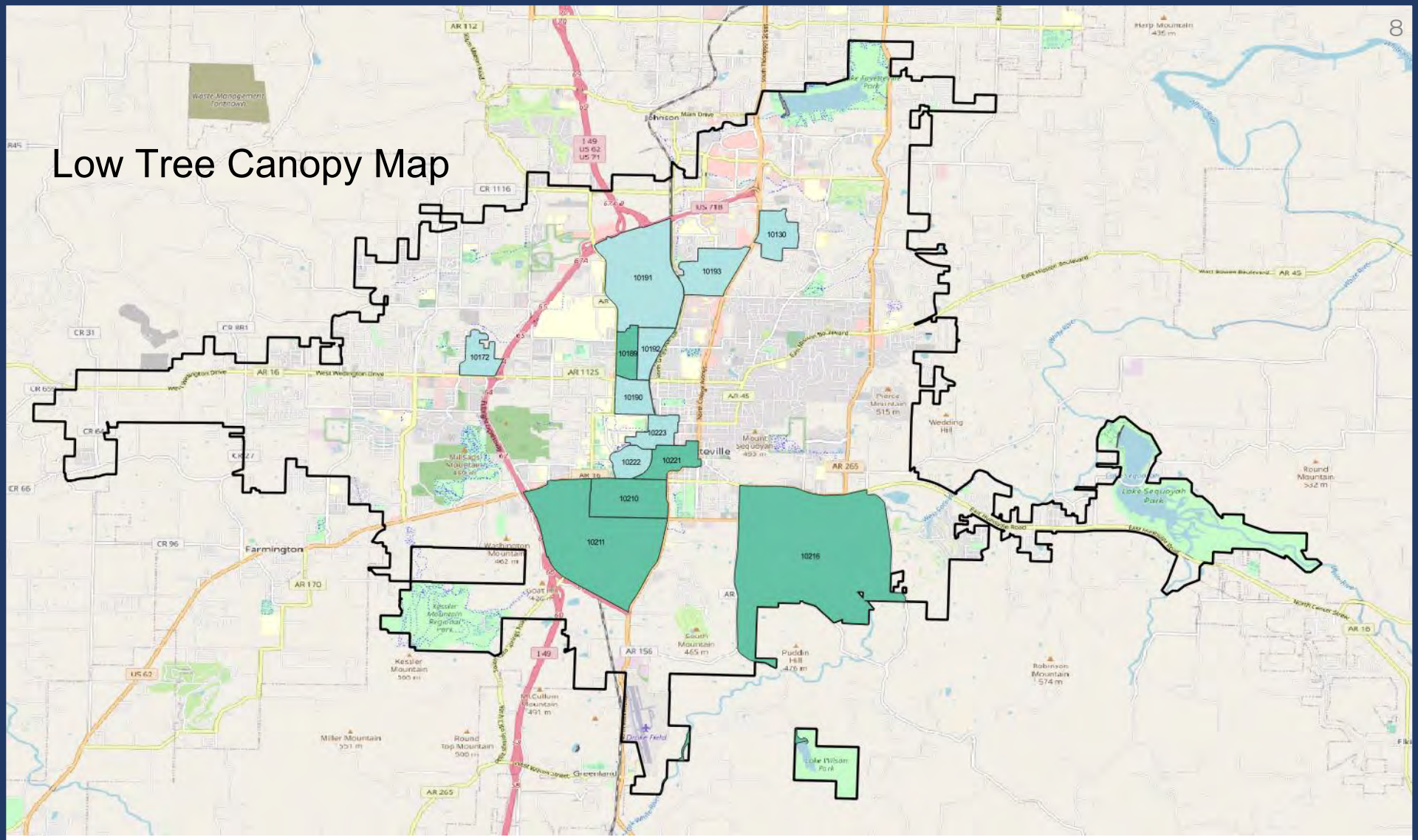
Scenario B) Milestones for 40.6% Canopy in 10 years

Milestones	Year Range	City Acres	Starting Canopy Ac	Total New Canopy Ac	Starting Canopy %	New Canopy %	Total Trees Added	Average Trees per Year	Total Added Benefits	Total Carbon Sequestered (lbs)
Year 1 thru Year 5	2023-2027	35,712	14,081	14,244	39.4%	39.9%	7,000	1,400	$129,913	1,047,144
Year 6 thru Year 10	**2028-2032**	**35,712**	**14,244**	**14,512**	**39.9%**	**40.6%**	**11,500**	**2,300**	**$213,429**	**1,720,308**
TOTALS	10 Years			431		1.2%	18,500	1,850	$343,342	2,767,452

Scenario B) Estimated Costs for 40.6% Canopy in 10 Years

Year Range	Starting Canopy %	New Canopy %	% Change	Total Trees Added	Total Added Benefits	Total Carbon Sequestered (lbs)	Average Trees Per Year	Average Subcontract Planting Cost Per Tree	Estimated Annual Cost	Estimated 10-Year Cost
2023 – 2032	39.4%	40.6%	1.2%	18,500	$343,342	2,767,452	1,850	**$408**	**$754,486**	**$7,544,855**

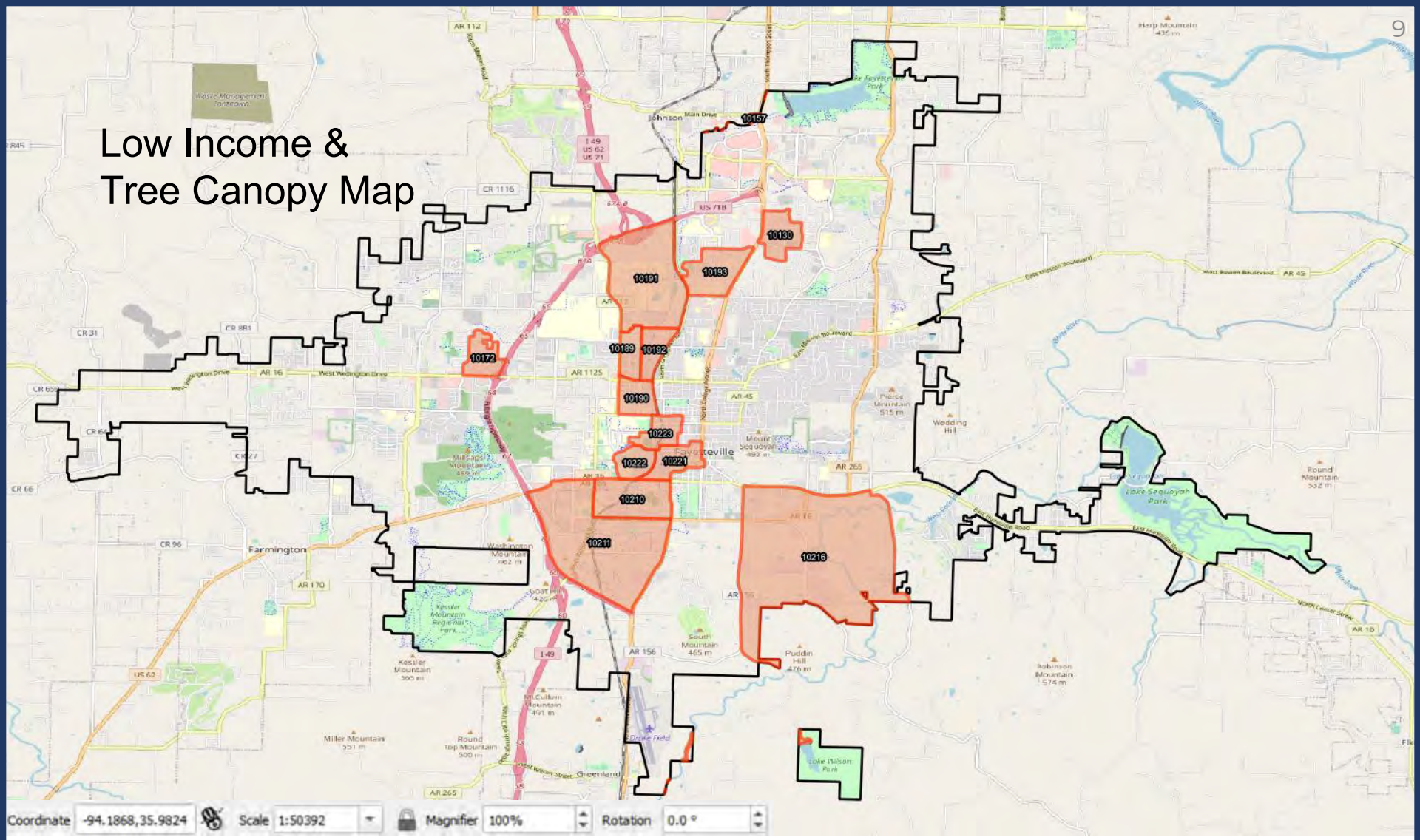
Low Tree Canopy Map



Priority Planting Areas Legend

- City Boundary
- Block Groups with ≤25% tree canopy cover
- Block Groups with ≤35% tree canopy cover

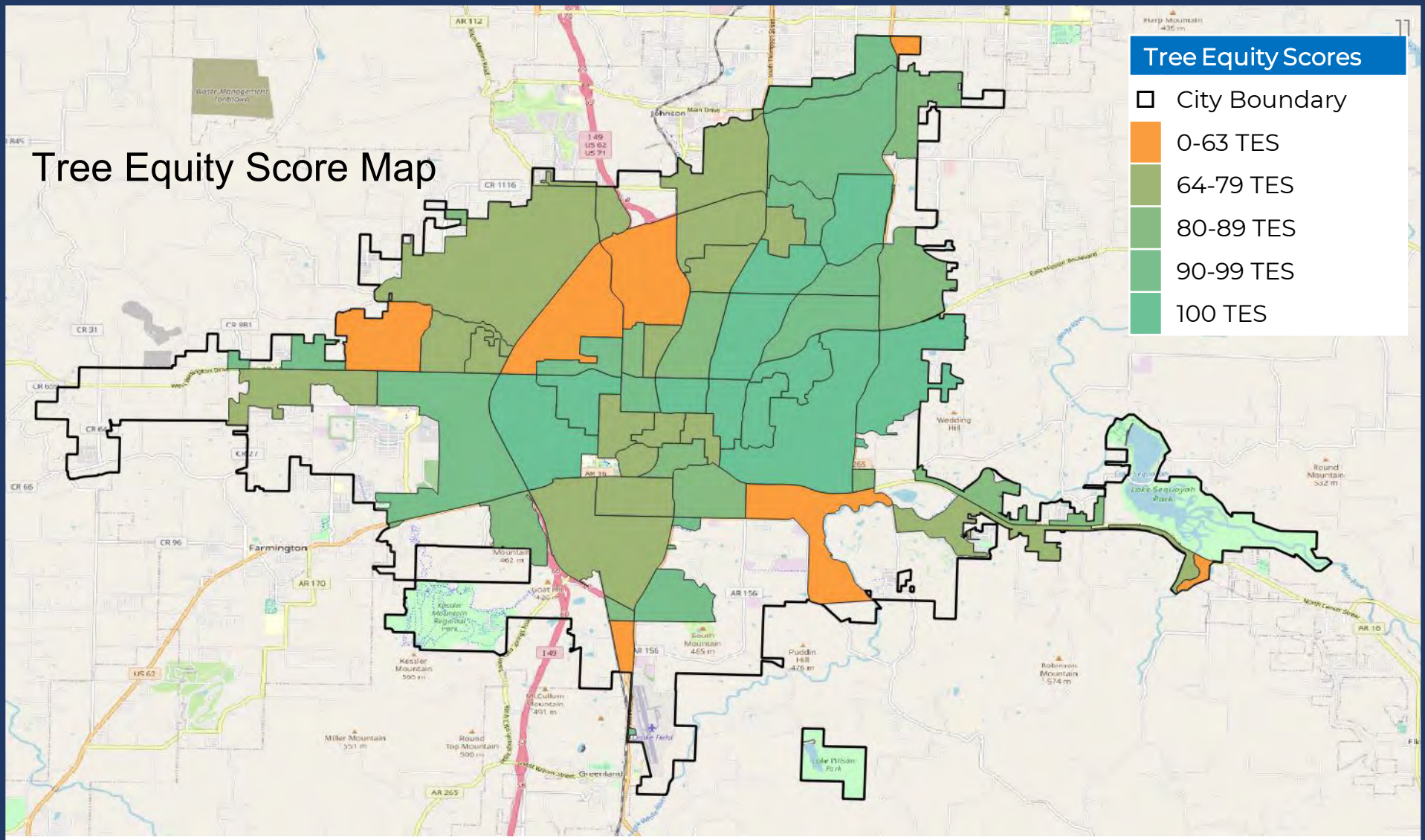
Low Income & Tree Canopy Map



Priority Planting Areas Legend

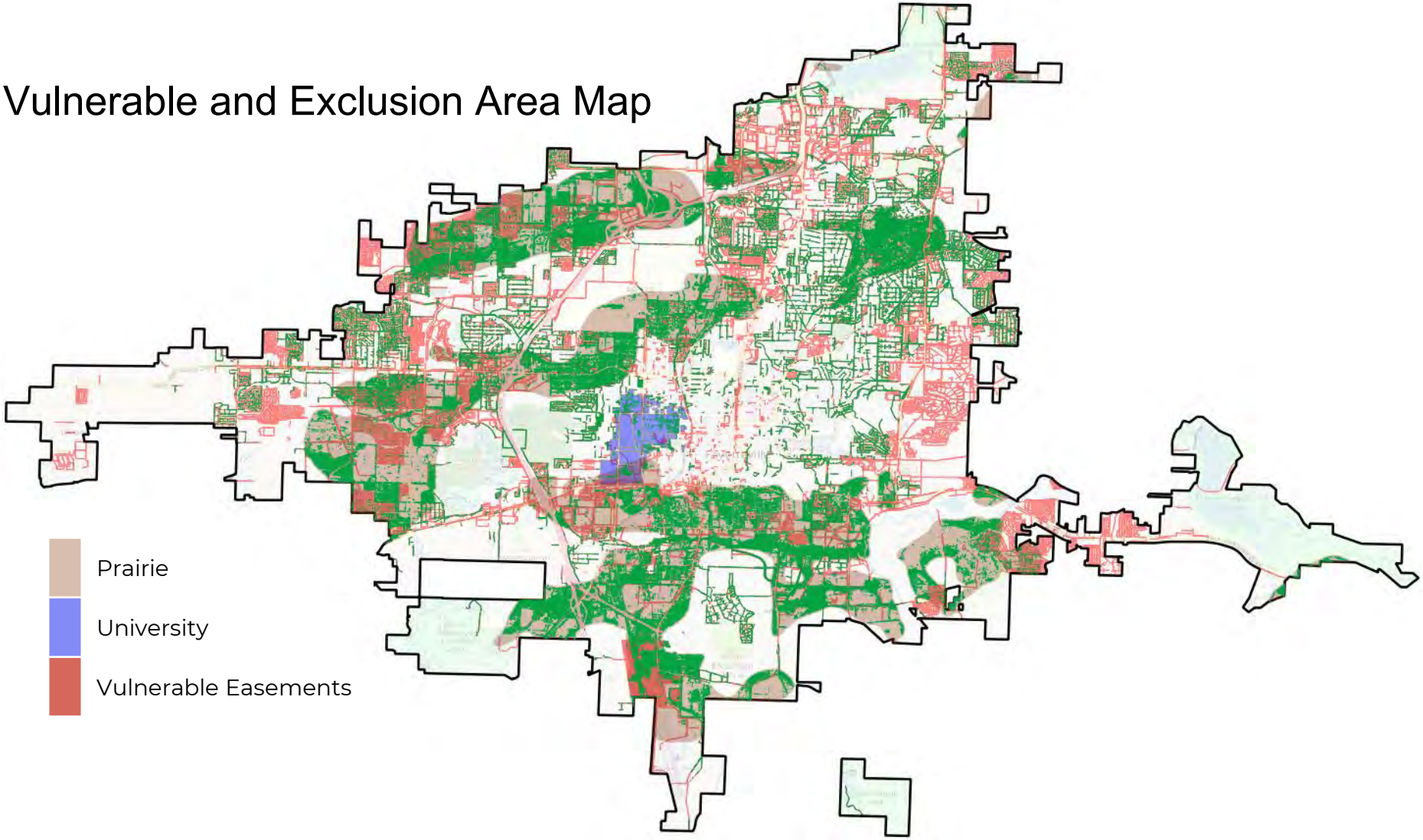
- City Boundary
- Block Group Boundary
- Block Groups with Low Income Populations and Low Tree Canopy

Tree Equity Score Map

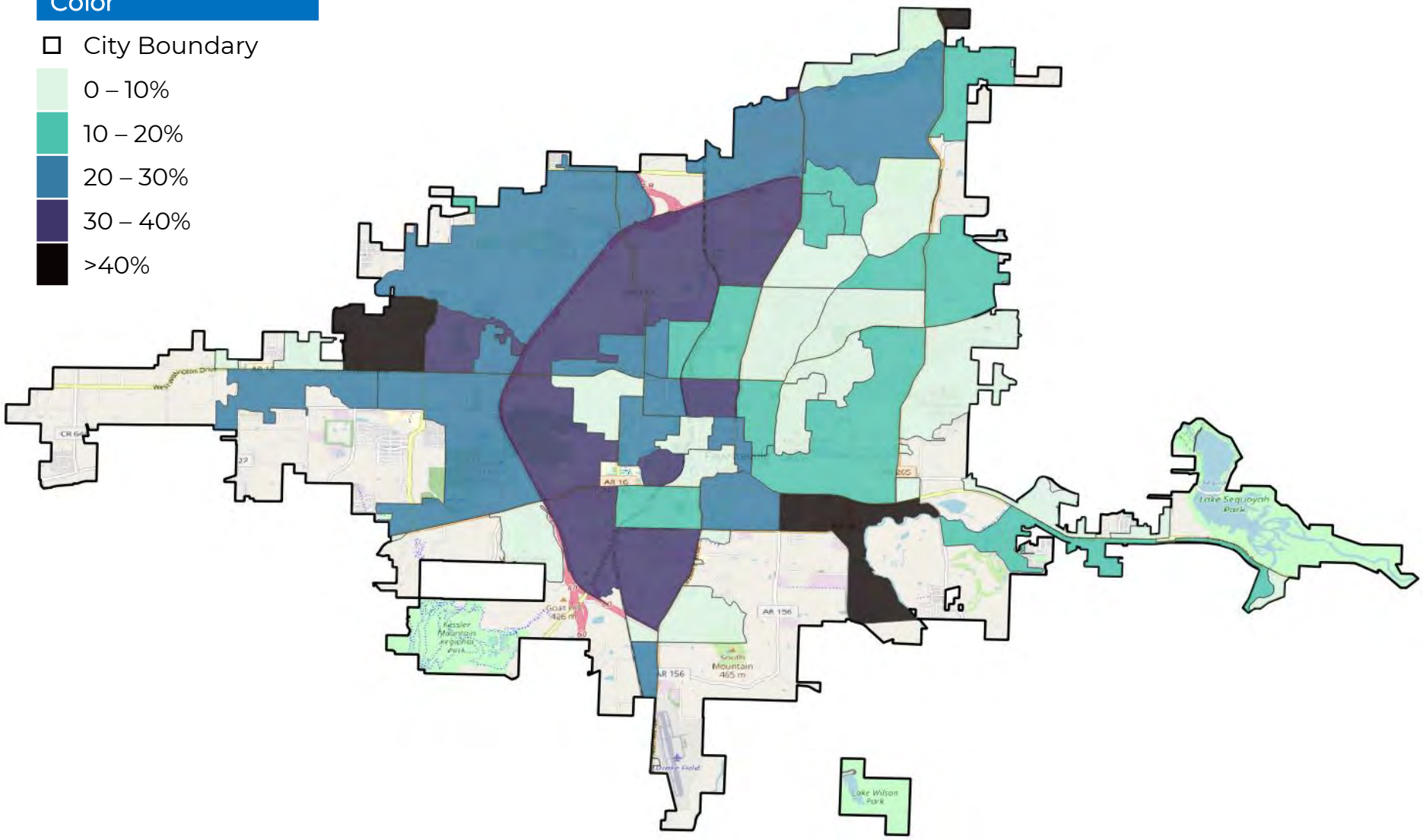


Canopy Cover

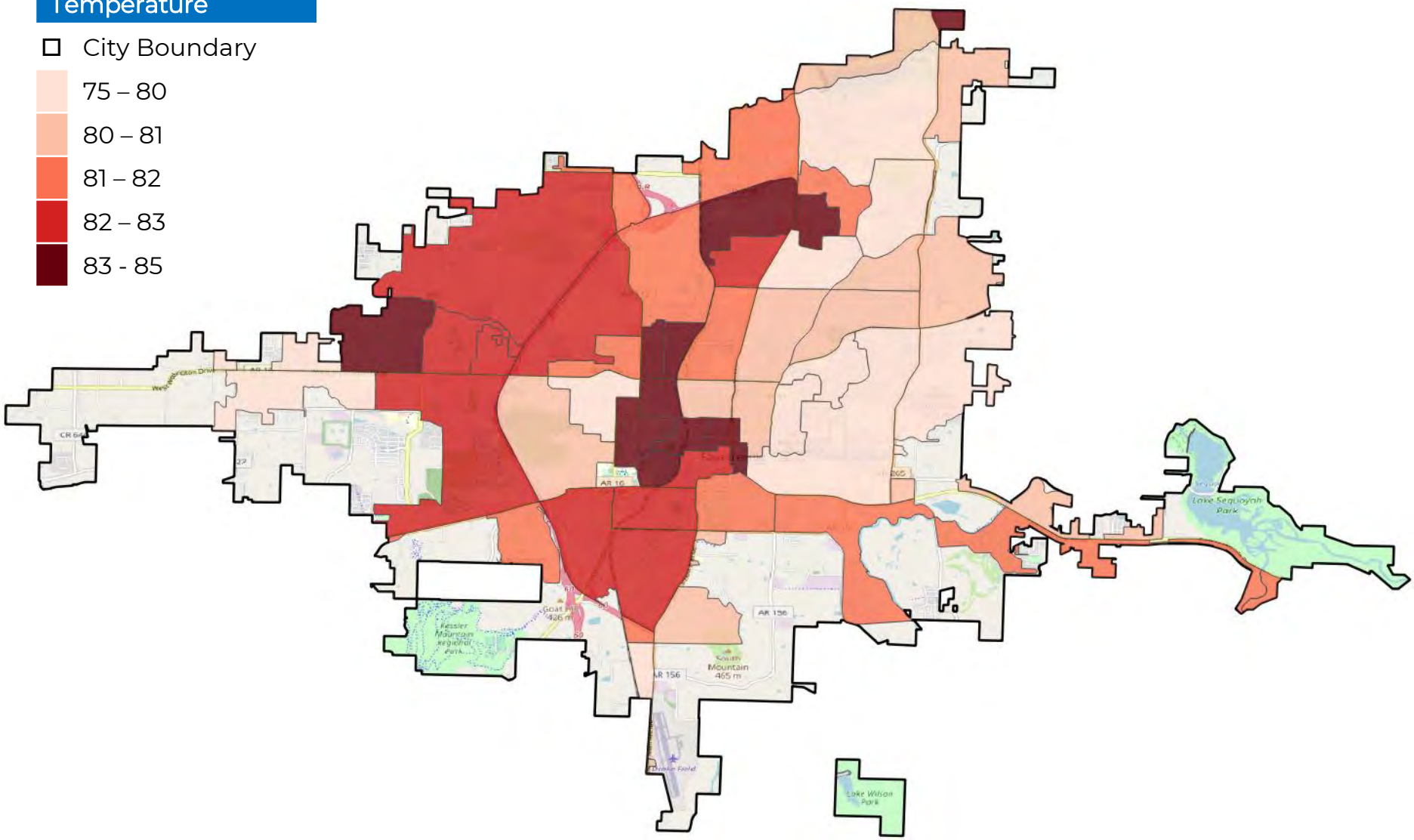
Vulnerable and Exclusion Area Map



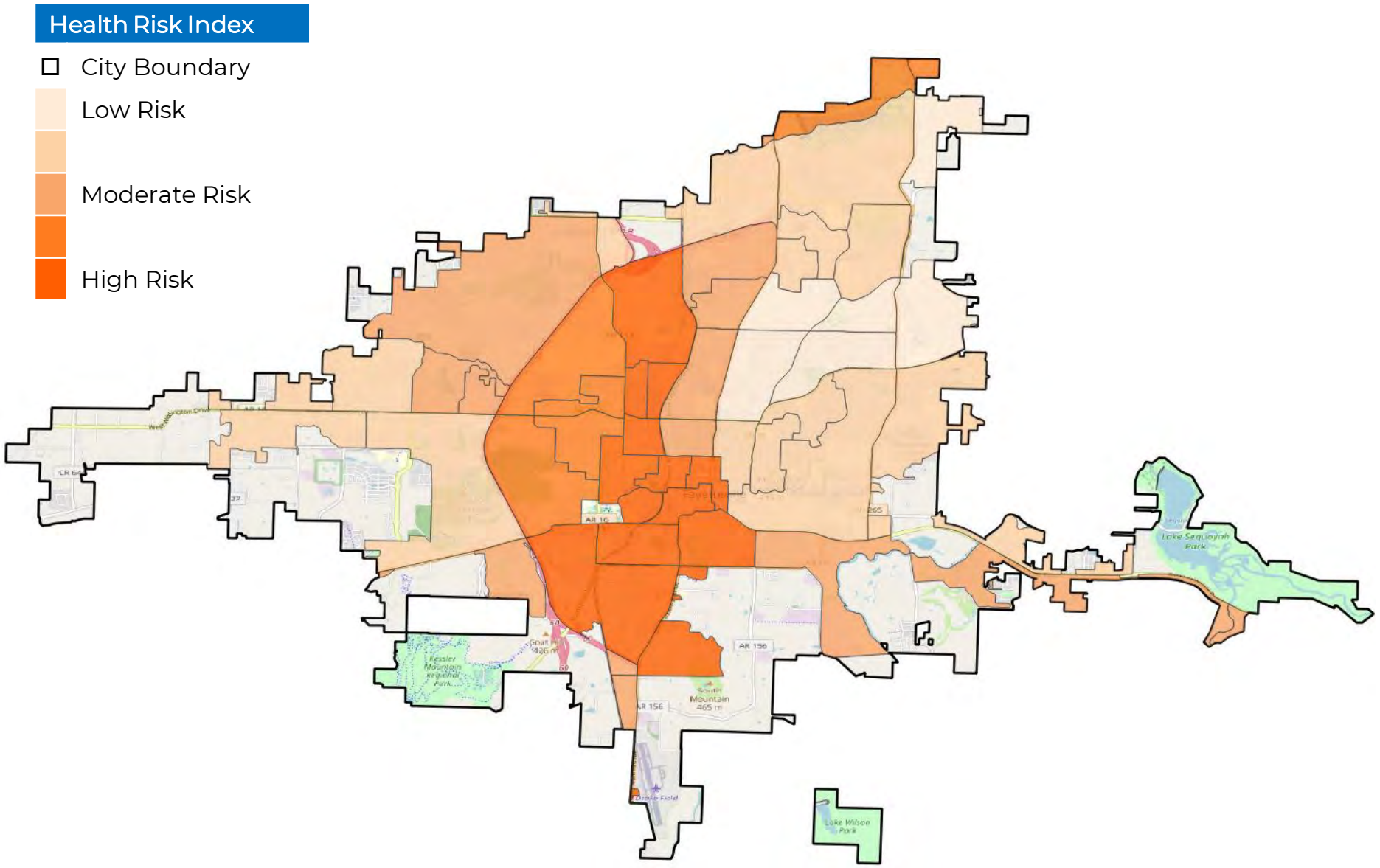
Percent People of Color (All People Not White Non-Hispanic, US Census Bureau American Community Survey 2014-2018 Source)



Urban Heat (Surface Temperature Data from USGS Landsat 8 imagery, thermal bands)

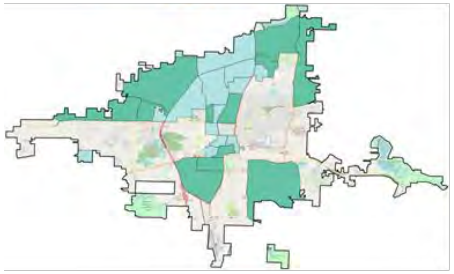


Health Risk (Self-reported Poor Mental Health, Poor Physical Health, Asthma, & Coronary Heart Disease – CDC Source)



Summary of Priority Planting Area Scenarios

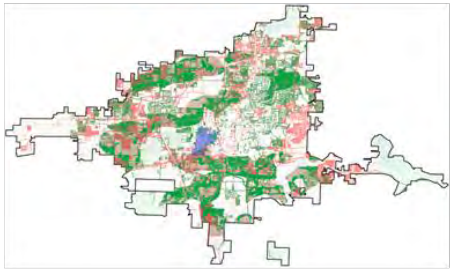
Low Tree Canopy (<35%)



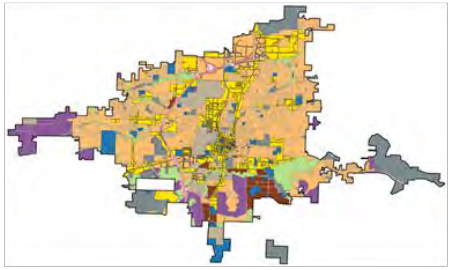
Low Income & Tree Canopy



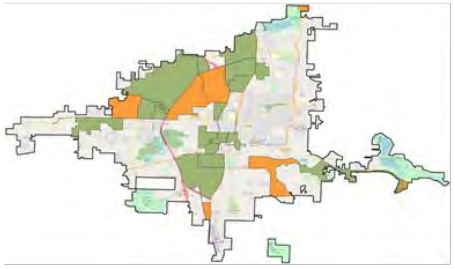
Vulnerable & Exclusion Areas



Development & Future Land Use



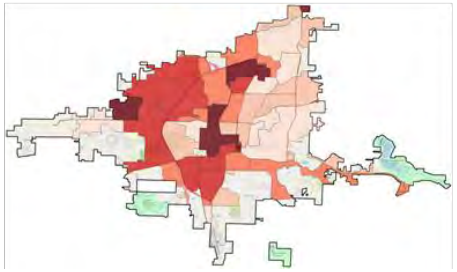
Tree Equity Score <80



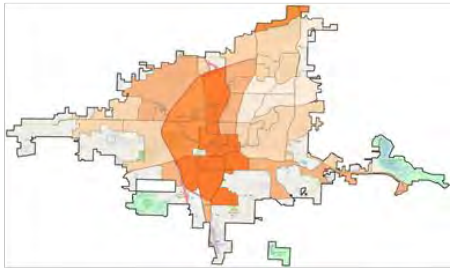
% People of Color



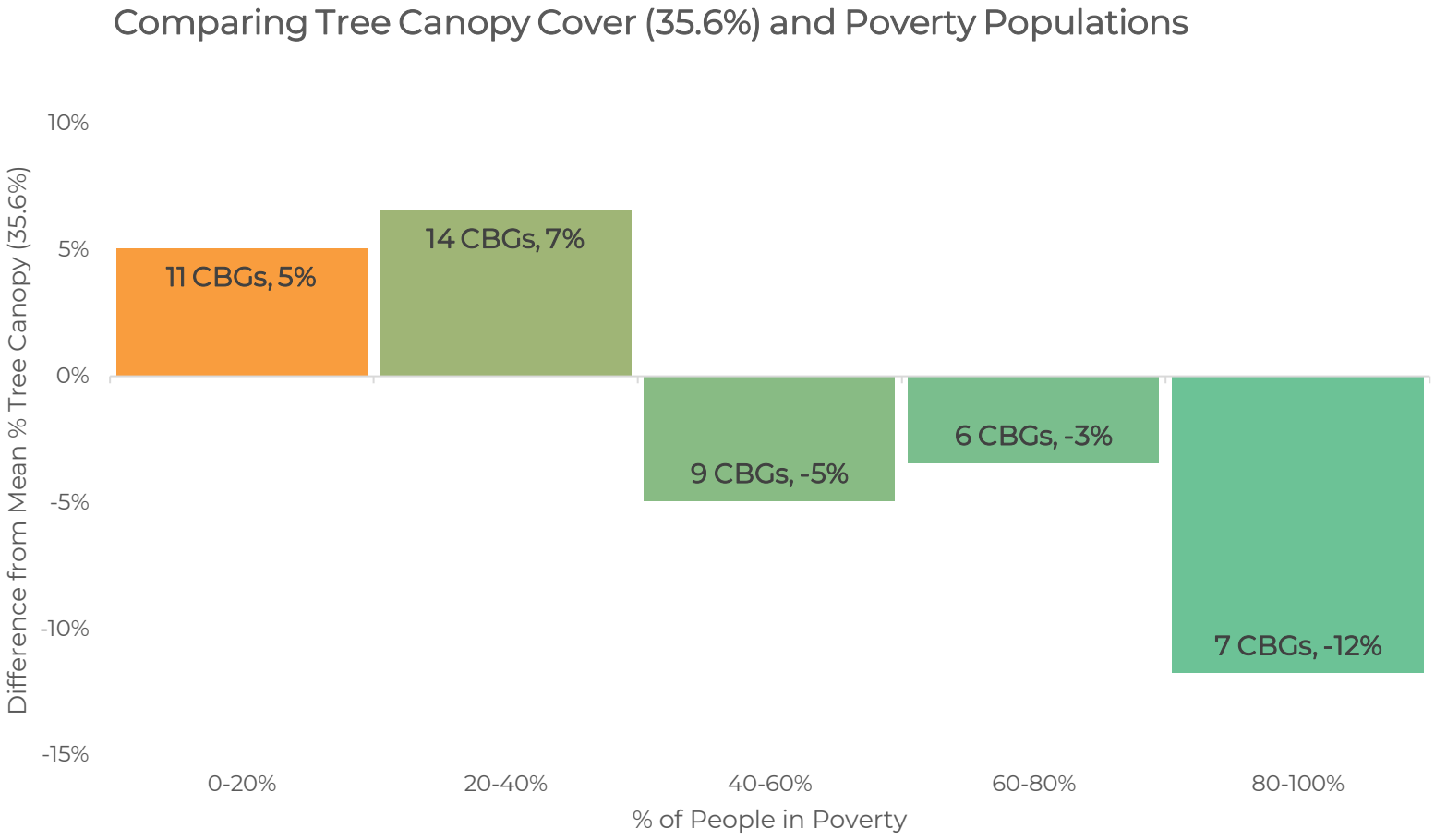
Average Surface Temperature



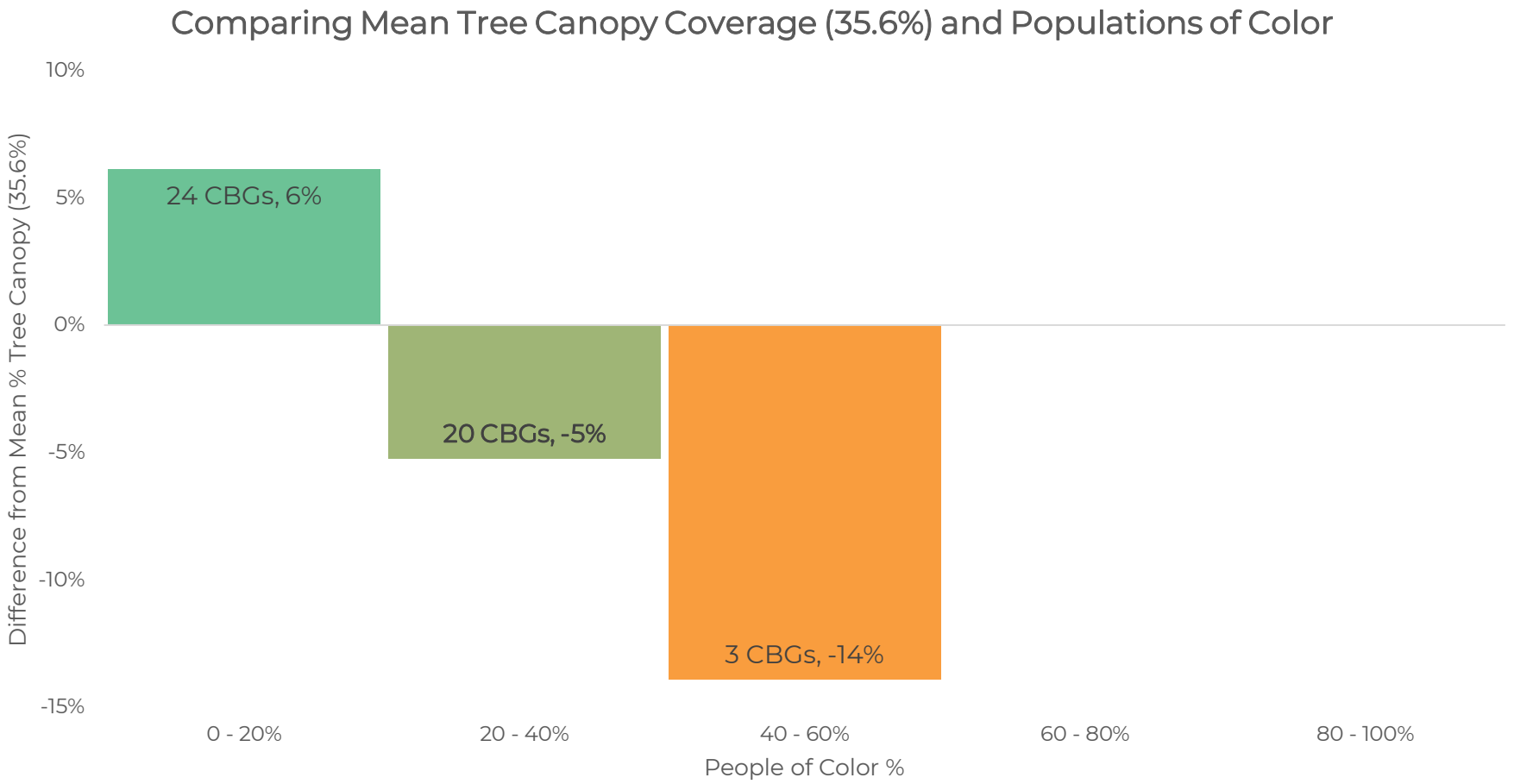
Health Risk Index



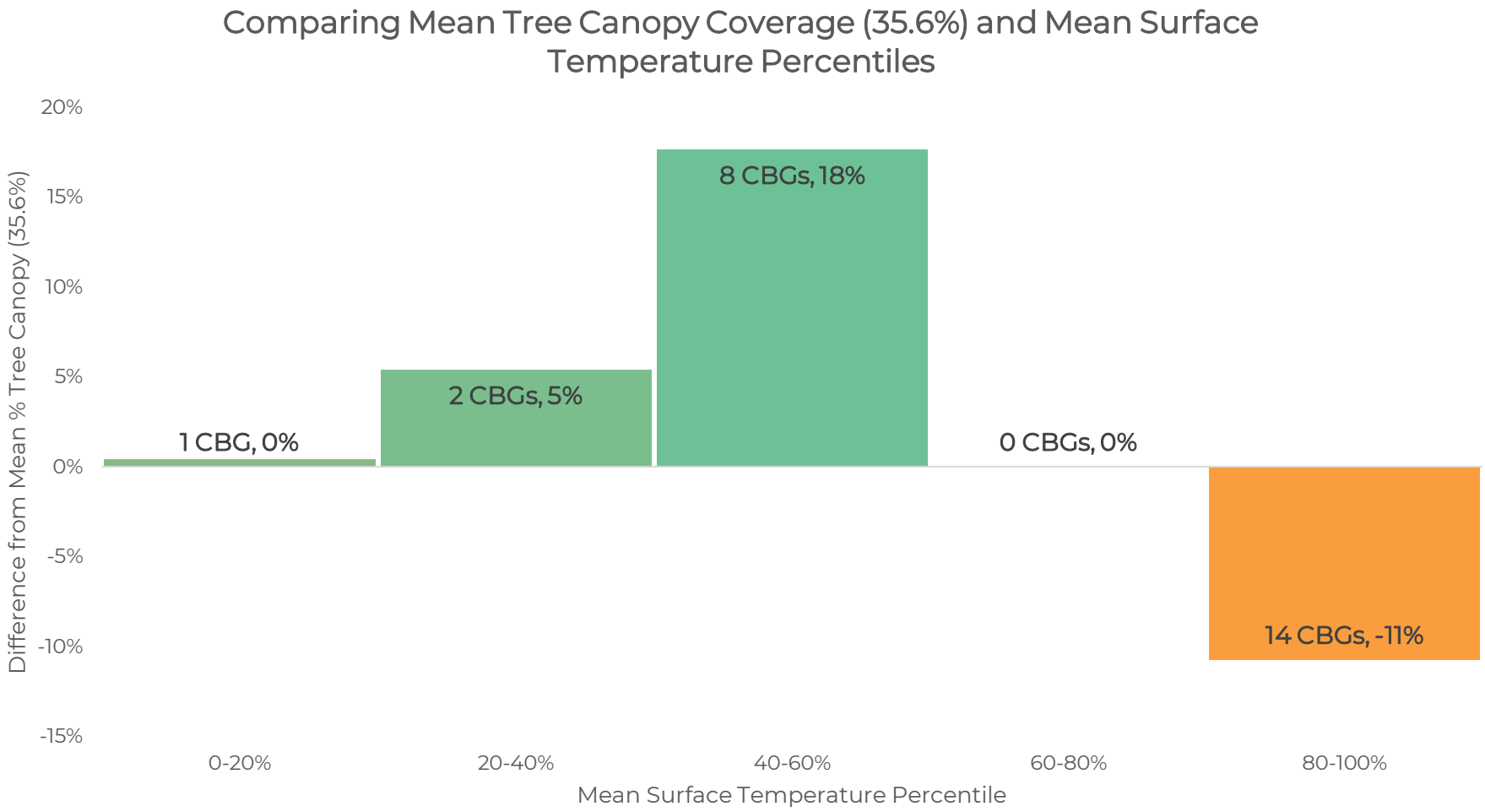
Analysis of the Populations in Poverty Compared to the Mean Canopy Cover (35.6%)



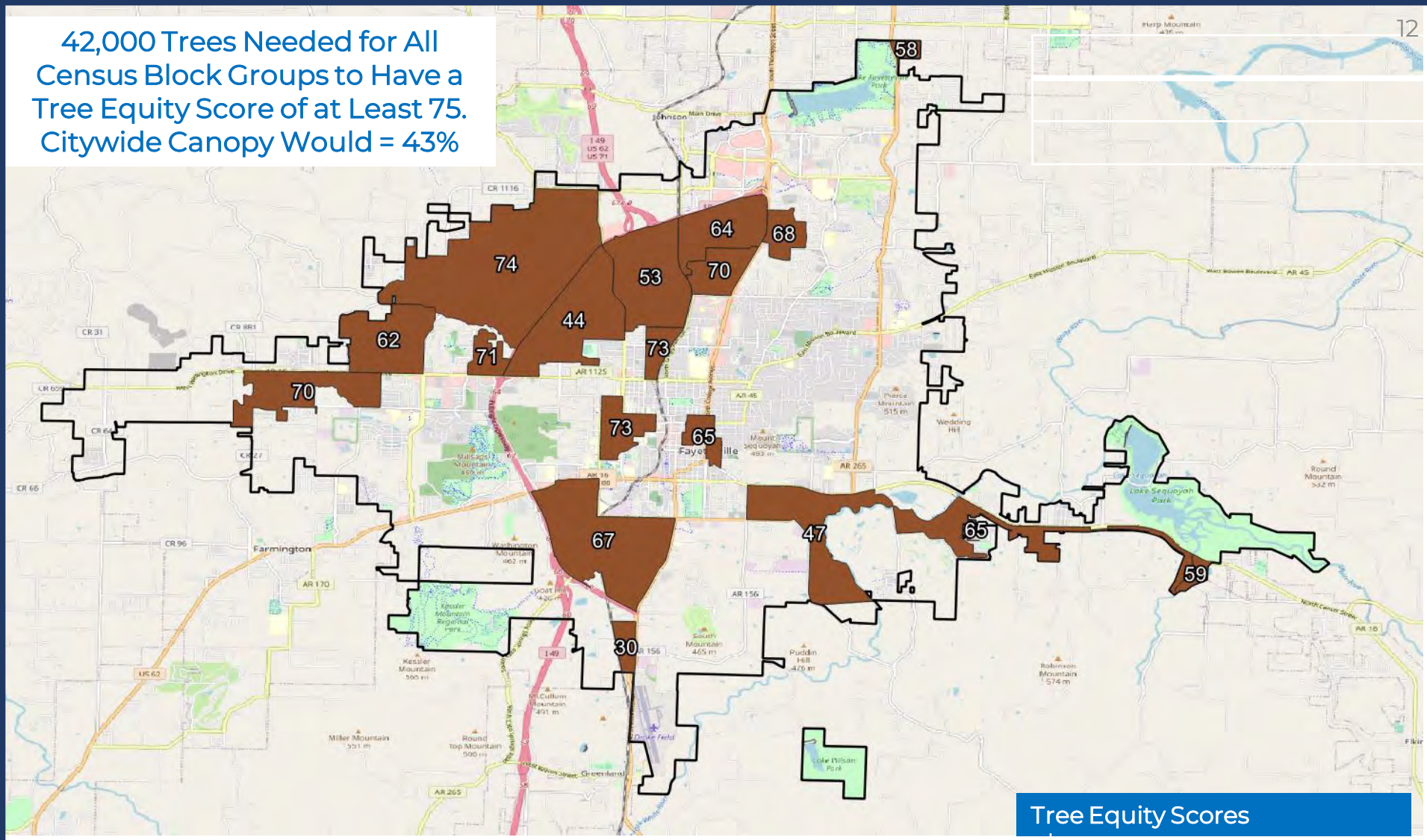
Analysis of the Populations of Color Compared to the Mean Canopy Cover (35.6%)



Analysis of Surface Temperatures and the Mean Canopy Cover (35.6%)



42,000 Trees Needed for All Census Block Groups to Have a Tree Equity Score of at Least 75. Citywide Canopy Would = 43%

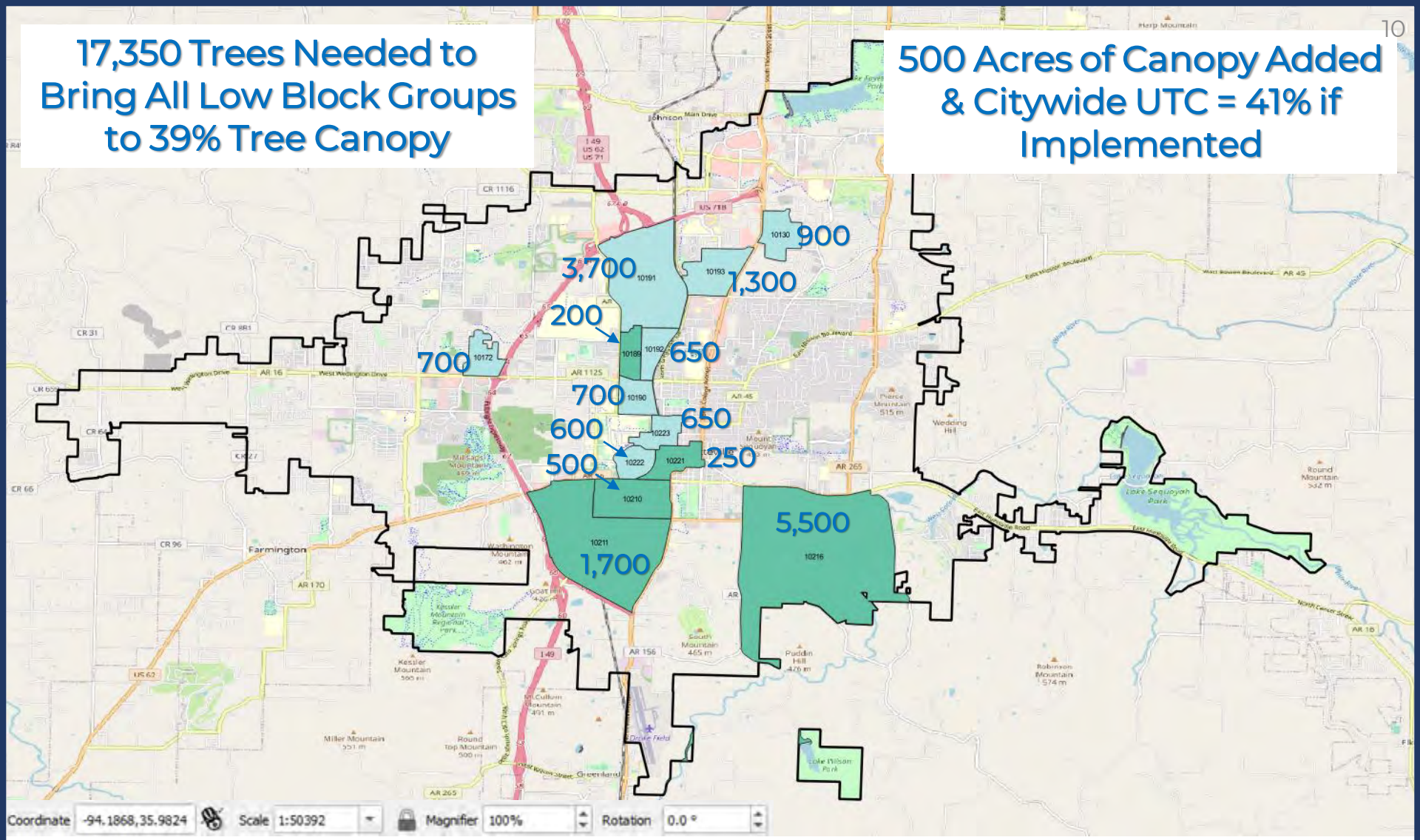


Tree Equity Scores

- City Boundary
- Block Groups with < 75 TES

17,350 Trees Needed to Bring All Low Block Groups to 39% Tree Canopy

500 Acres of Canopy Added & Citywide UTC = 41% if Implemented



Priority Planting Areas Legend

- ☐ City Boundary
- Block Groups with ≤25% tree canopy cover
- Block Groups with ≤35% tree canopy cover
- # Number of trees needed to reach City UTC of 39%

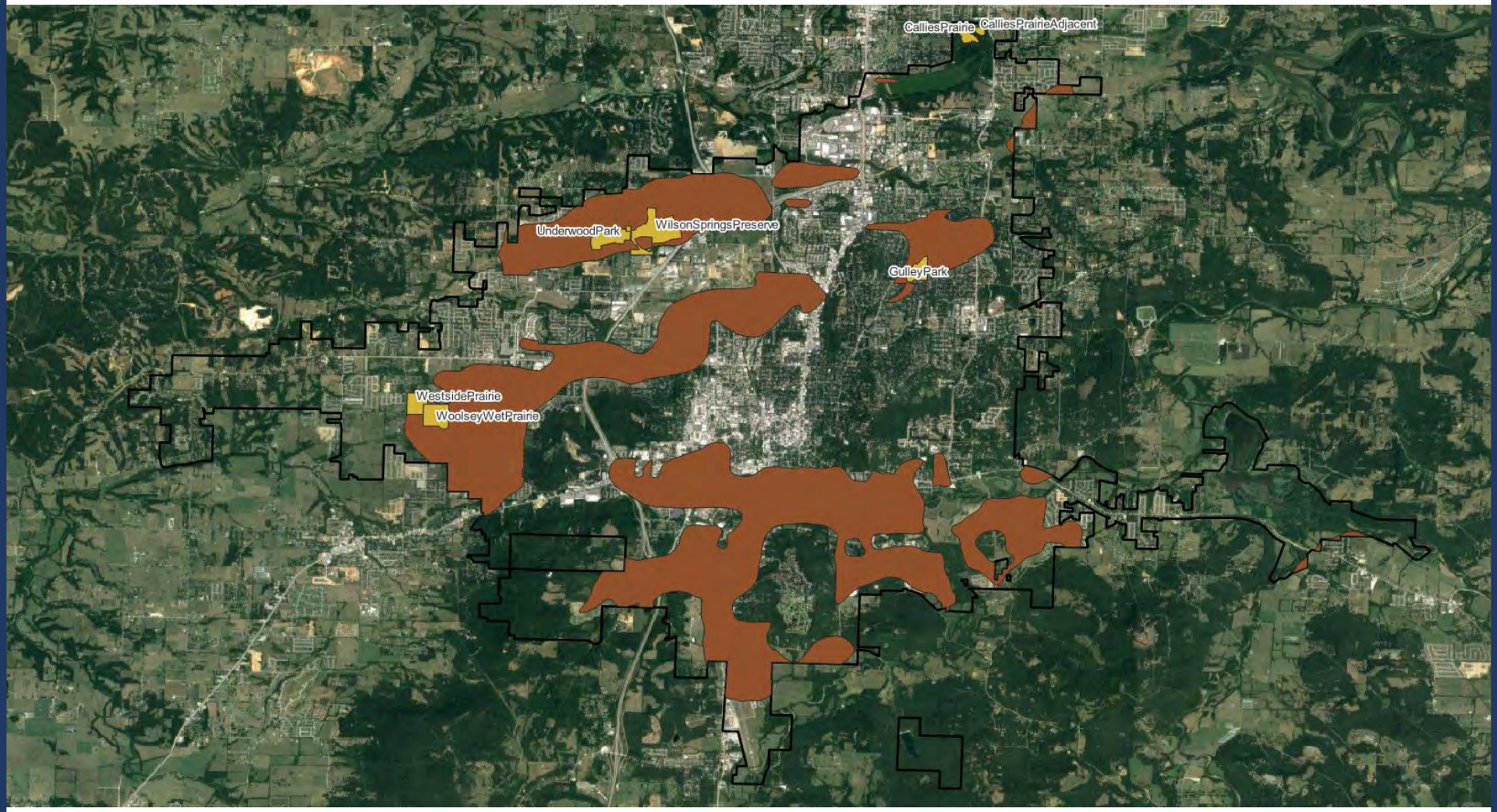
Exclusion or Vulnerable Areas

Prairies Delineated Based on List Provided by City Staff



Protected Prairie-related Areas	Acres
Woolsey Farmstead and Wet Prairie Sanctuary	50
Westside Prairie	40
Wilson Springs Preserve	121
Underwood Park	5 (estimated)
Callies Prairie	33
Gulley	3
TOTAL	252 acres

Native Prairie & Prairies Delineated Based on List Provided by City Staff

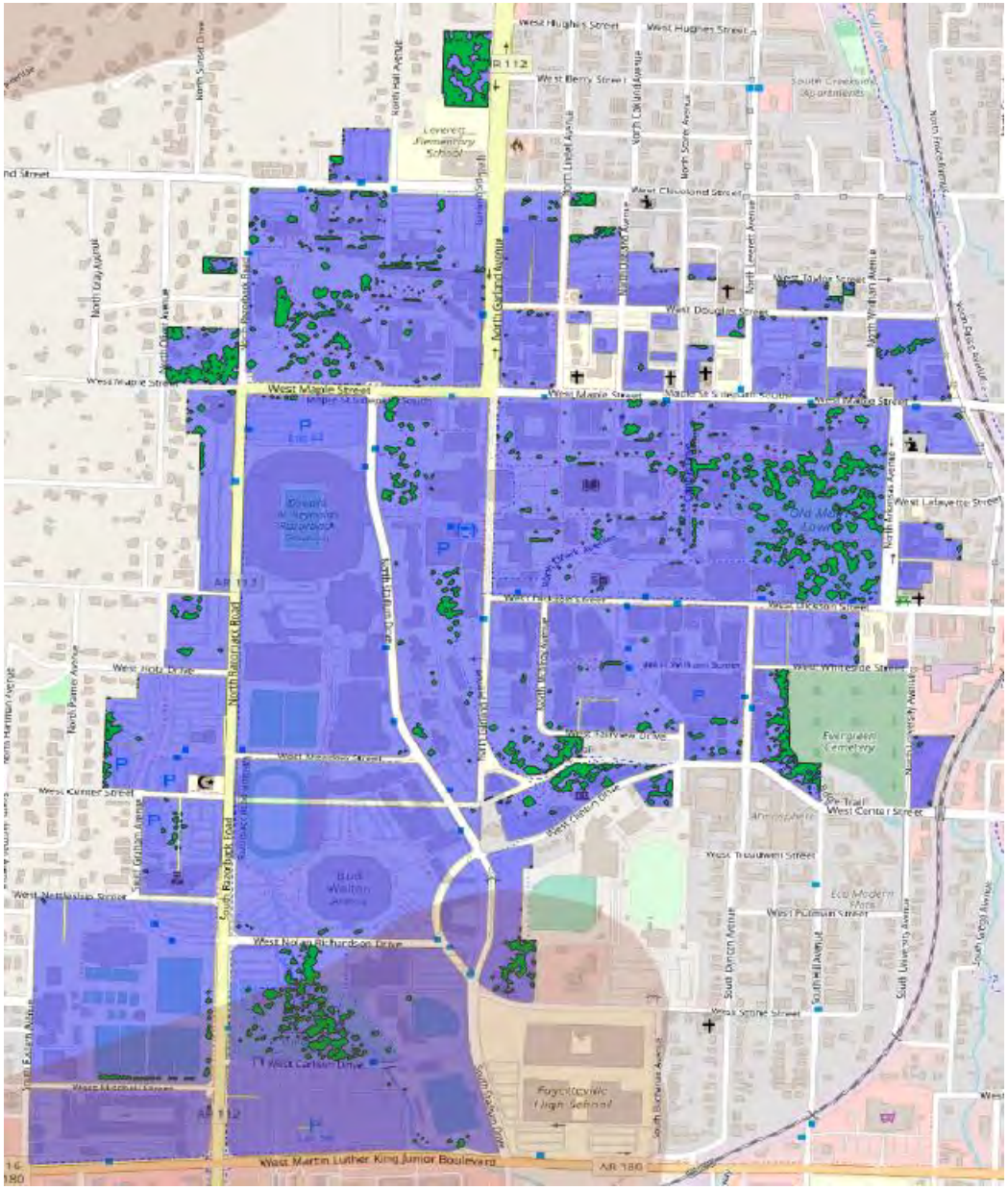


GIS layer provided by:
Marson Nance, CLM
Director of Land Stewardship & Research
Northwest Arkansas Land Trust

Total Prairie Acres	9,769
Total Canopy Acres in Prairie	1,957
Canopy % in Prairie	20%

NORTHWEST ARKANSAS LAND TRUST

University of Arkansas Canopy

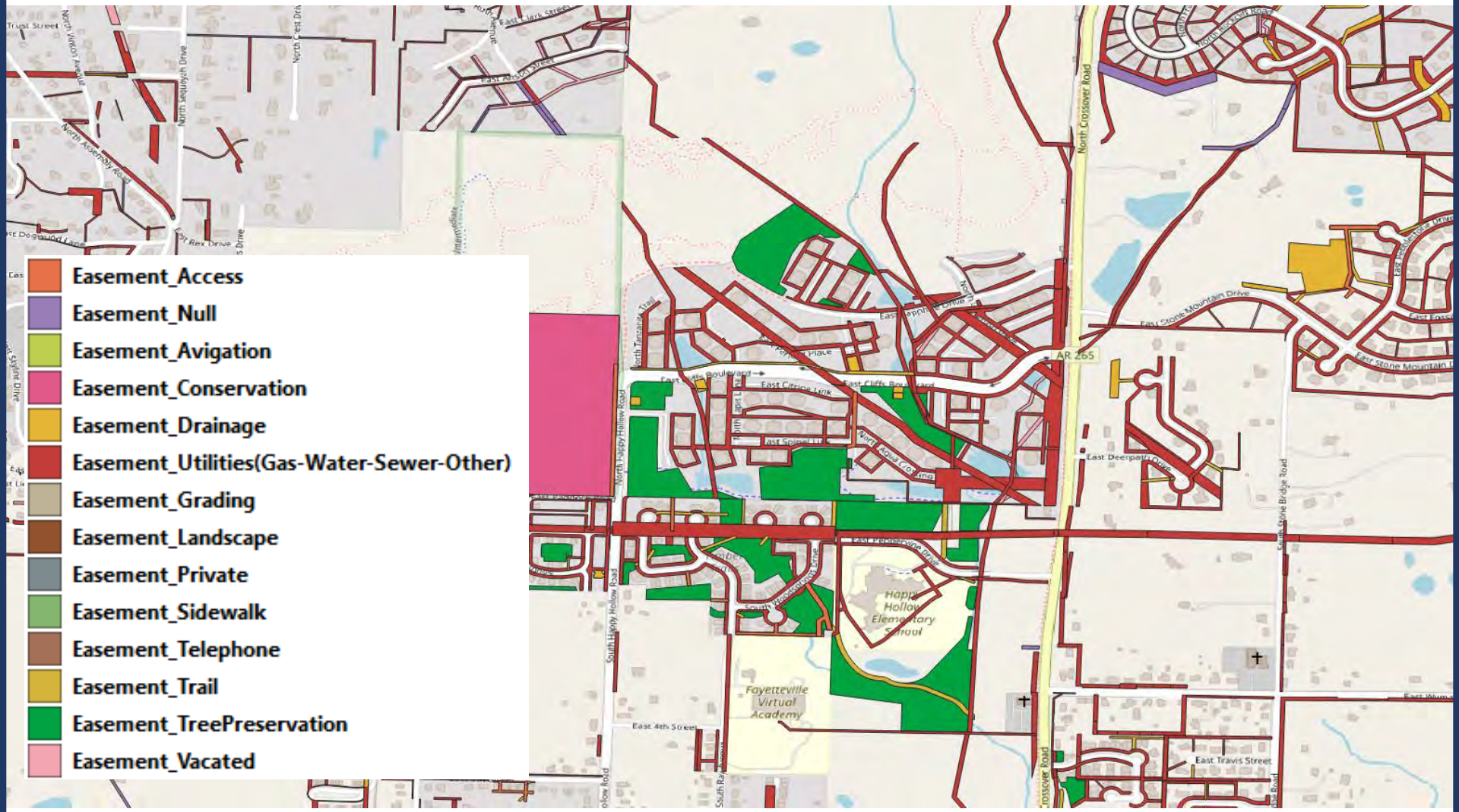


University Acres	Canopy Area (Ac)	Canopy %
377.0	22.0	6%

Citywide Acres	35,712
Citywide Canopy Acres	14,081.24
Citywide Canopy %	39.43%
Citywide Canopy Acres Excluding University	14,059.27
Citywide Canopy % Excluding University	**39.37%**

- University of Arkansas property
- Canopy within University of Arkansas property

Easements Example



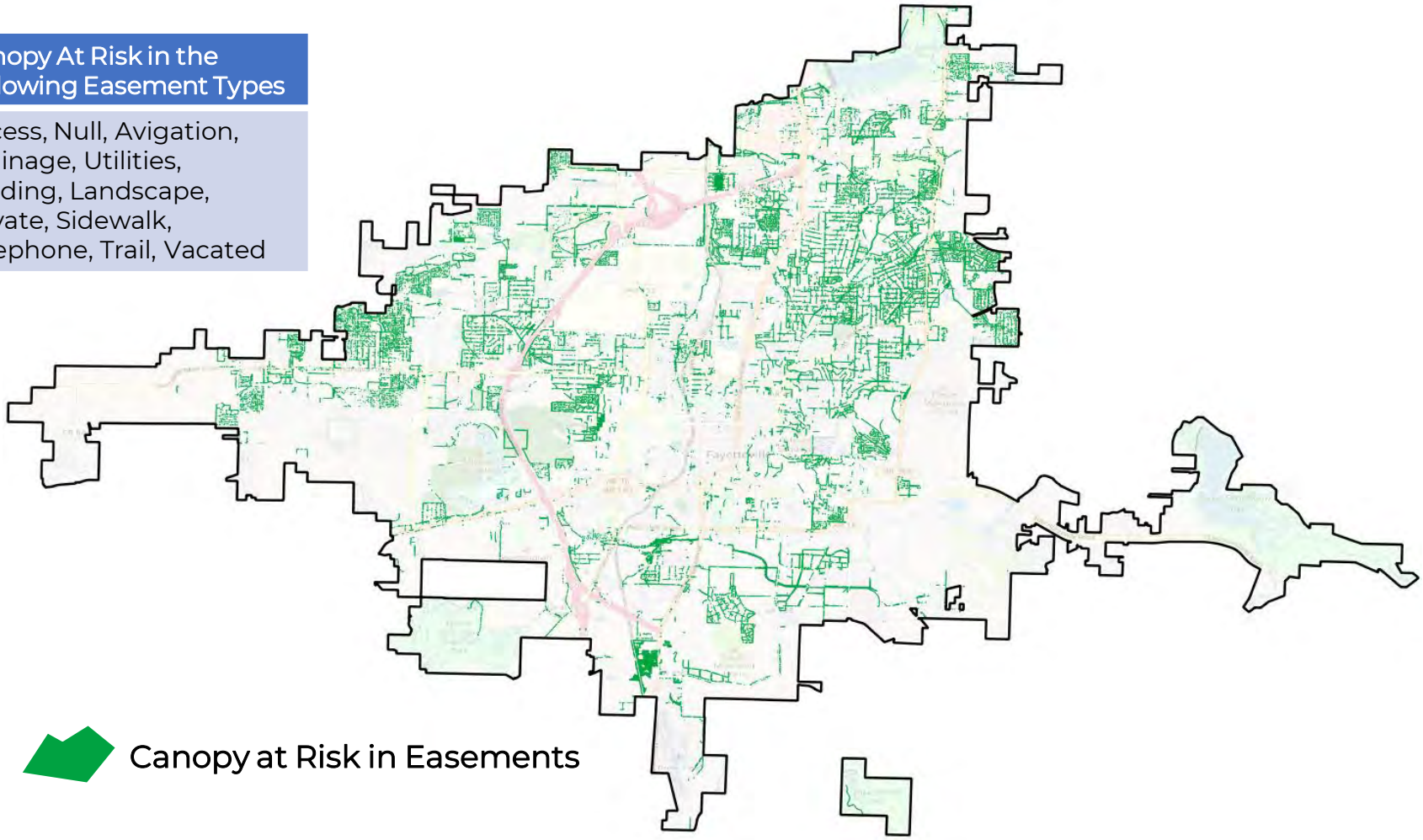
Canopy Likely Preserved	Canopy At Risk ("Vulnerable Easements"	Areas to Proactively Preserve
Conservation(?), Tree Preservation	Access, Null(?), Avigation, Drainage, Utilities, Grading, Landscape, Private, Sidewalk, Telephone, Trail, Vacated	Access, Landscape, Sidewalk, Trail, Vacated

Canopy in At Risk Easements

Acres of Vulnerable Easements	Canopy Acres of Vulnerable Easements	% Canopy of Vulnerable Easements
3,980.6	1,015.0	25%

Canopy At Risk in the Following Easement Types

Access, Null, Avigation, Drainage, Utilities, Grading, Landscape, Private, Sidewalk, Telephone, Trail, Vacated

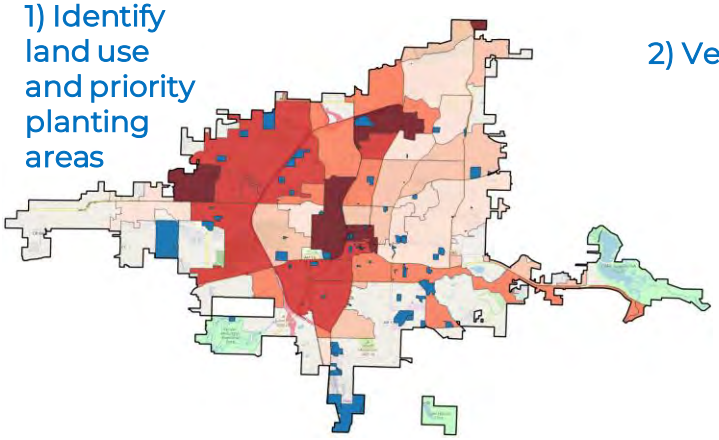


Canopy at Risk in Easements

Applying Canopy Goals & Priority Planting Areas with Consideration of Exclusion Areas

Priority Planting in Civic Institutional Land Use Areas to Achieve Canopy Goals

1) Identify land use and priority planting areas



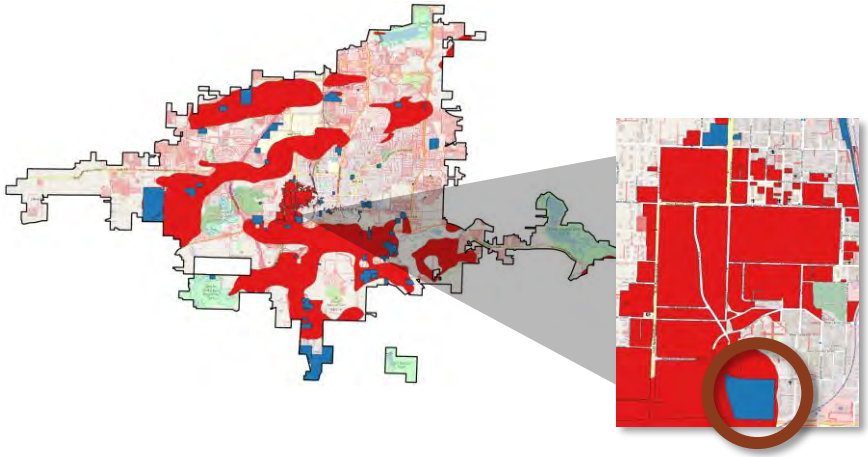
Average Surface Temperature

- City Boundary
- Civic Institutional Land Use
- 75 – 80
- 80 – 81
- 81 – 82
- 82 – 83
- 83 - 85

2) Verify and confirm the canopy goal and number of trees to plant for the land use

Future Land Use	Current Canopy %	Modeled Canopy %	Timeframe (years)	# of Trees per Year
Urban Center	16%	16%	30	1
City Neighborhood	30%	31%	30	106
Residential Neighborhood	41%	46%	30	1,050
Rural Residential	48%	53%	30	1,032
Non-Muni Government	17%	19%	30	55
Civic Institutional	30%	32%	30	74
Civic & Private Open Space	62%	65%	30	202
Natural	62%	65%	30	480
Industrial	30%	30%	30	3
Citywide	39%	44.7%	30 Years	3,003

3) Identify and remove non-plantable areas (university, easements, prairie)



Legend

- City Boundary
- Civic Institutional Land Use
- University grounds, vulnerable easements, and prairie
- Not plantable

4) Identify Possible Planting Area in priority area for the land use and determine planting locations



5) Continue to identify possible planting areas in priority areas for the land use to strategize how and where to plant 74 trees per year for 30 years to reach the 32% canopy goal for the Civic Institutional land use as shown in the table above in step #2



TREE INVENTORY SUMMARY

An internal summary of the public and private sample tree inventory to inform the

City of Fayetteville, AR
Urban Forest Management Plan

April 2023

CITY OF FAYETTEVILLE ARKANSAS

PlanITGeo developers of TreePlotter

CONTENTS

Tree Inventory Overview 1
About 1
Tree Inventory Database 1
Tree Inventory Counts 1
Data Fields Collected 2
Public Tree Sample Inventory Summary 3
Public Data Highlights (Sample Inventory) 3
Public Tree Location and Growing Space (Sample Inventory) 4
Public Tree Structure (Sample Inventory) 5
Public Tree Condition and Maintenance Needs (Sample Inventory) 7
Public Tree Conflicts (Sample Inventory) 8
Ecosystem Benefits and Services of the Public Tree Sample Inventory 10
Private Tree Sample Inventory Summary 11
Private Data Highlights (Sample Inventory) 11
Private Tree Location and Growing Space (Sample Inventory) 12
Private Tree Structure (Sample Inventory) 13
Private Tree Condition and Maintenance Needs (Sample Inventory) 15
Private Tree Conflicts (Sample Inventory) 16
Ecosystem Benefits and Services of the Private Tree Sample Inventory 18
Public Park and Trail Sample Tree Inventory 19
Summary of Sample Tree Inventories in Public Parks 19
Possible Public Planting Sites 20
Summary of Possible Planting Sites on Public Property 20
Estimated Characteristics of All Public Trees 21
Methodology 21
Public Tree Status 21
Public Tree Location and Growing Space (Estimated for All Public Trees) 21
Public Tree Structure (Estimated for All Public Trees) 23
Public Tree Condition and Maintenance Needs (Estimated for All Public Trees) 25
Public Tree Conflicts (Estimated for All Public Trees) 27
Estimated Ecosystem Benefits and Services of All Public Trees 28
Estimated Characteristics of All Private Trees 29
Methodology 29
Private Tree Status 29
Private Tree Location and Growing Space (Estimated for All Private Trees) 29
Private Tree Structure (Estimated for All Private Trees) 31
Private Tree Condition and Maintenance Needs (Estimated for All Private Trees) 33
Private Tree Conflicts (Estimated for All Private Trees) 35
Estimated Ecosystem Benefits and Services of All Private Trees 36

TABLES AND FIGURES

Tables

Table 1. Counts for the public and private sample tree inventory 1
Table 2. Data fields collected as part of the 2022 sample tree inventory 2
Table 3. Summary of the sample public tree inventory 3
Table 4. Ecosystem benefits and services of the sample public trees 10
Table 5. Summary of the sample private tree inventory 11
Table 6. Ecosystem benefits and services of the sample private trees 18
Table 7. Tree data summaries for parks inventoried in 2022 19
Table 8. Summary of possible public planting sites inventoried in 2022 20
Table 9. Estimated ecosystem benefits and services of all public trees 28
Table 10. Estimated ecosystem services and benefits of all private trees 36

Figures

Figure 1. Distribution of (sample) public trees by land use 4
Figure 2. Distribution of (sample) public trees by growing spaces 4
Figure 3. Distribution of (sample) public trees by planting site width 5
Figure 4. Distribution of (sample) public trees by genus (top 10) 5
Figure 5. Distribution of (sample) public trees by tree species (top 10) 6
Figure 6. Comparison of Fayetteville's (sample) public tree sizes classes to the ideal distribution (Richards, 1993) 6
Figure 7. Distribution of (sample) public trees by condition 7
Figure 8. Observations of the (sample) public trees 7
Figure 9. Recommended tree work for (sample) public trees 8
Figure 10. Summary of utility conflicts of (sample) public trees 8
Figure 11. Existing clearance conflicts of the public tree sample inventory 9
Figure 12. Distribution of (sample) private trees by land use 12
Figure 13. Distribution of growing space for the (sample) private trees 12
Figure 14. Distribution of (sample) private trees planting site widths 13
Figure 15. Distribution of (sample) private tree genera (top 10) 13
Figure 16. Distribution of (sample) private tree species (top 10) 14
Figure 17. Comparison of Fayetteville's (sample) private tree size classes to the ideal distribution (Richards, 1993) 14
Figure 18. Distribution of (sample) private trees by condition 15
Figure 19. Summary of observations from the private sample tree inventory 15
Figure 20. Recommended tree work for the (sample) private tree inventory 16
Figure 21. Summary of the wire conflicts for the (sample) private tree inventory 16
Figure 22. Existing clearance conflicts of the (sample) private tree inventory 17
Figure 23. Estimated status of all public trees 21
Figure 24. Estimated adjacent land use of all public trees 21
Figure 25. Estimated growing space of all public trees 22
Figure 26. Estimated planting site widths of all public trees 22
Figure 27. Estimated tree genera diversity for all public trees (top 10) 23
Figure 28. Estimated tree species diversity for all public trees (top 10) 24
Figure 29. Estimated distribution of diameter classes for all public trees compared to the ideal distribution (Richards,) 25
Figure 30. Estimated condition of all public trees 25
Figure 31. Estimated observations and defects of all public trees 26
Figure 32. Estimated tree work needed for all public trees 26
Figure 33. Estimated wire conflicts for all public trees 27
Figure 34. Estimated clearance conflicts of all public trees 27
Figure 35. Estimated status of all private trees 29
Figure 36. Estimated land use of all private trees 29
Figure 37. Estimated growing space of all private trees 30
Figure 38. Estimated planting site widths of all private trees 30
Figure 39. Estimated tree genera diversity of all private trees (top 10) 31
Figure 40. Estimated tree species diversity of all private trees (top 10) 32
Figure 41. Estimated distribution of diameter classes for all private trees compared to the ideal distribution (Richards,) 33
Figure 42. Estimated condition of all private trees 33
Figure 43. Estimated observations and defects of all private trees 34
Figure 44. Estimated tree work needed for all private trees 34
Figure 45. Estimated wire conflicts of all private trees 35
Figure 46. Estimated clearance conflicts of all private trees 35

TREE INVENTORY OVERVIEW

About

In October 2022, a sample inventory of public and private trees in Fayetteville, Arkansas was conducted by PlanIT Geo's Certified Arborists accredited by the International Society of Arboriculture. The scope of the public and private tree sample inventory was prepared as part of the City's Urban Forest Management Plan ("UFMP" or "Plan") project that is currently underway as of November 2022. The tree inventory is intended to gather data that informs the current extent, structure, characteristics, and maintenance needs of the urban forest that can be addressed in the UFMP.

Due to limited funding, a comprehensive inventory was not conducted though sampling methods were used in order to extrapolate the data to represent the total public and private tree populations, respectively. To do this, a sample inventory of public trees along approximately 5 percent of linear road miles (25 miles) was conducted. For public trees in parks, approximately 10 percent of City park acres were inventoried. The locations for the public tree inventory were determined by the City's Urban Forester and PlanIT Geo's Field Services team. For the private tree sample, an inventory of trees on private property was conducted when adjacent to public trees being inventoried. Data collection for private trees was not conducted on or within private property— the inventory was conducted within public rights-of-way (i.e., sidewalks) to provide a snapshot of the extent, structure, and characteristics of private trees. In addition to trees, possible available public planting sites were also inventoried based on criteria provided by the City's Urban Forester.

In November 2022, the Consulting Team developing the UFMP reviewed and analyzed the tree inventory datasets and provided summary worksheets and this draft summary report. The following details the draft outcomes of the analysis. Additional analyses such as ecosystem benefits and extrapolating the data to represent the Citywide urban forest remains to be done as part of the UFMP project.

Note, the public and private tree sample inventory analysis was conducted in the months of November and December 2022. Due to ongoing tree maintenance and the dynamic characteristics of trees, changes such as condition, tree size, and maintenance needs may have changes since the analysis.

Tree Inventory Database

www.pg-cloud.com/FayettevilleAR

Tree Inventory Counts

Tree Population / Feature	Public Datasets	Private Datasets
Total Data Points	3,076	850
Total Tree Points (alive and dead)	2,712	848
Possible Planting Sites (includes removed and stump)	364	2 (stumps)
Total Living Trees	2,568	830
Total Dead Trees	144	18

Table 1. Counts for the public and private sample tree inventory

Data Fields Collected

TreePlotter Tab	Data Field	Public Tree Dataset	Private Tree Dataset
Tree Tab	Primary ID	X	X
	Status	X	X
	Common Name	X	X
	Scientific Name	X	X
	Number of Stems	X	X
	Condition	X	X
	DBH	X	X
	DBH Range	X	X
	Observations	X	X
	Private Parcel Tree?	X	X
	Genus/Species Code	X	X
	Crown Light Exposure	X	X
Location Tab	Address	X	X
	Growing Space Type	X	X
	Land Use	X	X
	Planting Site Width	X	X
Management Tab	Tree Work	X	X
	Wires	X	X
	Clearance Conflicts	X	X
	User	X	X
	Date Added	X	X
	Last Modified	X	X
	Last Modified User	X	X

Table 2. Data fields collected as part of the 2022 sample tree inventory

PUBLIC TREE SAMPLE INVENTORY SUMMARY

Includes public street, median, park, and trail trees

Public Data Highlights (Sample Inventory)

Field	Value
Data Points	2,740 public data points
Alive & Dead Trees	2,568 (95%) Alive 144 (5%) Dead
Adjacent Land Use	68% Park/Vacant/Other 15% Single Family
Primary Growing Space Type	Other (Maintained): 39% Planting Strip: 27%
Primary Planting Site Width	Class II (medium) 6-10 feet: 42% (1,151 trees) Class III (large) 11+ feet: 36% (964 trees)
Number of Unique Tree Genera	54
Most Common Tree Genera	*Quercus*: 31% (838 trees) *Ulmus*: 15% (411 trees) *Acer*: 8% (213 trees)
Proportion of Top 10 Tree Genera	Top 10 comprise 74% of public trees
Number of Unique Tree Species	111
Most Common Tree Species	Princeton elm: 7% (189 trees) Post oak: 6% (175 trees) Willow oak: 6% (165 trees)
Proportion of Top 10 Tree Species	Top 10 comprise 44% of public trees
Tree Size Classes	55% 0-6in DBH (1,499 trees) 19% 6-12in DBH (516 trees) 14% 12-18in DBH (367 trees) 6% 18-24in DBH (158 trees) 4% 24-30in DBH (122 trees) 2% >30in DBH (50 trees)
Average Diameter / Largest Tree	8.1 inch average / 62 inch baldcypress
Tree Condition	0.04% Excellent (1 tree) 75% Good (2,043 trees) 15% Fair (394 trees) 5% Poor (130 trees) 5% Dead (144 trees)
Observations	30% Crown Dieback (813 trees) 6% Cavity Decay (174 trees)
Recommended Tree Work	Clearance Prune: 8% (217 trees) Remove Tree: 6% (162 trees) Utility Prune: 3% (72 trees)
Wire Conflicts	Wires present & conflicting: 72 trees (3%)
Clearance Conflicts	Pedestrian: 2% (53 trees) Building: 1% (37 trees)
Ecosystem Benefits	$7,767 Overall Annual Value

Table 3. Summary of the sample public tree inventory

Public Tree Location and Growing Space (Sample Inventory)

Adjacent Land Use of Public Trees

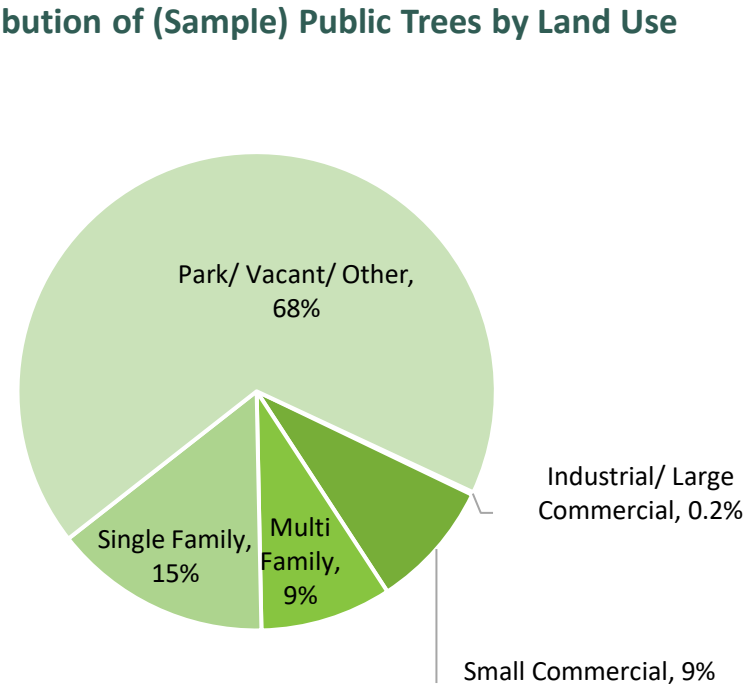


Figure 1. Distribution of (sample) public trees by land use

Growing Space Type of Public Trees

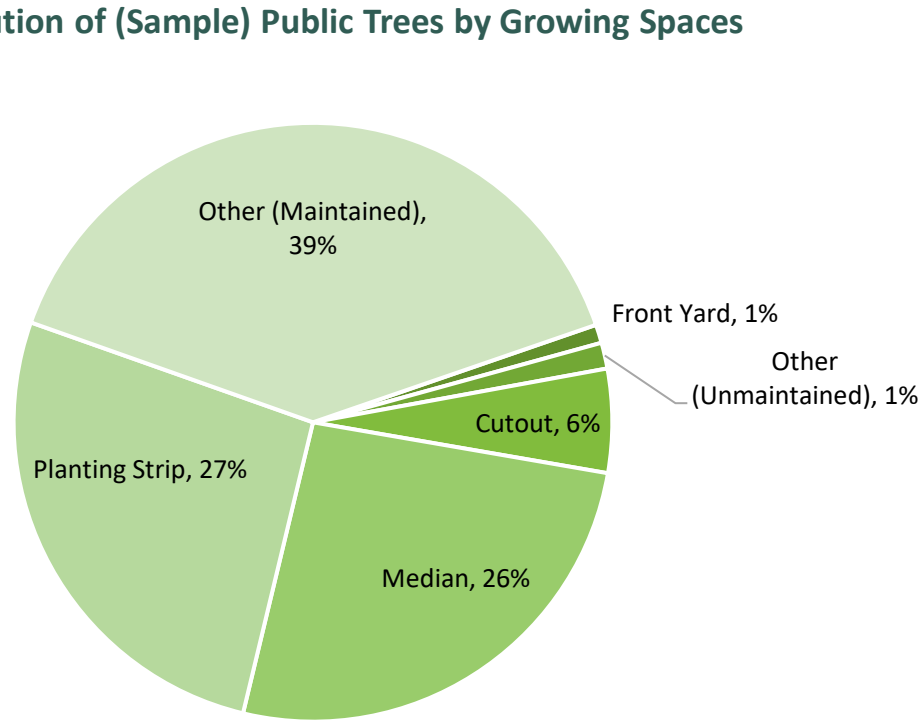


Figure 2. Distribution of (sample) public trees by growing spaces

Existing Tree Planting Site Width of Public Trees

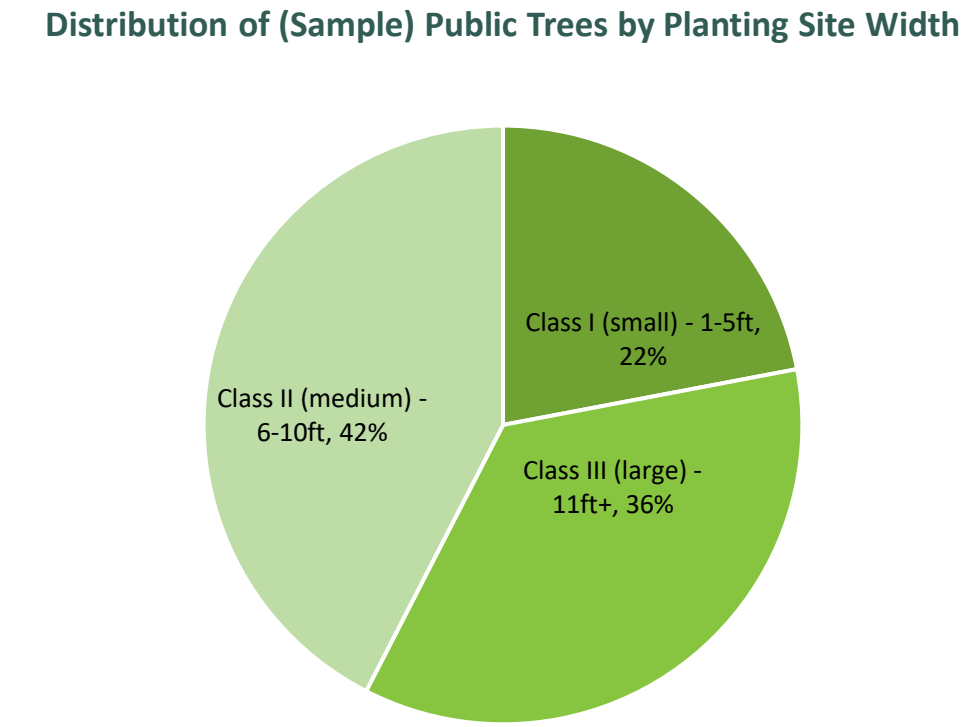


Figure 3. Distribution of (sample) public trees by planting site width

Public Tree Structure (Sample Inventory)

Public Tree Genera Composition

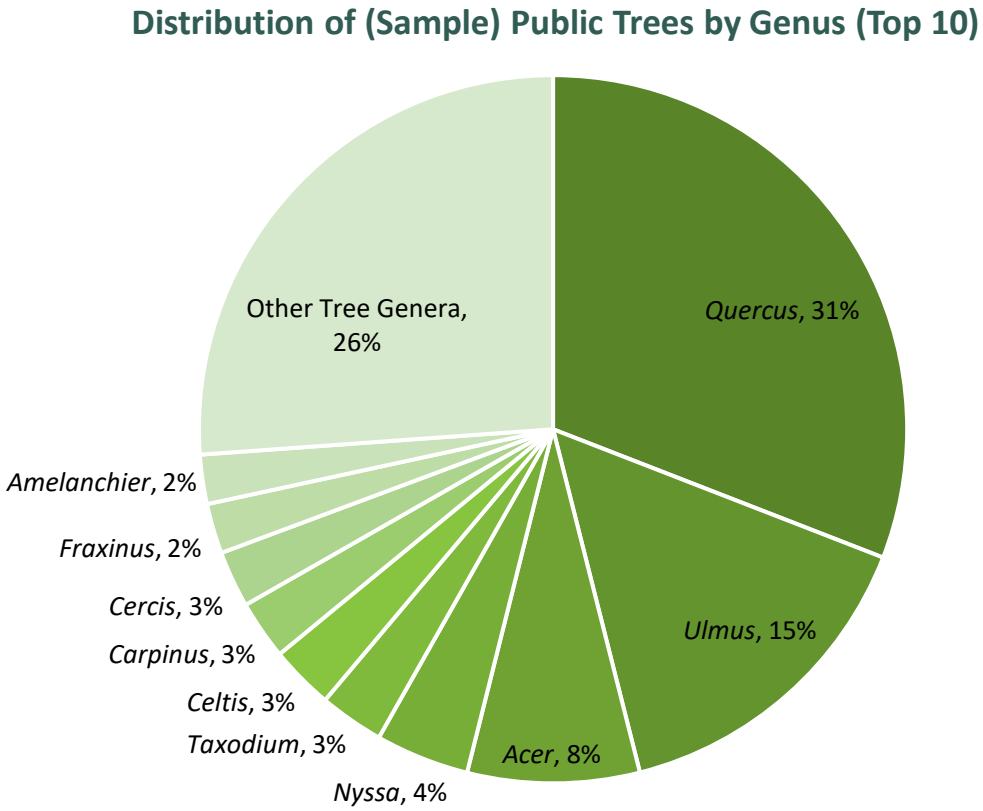


Figure 4. Distribution of (sample) public trees by genus (top 10)

Public Tree Species Composition

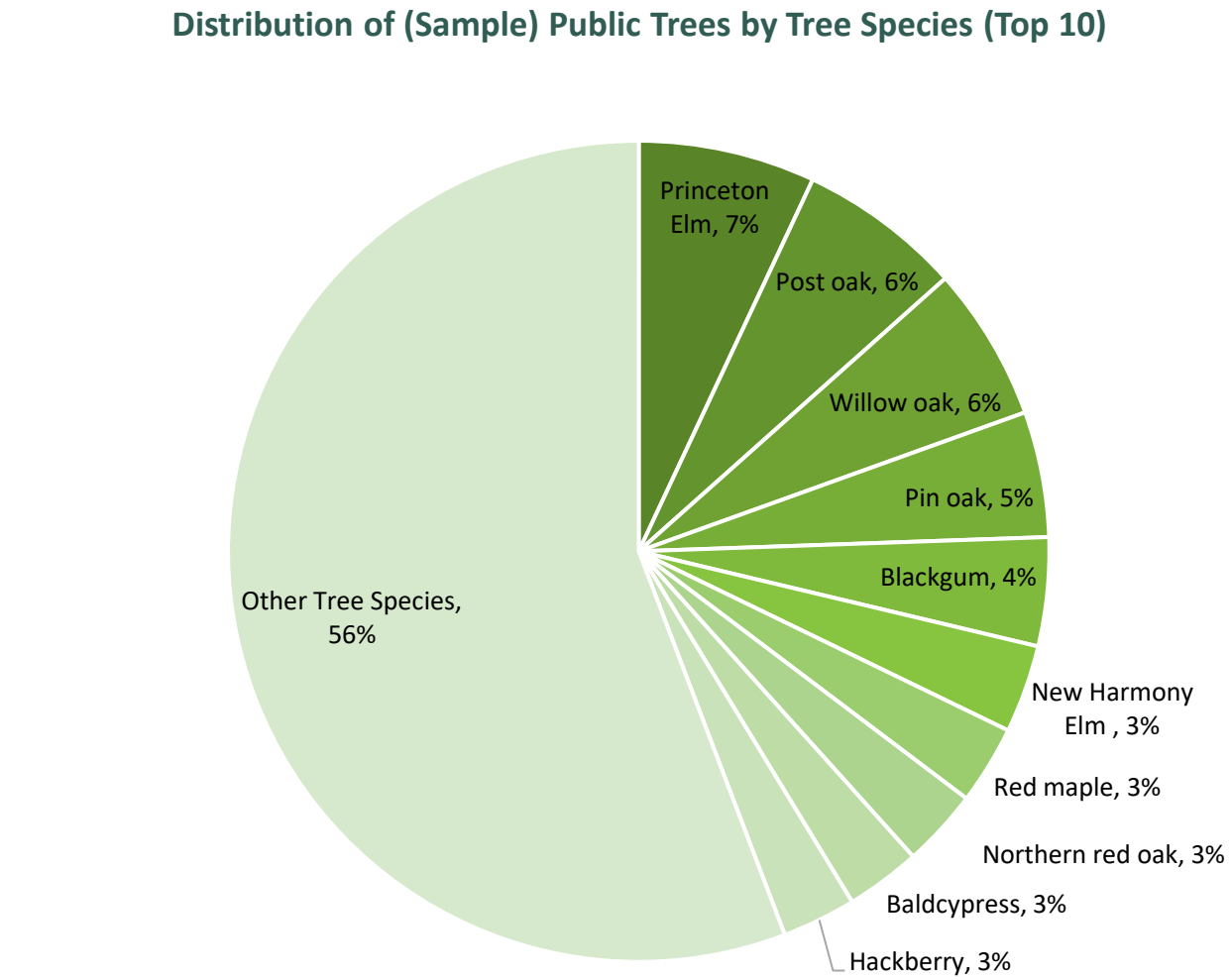


Figure 5. Distribution of (sample) public trees by tree species (top 10)

Public Tree Size Classes and Relative Age Distribution

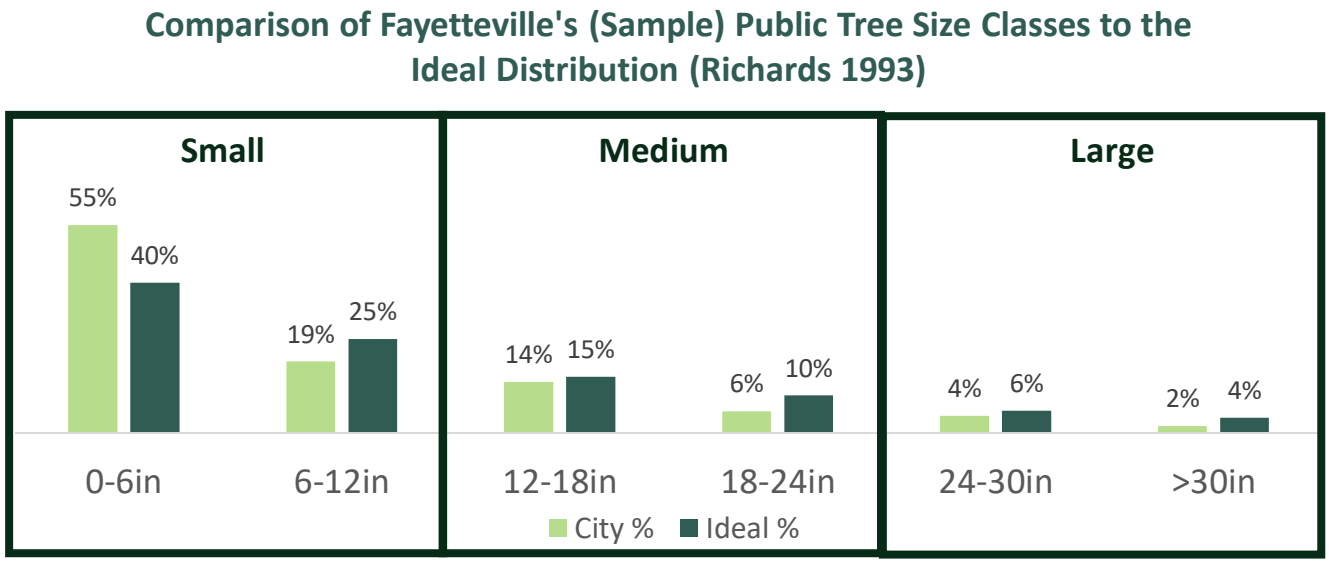


Figure 6. Comparison of Fayetteville's (sample) public tree sizes classes to the ideal distribution (Richards, 1993)

Public Tree Condition and Maintenance Needs (Sample Inventory)

Public Tree Condition

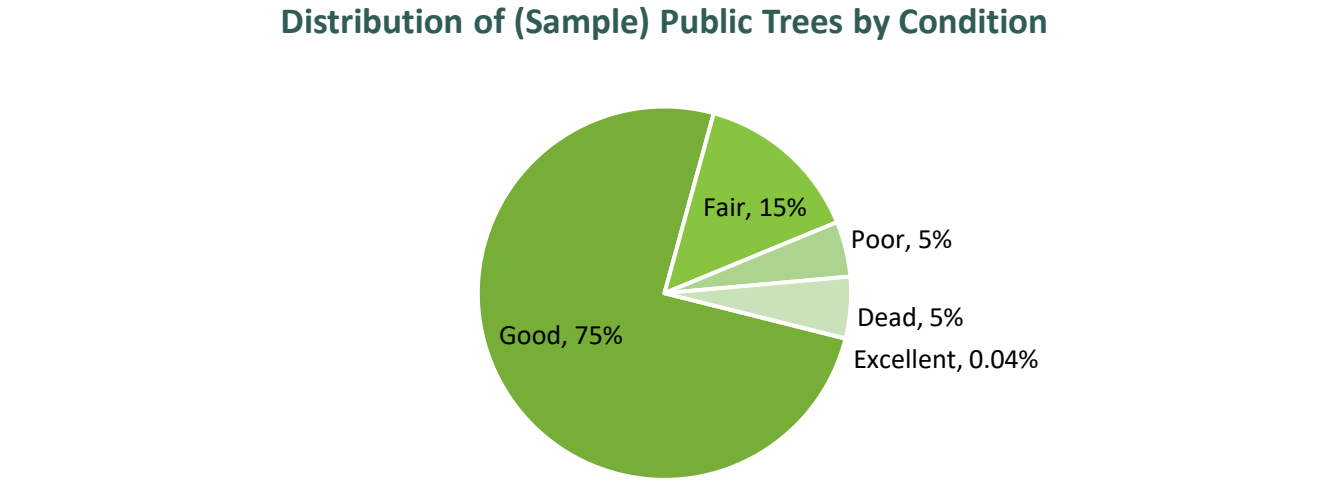


Figure 7. Distribution of (sample) public trees by condition

Public Tree Observations

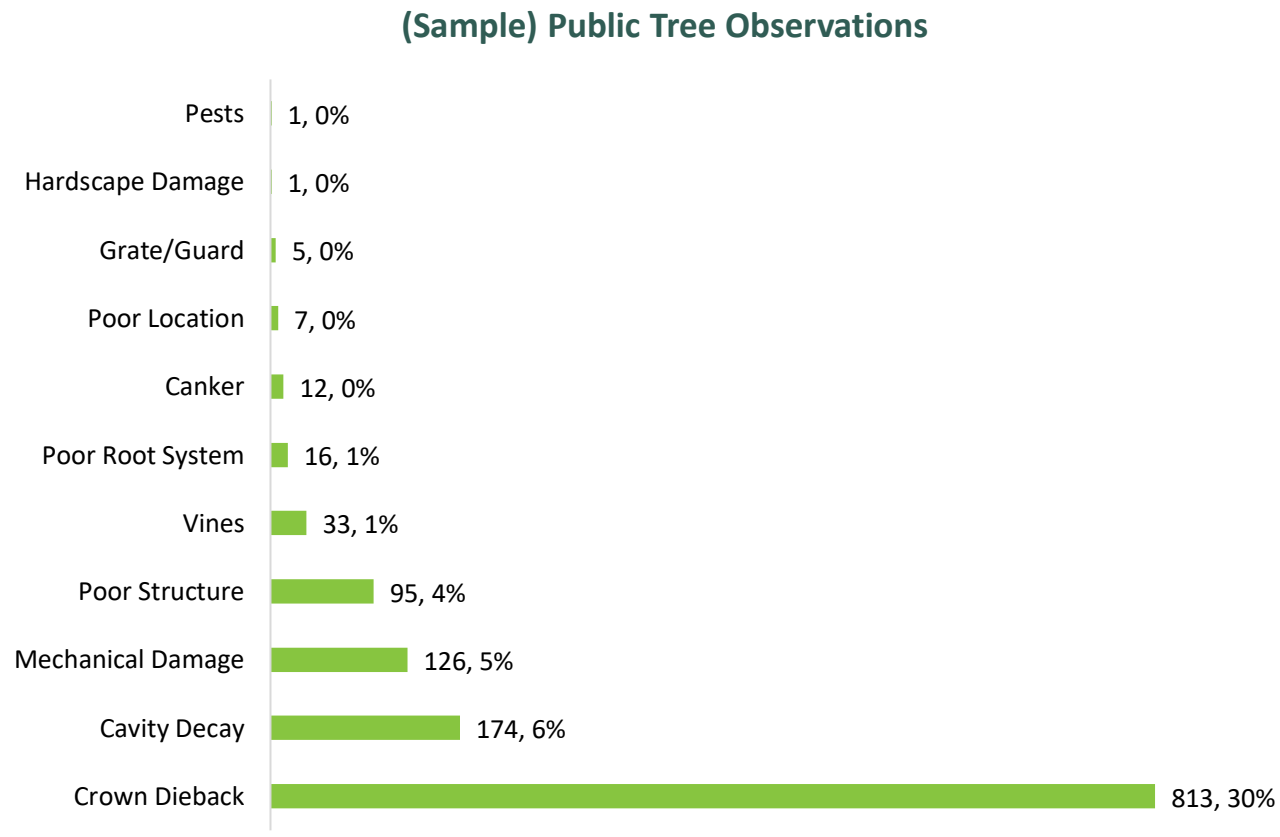


Figure 8. Observations of the (sample) public trees

Recommended Maintenance of Public Trees ("Tree Work")

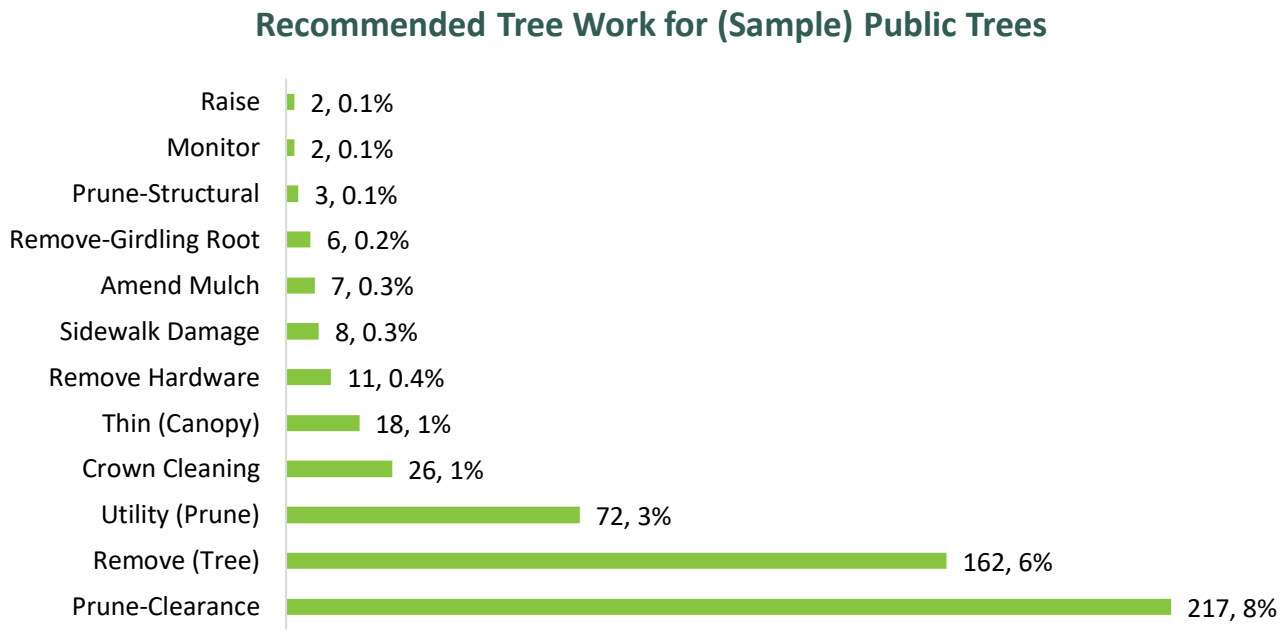


Figure 9. Recommended tree work for (sample) public trees

Public Tree Conflicts (Sample Inventory)

Public Tree Wire Conflicts

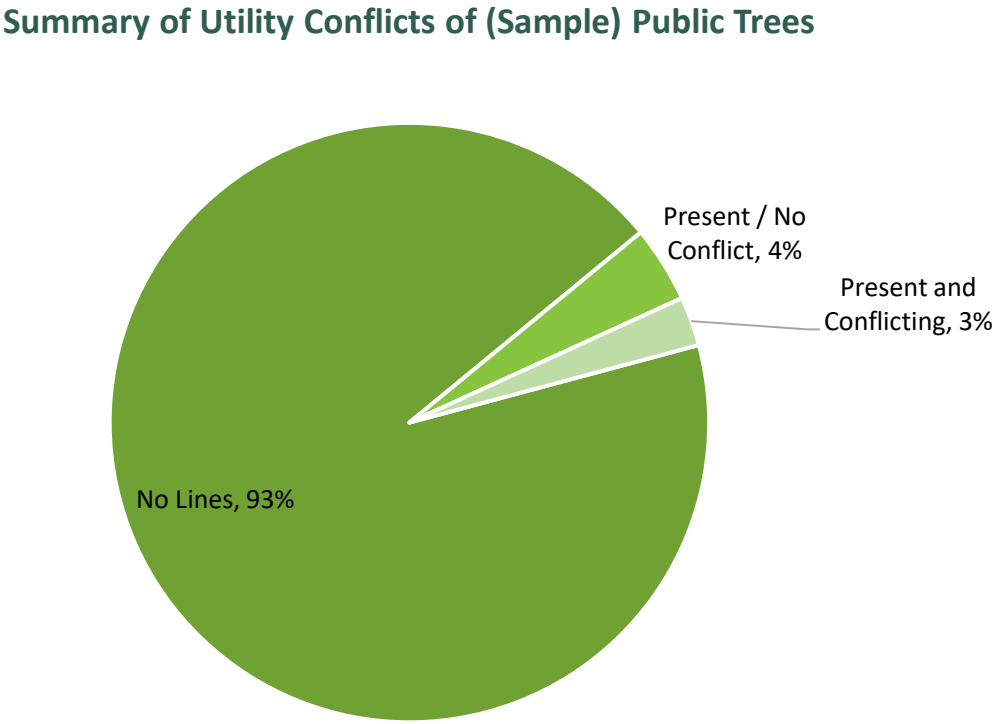


Figure 10. Summary of utility conflicts of (sample) public trees

Public Tree Clearance Conflicts

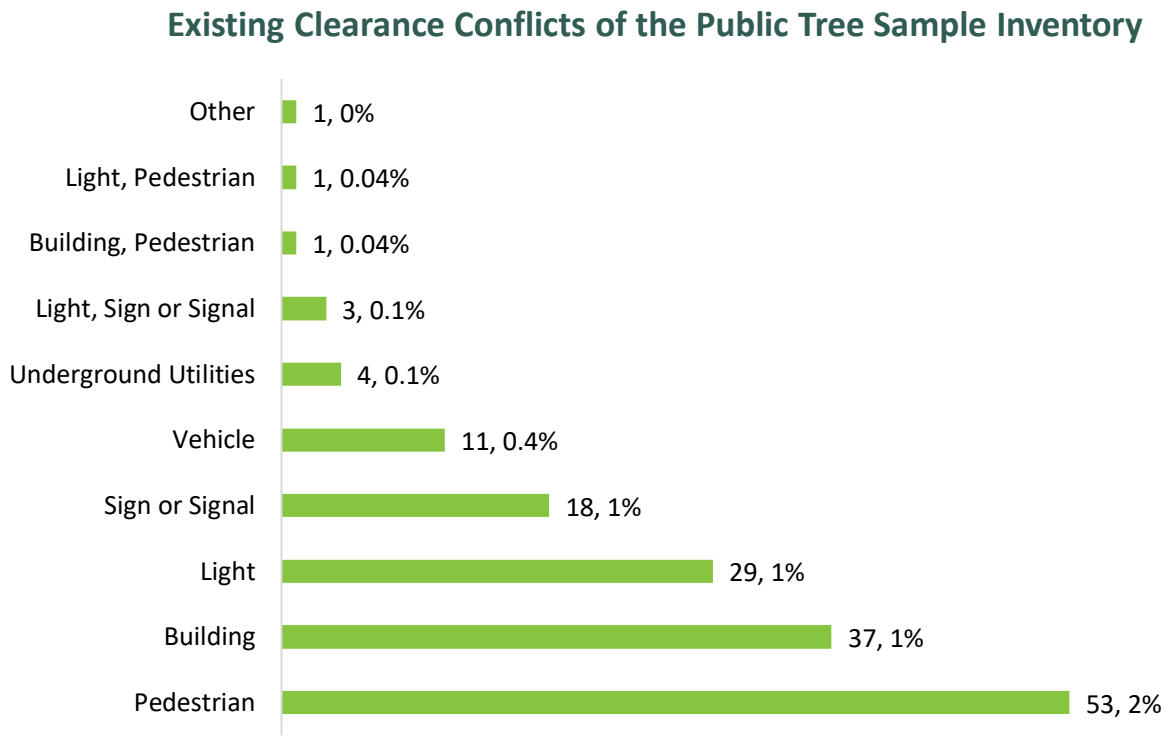


Figure 11. Existing clearance conflicts of the public tree sample inventory

Ecosystem Benefits and Services of the Public Tree Sample Inventory

Table 4. Ecosystem benefits and services of the sample public trees

ECOSYSTEM BENEFITS	AMOUNT FOR 2712 TREES	AVERAGE PER TREE	TOTAL FOR 25,000 PUBLIC TREES
Overall Monetary Benefit ($)	$7,767	$2.86	$71,599.65
Air Quality Monetary Benefit ($)	$2,598	$0.96	$23,949.30
CO (Carbon Monoxide) Pollution Removed (lbs)	12	0.004480	112.00
CO Removed Monetary Benefit ($)	$8	$0.003	$71.72
NO2 (Nitrogen Dioxide)Pollution Removed (lbs)	55	0.02	505.90
NO2 Removed Monetary Benefit ($)	$11.1	$0.004	$102.69
O3(Ozone) Pollution Removed (lbs)	1,046	$0.39	$9,643.25
O3 Removed Monetary Benefit ($)	$1,233	$0.45	$11,366.70
PM2.5 (Particulate Matter 2.5 microns) Pollution Removed (lbs)	28	0.01	257.65
PM2.5 Removed Monetary Benefit ($	$1,339	$0.49	$12,343.93
SO2 (Sulfur dioxide) Pollution Removed (lbs)	21	0.01	189.07
SO2 Removed Monetary Benefit ($)	$0.01	$0.000004	$0.09
Pollutants Removed (lbs)	1,169	0.43	10776.27
Carbon Sequestrated Monetary Benefit ($)	$3,646	$1.34	$33,613.57
Carbon Sequestered (lbs)	156,765	57.8	1445102.2
Stormwater Monetary Benefit ($)	$1,524.53	$0.56	$14,053.56
Evaporation (ft^3)	289,960	106.9	2672938.6
Interception (ft^3)	290,397	107.1	2676967.0
Transpiration (ft^3)	613,646	226.3	5656762.4
Potential Evaporation (ft^3)	2,500,561	922.0	23050897.7
Evapotranspiration (ft^3)	1,892,393	697.8	17444623.9
Runoff Avoided (ft^3)	22,804	8.4	210213.8
CO2 Storage (lbs)	5,348,466	1972.1	49303704.8
CO2 Storage Monetary Benefit ($)	$124,391	$45.87	$1,146,668.05
Carbon Dry Weight (lbs)	2,917,345	1075.72	26892933.08
Carbon Storage (lbs)	1,458,672	537.86	13446459.26

"lbs" = pounds; "gal" = gallons; "ft^3"= cubic feet

PRIVATE TREE SAMPLE INVENTORY SUMMARY

Private Data Highlights (Sample Inventory)

Field	Value
Data Points	850
Alive & Dead Trees	848
Adjacent Land Use	39% Single Family 27% Multi Family
Primary Growing Space Type	Other (Maintained): 70% Front Yard: 19%
Primary Planting Site Width	Class III (large) 11+ feet: 62% Class II (medium) 6-10 feet: 20%
Number of Unique Tree Genera	34
Most Common Tree Genera	*Quercus*: 19% (159 trees) *Acer*: 12% (103 trees) *Pinus*: 9% (75 trees)
Proportion of Top 10 Tree Genera	Top 10 comprise 78% of private trees
Number of Unique Tree Species	64
Most Common Tree Species	Pin oak: 9% (76 trees) Loblolly pine: 8% (65 trees) Red maple: 8% (64 trees)
Proportion of Top 10 Tree Species	Top 10 comprise 57% of private trees
Tree Size Classes	39% 0-6in DBH (334 trees) 20% 6-12in DBH (171 trees) 23% 12-18in DBH (198 trees) 10% 18-24in DBH (83 trees) 5% 24-30in DBH (44 trees) 2% >30in DBH (18 trees)
Average Diameter / Largest Tree	10.2 inch average / 34 inch tulip tree
Tree Condition	0.1% Excellent (1 tree) 70% Good (594 trees) 24% Fair (202 trees) 4% Poor (33 trees) 2% Dead (20 trees)
Observations	41% Crown Dieback (346 trees) 9% Cavity Decay (75 trees)
Recommended Tree Work	Clearance Prune: 9% (74 trees) Remove Hardware: 6% (53 trees) Remove (Tree): 3% (23 trees)
Wire Conflicts	Wires present & conflicting: 17 trees (2%)
Clearance Conflicts	Building: 4% (33 trees) Pedestrian: 3% (23 trees)
Ecosystem Benefits	$3,295 Overall Annual Value

Table 5. Summary of the sample private tree inventory

Private Tree Location and Growing Space (Sample Inventory)

Adjacent Land Use of Private Trees

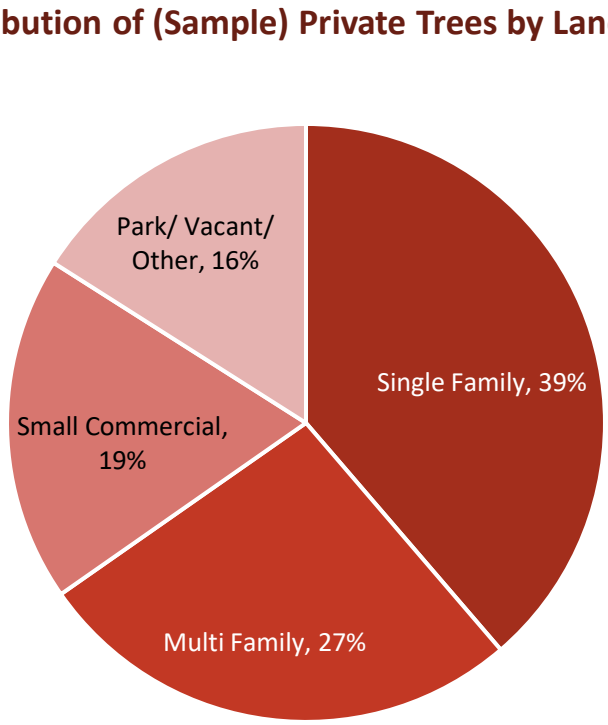


Figure 12. Distribution of (sample) private trees by land use

Growing Space Type of Private Trees

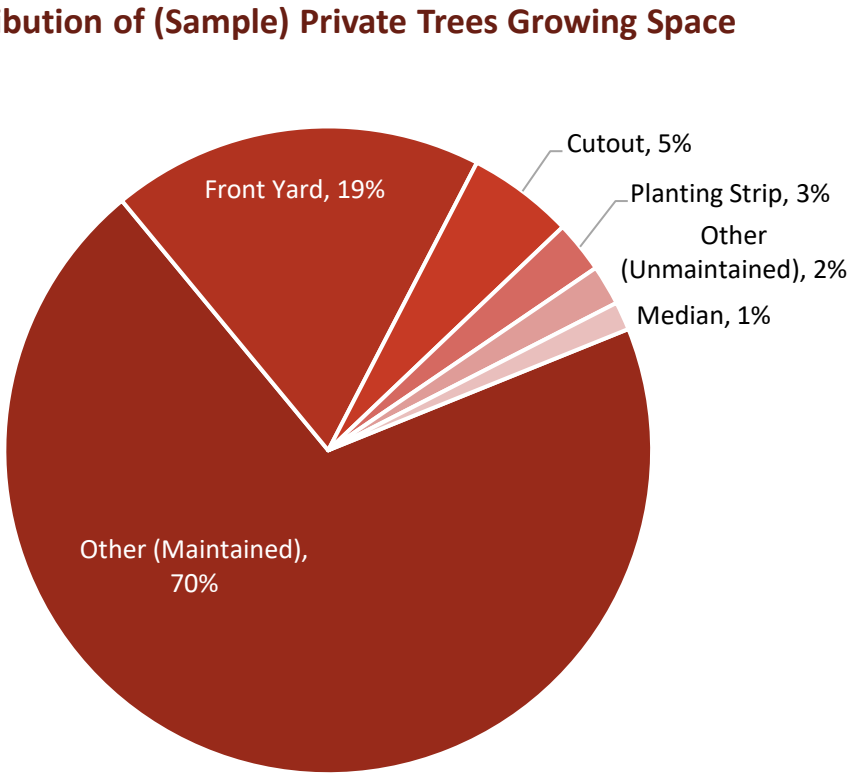


Figure 13. Distribution of growing space for the (sample) private trees

Existing Tree Planting Site Width of Private Trees

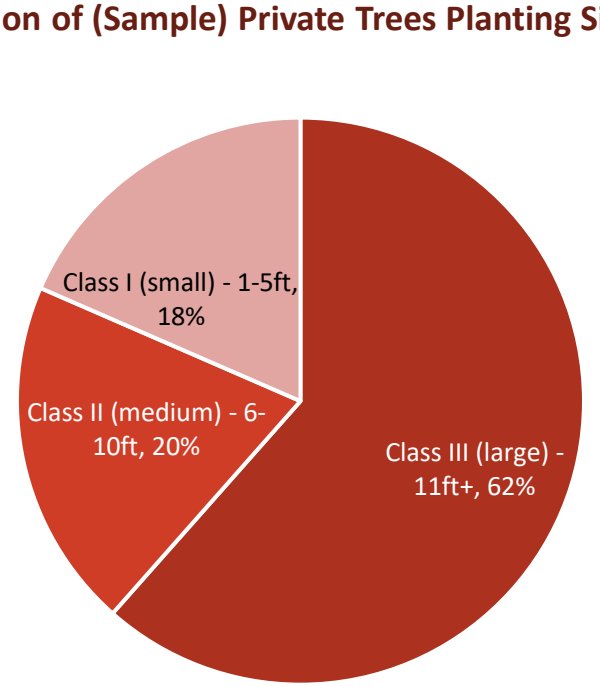


Figure 14. Distribution of (sample) private trees planting site widths

Private Tree Structure (Sample Inventory)

Private Tree Genera Composition

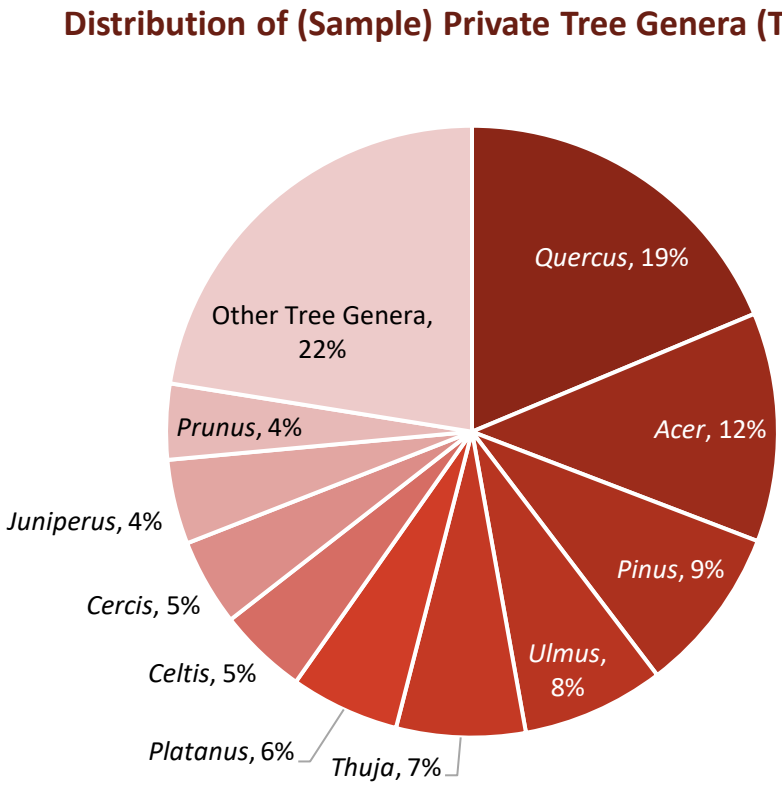


Figure 15. Distribution of (sample) private tree genera (top 10)

Private Tree Species Composition

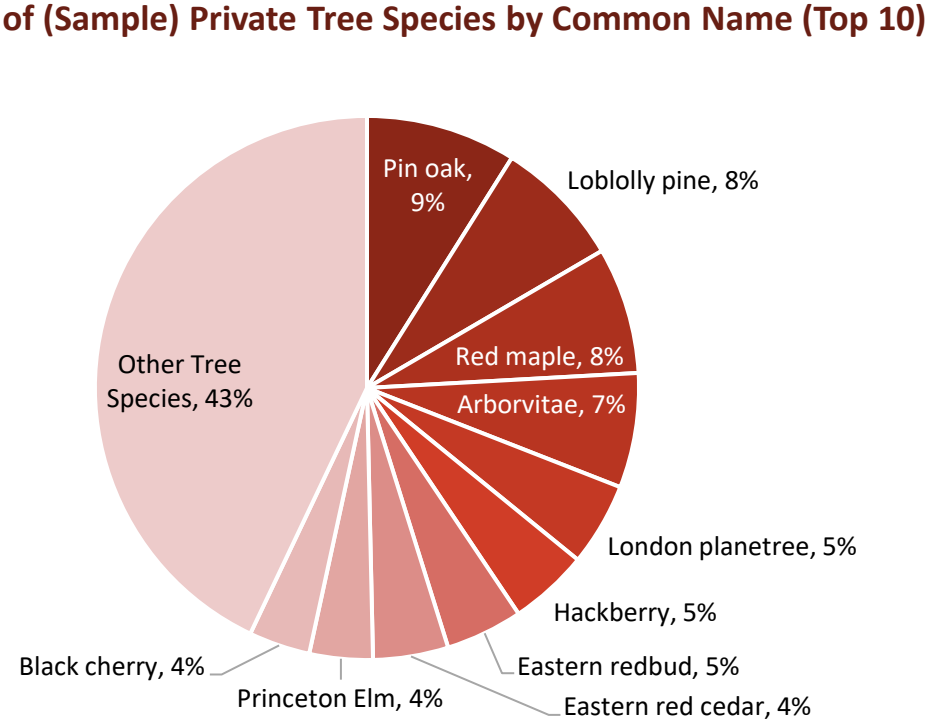


Figure 16. Distribution of (sample) private tree species (top 10)

Private Tree Size Classes and Relative Age Distribution

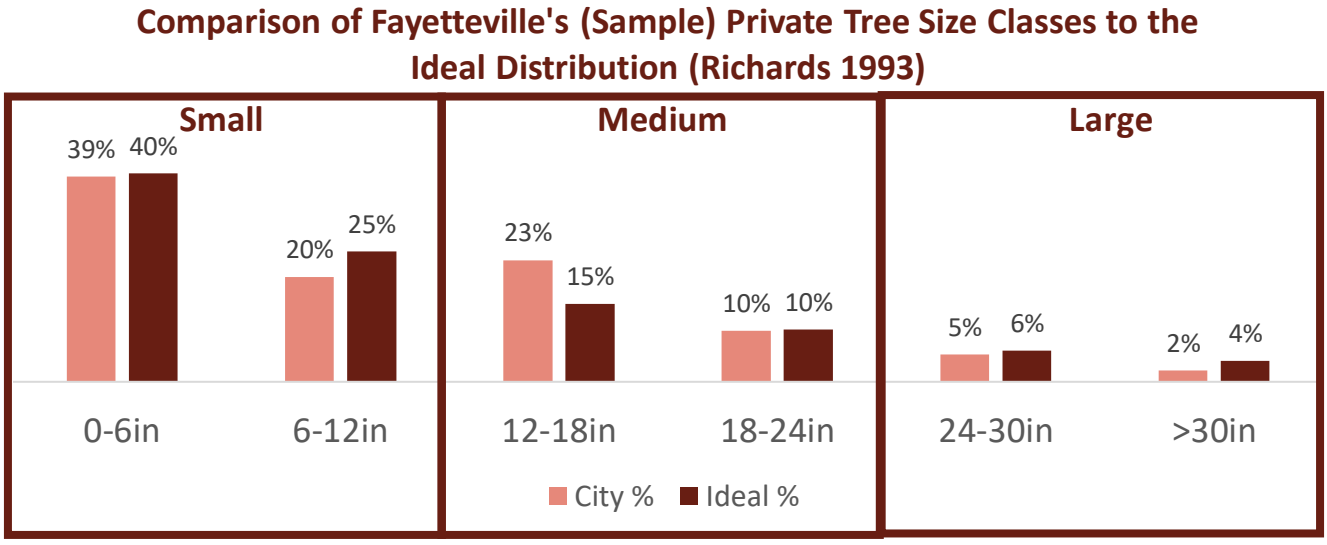


Figure 17. Comparison of Fayetteville's (sample) private tree size classes to the ideal distribution (Richards, 1993)

Private Tree Condition and Maintenance Needs (Sample Inventory)

Private Tree Condition

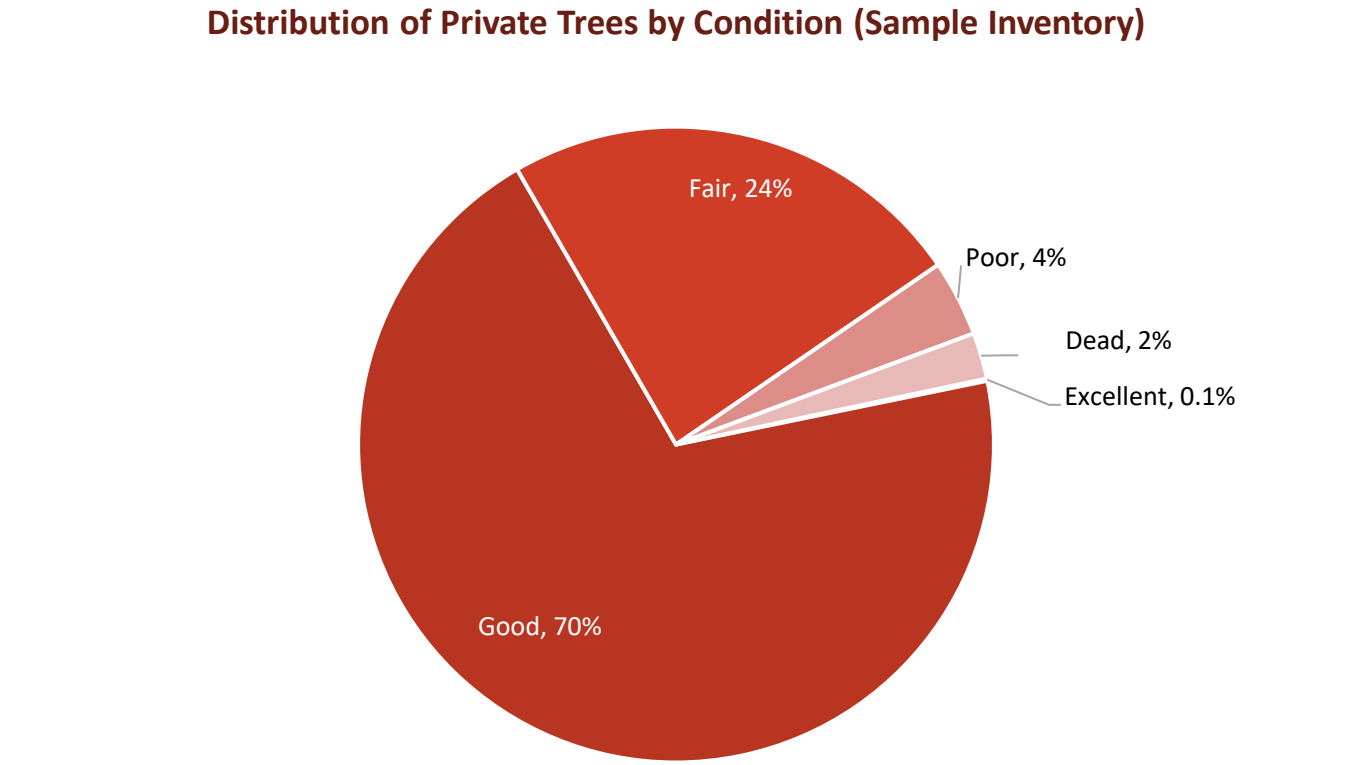


Figure 18. Distribution of (sample) private trees by condition

Private Tree Observations

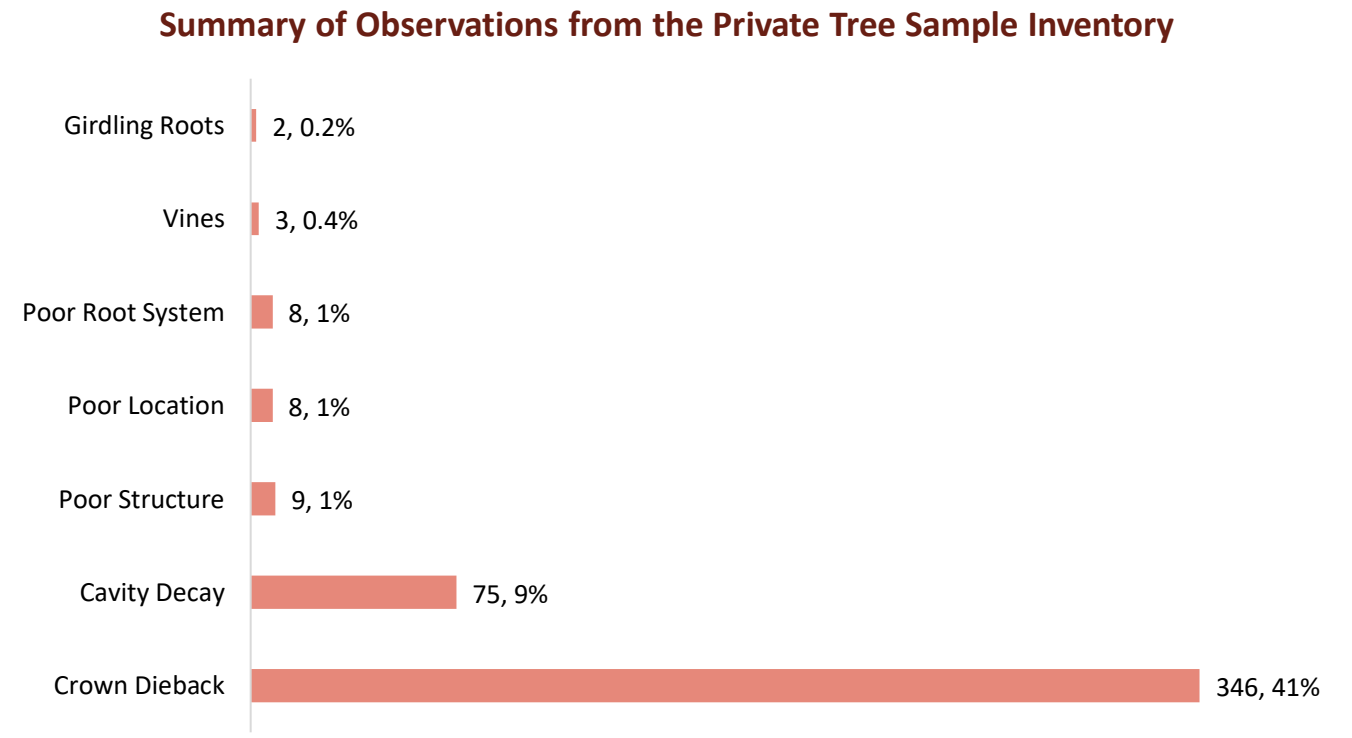


Figure 19. Summary of observations from the private sample tree inventory

Recommended Maintenance of Private Trees ("Tree Work")

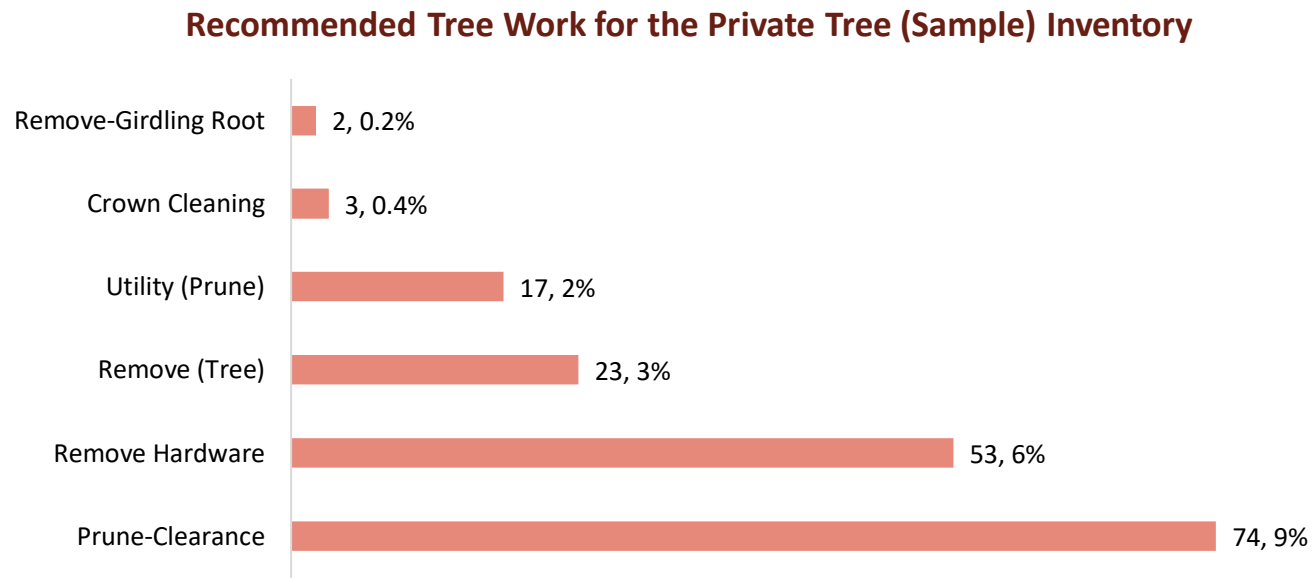


Figure 20. Recommended tree work for the (sample) private tree inventory

Private Tree Conflicts (Sample Inventory)

Private Tree Wire Conflicts

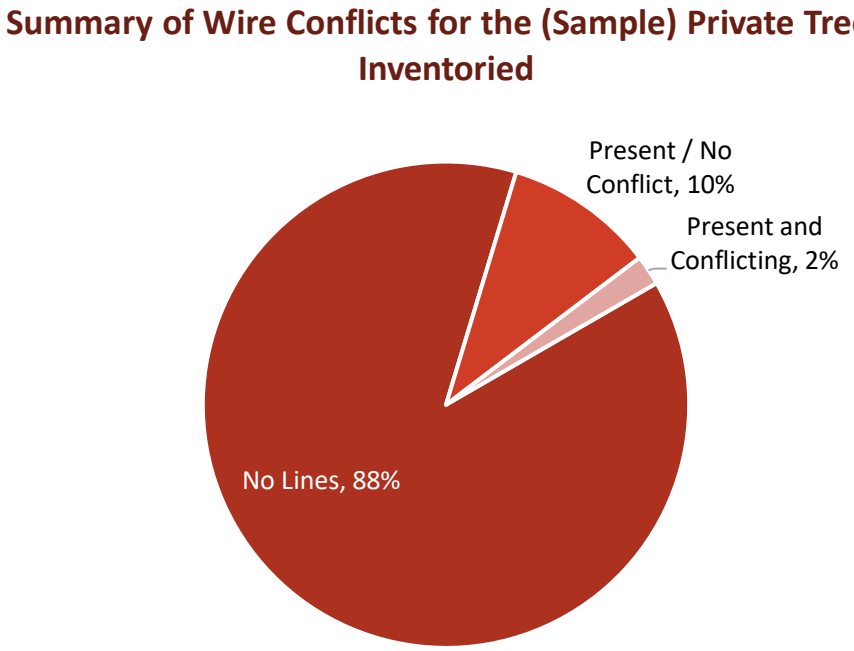


Figure 21. Summary of the wire conflicts for the (sample) private tree inventory

Private Tree Clearance Conflicts

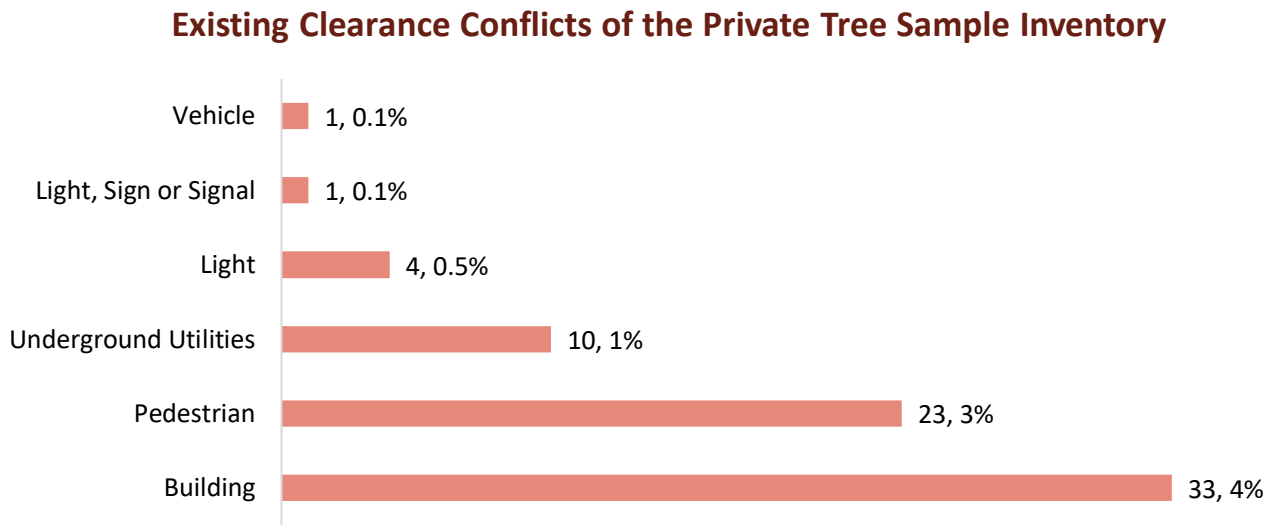


Figure 22. Existing clearance conflicts of the (sample) private tree inventory

Ecosystem Benefits and Services of the Private Tree Sample Inventory

Table 6. Ecosystem benefits and services of the sample private trees

ECOSYSTEM BENEFITS	Amount 830 Private trees	AVERAGE PER TREE
Overall Monetary Benefit ($)	$3,295	$3.97
Air Quality Monetary Benefit ($)	$1,153	$1.39
CO (Carbon Monoxide) Pollution Removed (lbs)	5	0.006
CO Removed Monetary Benefit ($)	$3	$0.00
NO2 (Nitrogen Dioxide)Pollution Removed (lbs)	25	0.03
NO2 Removed Monetary Benefit ($)	$5.0	$0.01
O3(Ozone) Pollution Removed (lbs)	422	0.51
O3 Removed Monetary Benefit ($)	$496	$0.60
PM2.5 (Particulate Matter 2.5 microns) Pollution Removed (lbs)	14	0.02
PM2.5 Removed Monetary Benefit ($	$647	$0.78
SO2 (Sulfur dioxide) Pollution Removed (lbs)	9	0.01
SO2 Removed Monetary Benefit ($)	$0.00	$0.00
Pollutants Removed (lbs)	475	0.57
Carbon Sequestrated Monetary Benefit ($)	$1,656	$2.00
Carbon Sequestered (lbs)	71,206	85.79
Stormwater Monetary Benefit ($)	$486.00	$0.59
Evaporation (ft^3)	93,621	112.80
Interception (ft^3)	93,762	112.97
Transpiration (ft^3)	198,003	238.56
Potential Evaporation (ft^3)	807,155	972.48
Evapotranspiration (ft^3)	610,884	736.00
Runoff Avoided (ft^3)	7,272	8.76
CO2 Storage (lbs)	2,015,538	2428.36
CO2 Storage Monetary Benefit ($)	$46,876	$56.48
Carbon Dry Weight (lbs)	1,099,385	1324.56
Carbon Storage (lbs)	549,692	$662.28

"lbs" = pounds; "gal" = gallons; "ft^3" = cubic feet

PUBLIC PARK AND TRAIL SAMPLE TREE INVENTORY

Summary of Sample Tree Inventories in Public Parks

Data Field	Wilson Park	Farmers Market	Frisco Park	Greathouse Park	Mt. Sequoyah Gardens	Mt. Sequoyah Trail
# of Data Points	485	41	61	95	48	179
Most Common Tree Genera	*Quercus* (41%)	*Prunus* (37%)	*Amel-anchier* (31%)	*Ulmus* (25%)	*Cercis* (19%)	*Quercus* (53%)
Most Common Tree Species	Post oak (19%)	Yoshino flowering cherry (37%)	Service-berry (31%)	Green ash (22%)	Eastern redbud (19%)	Post oak (38%)
Primary Condition	Good (84%)	Good (100%)	Good (80%)	Good (46%)	Good (67%)	Good (88%)
Primary Size Class	6-12in (21%)	6-12in (54%)	0-3in (41%)	6-12in (45%)	6-12in (46%)	12-18in (50%)
Tree Work	Clearance Prune (8%)	Clearance Prune (17%)	Remove Tree (3%)	Remove Tree (6%)	Crown Cleaning (13%)	Remove Tree (3%)
Primary Observation	Crown Dieback (35%)	Poor Root System (32%)	Crown Dieback (23%)	Poor Location (13%)	Crown Dieback (60%)	Poor Structure (12%)
Primary Clearance Conflict	Lights 4%	Buildings (17%)	None	None	Buildings (4%)	None

Table 7. Tree data summaries for parks inventoried in 2022

POSSIBLE PUBLIC PLANTING SITES

Summary of Possible Planting Sites on Public Property

Field	Value
Counts	Proposed Planting Sites: 336 Stumps: 28 Dead Trees: 144
Proposed Planting Site Widths	Class I (small) 1-5 feet: 80 (16%) Class II (medium) 6-10 feet: 316 (62%) Class III (large) 11+ feet: 112 (22%)
Growing Space of Proposed Sites	Cutout: 275 (54%) Median: 192 (38%) Other (Maintained): 38 (7%)
Adjacent Land Use of Proposed Sites	Park/Vacant/Other: 260 (51%) Single Family: 140 (28%) Small Commercial: 50 (10%)
Wire Conflicts	No Lines: 470 (93%) Wires Present, No Conflict: 34 (7%) Wires Present, Conflicting: 4 (0.8%)
Diameter of Stumps	3-6in: 20 (71%) 12-18in: 4 (14%) 0-3in: 2 (7%)

Table 8. Summary of possible public planting sites inventoried in 2022

ESTIMATED CHARACTERISTICS OF ALL PUBLIC TREES

Methodology

Based on a total of 470 (500) linear road miles in the City and the inventory of public trees along 5% of roadways, the urban forestry consultants utilized research data from the 2014 Urban & Community Forestry Census of Tree Activities (Hauer, et al.) to estimate the total public tree population. For communities of similar size, population, population density, and linear road miles, the average public tree population is 25,000 trees. Based on these estimates, the sample public tree data (2,712 alive or dead trees) was extrapolated to represent 25,000 public trees. The following summaries provide estimates of public tree extent, growing space, structure, characteristics, and maintenance needs:

Public Tree Status

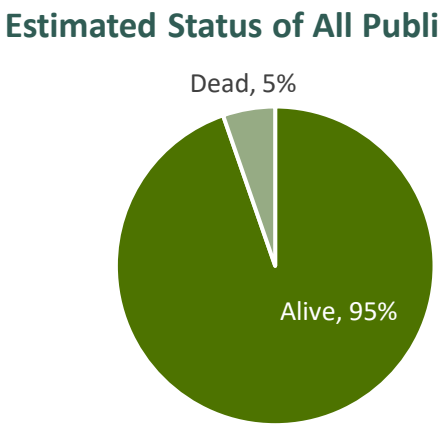


Figure 23. Estimated status of all public trees

Public Tree Location and Growing Space (Estimated for All Public Trees)

Adjacent Land Use of Public Trees

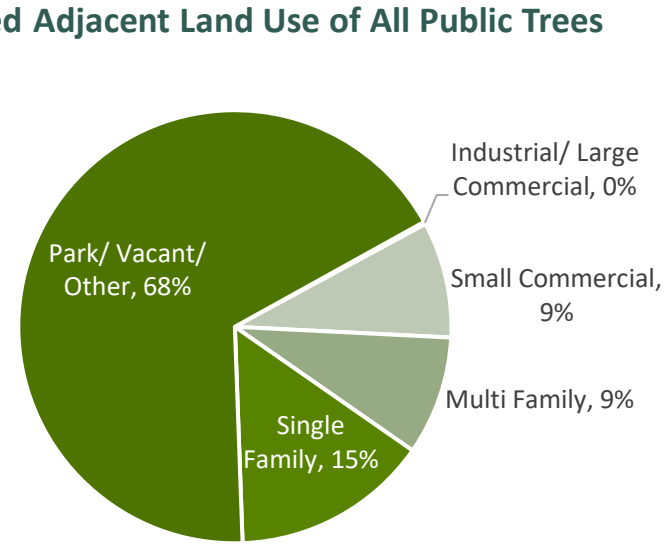


Figure 24. Estimated adjacent land use of all public trees

Growing Space Type of Public Trees

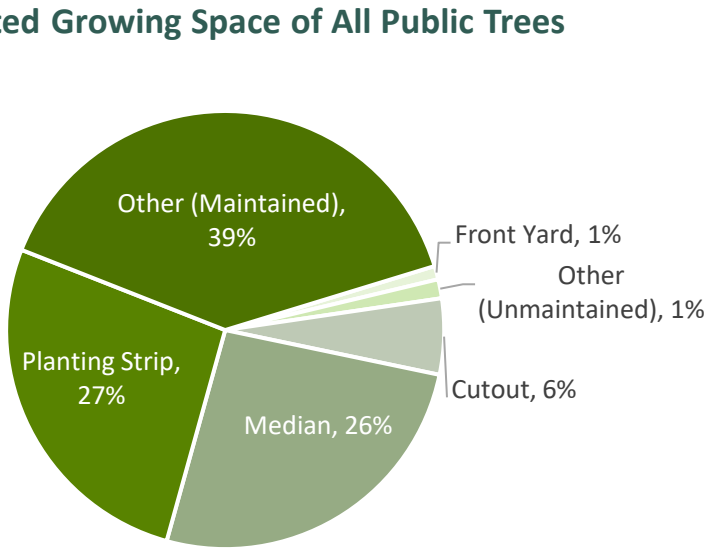


Figure 25. Estimated growing space of all public trees

Existing Tree Planting Site Width of Public Trees

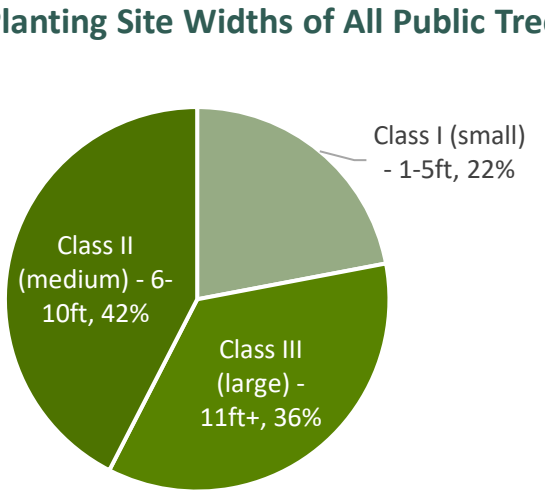


Figure 26. Estimated planting site widths of all public trees

Public Tree Structure (Estimated for All Public Trees)

Public Tree Genera Composition

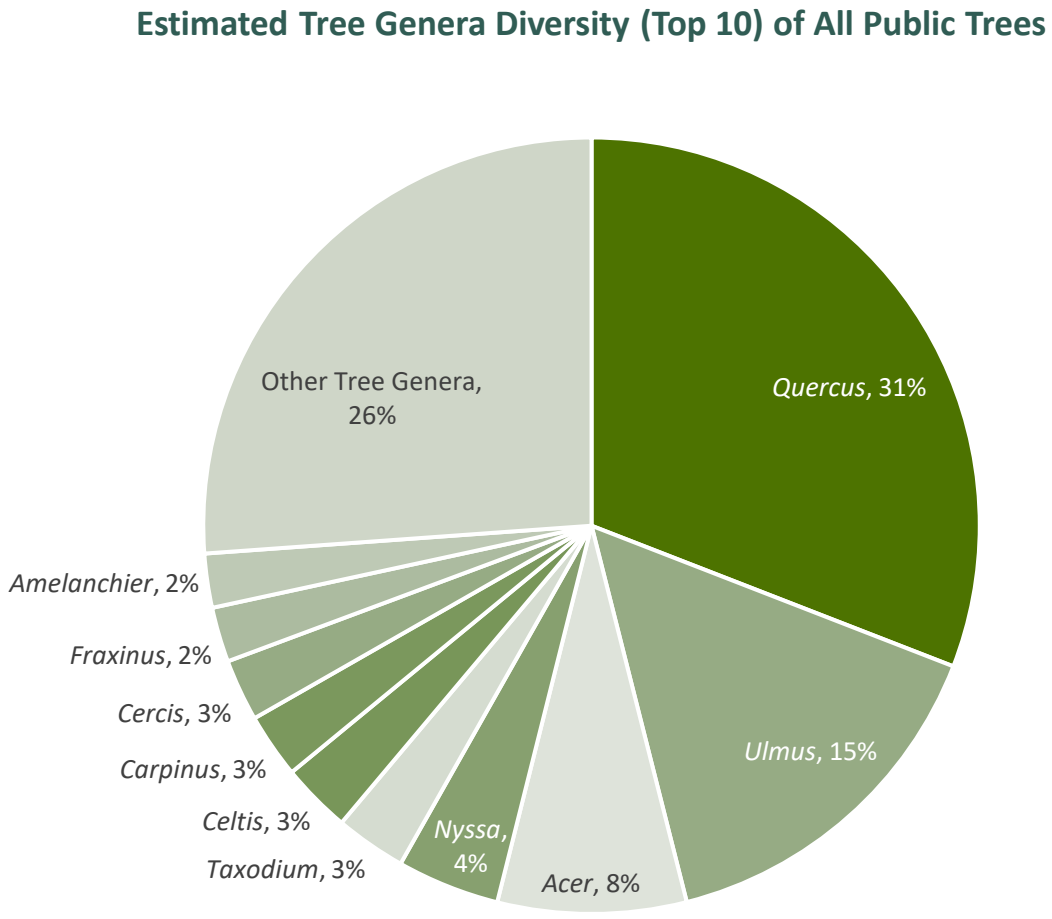


Figure 27. Estimated tree genera diversity for all public trees (top 10)

Public Tree Species Composition

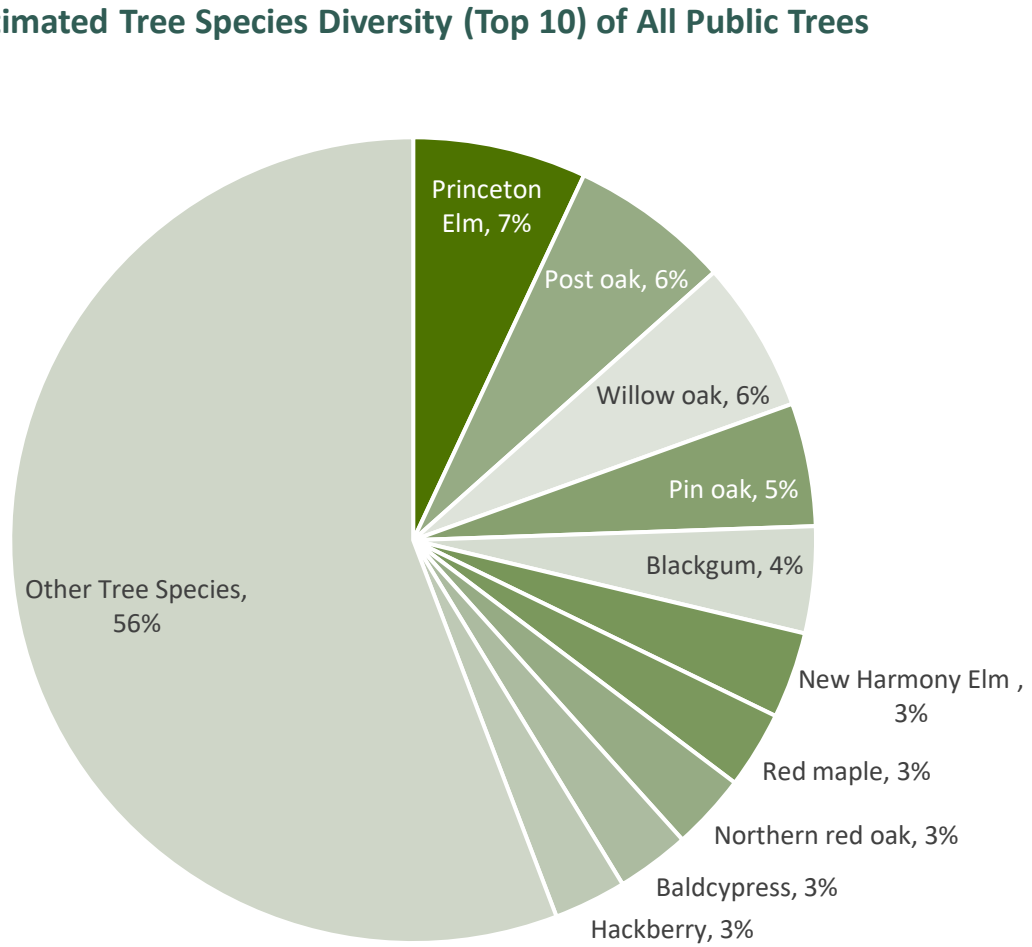


Figure 28. Estimated tree species diversity for all public trees (top 10)

Public Tree Size Classes and Relative Age Distribution

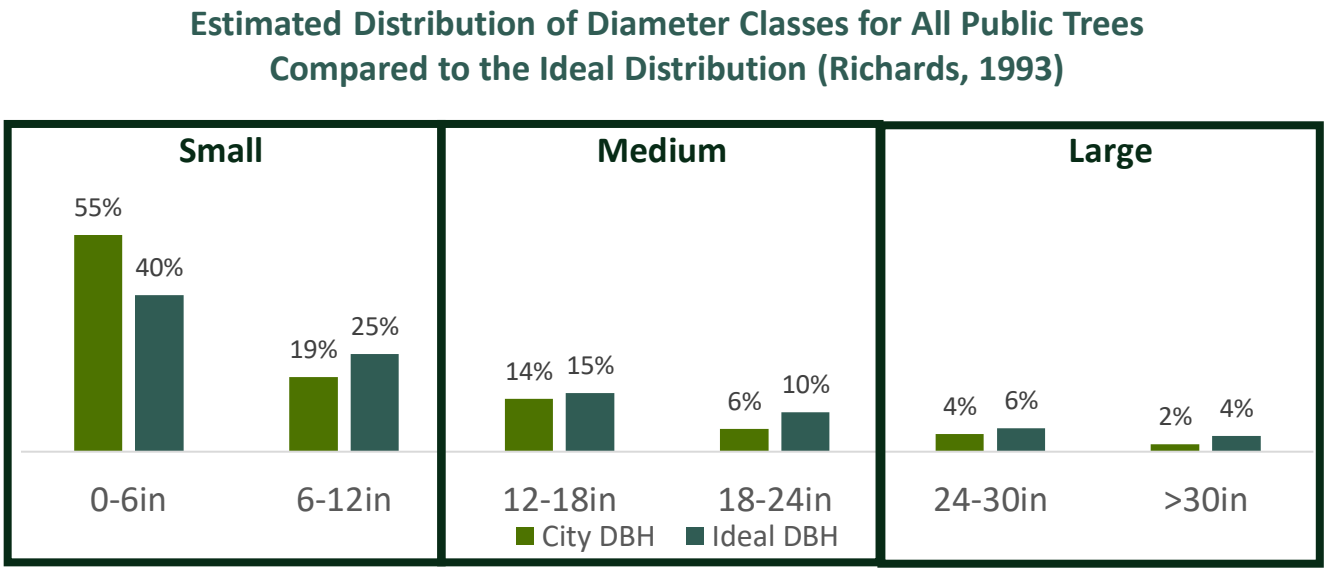


Figure 29. Estimated distribution of diameter classes for all public trees compared to the ideal distribution (Richards, 1993)

Public Tree Condition and Maintenance Needs (Estimated for All Public Trees)

Public Tree Condition

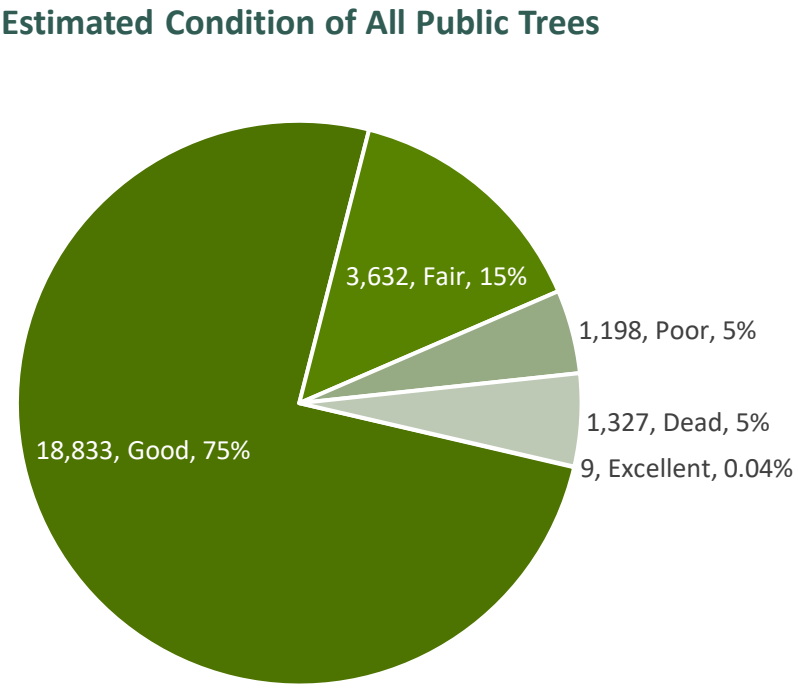


Figure 30. Estimated condition of all public trees

Public Tree Observations

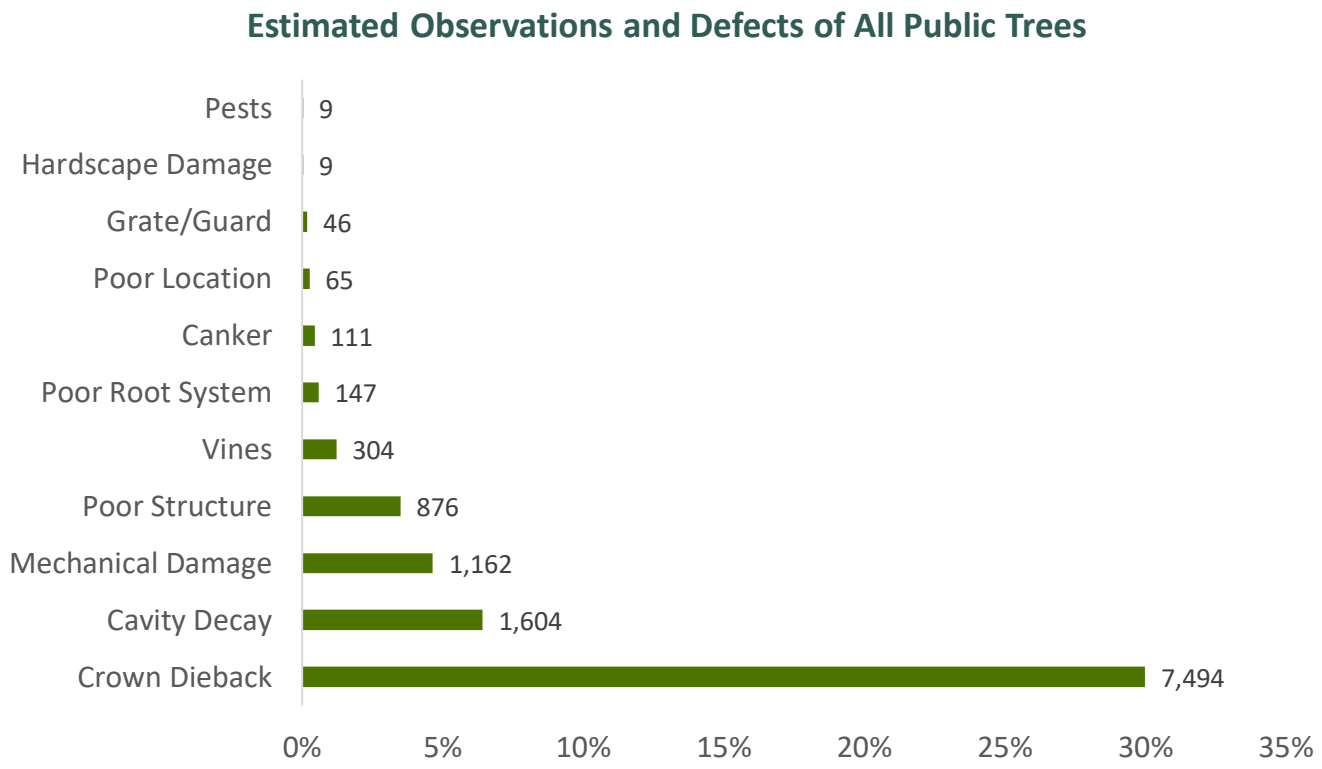


Figure 31. Estimated observations and defects of all public trees

Recommended Maintenance of Public Trees ("Tree Work")

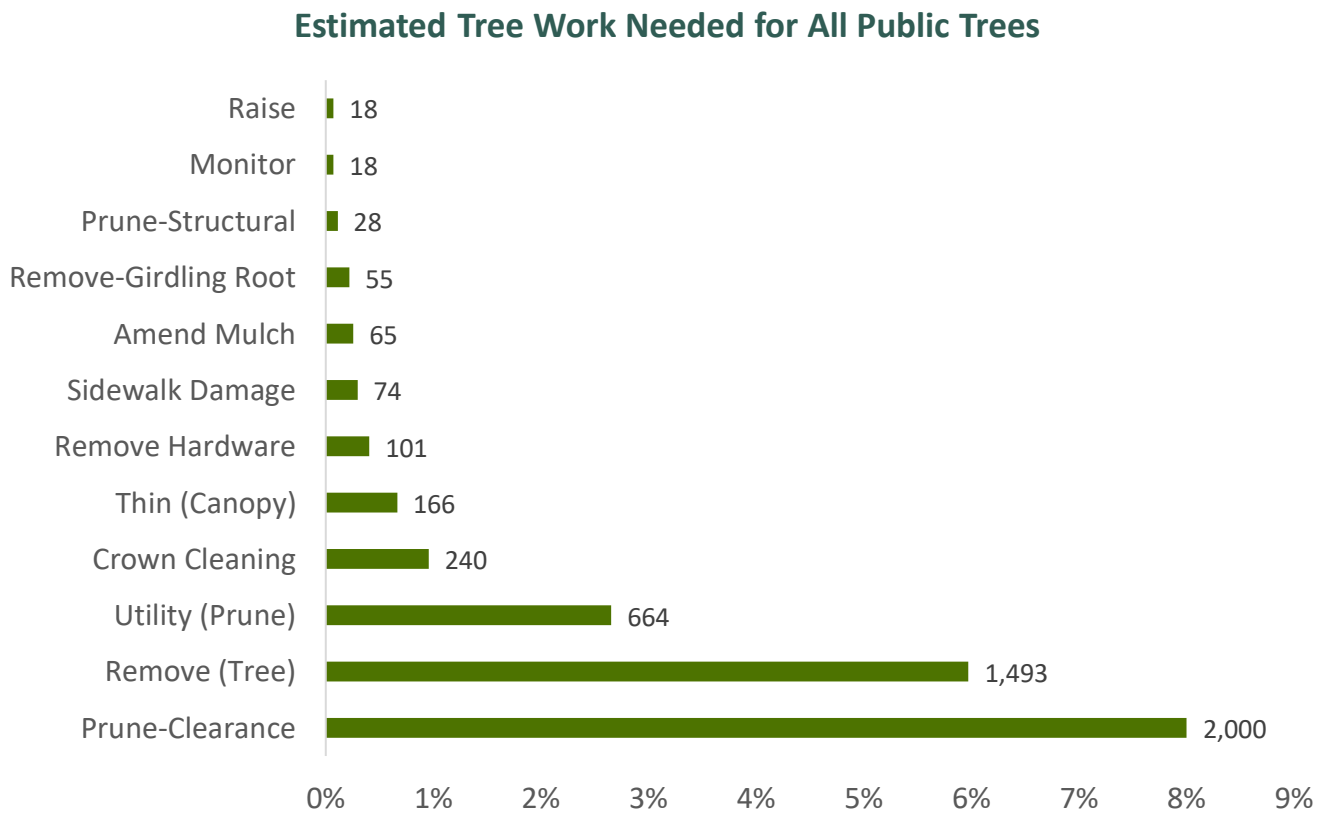


Figure 32. Estimated tree work needed for all public trees

Public Tree Conflicts (Estimated for All Public Trees)

Public Tree Wire Conflicts

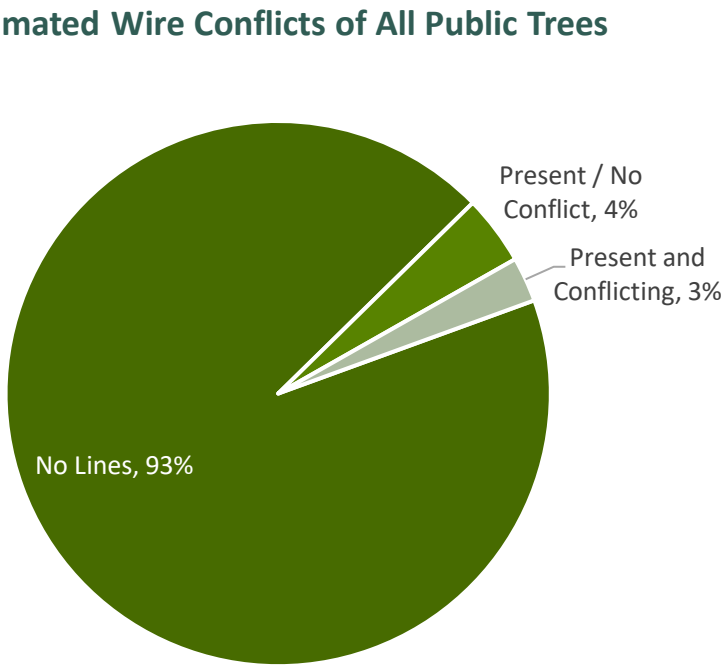


Figure 33. Estimated wire conflicts for all public trees

Public Tree Clearance Conflicts

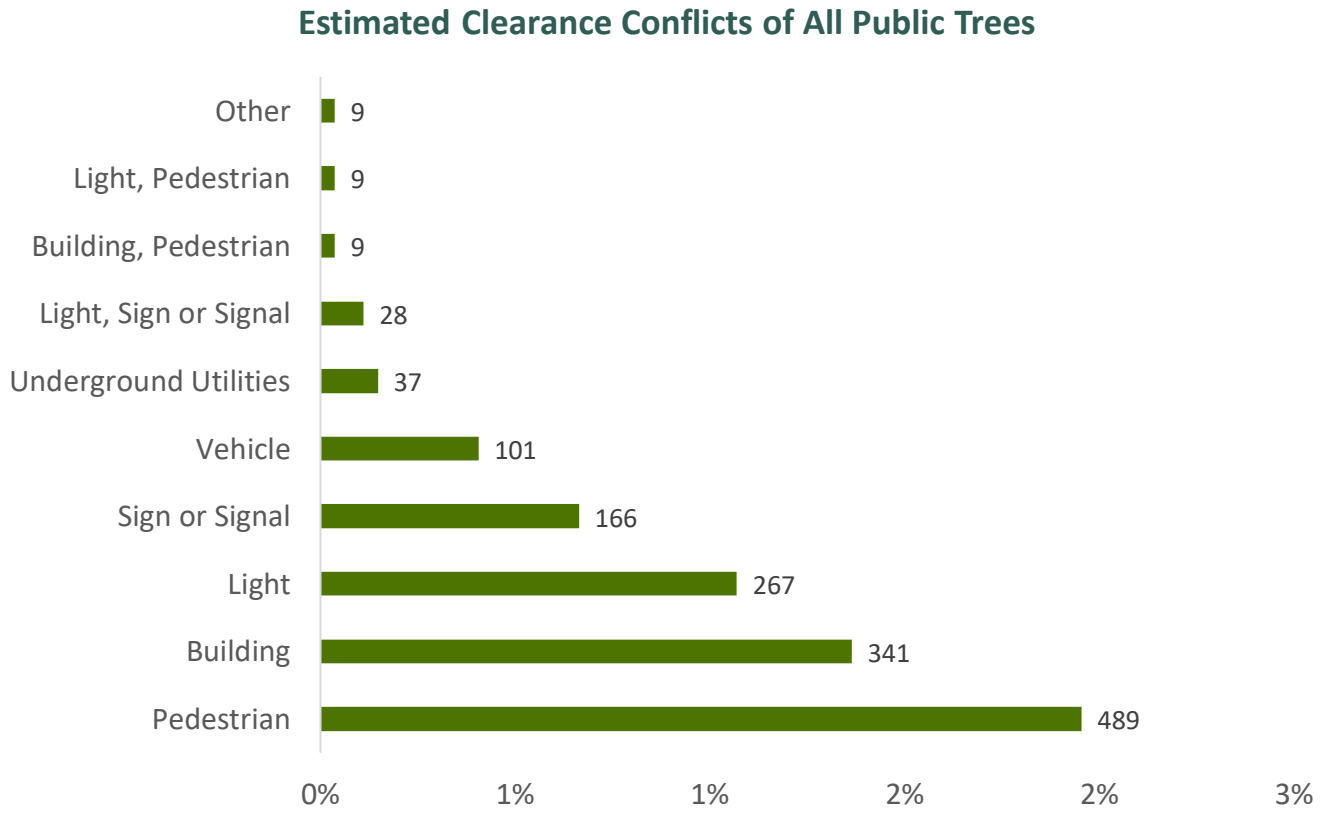


Figure 34. Estimated clearance conflicts of all public trees

Estimated Ecosystem Benefits and Services of All Public Trees

Table 9. Estimated ecosystem benefits and services of all public trees

Metric	Amount	Alternative Unit	Equivalent
Overall Monetary Benefit	$71,600		
Air Quality Monetary Benefit	$23,949		
Pollutants Removed	10,776 lbs	5 tons	
Carbon Monetary Benefit	$33,614		
Carbon Stored	1,445,102 lbs	723 tons	
Evaporation	2,672,939 ft^3	19,994,971 gal	30 Olympic pools
Interception	2,676,967 ft^3	20,025,105 gal	30 Olympic pools
Potential Evaporation	23,050,898 ft^3	172,432,701 gal	261 Olympic pools
Evapotranspiration	17,444,624 ft^3	130,494,858 gal	198 Olympic pools
Runoff Avoided	210,214 ft^3	1,572,508 gal	2 Olympic pools
Stormwater Monetary Benefit	$14,054		
Transpiration	5,656,762 ft^3	42,315,524 gal	64 Olympic pools
CO Pollution Removed	112 lbs		
CO Removed Monetary Benefit	$72		
NO2 Pollution Removed	506 lbs		
NO2 Removed Monetary Benefit	$103		
O3 Pollution Removed	9,643 lbs	5 tons	
O3 Removed Monetary Benefit	$11,367		
PM2.5 Pollution Removed	258 lbs		
PM2.5 Removed Monetary Benefit	$12,344		
SO2 Pollution Removed	189 lbs		
SO2 Removed Monetary Benefit	$0.09		
CO2 Sequestered	1,445,101 lbs	723 tons	
CO2 Sequestered Monetary Benefit	$33,613		
CO2 Storage	49,303,705 lbs	24,652 tons	
CO2 Storage Monetary Benefit	$1,146,668		
Carbon Dry Weight	26,892,933 lbs	13,446 tons	
Carbon Storage	13,446,459 lbs	6,723 tons	

"lbs" = pounds; "gal" = gallons; "ft^3" = cubic feet

ESTIMATED CHARACTERISTICS OF ALL PRIVATE TREES

Methodology

A total of 850 private trees were inventoried as a sample. These trees were located in private parcels adjacent to public streets that were visited during the public tree inventory. According to Fayetteville's Mobility Plan, there are a total of 470 linear road miles and the inventory crews inventoried along a total of 25 linear road miles or approximately 5% of roadways. The private parcels included in the sample inventory had a total acreage of 342 acres. Using the City's Zoning classifications and GIS data, a total of 32,150 acres exist across the City. Therefore, the inventory crews visited 1% of all private parcels. Based on these figures, it is estimated that there are a total of 79,884 private trees, or approximately 80,000 private trees in maintained areas of properties. The following summaries provide estimates of private tree extent, growing space, structure, characteristics, and maintenance needs:

Private Tree Status

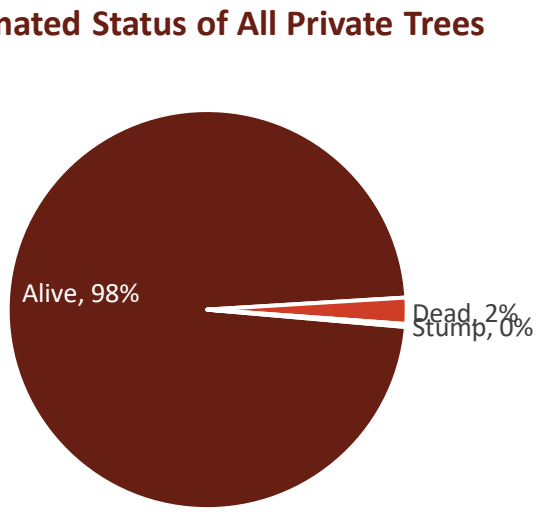


Figure 35. Estimated status of all private trees

Private Tree Location and Growing Space (Estimated for All Private Trees)

Land Use of Private Trees

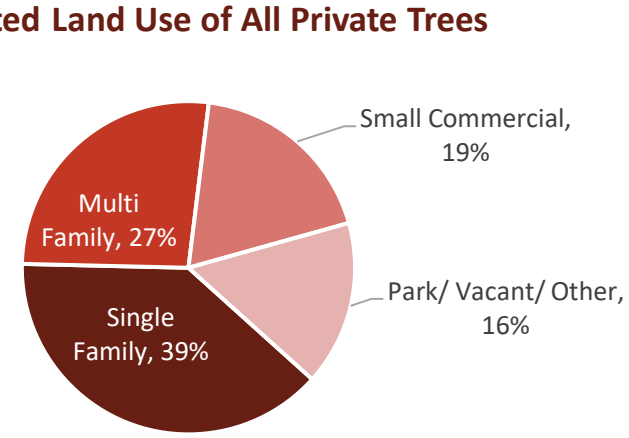


Figure 36. Estimated land use of all private trees

Growing Space Type of Private Trees

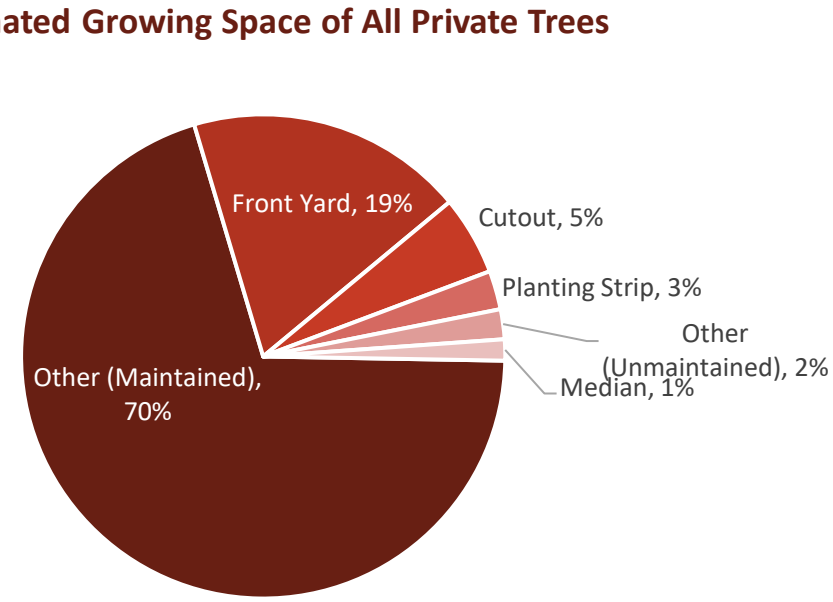


Figure 37. Estimated growing space of all private trees

Existing Tree Planting Site Width of Private Trees

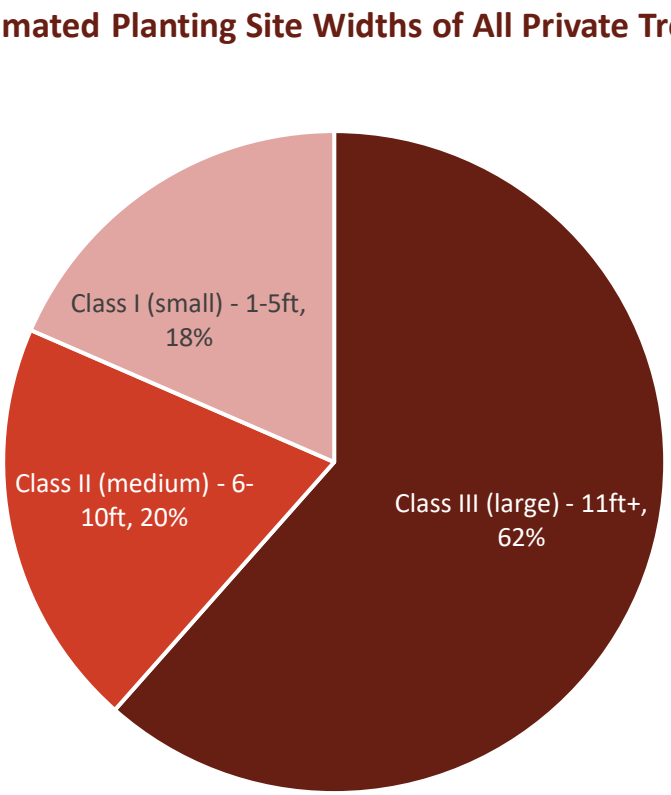


Figure 38. Estimated planting site widths of all private trees

Private Tree Structure (Estimated for All Private Trees)

Private Tree Genera Composition

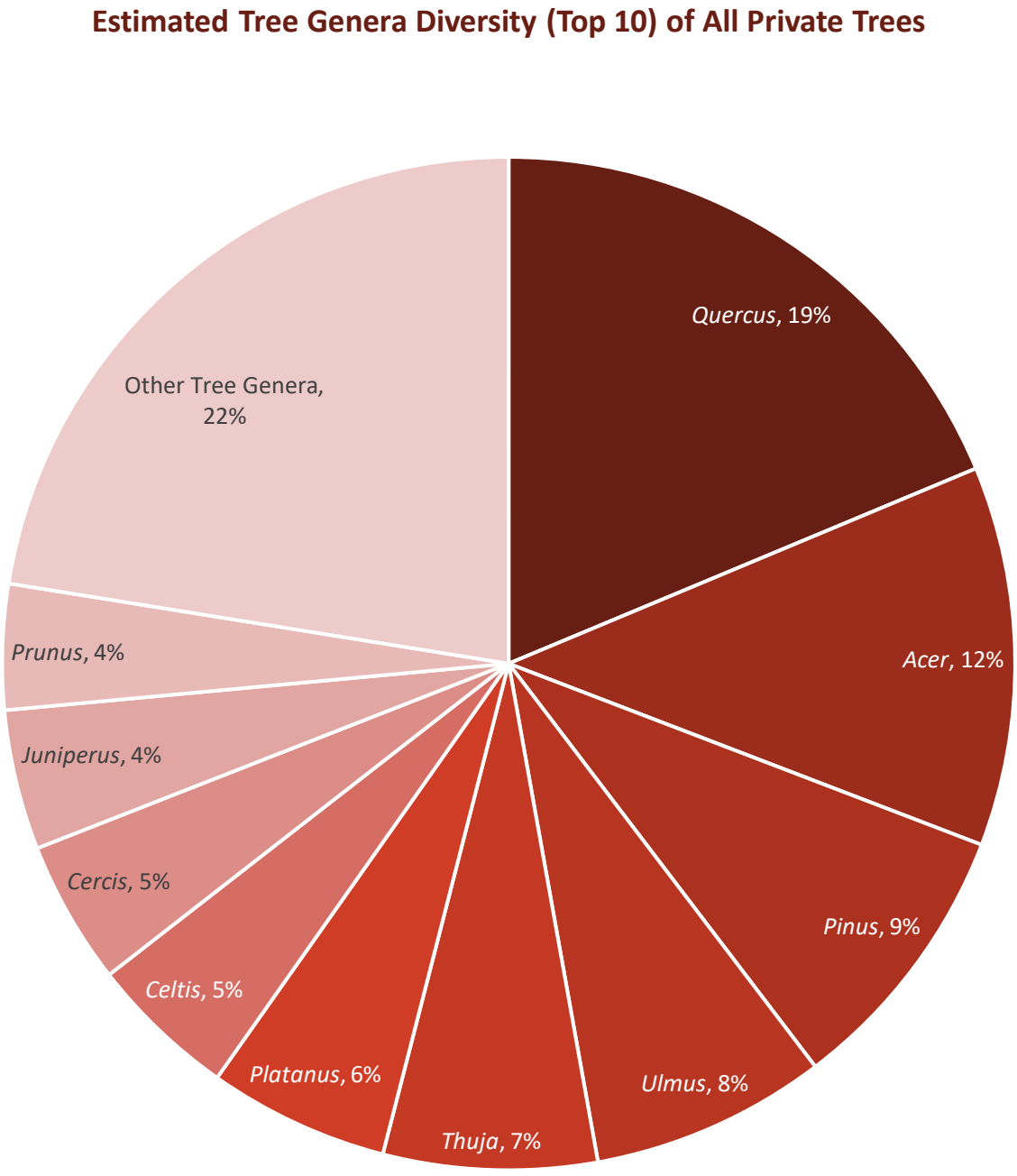


Figure 39. Estimated tree genera diversity of all private trees (top 10)

Private Tree Species Composition

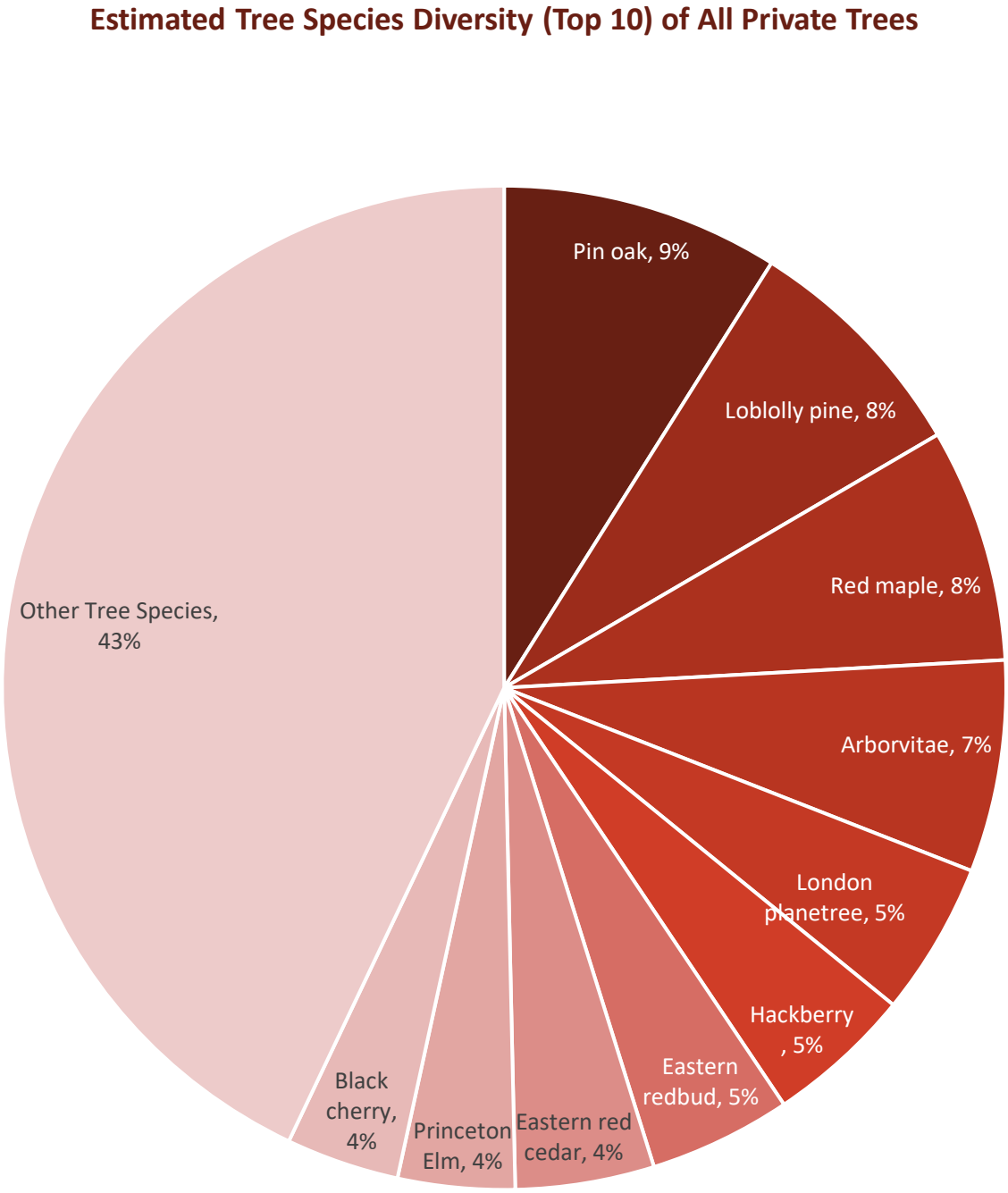


Figure 40. Estimated tree species diversity of all private trees (top 10)

Private Tree Size Classes and Relative Age Distribution

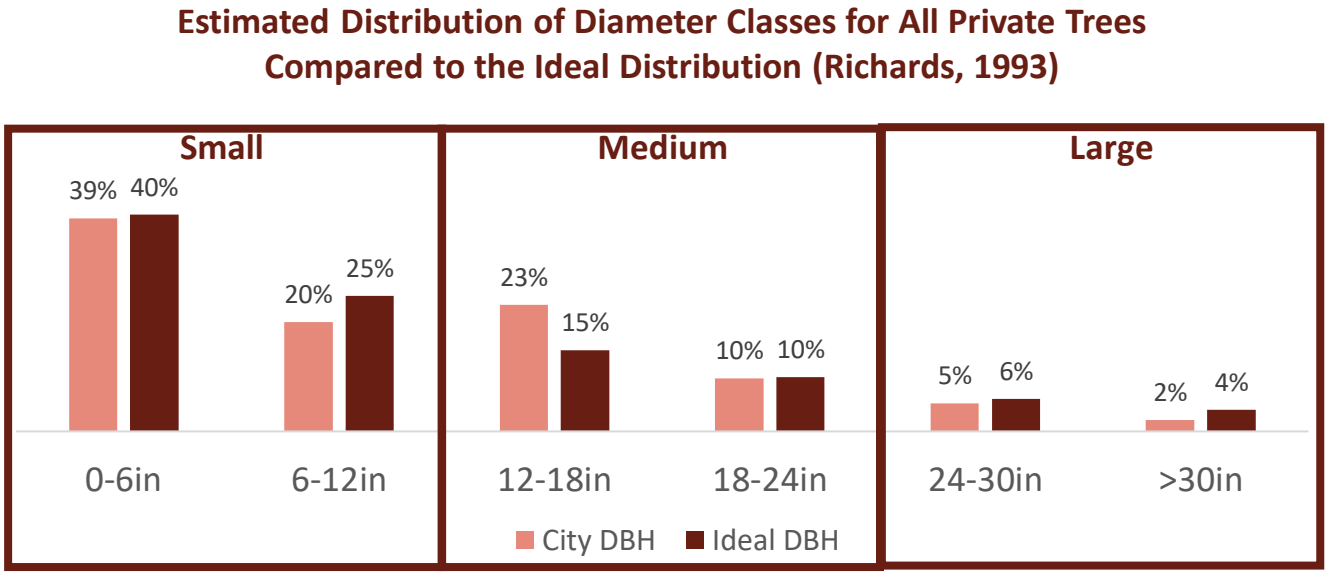


Figure 41. Estimated distribution of diameter classes for all private trees compared to the ideal distribution (Richards, 1993)

Private Tree Condition and Maintenance Needs (Estimated for All Private Trees)

Private Tree Condition

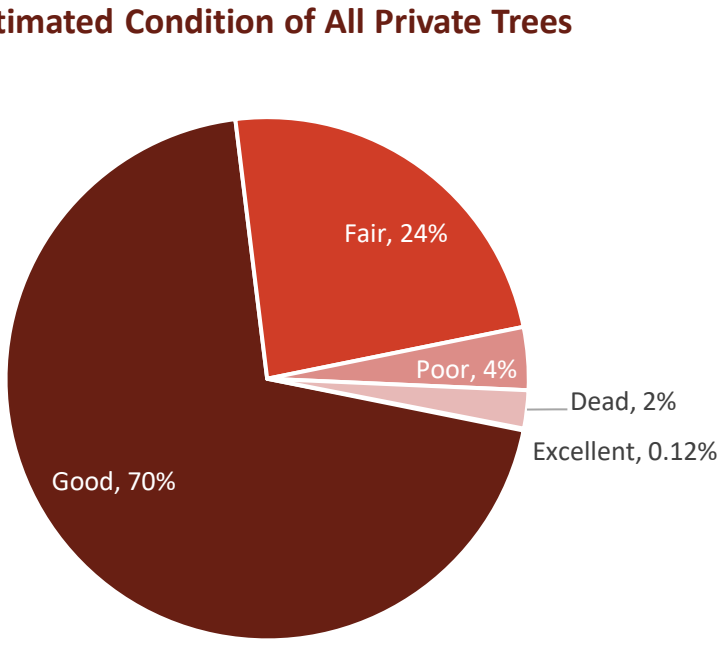


Figure 42. Estimated condition of all private trees

Private Tree Observations

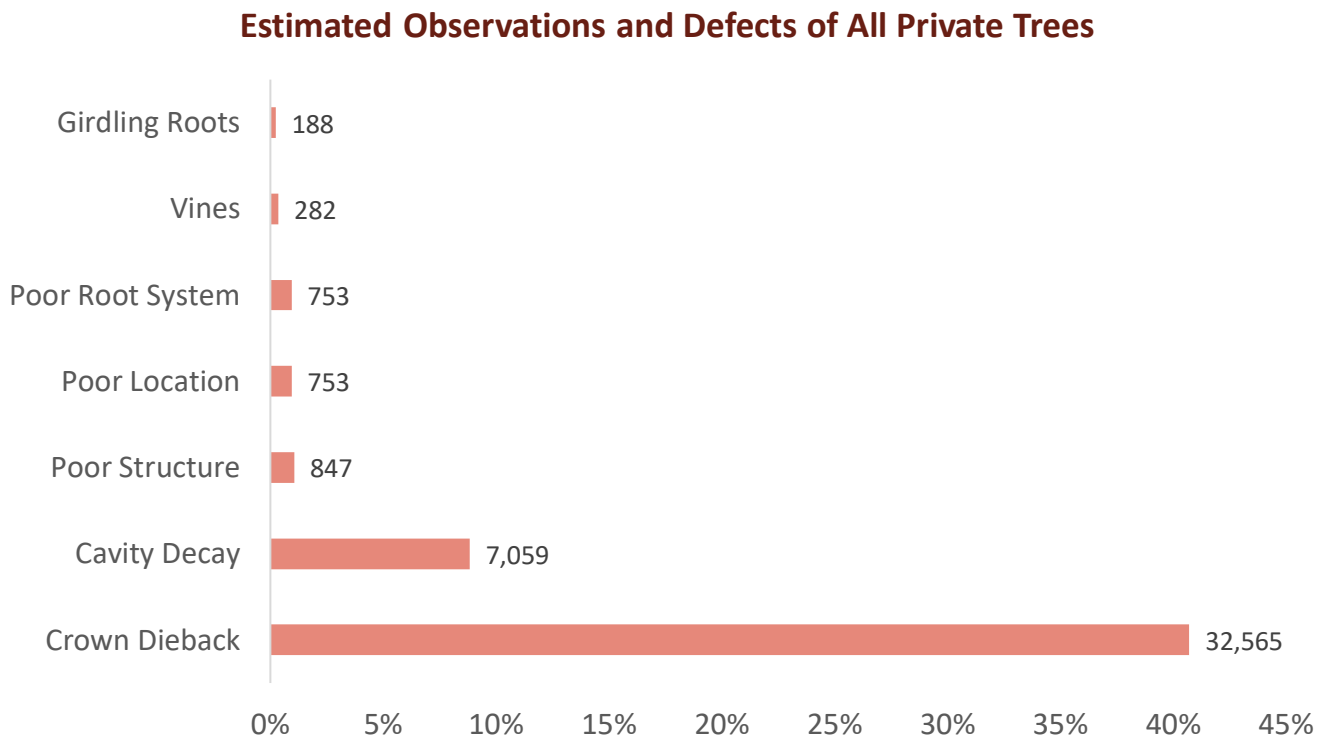


Figure 43. Estimated observations and defects of all private trees

Recommended Maintenance of Private Trees ("Tree Work")

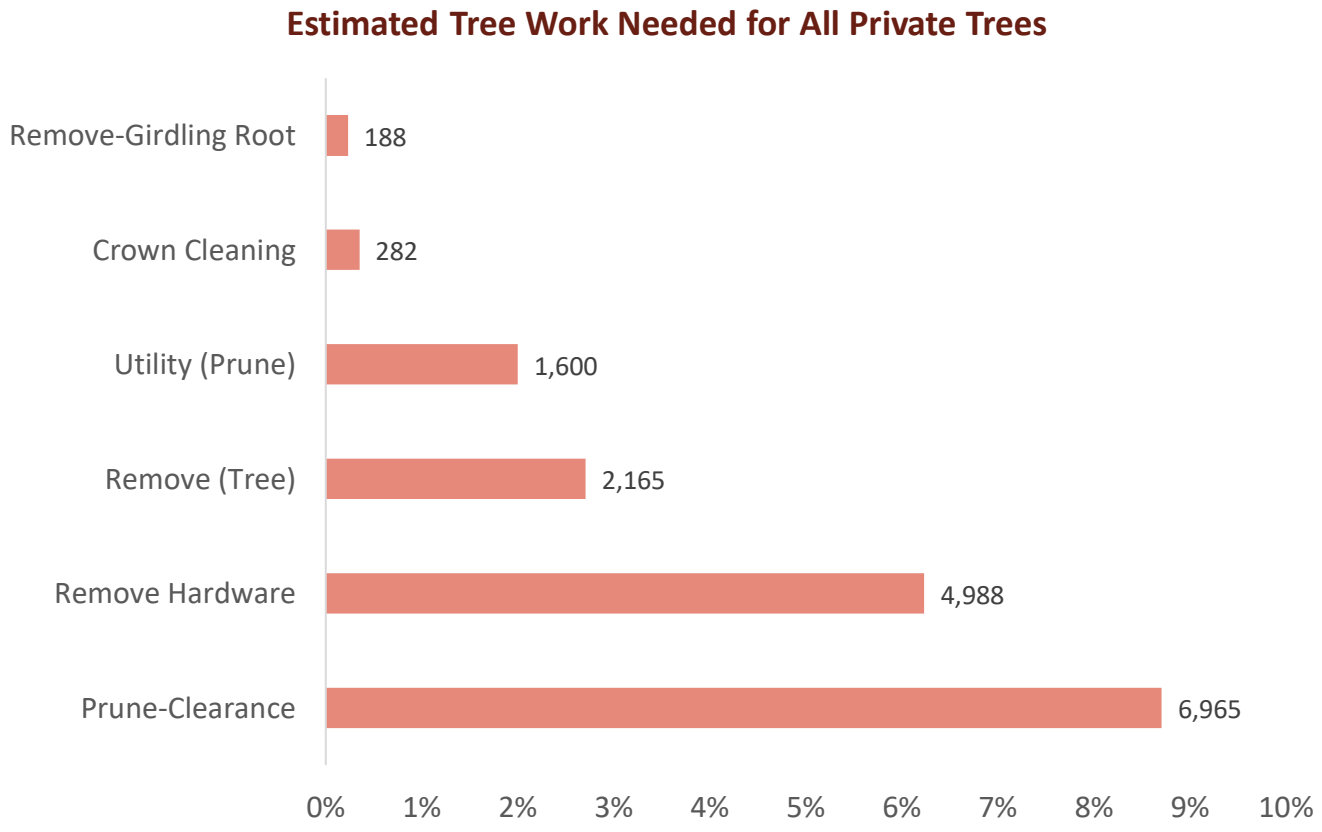


Figure 44. Estimated tree work needed for all private trees

Private Tree Conflicts (Estimated for All Private Trees)

Private Tree Wire Conflicts

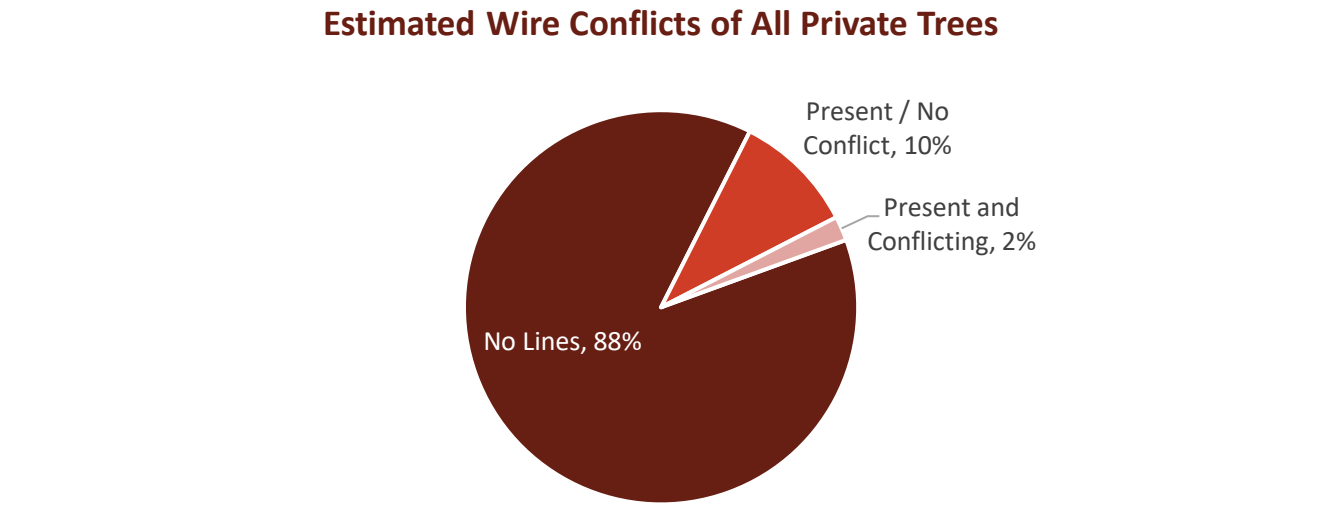


Figure 45. Estimated wire conflicts of all private trees

Private Tree Clearance Conflicts

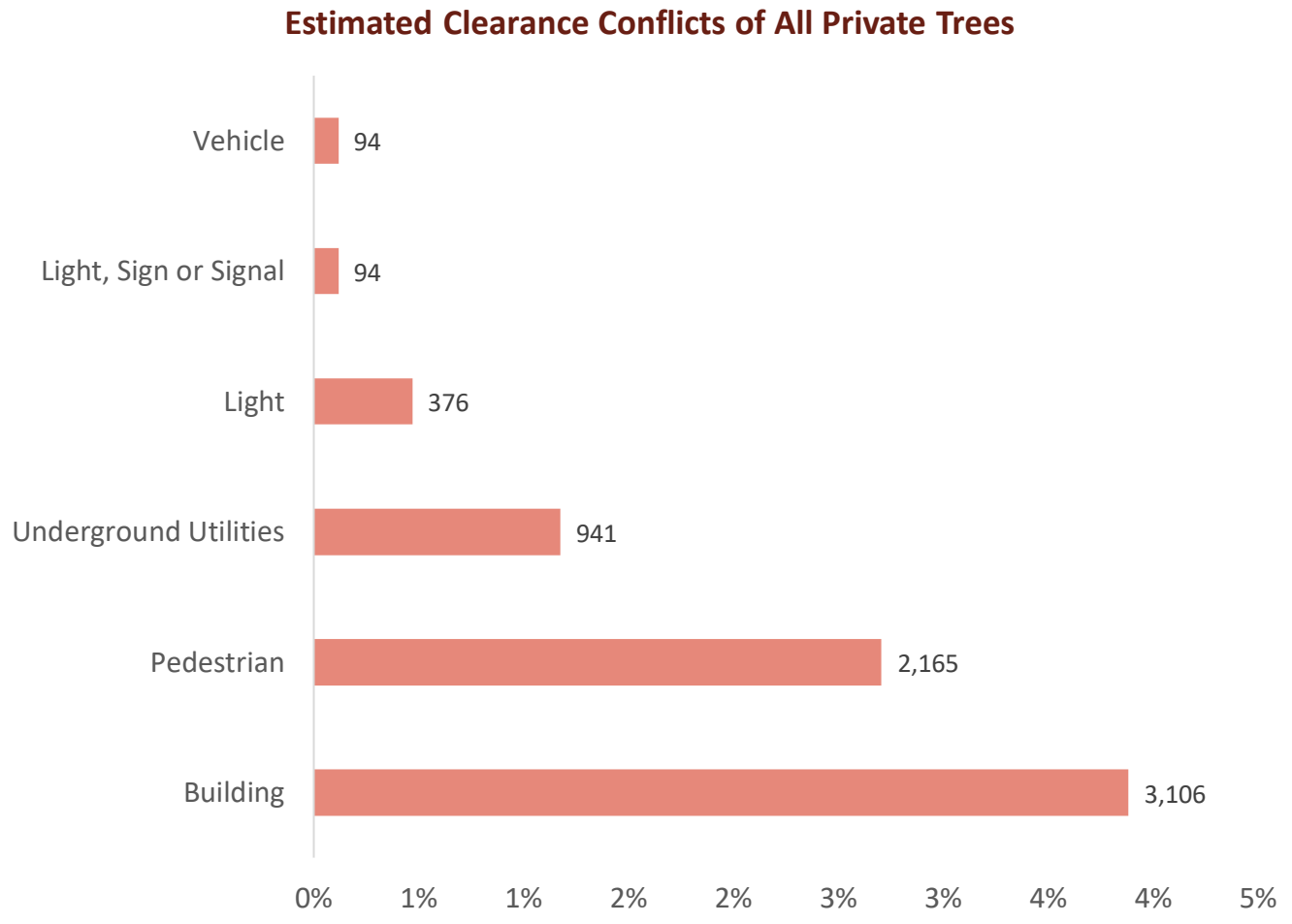


Figure 46. Estimated clearance conflicts of all private trees

Estimated Ecosystem Benefits and Services of All Private Trees

Table 10. Estimated ecosystem services and benefits of all private trees

Metric	Amount	Alternative Unit	Equivalent
Overall Monetary Benefit	$731,024		
Air Quality Monetary Benefit	$244,520		
Pollutants Removed	110,024 lbs	55 tons	
Carbon Monetary Benefit	$343,191		
Carbon Stored	14,754,324 lbs	7,377 tons	
Evaporation	27,290,389 ft^3	204,146,299 gal	309 Olympic pools
Interception	27,331,518 ft^3	204,453,968 gal	310 Olympic pools
Potential Evaporation	235,346,953 ft^3	1,760,517,592 gal	2,667 Olympic pools
Evapotranspiration	178,107,558 ft^3	1,332,337,147 gal	2,019 Olympic pools
Runoff Avoided	2,146,258 ft^3	16,055,125 gal	24 Olympic pools
Stormwater Monetary Benefit	$143,485		
Transpiration	57,754,878 ft^3	432,036,521 gal	655 Olympic pools
CO Pollution Removed	1,144 lbs	0.6 tons	
CO Removed Monetary Benefit	$732		
NO2 Pollution Removed	5,165 lbs	3 tons	
NO2 Removed Monetary Benefit	$1,048		
O3 Pollution Removed	98,456 lbs	49 tons	
O3 Removed Monetary Benefit	$116,053		
PM2.5 Pollution Removed	2,631 lbs	1 ton	
PM2.5 Removed Monetary Benefit	$126,030		
SO2 Pollution Removed	1,930 lbs	1 ton	
SO2 Removed Monetary Benefit	$1		
CO2 Sequestered	14,754,307 lbs	7,377 tons	
CO2 Sequestered Monetary Benefit	$343,189		
CO2 Storage	503,385,026 lbs	251,693 tons	
CO2 Storage Monetary Benefit	$11,707,346		
Carbon Dry Weight	274,573,683 lbs	137,287 tons	
Carbon Storage	137,286,767 lbs	68,643 tons	

"lbs" = pounds; "gal" = gallons; "ft^3" = cubic feet

Fayetteville, Urban Forest Management Plan



~Public Survey Summary

1/24/23

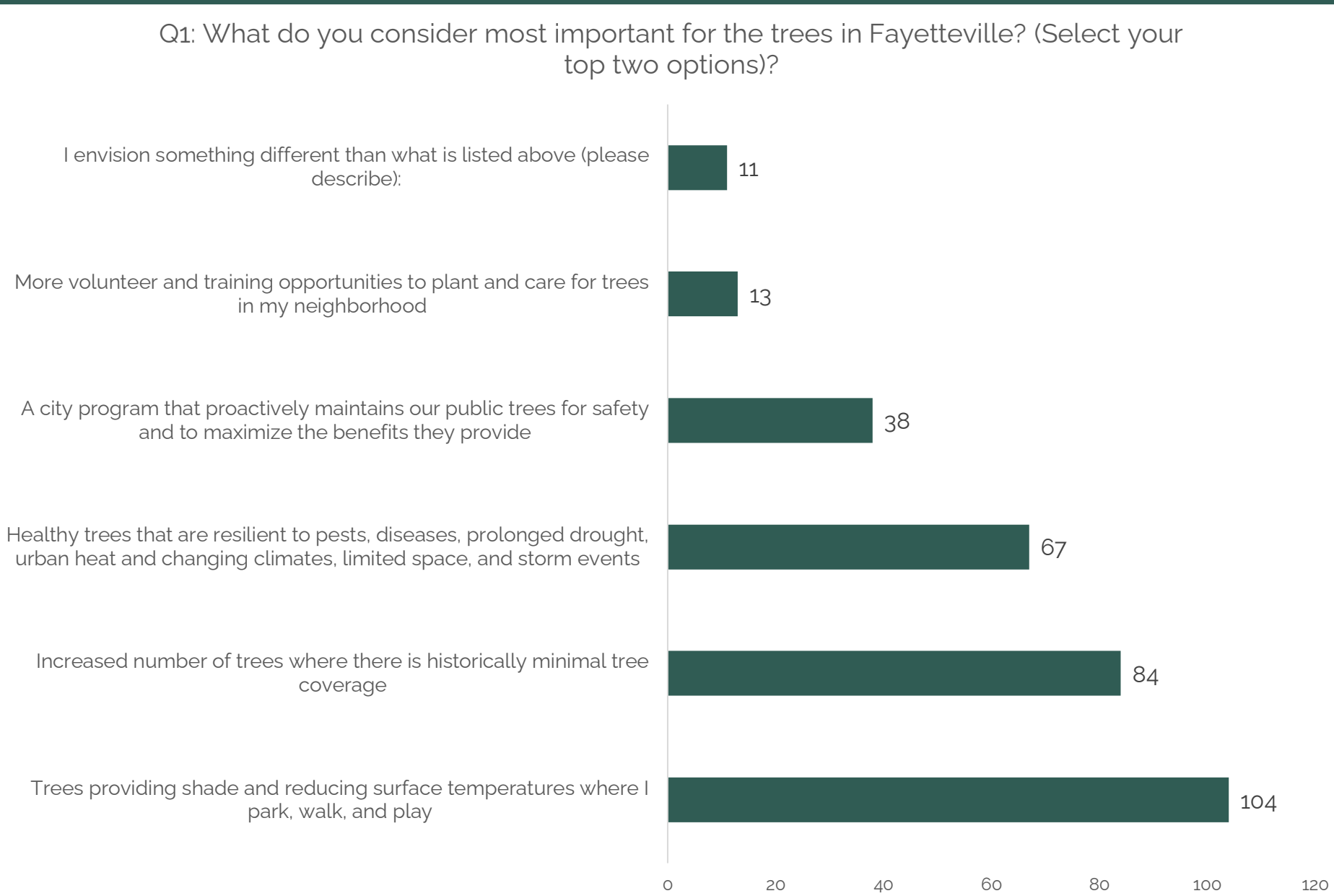
CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™
developers of TreePlotter

Survey Overview

Count of Surveys Received
169 Complete Contributors (2 participants selectively answered survey)
Survey Timeframe
December 15, 2022 – January 16, 2023
Platform
"Speak Up Fayetteville" https://speakup.fayetteville-ar.gov/

QUESTION #1

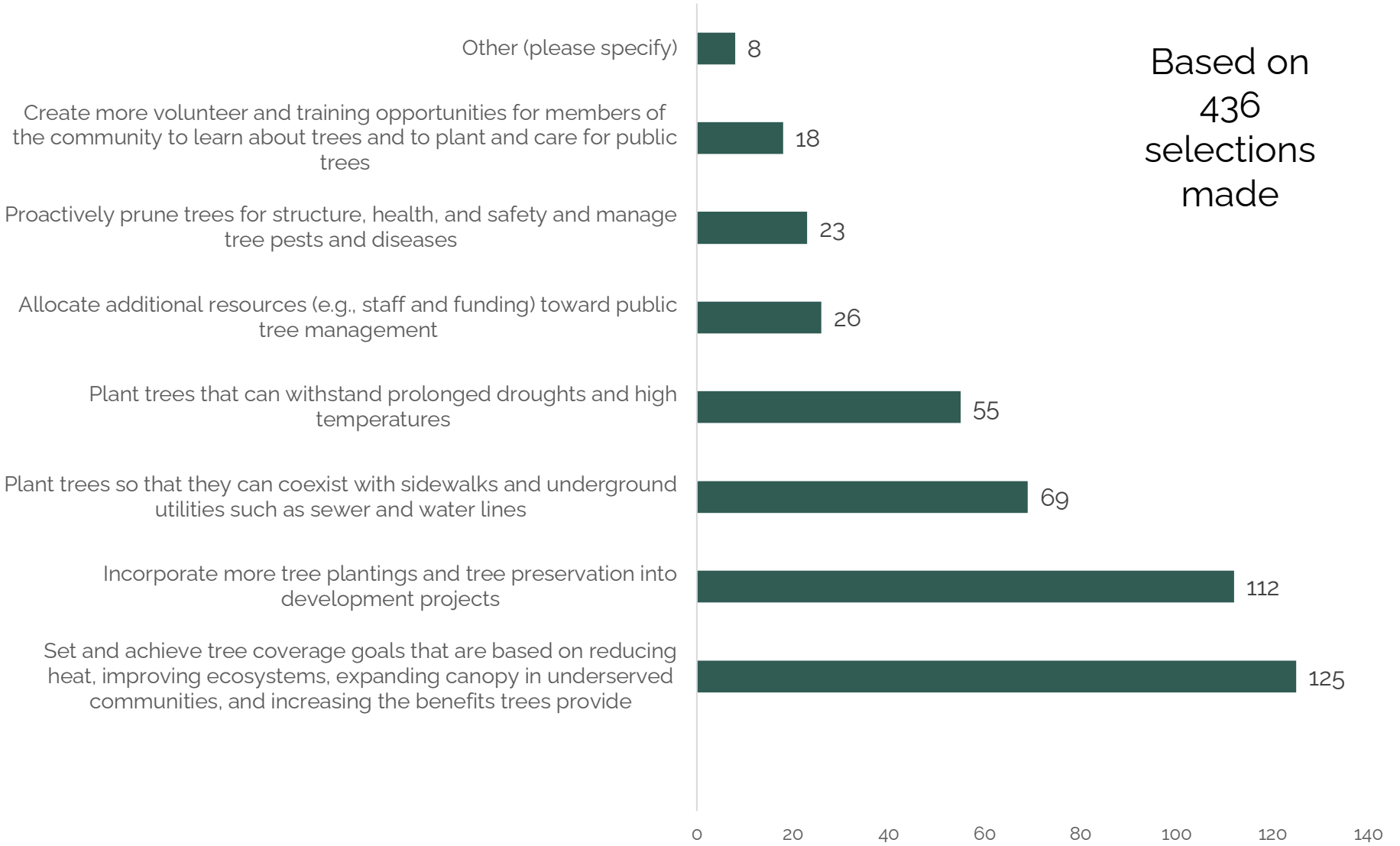

Q1: What do you consider most important for the trees in Fayetteville? (Select your top two options)?
I envision something different than what is listed above (please describe):
11
More volunteer and training opportunities to plant and care for trees in my neighborhood
13
A city program that proactively maintains our public trees for safety and to maximize the benefits they provide
38
Healthy trees that are resilient to pests, diseases, prolonged drought, urban heat and changing climates, limited space, and storm events
67
Increased number of trees where there is historically minimal tree coverage
84
Trees providing shade and reducing surface temperatures where I park, walk, and play
104
0
20
40
60
80
100
120

Question #1 Comments

Categories	Comment Count
Trees and Food	2
Tree Protection	1
Tree Removal Conflict	1
Native Species	3
Planting	1
Invasives	1
Inclusion and Diversity Concern	1

QUESTION #2

Q2: Where should the City use resources to improve public tree health? (Select your top three options)2



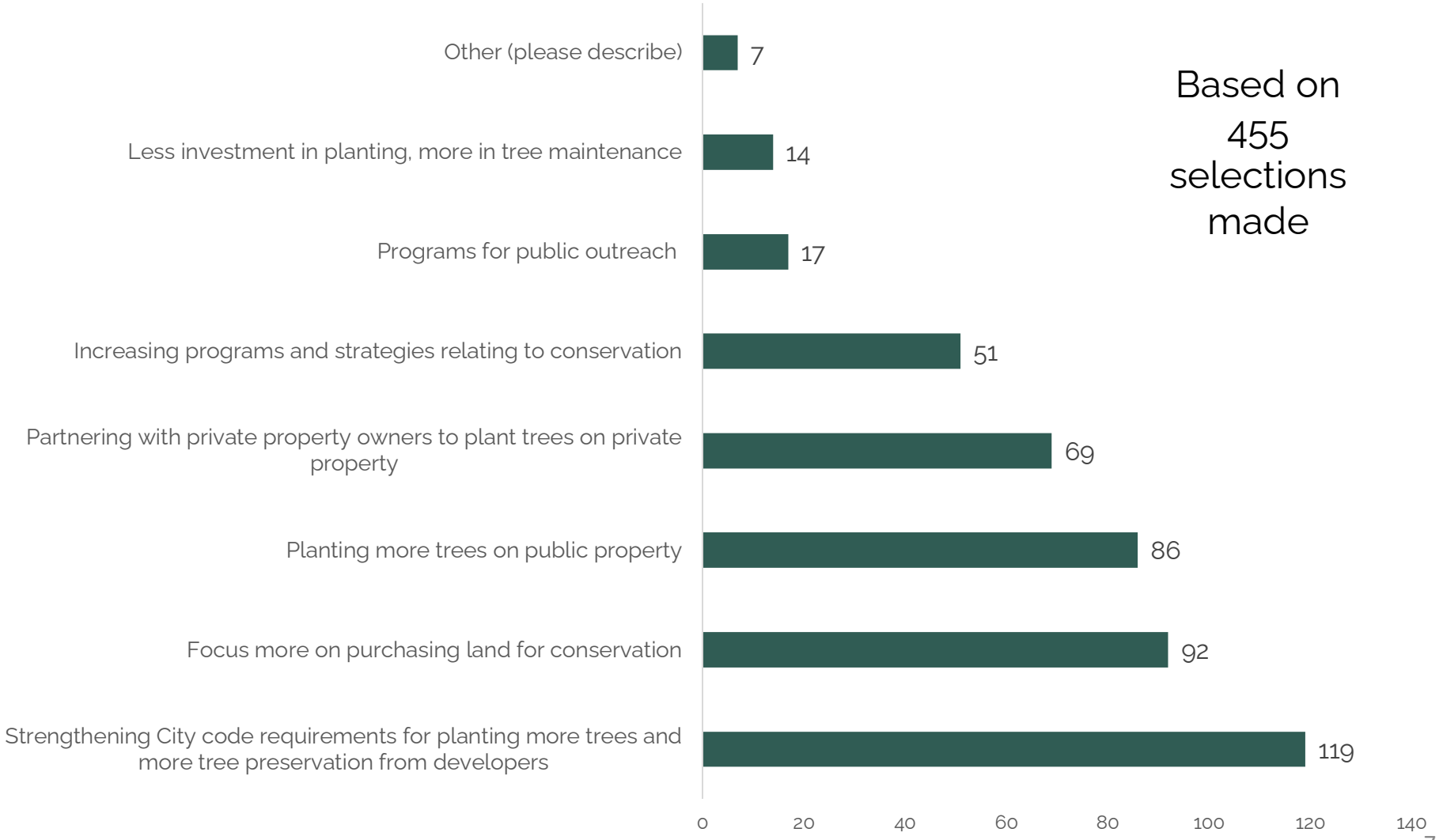
Based on 436 selections made

Question #2 Comments

Categories	Comment Count
Trees and Food	1
Tree Protection	3
Invasives	2
Native Species	2
Diversity and Development	1

QUESTION #3

Q3: Where should the City focus its investments with the current funding and with any additional funding that arises from the Urban Forest Management Plan? (Select up to three options)

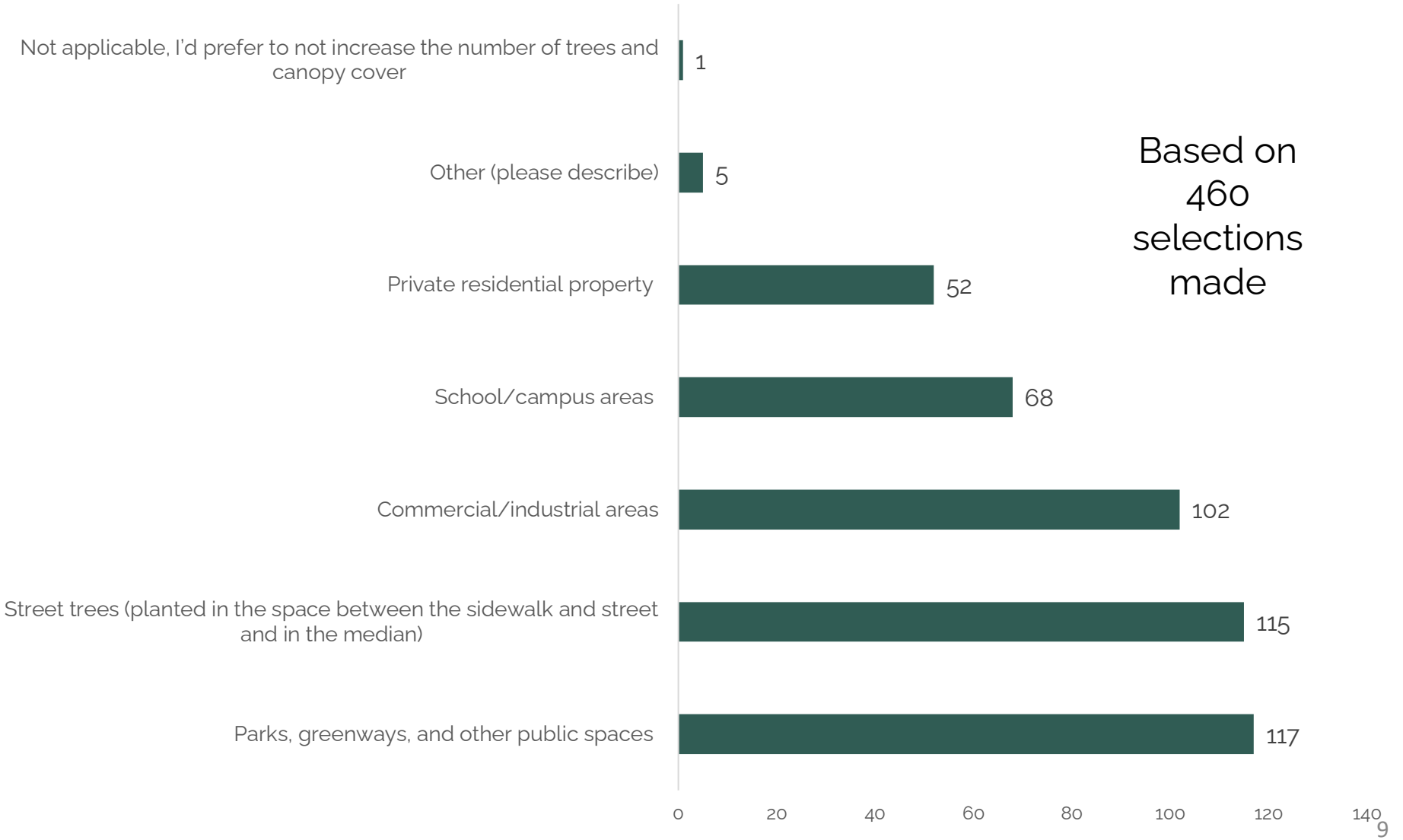


Question #3 Comments

Categories	Comment Count
Ordinance Amendment	3
Tree Protection	1
Mature Tree Protection	1
Trash Removal	1
Diversity and Inclusion Concerns	1

QUESTION #4

Q4: To achieve your vision for the urban forest, which might include increasing the number of trees and tree canopy cover, where should the City prioritize tree plantings? (Select your top three options)

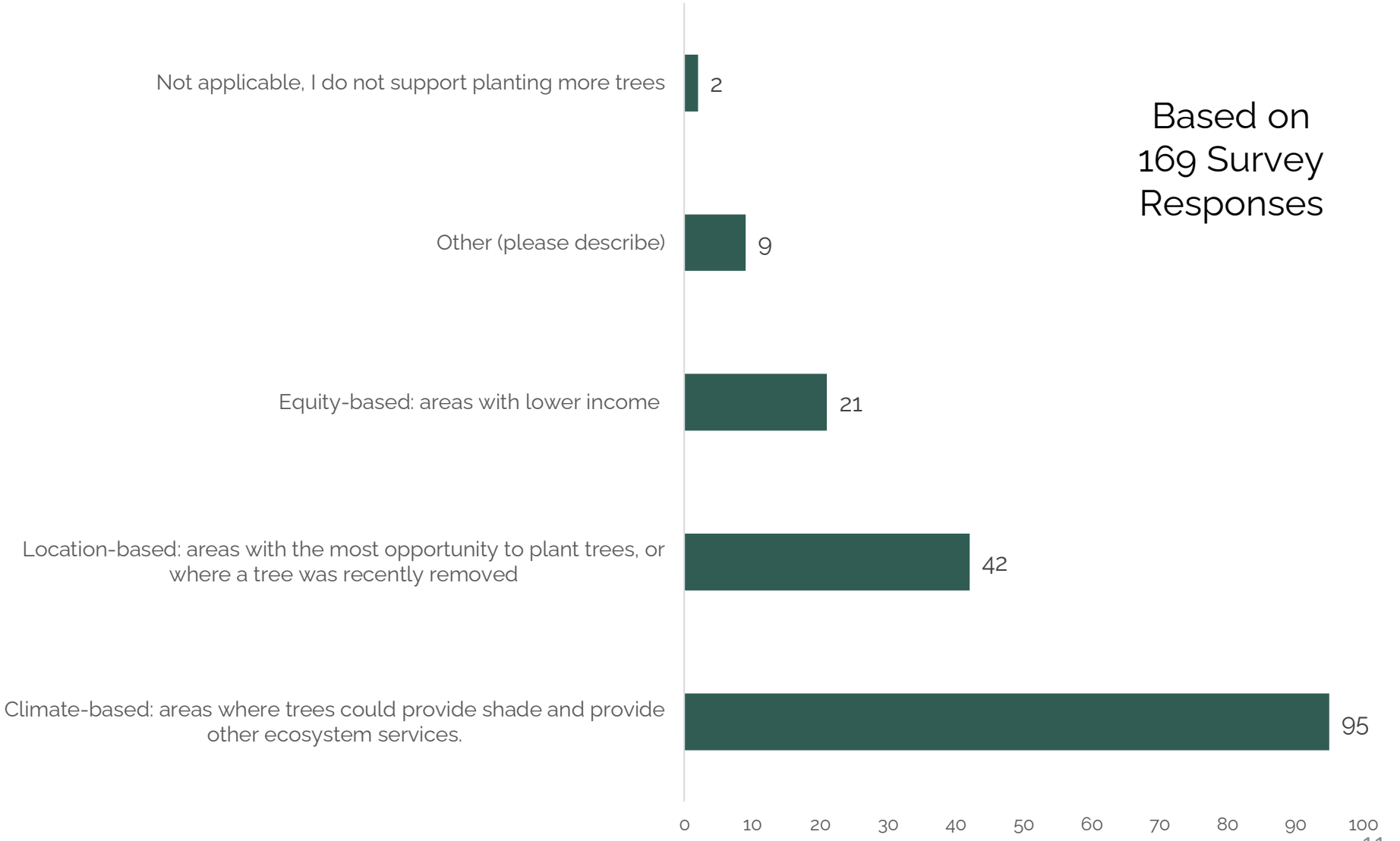


Question #4 Comments

Categories	Comment Count
Tree Protection	1
Invasive	2
Specie Selection	1
Diversity and Inclusion Concern	1

QUESTION #5

Q5: If you support planting more trees throughout the City, where should the City and its partners focus these efforts?



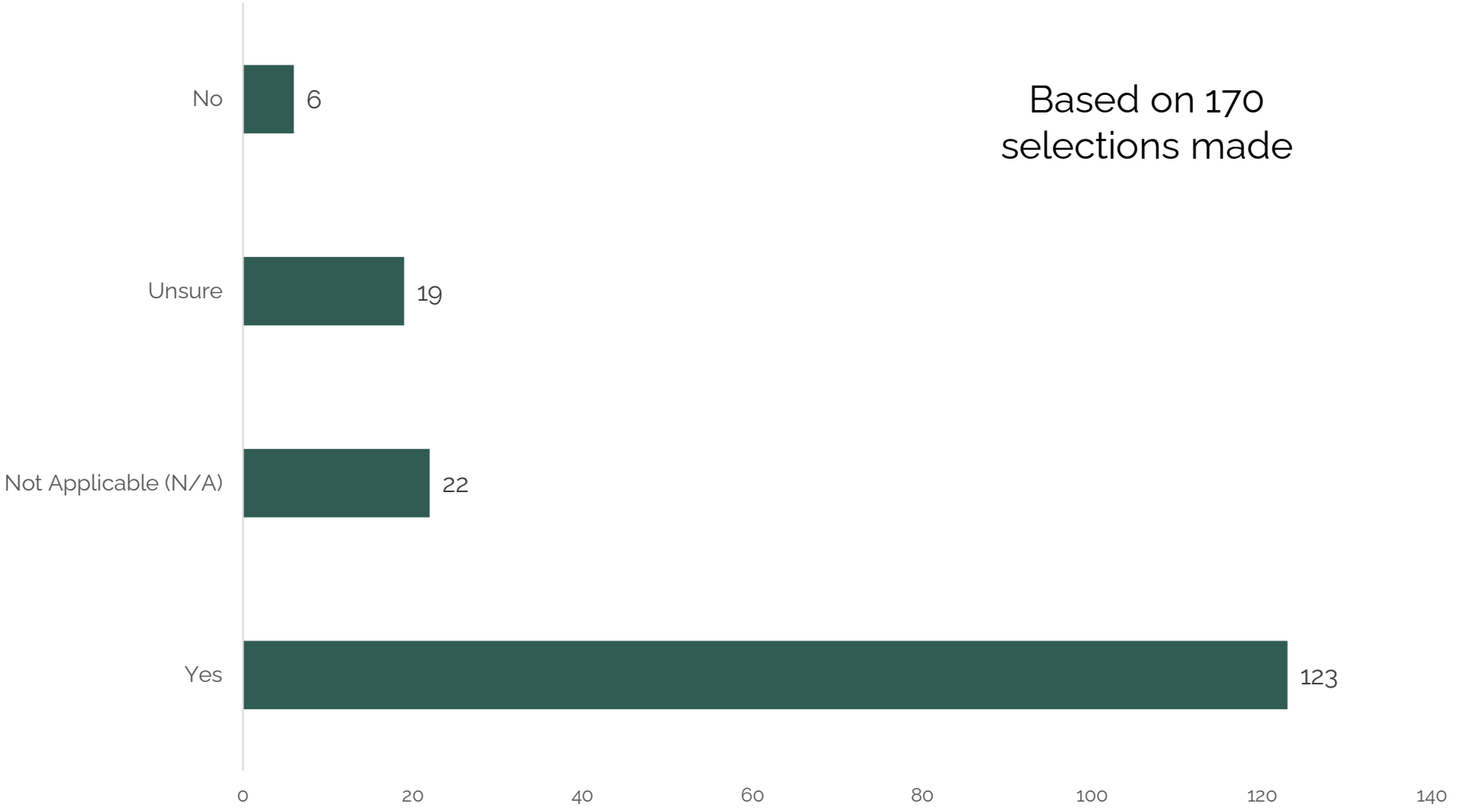
Based on 169 Survey Responses

Question #5 Comments

Categories	Comment Count
All	5
Vegetation Inventory	1
Invasive Removal	1
Location-Highway	1
Diversity and Inclusion Concern	1

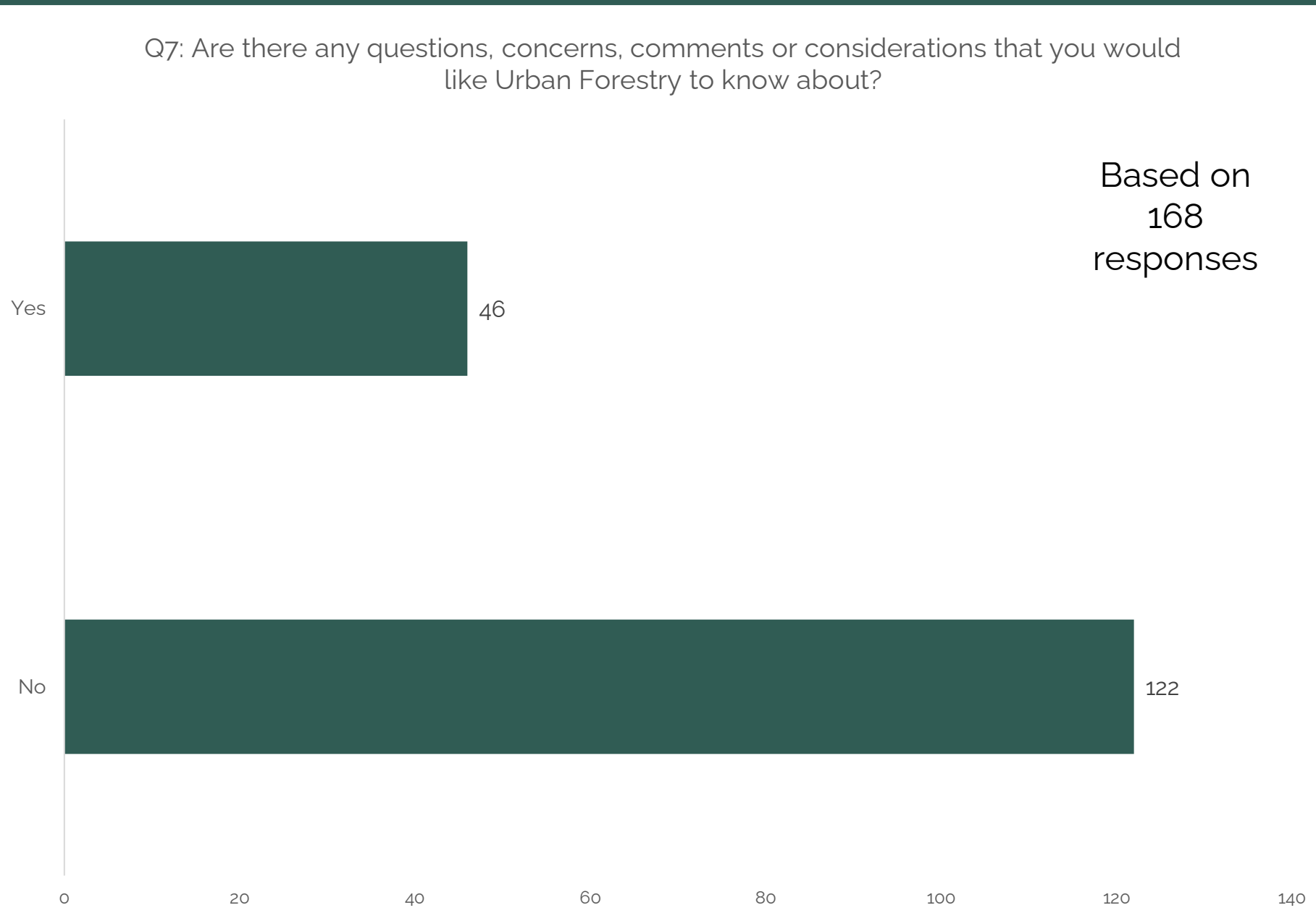
QUESTION #6

Q6: Increasing a healthy tree canopy cover requires investments in planting trees along with postplanting care such as young tree pruning and watering. Would you be willing to water trees during drought conditions that are in the public rights-of-way adja



Based on 170 selections made

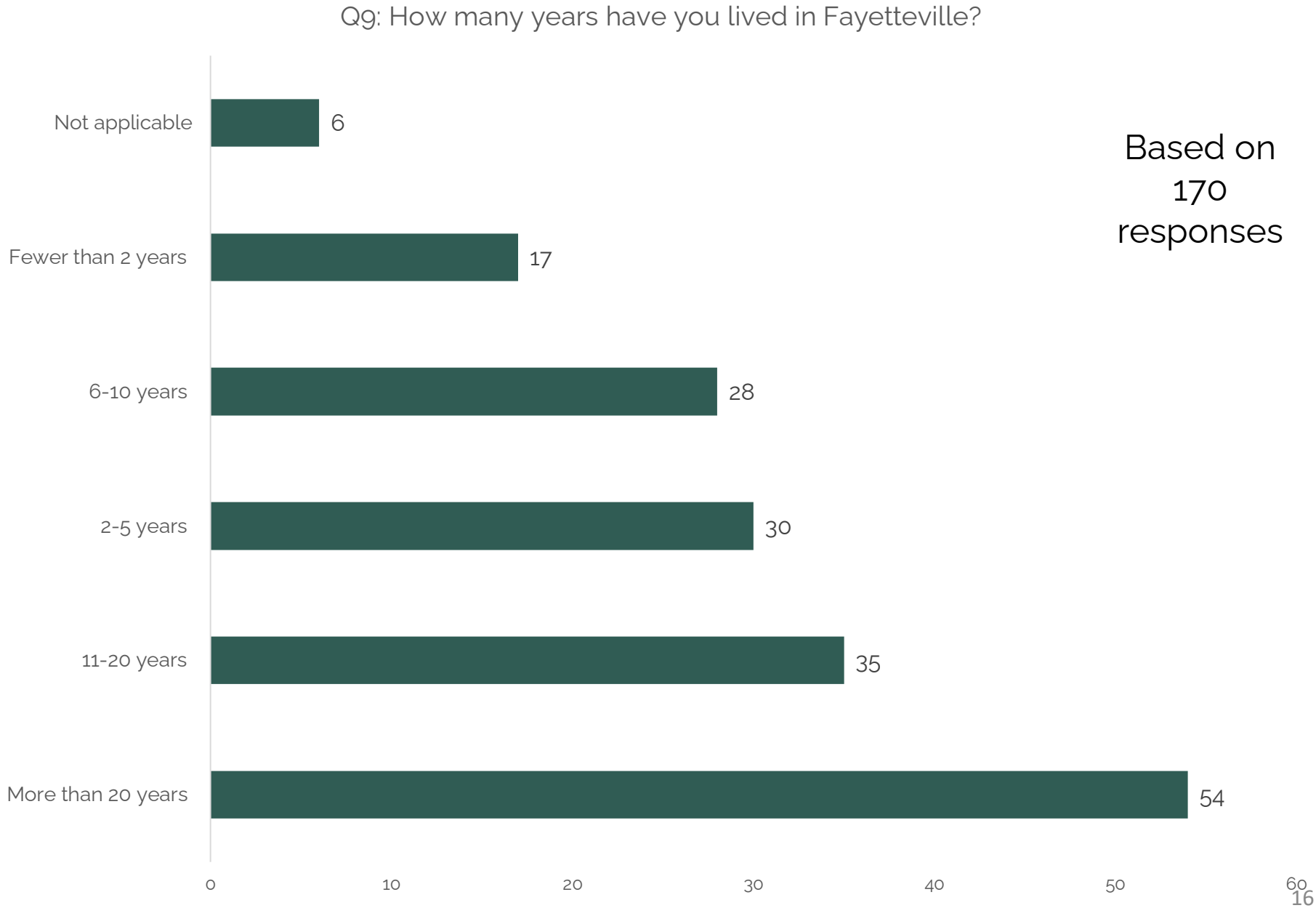
QUESTION #7


Q7: Are there any questions, concerns, comments or considerations that you would like Urban Forestry to know about?
Based on 168 responses
Yes
46
No
122
0
20
40
60
80
100
120
140

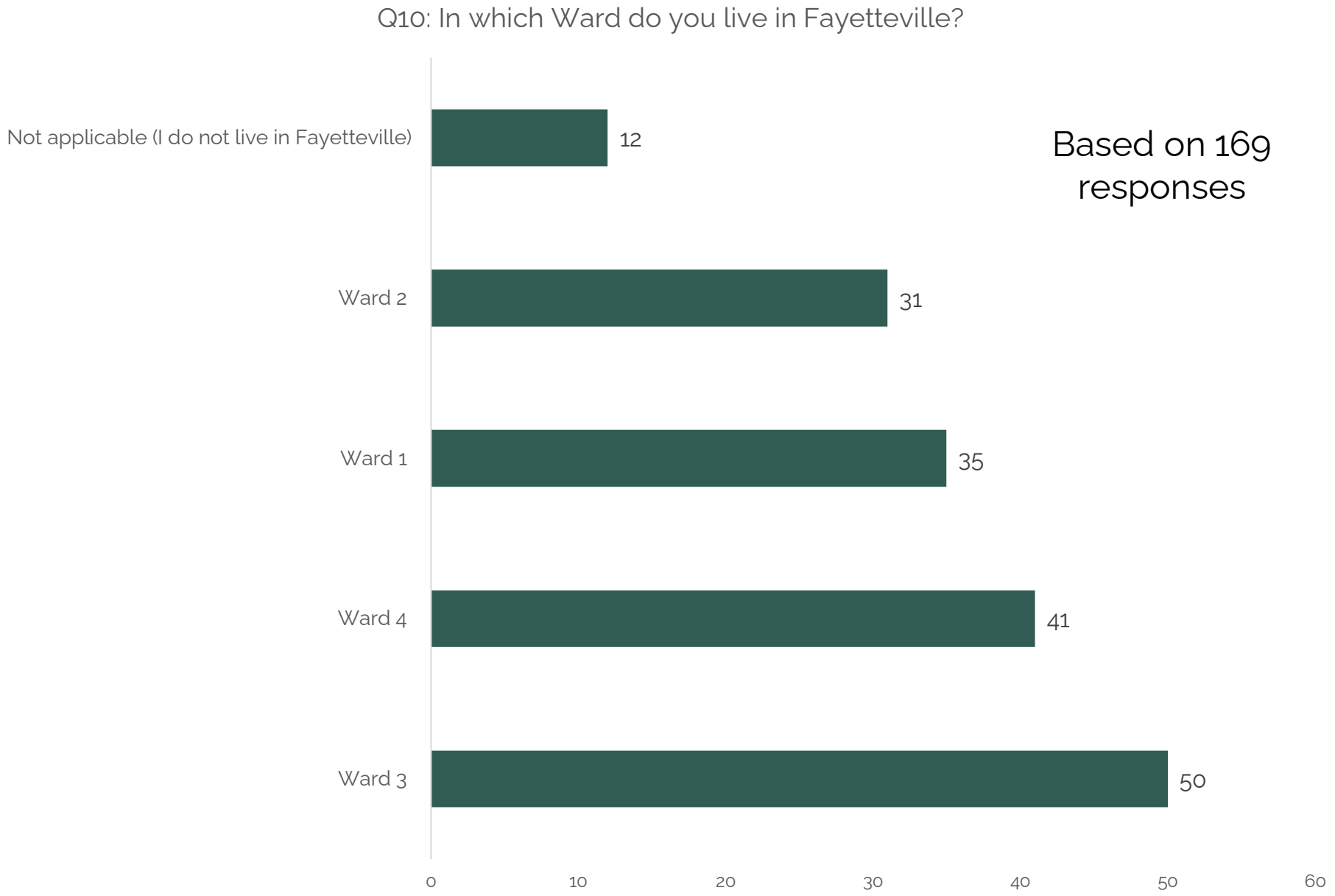
Question #7 Comments (categorized)

Categories	Comment Count
Native Species	3
Equity	1
Increase Canopy	2
Trees and Food	1
Watering	3
Trees and Development	9
Tree Maintenance	2
Tree Donation Funds	1
Cost Share Program- Tree Removal Specific	1
Thanks	2
Tree Removal	1
Job Growth	1
Prioritization of UF activities	1
Free Tree Planting Giveaways	1
Education Material-Tree Selection	1
Tree Planting Locations	1
Increase Canopy	1
Invasives	2
Ecological Concerns	1
Volunteer Opportunity	1
Tree Removal Ordinance	1

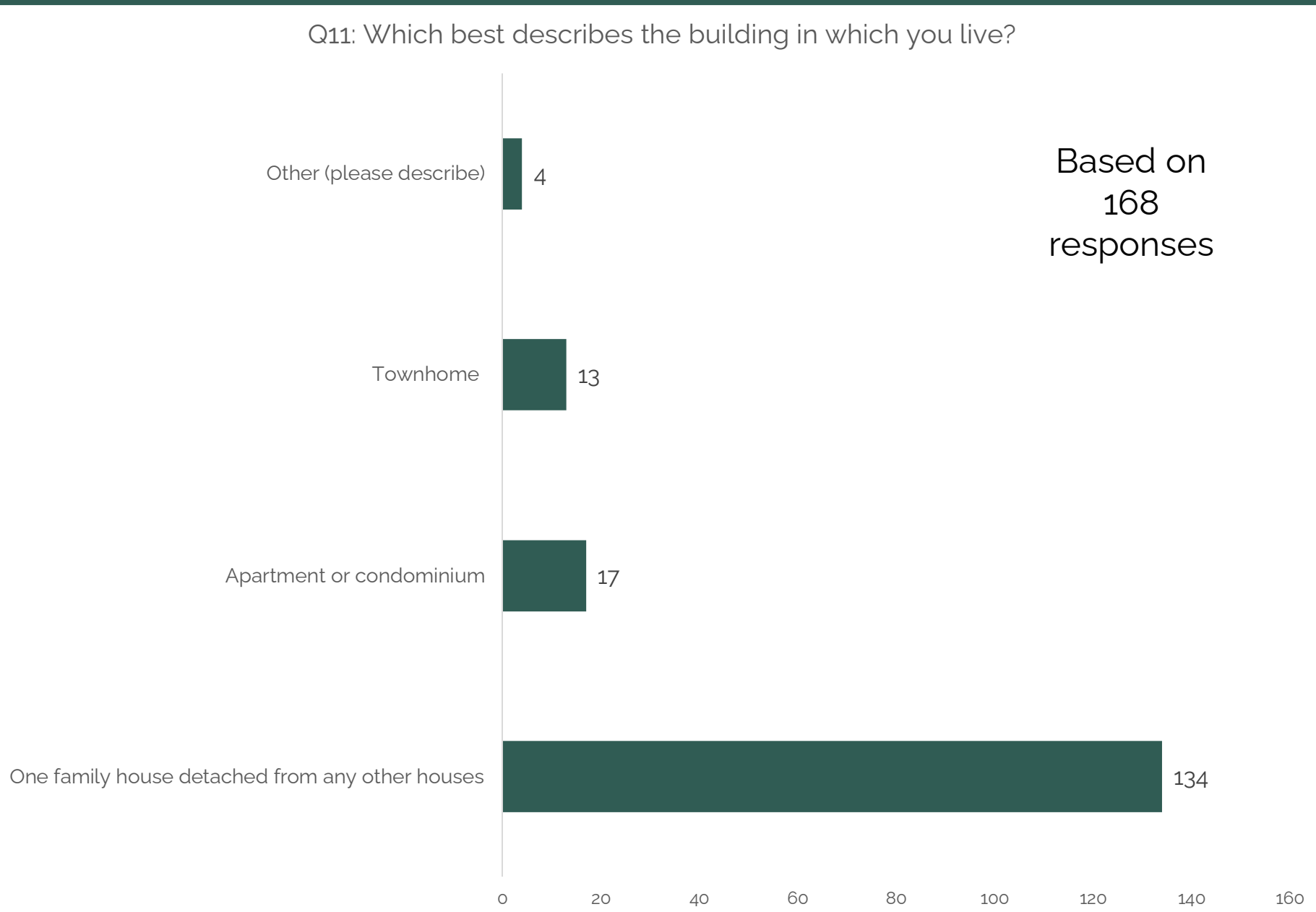
QUESTION #9


Q9: How many years have you lived in Fayetteville?
Not applicable
6
Fewer than 2 years
17
6-10 years
28
2-5 years
30
11-20 years
35
More than 20 years
54
0
10
20
30
40
50
60
Based on 170 responses

QUESTION #10

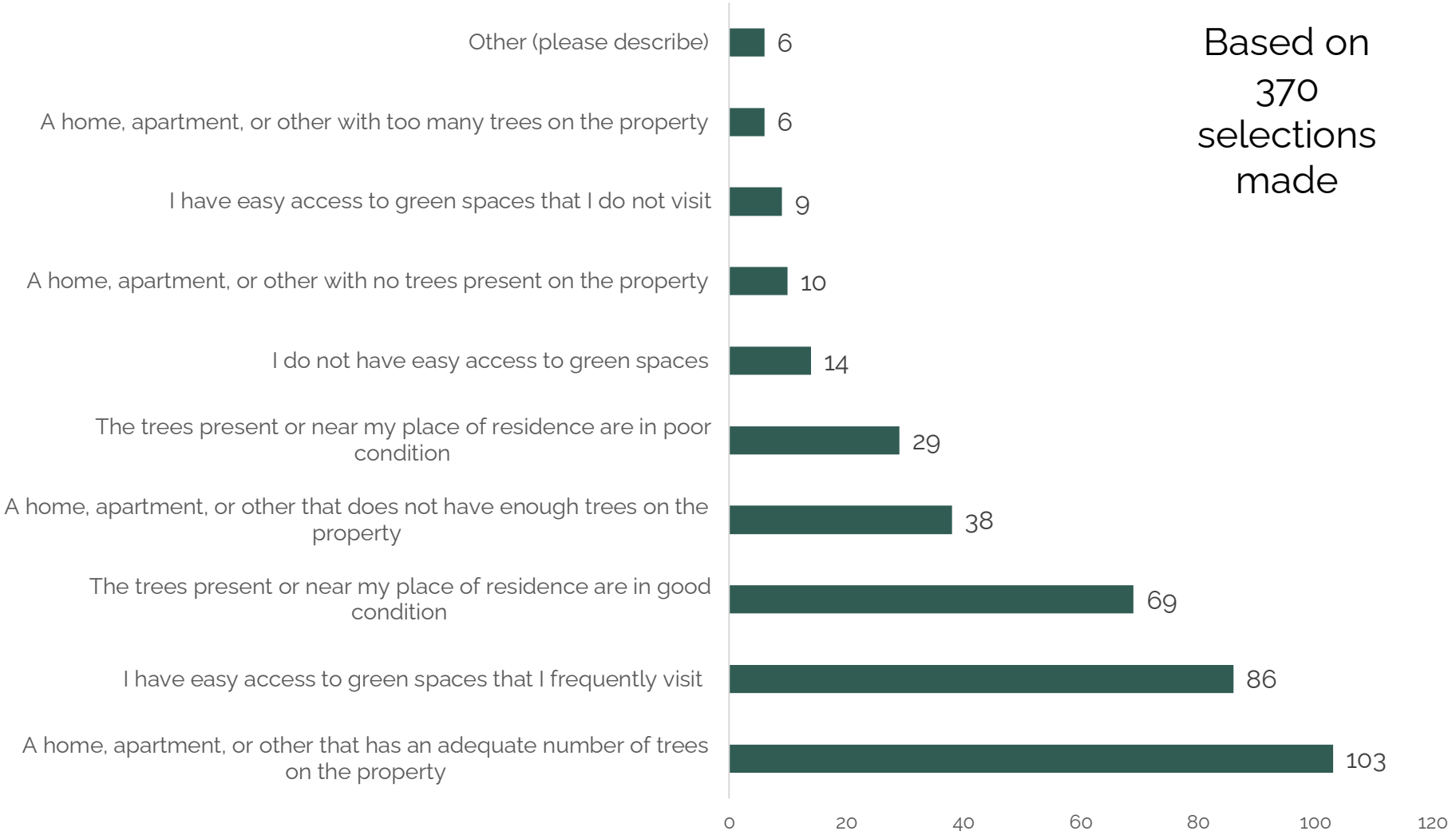

Q10: In which Ward do you live in Fayetteville?
Not applicable (I do not live in Fayetteville)
12
Ward 2
31
Ward 1
35
Ward 4
41
Ward 3
50
0
10
20
30
40
50
60
Based on 169 responses

QUESTION #11


Q11: Which best describes the building in which you live?
Other (please describe)
4
Townhome
13
Apartment or condominium
17
One family house detached from any other houses
134
0
20
40
60
80
100
120
140
160
Based on 168 responses

QUESTION #12

Q12: If you live in Fayetteville, please describe the current conditions where youreside.
(Select all that apply)

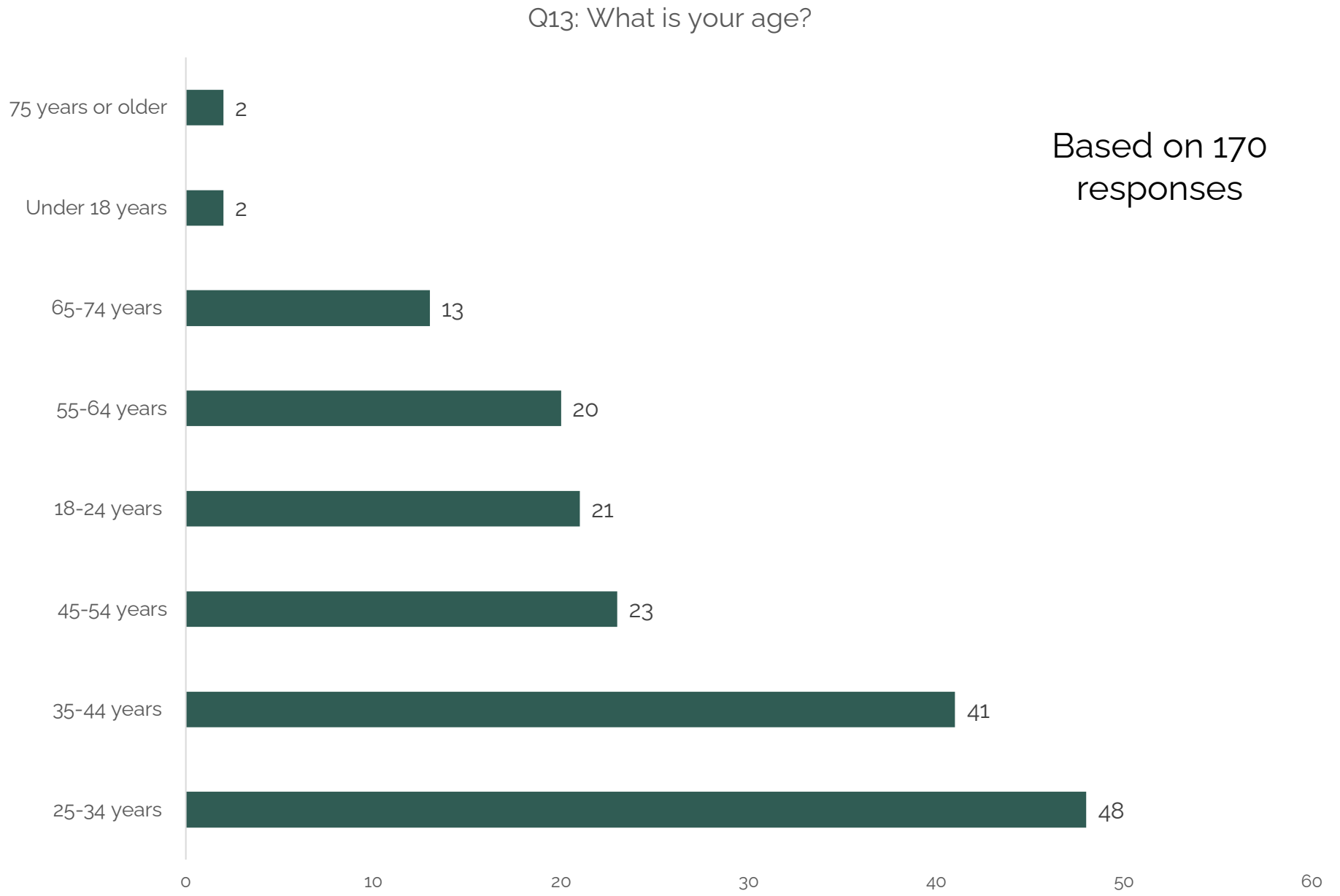


Based on 370 selections made

Question #12 Comments

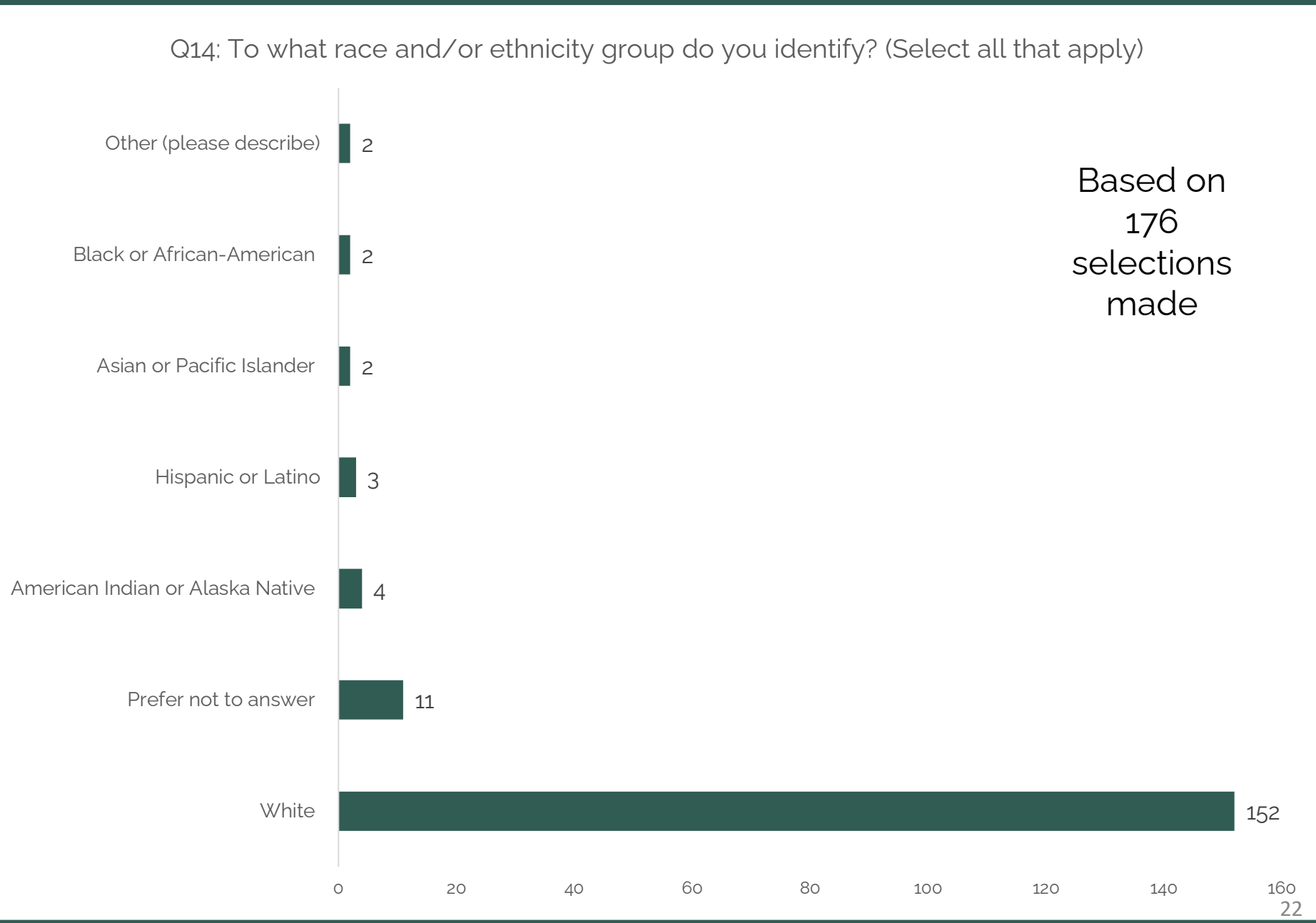
Categories	Comment Count
Tree Impacts	1
Trees and Development	1
Other	3
Invasives	1

QUESTION #13



Based on 170 responses

QUESTION #14


Q14: To what race and/or ethnicity group do you identify? (Select all that apply)
Other (please describe)
2
Black or African-American
2
Asian or Pacific Islander
2
Hispanic or Latino
3
American Indian or Alaska Native
4
Prefer not to answer
11
White
152
0
20
40
60
80
100
120
140
160
Based on 176 selections made

Question #14 Comments

Comment
Middle Eastern
European

Fayetteville, Urban Forest Management Plan



Task C. City Operations and Workflows
~ Staff & Board Member Survey Summary ~

CITY OF FAYETTEVILLE ARKANSAS

9/30/22

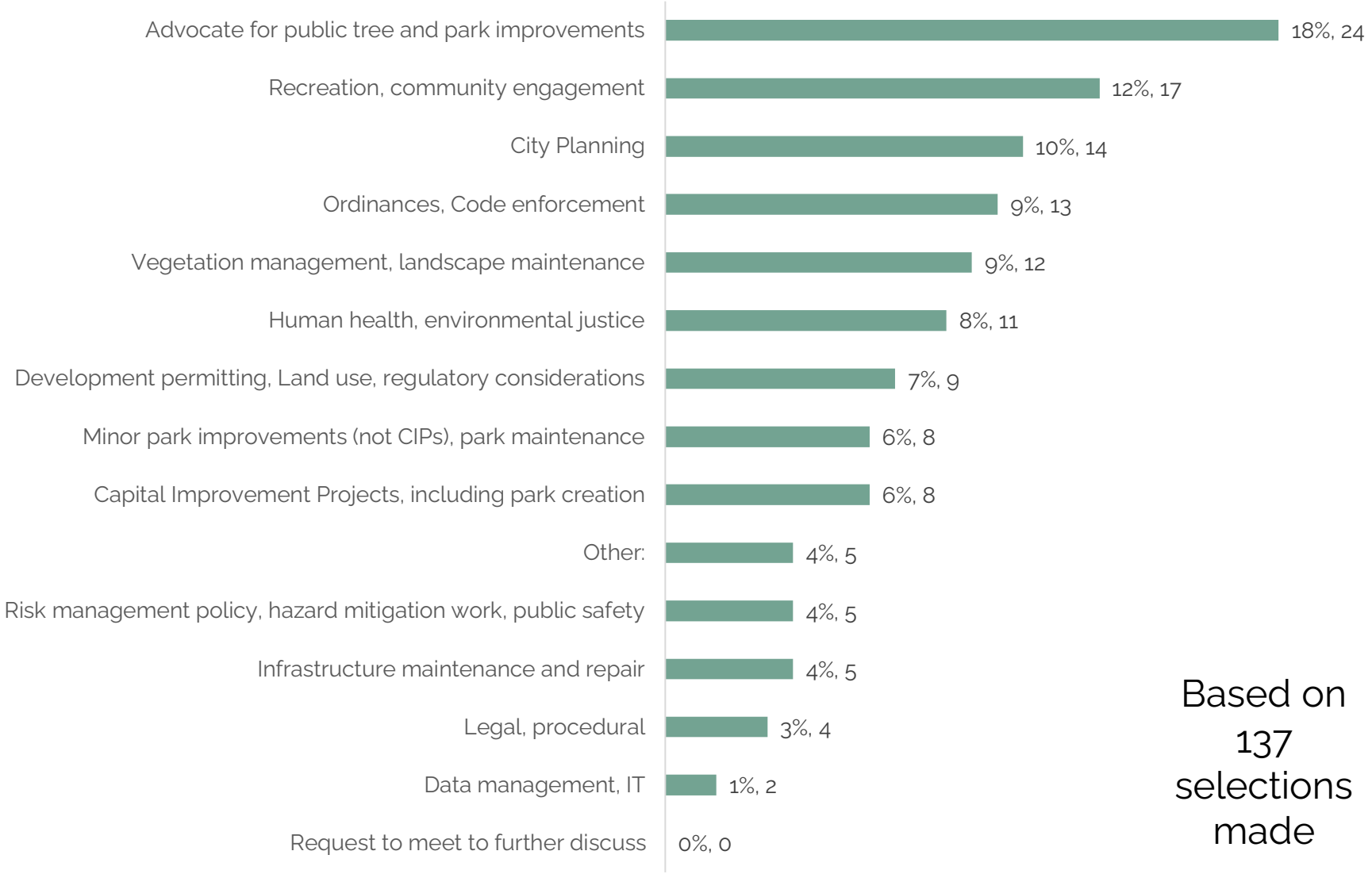
PlanITGeo™ developers of TreePlotter

Survey Overview

Count of Surveys Received
28 of 59 invited (47%)
Survey Timeframe
August 30, 2022 – September 23, 2022
Platform
Google Forms: https://forms.gle/BA67usA5y3RuiAABA

QUESTION #2

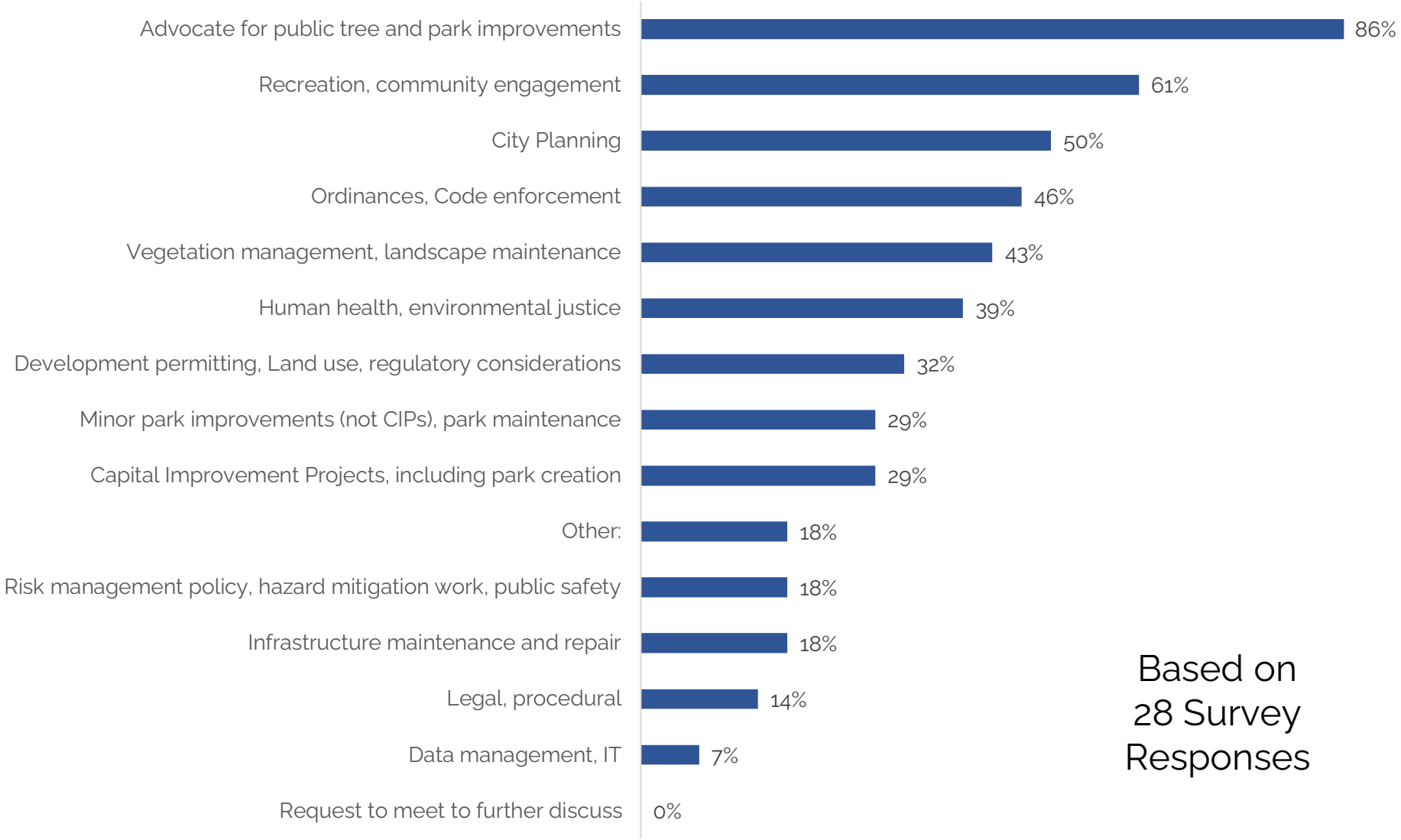
2. How does your work or role impact or influence the urban forest, individual trees, natural areas, and/or the landscape in Fayetteville?



Based on 137 selections made

QUESTION #2

2. How does your work or role impact or influence the urban forest, individual trees, natural areas, and/or the landscape in Fayetteville?



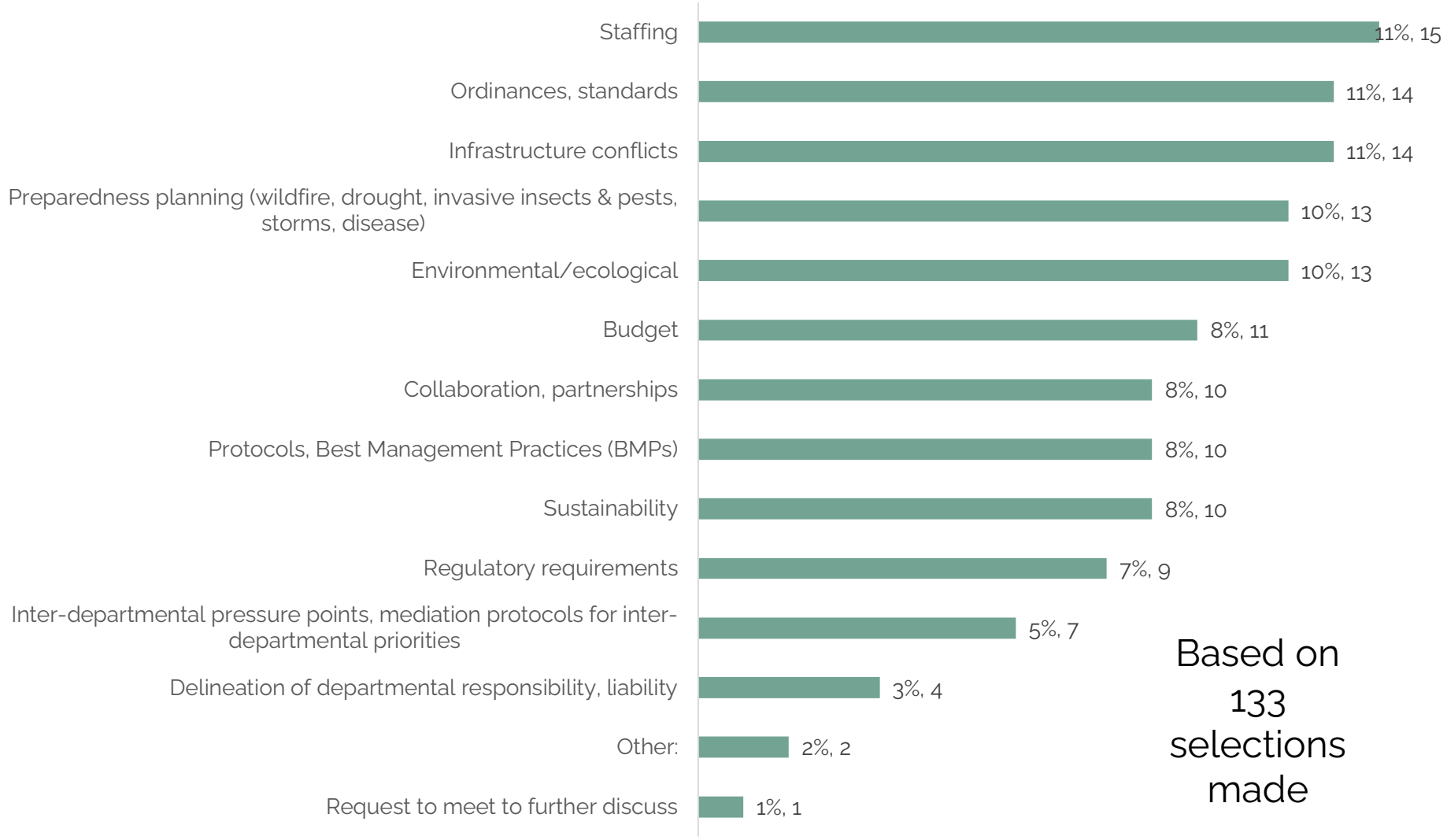
Based on 28 Survey Responses

Question #2 Comments

Name	Comment(s)
	Member of PRAB
	Citizen at large on EAC committee
	use the platform of an outdoor retailer to advocate for public lands and environmental stewardship
	EAC has advisory role to City Council
	Voice for urban forestry goals and missed opportunities in city planning decisions.

QUESTION #3

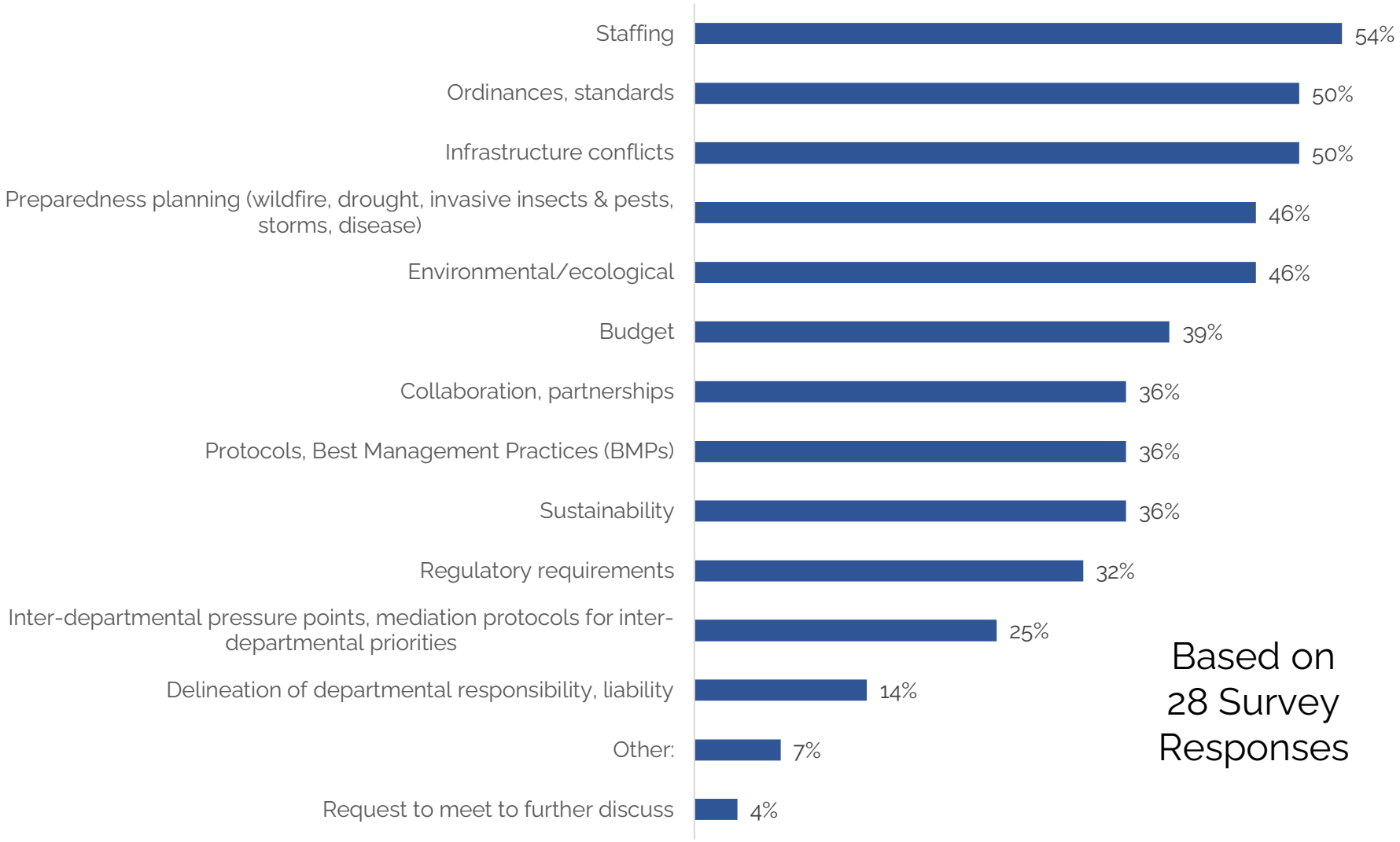
3. What are the current issues, concerns, challenges, information/resource gaps, or inefficiencies experienced or seen, if any, as it relates to your work/role described in #2?



Based on 133 selections made

QUESTION #3

3. What are the current issues, concerns, challenges, information/resource gaps, or inefficiencies experienced or seen, if any, as it relates to your work/role described in #2?



Based on 28 Survey Responses

Question #3 Comments

Name	Comment(s)
	Poor inventory management
	Replacement of street trees in existing neighborhoods

QUESTION #4

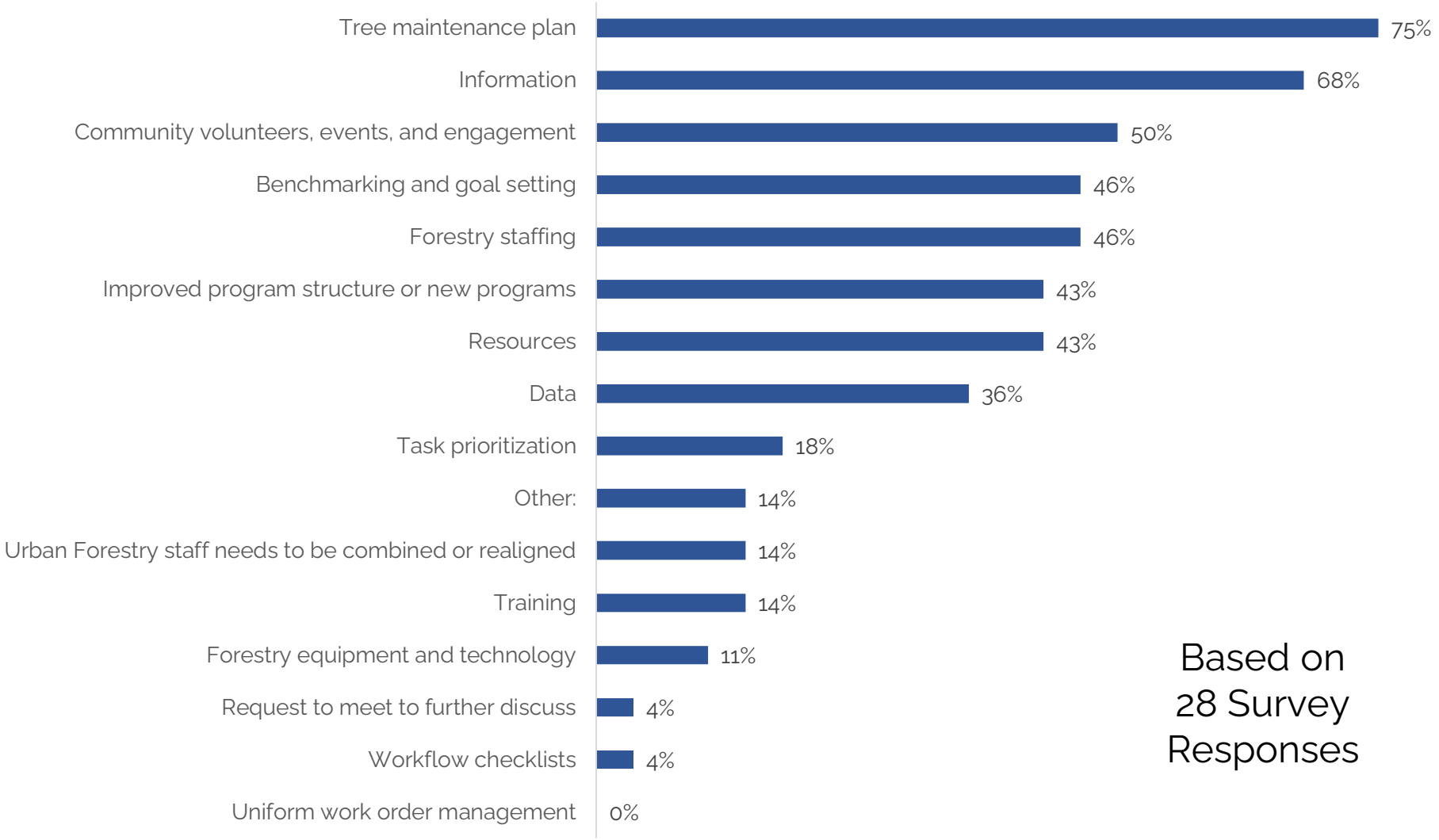
4. What results and outcomes of the UFMP would you like to see to assist and support your work or role as it relates to the trees and related services in Fayetteville?



Based on 136 selections made

QUESTION #4

4. What results and outcomes of the UFMP would you like to see to assist and support your work or role as it relates to the trees and related services in Fayetteville?



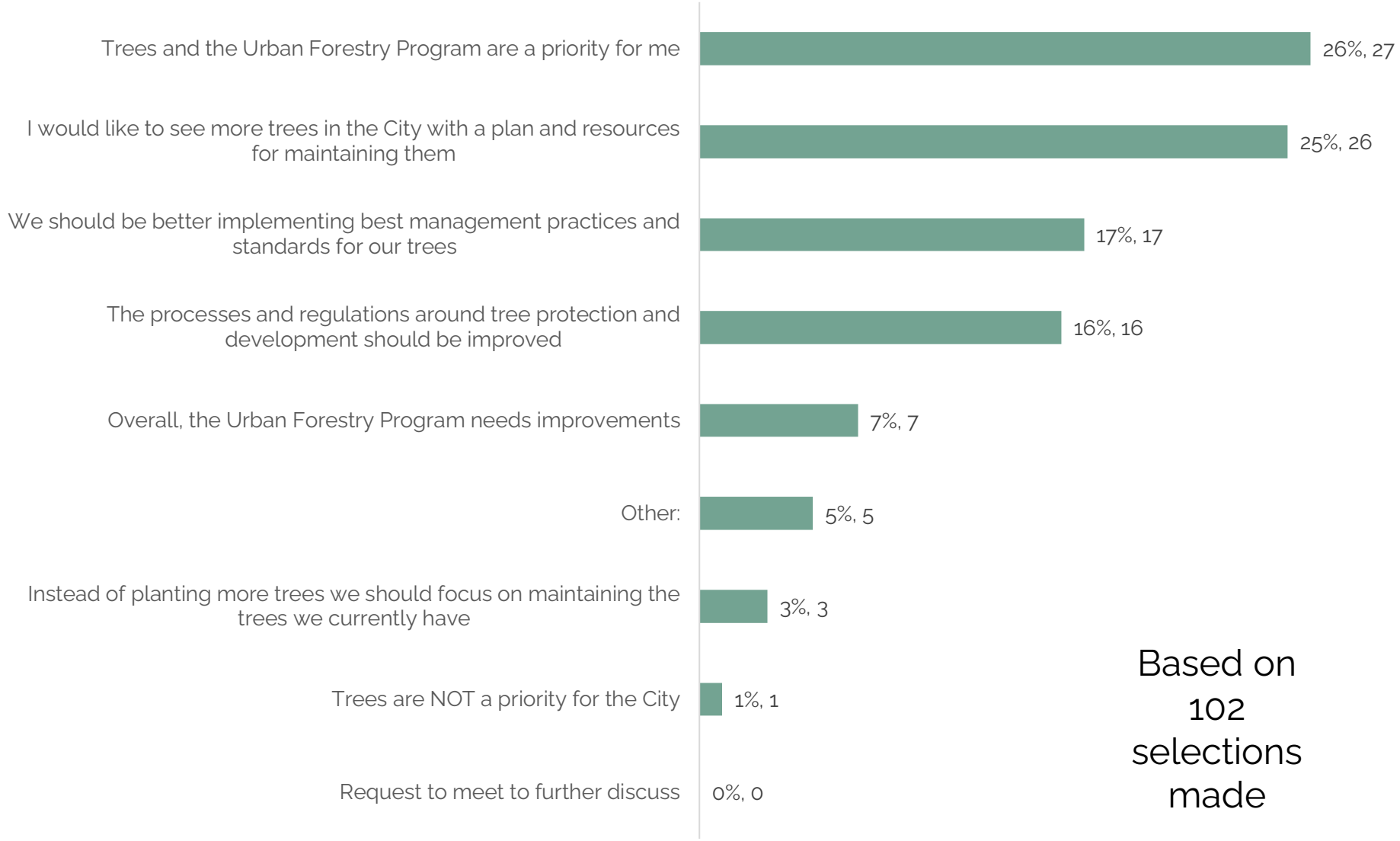
Based on 28 Survey Responses

Question #4 Comments

Name	Comment(s)
	Expand to be "urban ecology"
	Supporting current Forestry activities and preservation/landscaping standards
	Clear understanding of where efforts should be focused and what benefits will be received by increased efforts is warranted.
	Prioritize planting trees that will have the greatest positive impact on other species. For example, prioritize native oaks over Liriodendron (tulip tree)

QUESTION #5

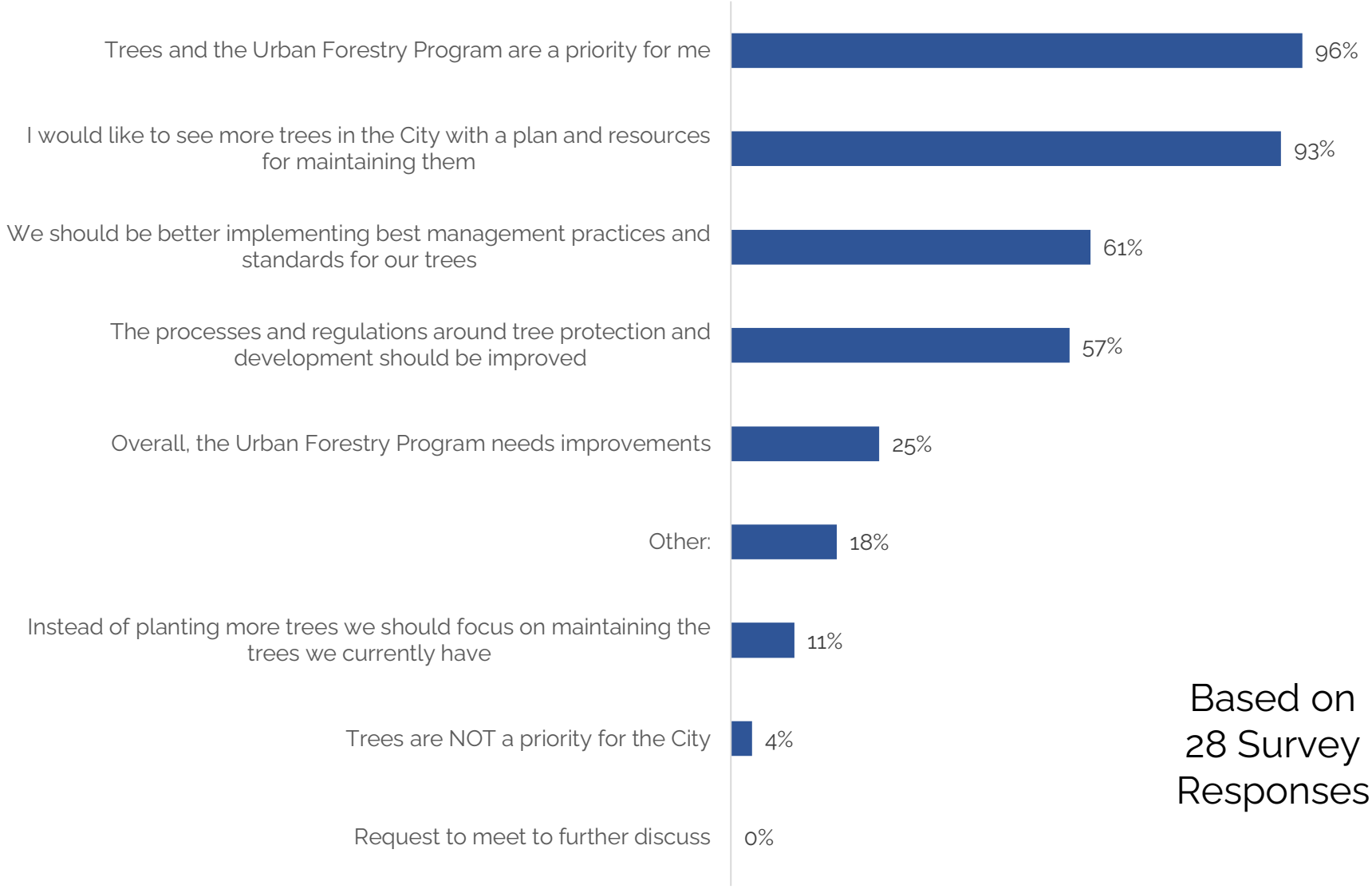
5. Please select from the following to summarize your viewpoints and priorities relating to trees and the urban forest in the City.



Based on 102 selections made

QUESTION #5

5. Please select from the following to summarize your viewpoints and priorities relating to trees and the urban forest in the City.



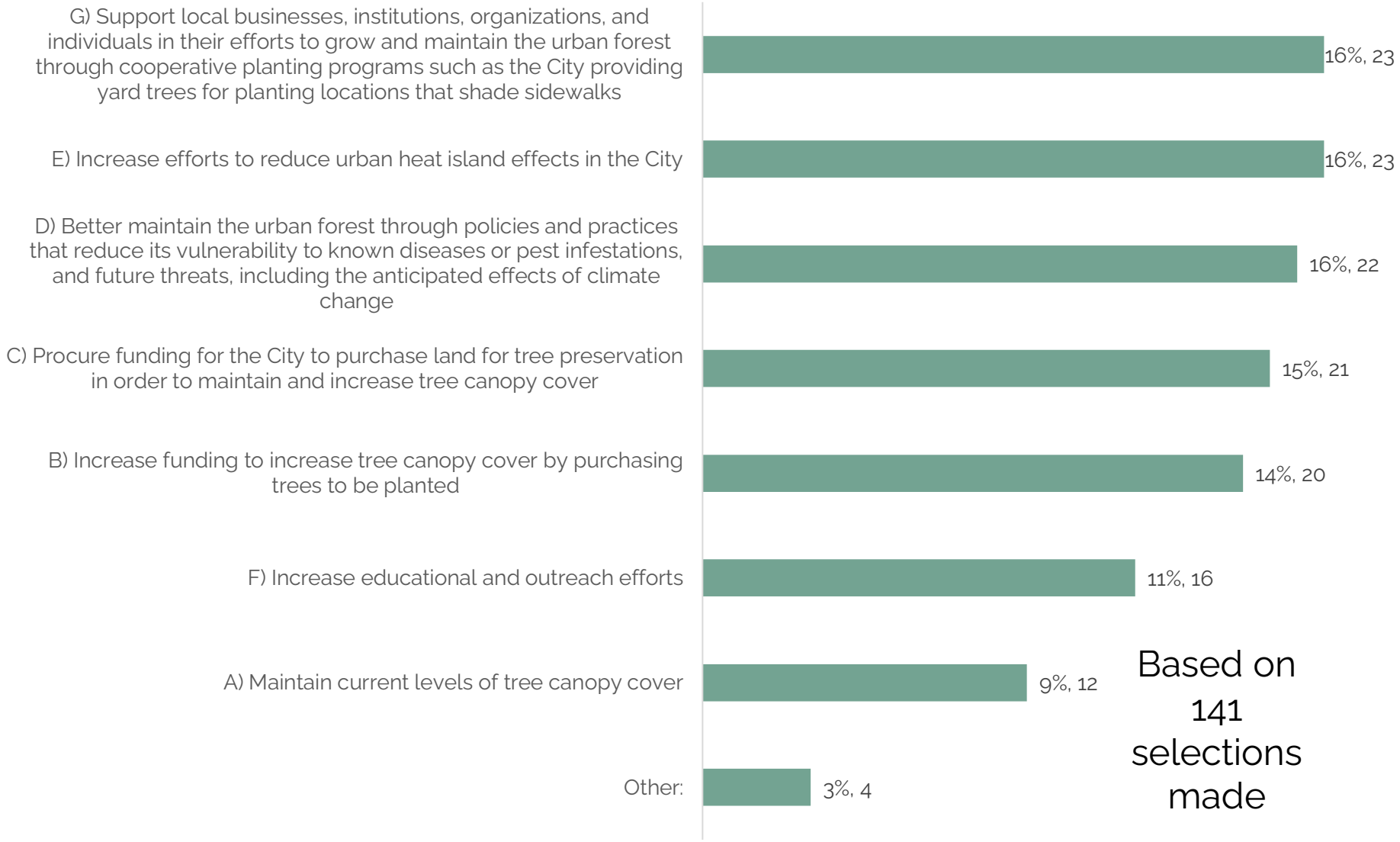
Based on 28 Survey Responses

Question #5 Comments

Name	Comment(s)
	I picked 3 and 4 because I like the idea of more trees but we lack a proper maintenance plan
	Expand to include broader ecological issues
	Street sections need to be reviewed. We are placing trees in spaces that are too confined for long term health of tree and infrastructure.
	We should not just be counting trees on properties that are about to be developed. We should identify large trees with significant environmental value.
	Yes, the Urban Forestry program needs improvements - it needs more resources, more vocal recognition of its value, and deeper integration with utilities and infrastructure and management that reflects that value

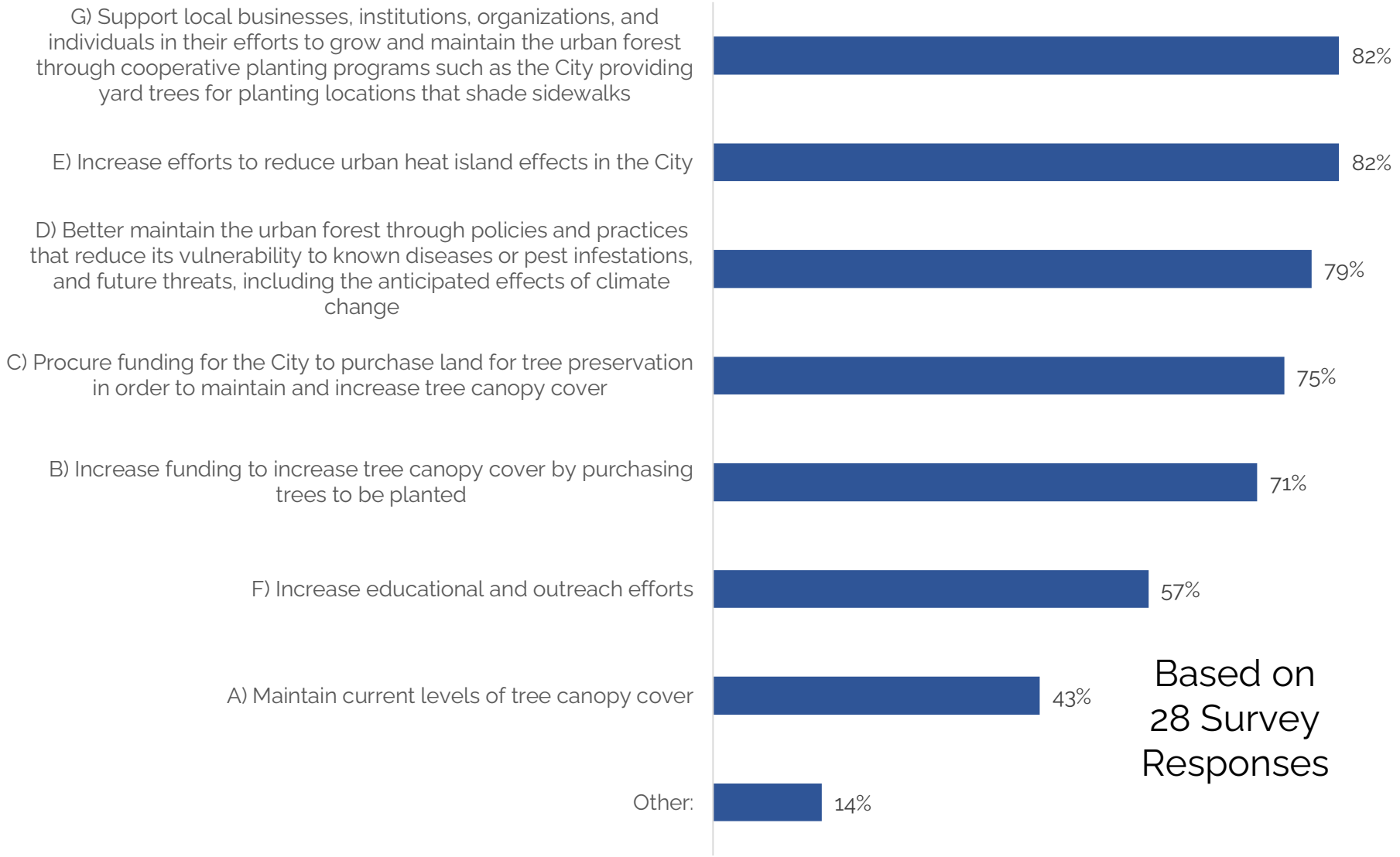
QUESTION #6

6. Overall, what do you feel are the most important goals for the City in regards to urban forestry?



QUESTION #6

6. Overall, what do you feel are the most important goals for the City in regards to urban forestry?

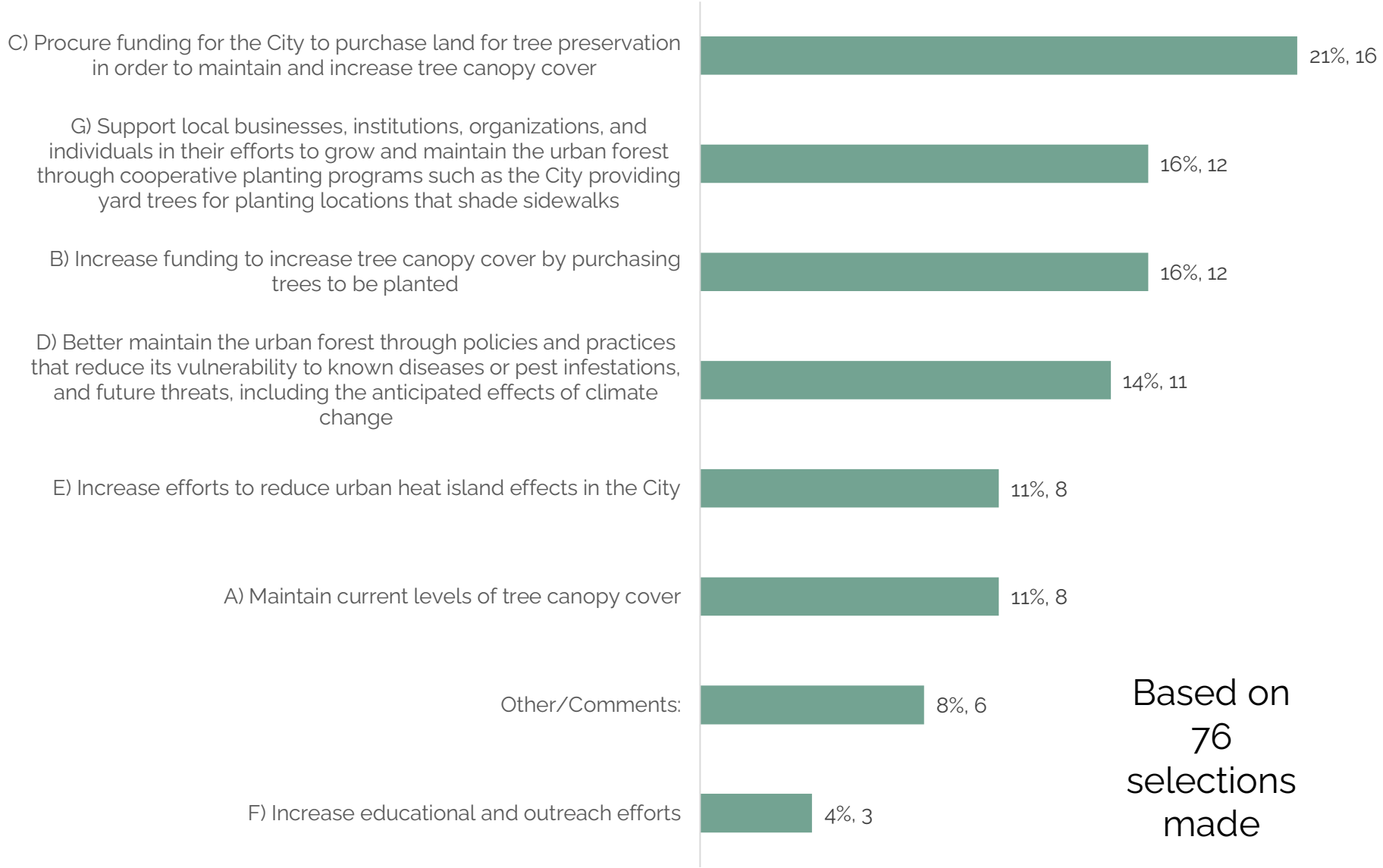


Question #6 Comments

Name	Comment(s)
	Make sure that underserved areas, and those with few trees receive priority for planting urban forests.
	I agree with A) as a percent of the City under canopy, but not necessarily the existing canopy.
	Determine what is a reasonable canopy goal for the city based on land use, growth, and evnironmental/health benefits.
	Integration of urban ecology, of which forestry is a subset, into the value decisions of the mayor and city council, into budgeting and staffing, and into workflows of utilities and engineering

QUESTION #7

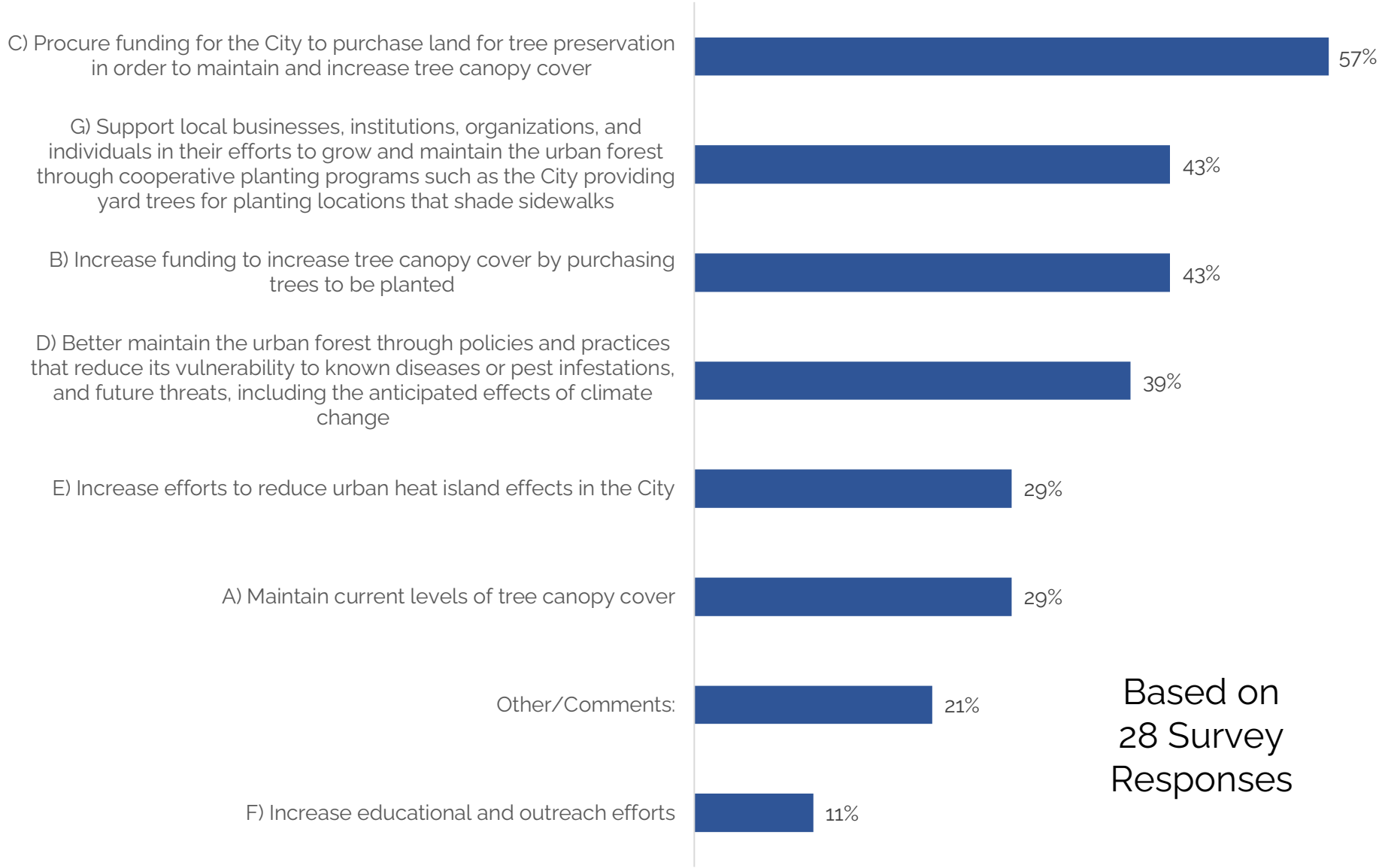
7. From the list above, what are the three (3) most important goals (list letter)?



Based on 76 selections made

QUESTION #7

7. From the list above, what are the three (3) most important goals (list letter)?



Based on 28 Survey Responses

Question #7 Comments

Name	Comment(s)
	Large gap between C (procure funding…) and G (support local businesses…)
	Make sure that underserved areas, and those with few trees receive priority for planting urban forests.
	and B (increase funding…)
	and F (increase educational…)
	I agree with A) (maintain current levels of UTC…) as a percent of the City under canopy, but not necessarily the existing canopy.
	Other: Integration and expansion of Urban Forestry through the city's organization

Fayetteville Urban Forestry Management Plan


Source: Shutterstock

US Forest Service Urban Forest Audit
~ Adapted for Fayetteville, AR ~

CITY OF FAYETTEVILLE ARKANSAS

PlanITGeo™ developers of TreePlotter

August 2023

URBAN FOREST AUDIT SYSTEM: OVERVIEW

U.S. Forest Service's
Urban Forest Sustainability & Management Audit System

Information Gathering & Discovery

- Measure City's readiness for improved urban forest management, use of the Discovery Matrix
- Document Index of discovered resources
- 11 Categories, 129 planning elements
  1) Management Policy & Ordinances
  2) Capacity and Training
  3) Funding and Accounting
  4) Decision & Authority
  5) Tree Inventories
  6) Urban Forest Plans
  7) Risk Management
  8) Disaster Planning
  9) Standards and Best Practices
  10) Community
  11) Green Asset Evaluation

Audit Process (example only)

Category & Element	Count
Management Policy and Ordinances	30
Professional Capacity and Training	3
Funding and Accounting	4
Decision and Management Authority	3
Inventories	14
Urban Forest Management Plans	13
Risk Management	4
Disaster Planning	4
Standards & Best Management Practices (BMPs)	39
Community	28
Green Asset Evaluation	10

Category: Management Policy & Ordinances		
#	Subcategory	Document/Resource
1.02	Climate Change (Sustainability)	Tree Policy Manual Sustainable City Plan
1.03	No Net Loss	Tree Policy Manual
1.04	Risk Management	Tree Policy Manual
1.05	Tree Canopy Goals	Sustainable City Plan General Plan

URBAN FOREST AUDIT SYSTEM: DOCUMENT INDEX

Documents Evaluated and Recorded in the Index

#	Resource	Information Gathered / Application
1	City Plan 2040 Comprehensive Plan	Public survey conducted, tree canopy section 8.3 (p89), climate change and canopy, urban forest benefits, ordinance, UFAB (formerly Tree and Landscape Advisory Committee est. in 1993)
2	Tree Preservation & Landscape Manual	Contains recommended tree list
3	Code of Ordinances - Chapter 167 Tree Preservation and Protection	
4	Code of Ordinances - Chapter 177 Landscape Regulations	Contains list of invasive plant species
5	Tree Preservation Standard Detail	
6	Tree List from Arkansas Native Plant Society	
7	Significant Trees List & Classifications	
8	Tree Canopy Cover and Environmental Equity	
9	Adopted Annual Budget & Work Program	Contains statement on 40% canopy goal (based on Energy Action Plan), lists trees planted, lists trees mitigated and preservation acres
10	2022 Q1 Executive Management Report	Nothing to report
11	Adopted Five Year Capital Improvements Plan 2021-2025	
12	"Fayetteville First" Strategic Plan	
13	Energy Action Plan	Chapter 1 Greenhouse Gas Reduction & Climate Change; Chapter 3 Buildings, Strategy #5 - UHI mitigation (p40); Chapter 3 Buildings Strategy 2, Make Existing Single-family & Multi-family Dwellings More Efficient; Ch 3 Buildings Strategy 4, Conduct a Community-Wide Tree Canopy Assessment and Set a Tree Canopy Coverage Percentage Goal (p39); Ch 3 Cross-Sector Strategy 1, Integrate Resilience and Adaptation Considerations into Planning and Policy Decisions -- investigate feasibility of a stormwater utility to improve green infrastructure
14	Master Street Plan (excerpt from City Plan 2040)	
15	City Plan 2040 Public Survey	Q11) "please help the City understand which of the following amenities, characteristics, or public improvements should be prioritized in association with infill" -- responses greatly supported making the neighborhood they want to live in, projects are friendly to pedestrians, and public amenities (traffic calming, pathways, open spaces)

Example of the resources reviewed and documented in the Document Index

A total of 66 documents were gathered for the research and information discovery phase of the UFMP project. Based on the research, there were a total of 326 instances where elements in the Audit were referenced in the 66 documents. An example of the document index is provided above. For a complete listing, see the “Fayetteville Urban Forest Audit” spreadsheet.

Urban Forest Audit System: Discovery Matrix

Example of the Documents and References to Audit Elements

Management Policy and Ordinances	
Climate Change (Sustainability)	City Plan 2040 Comprehensive Plan Adopted Annual Budget & Work Program Adopted Five Year Capital Improvements Plan 2021-2025 "Fayetteville First" Strategic Plan Energy Action Plan Active Transportation Plan Mobility Plan Fayetteville Downtown Master Plan Walker Park Neighborhood Master Plan Weddington Corridor Plan Economic and Labor Force Analysis - Appendix B Draft Fayette Junction Master Plan Tomorrow's Corridor - Rethinking 71B University of Arkansas Office for Sustainability - Plants - Current Projects
No Net Loss	Tree Canopy Cover and Environmental Equity
Risk Management	Code of Ordinances - Chapter 167 Tree Preservation and Protection Adopted Annual Budget & Work Program Mobility Plan
Tree Canopy Goals	City Plan 2040 Comprehensive Plan Tree Preservation & Landscape Manual Code of Ordinances - Chapter 167 Tree Preservation and Protection Tree Canopy Cover and Environmental Equity Adopted Annual Budget & Work Program Adopted Five Year Capital Improvements Plan 2021-2025 Energy Action Plan Mobility Plan Fayette Junction Master Plan Tomorrow's Corridor - Rethinking 71B City Website Urban Forestry/Tree Preservation and Landscape Regulations (letter from the Urban Forester) Urban Forestry/Tree Preservation and Landscape Regulations (letter from the Urban Forester)

Discovery Matrix example for Fayetteville documents relating to Management Policy

Once the documents were indexed, each of the 66 resources were reviewed and cross-examined with the Audit's Discovery Matrix categories (11) and elements (130). An example of the process is shown on the left. For the "Management Policy and Ordinances" category, documents are listed in the green cells that mention or relate to the category's elements including "Climate Change", "No Net Loss", "Risk Management", and "Tree Canopy Goals". Any reference to the element within a document was given a "1" to enable a count of the total references to urban forestry per document, per element.

Audit Category	Documents with Reference
Management Policy and Ordinances	104
Professional Capacity and Training	4
Funding and Accounting	10
Decision and Management Authority	40
Inventories	18
Urban Forest Management Plans	7
Risk Management	12
Disaster Planning	2
Standards & Best Management Practices (BMPs)	109
Community	20
Green Asset Evaluation	N/A
TOTAL COUNT	**326**

URBAN FOREST AUDIT SYSTEM: PROCESS



RESEARCH DEEP DIVE: Existing plans, ordinances, practices

CITY CONSULTATIONS: Workflows, operations, services, best practices, standards, challenges, opportunities

EXISTING CONDITIONS: Inventory analysis, ecosystem benefits, trends, maintenance needs, planting, preservation

BENCHMARKING: Establish baseline metrics for comparison and monitoring ($ per tree, staff per tree, etc.)

COMMUNITY ENGAGEMENT: Existing and potential partners, recommendations, public meeting

URBAN FOREST AUDIT: Systematic evaluation from which goals and actions are developed and can be monitored

URBAN FOREST AUDIT SYSTEM: PROCESS

Category: Management Policy & Ordinances			
Element	*Subcategory*	*Description or Criteria for Evaluation*	*Assigned Status**
1.01	Climate Change (Sustainability)	With reference to urban trees, addresses the long-term health and productivity of the natural resource.	Score: 2 "Adopted Common Practice"
1.02	No Net Loss	Can refer to trees, basal area, or canopy.	Score: 2 "Adopted Common Practice"
1.03	Risk Management	Should reference: ANSI A300 Part 9, ISA BMP and prioritization funding mechanisms.	Score: 2 "Adopted Common Practice"
1.04	Tree Canopy Goals	Overall community/campus goal, or by designated "zone".	

EXAMPLE

0) Not Practiced
1) In Development
2) Adopted Common Practice
3) Exceeds Common Practice

*For each subcategory that is evaluated, 0 points are attributed if the component doesn't exist or is not practiced; 1 point is given if the component is in development; 2 points are given if the component is routinely practiced; and 3 points are given if the practice is exceeded. The points can then be totaled for an overall score.

URBAN FOREST AUDIT SYSTEM: OUTCOMES

#	Category	SOC (% Achieved)*	Base (% Achieved)**	Overall Rating	Overall (% Achieved)
1	Management Policy and Ordinances	75%	50%	15	54%
2	Professional Capacity and Training	100%	NA	13	81%
3	Funding and Accounting	100%	NA	6	50%
4	Decision and Management Authority	100%	50%	7	88%
5	Inventories	NA	25%	12	46%
6	Urban Forest Management Plans	NA	50%	11	46%
7	Risk Management	100%	100%	16	89%
8	Disaster Planning	NA	100%	13	93%
9	Standards and BMPs	100%	69%	44	73%
10	Community	100%	NA	24	86%
11	Green Asset Evaluation	NA	NA	17	85%
Total		**96%**	**63%**	**178**	**70%**

EXAMPLE

*Standard of Care (SOC) elements represent the minimum group of urban forestry management "best practices" that a municipality should consider for implementation.

**Base Practices (BP) elements represent additional urban forest management activities or components that may effectively expand a program beyond the SOC group (see footnote above). These elements are typically precursors to other "non-core" elements in the category.

Urban Forest Audit System: Score Key

Color	Rank	Description	Ranking Rationale / Considerations
Blue	Category and element description		
Light Red	0) Not Practiced	No mention of the audit element in any documents, nothing uncovered during staff consultations, not in development as part of the UFMP project.	Describes the considerations that influenced the ranking
Yellow	1) In Development	The audit element is either mentioned in various documents but needs improvements or it is being addressed as part of the UFMP project.	Describes the considerations that influenced the ranking
Green	2) Adopted Common Practice	The audit element is mentioned in various documents, and it aligns with industry standards and best practices.	Describes the considerations that influenced the ranking

URBAN FOREST AUDIT SYSTEM: MANAGEMENT POLICY

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
1.00	**Policy**	**Written policy statements approved by a governing body.**	
1.01	Urban Heat (Sustainability)	Also referred to as Sustainability. With reference to urban trees. Addresses the long-term health and productivity of the natural resource.	Most documents that mention sustainability relate to development not trees though Chapter 167 Tree Preservation & Protection ordinance exists
1.02	No Net Loss	Can refer to trees, basal area, or canopy.	Not specifically mentioned but ordinances have mitigation requirements
1.03	Risk Management	Should reference: ANSI A300 Part 9, ISA BMP, and prioritization funding mechanisms.	No document specifically calls out standards, protocols, or staff trained for tree risk management
1.04	Tree Canopy Goals	Overall community/campus goal, or by designated "zone".	Energy Action Plan has a stated goal of 40%
1.05	Tree Protection	Construction and/or landscape maintenance.	Ordinances, critical root zone mentioned in various permit documents, construction standards
1.06	Utility	Utility pruning, planting, and installation policy (e.g. boring vs. trenching).	No policy in place for utility pruning was found but permits require identifying location of underground utilities
1.07	Human Health – Physical & Psychological	Recognizes and addresses the human health benefits of the natural resource (e.g. exercise, air quality, stress management, shade). Could also include Urban Heat Island (UHI) policies.	Benefits of trees are stated in various documents but less emphasis on heat reduction and human health
1.08	Wildlife Diversity / Habitat / Protection	Mammals, birds, or reptiles.	Comprehensive Plan and other plans have strategies and policies for preserving and conserving natural resources for wildlife
1.09	Performance Monitoring	Recognizes the annual or biennial calculation of metrics (e.g. some component of ecosystem services) for the purpose of tracking management performance.	Performance metrics in budget documents. Specific KPIs to be developed as part of the UFMP
1.10	Ordinance (Private)	Tree protection and management for trees on private property.	Ordinances are in place but will be reviewed with recommendations as part of the UFMP. City has the Tree Preservation & Landscape Manual
1.11	Ordinance (Public)	Tree protection and management for public trees.	Chapter 167 Tree Preservation & Protection is for private development. Similarly for Chapter 177 Landscape Regulations
1.12	Development Standards	US Green Building Council's LEED® rating systems (or similar internationally) LEED v4 BD+C (Sustainable Sites) LEED 4 ND (Neighborhood Pattern & Design, Green Infrastructure) ASLA's SITES® Rating System	Chapter 167 Tree Preservation & Protection is for private development. Similarly for Chapter 177 Landscape Regulations
1.13	High-Conservation Value Forests	Programs or policies for identification, acquisition, and/or protection of groups of trees or forests that provide unique public benefits.	The Comprehensive Plan focuses heavily on conservation and easements
1.14	Urban Interface (WUI)	Programs or policies that improve management of the urban interface for fire and/or invasive species.	Wildfire management is not covered in the documents but invasive species management is

URBAN FOREST AUDIT SYSTEM: CAPACITY & TRAINING

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
2.00	**Professional Management**	**Provision for professional consultation.**	
2.01	Certified Arborist - Staff	International Society of Arboriculture	Urban Foresters in Parks, Public Works, and Development
2.02	Certified Arborist - Contracted	International Society of Arboriculture	Chapter 167 identifies and recognizes ISA Certified Arborists
2.03	Certified Arborist - Other Resource	International Society of Arboriculture	Supporting staff with ISA credentials
2.04	Other Professional - Advising/directing UF management	This could be a professional in an allied field like Landscape Architecture.	City to provide input
2.05	Municipal Forestry Institute	Graduate of Society of Municipal Arborist's MFI program or similar	City to provide input
2.06	USFS Urban Forestry Institute or similar	Attendance at USFS UFI or similar	City to provide input
2.07	Campus/city arborist – ISA CA instructor for CEUs	Arborist routinely provides ISA CEU presentations/workshops.	City to provide input, trainings and resources are available on the website ("Citizen Tree Care Resources")
2.08	Tree Board University or similar	On-line training modules from Oregon U&CF for Tree Board/Advisory Council or similar	Unsure of the training and background of members on the Urban Forestry Advisory Board, Environmental Action Committee, or the Keep Fayetteville Beautiful Committee
2.09	Organizational Communications	Process, procedures, and protocol for cross-professional communications within the organization (all departments "touching" trees).	City to provide input but improvements will be recommended in the UFMP

URBAN FOREST AUDIT SYSTEM: FUNDING & ACCOUNTING

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
3.00	**Urban Forestry Budget**		
3.01	Budgeted Annually	Budget authorized/required for tree board, tree maintenance, and/or tree planting.	Urban Foresters and programs clearly listed in budget line items
3.02	Contingency Budget Process	A protocol is in place to prioritize urban forestry management activities during budget shortfalls; e.g. during times of limited funding for: 1) risk management, 2) young tree care, 3) mulching.	City to provide input
3.03	Funding Calculated from Community Attribute	Budget in terms of per capita, per tree, or for performance (e.g. per tree weighted by size class or age.	City to provide input. The inventory with ecosystem benefit calculations is a starting point
3.04	Funding Based on Performance Monitoring	Budget connected with/based on ecosystem service (ES) monitoring and performance.	City to provide input. The inventory with ecosystem benefit calculations is a starting point
3.05	Urban Forestry Line Item	Is the budget specific to urban forest management?	Line items for the Urban Forestry staff, clear line items for Forestry & Habitat plus events, and Tree City USA reporting documents
3.06	Green Asset Accounting	Maintain green infrastructure data in the "unaudited supplementary disclosure of an entity's comprehensive annual financial report (CAFR)". GASB 34 implementation for municipalities.	City to provide input

Urban Forest Audit System: Authority

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
4.00	**Authority**		
4.01	Urban Forest Manager	Professional urban forest manager with authority over the program and day-to-day activity. Including designated budget line item.	"Urban Forester" mentioned frequently in documents stating authority, role, and communications protocols
4.02	Staff Authority	Designated staff with authority over the program and day-to-day activity. Including designated line item.	Clearly defines the role of the Urban Forester
4.03	Communication Protocol	Established protocol and mechanism(s) for communication among all members of the urban forest management "community" in your municipality or organization (e.g. manager, department under control, advisory board, finance, field operations, public, NGOs, business community, developers).	City to provide input
4.04	Tree Board, Commission, or Advisory Council	Establishes a board for public participation (advisory or with authority).	Urban Forestry Advisory Board

URBAN FOREST AUDIT SYSTEM: INVENTORIES

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
5.00	**Inventories and Assessments**		
5.01	Canopy Inventory (UTC)	Periodic (≤5 year) canopy inventory and assessment. Public & private.	2012, 2013, 2015, 2017, 2019 canopy assessments
5.02	Ecosystem Services	Recent (≤5 year) ecosystem services (ES) inventory & assessment? Public: 100% or street trees; Public & Private: Sample; or Campus. Or, are ES calculated annually or biennially based on partial re-inventory and projected growth as a monitoring tool.	The sample inventory and canopy data were collected / provided to conduct the analysis as part of the UFMP
5.03	Public Trees ↓	↓ Evaluate below ↓	↓
5.04	Street Trees	Is there a recent (5 year) inventory?	Guidance to be provided in the UFMP
5.05	Parks/Riparian Areas	Is there a recent (5 year) inventory?	No inventory located except for the public/private sample inventory in 2022
5.06	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.	No inventory located except for the public/private sample inventory in 2022
5.07	Continuous inventory on a cycle (≤5 years)	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services.	Guidance to be provided in the UFMP
5.08	Private Trees ↓	↓ Evaluate below ↓	↓
5.09	Campus (Educational)	Is there a recent (5 year) inventory?	University of Arkansas has a tree inventory and online map
5.10	Corporate	Is there a recent (5 year) inventory?	Guidance to be provided in the UFMP
5.11	Other Private Property	Is there a recent (5 year) inventory?	Guidance to be provided in the UFMP
5.12	Continuous inventory on a cycle (≤5 years)	Partial re-inventory to support continuous forest inventory, growth projections, and the calculation of ecosystem services).	Guidance to be provided in the UFMP
5.13	Green Stormwater Infrastructure (GSI)	BMP stormwater mitigation practices and locations (e.g. Washington DC)	Water Master Plan but not specific to green infrastructure or stormwater. Energy Action Plan has a strategy to investigate feasibility of a stormwater utility to improve green infrastructure
5.14	Spatial	Inventory data includes Lat/Long (i.e. GIS). Should address the spatial relationship between the natural resource and people (i.e. residents, visitors, activities) that would help manage the resource for benefits associated with proximity (air quality, recreation, stress mitigation, etc.	Canopy Assessments and tree inventory provide spatial data. Guidance to be provided in the UFMP
5.15	Maintenance and Planting Records Maintained	Planting details (nursery, species, size, cost, contractor, etc.) maintained with inventory or as separate database or recordkeeping system. Also pruning and removal histories.	City to provide input

URBAN FOREST AUDIT SYSTEM: PLANS

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
6.00	**Management Planning**		
6.01	Annual Maintenance Calendar	An annual calendar that defines typical activity by season. To support scheduling.	City to provide input
6.02	Public Trees ↓	↓ Evaluate below ↓	↓
6.03	Street Tree Management	Is there a recent (5 year) plan for street trees?	Guidance to be provided in the UFMP
6.04	Parks/Riparian Area Management	Is there a recent (5 year) plan ?	Parks Master Plan in development as of January 2023
6.05	Other Public Trees	Public facility landscaped areas, Industrial parks, green space.	Guidance to be provided in the UFMP
6.06	Private Trees ↓	↓ Evaluate below ↓	↓
6.07	Campus (Educational)	Is there a recent (5 year) plan for Campus trees?	TBD whether University of Arkansas is a Tree Campus USA campus
6.08	Corporate	Is there a recent (5 year) plan?	Guidance to be provided in the UFMP
6.09	Other Private Property	Is there a recent (5 year) plan?	Guidance to be provided in the UFMP
6.10	Green Infrastructure	Is there a plan for green infrastructure (i.e. nodes & linkages)? Large-scale projects.	Energy Action Plan mentions stormwater utility for green infrastructure
6.11	Other Written Plans	Other natural resource plans (e.g. tree canopy). May be a component of another plan.	Comp Plan, Energy Action Plan, Parks Master Plan (in progress), neighborhood plans
6.12	Tree Planting	Is there a recent (3 year) tree planting plan?). May be a component of another plan.	Guidance to be provided in the UFMP
6.13	UF as Part of a Comprehensive Plan	Is any UF management plan referenced in the comprehensive plan (i.e. county or municipality) or master plan (i.e. Campus)?	Section 8.3 of the Comprehensive Plan is "Tree Canopy" and describes the role urban forests play in climate change, stormwater, etc.
6.14	Urban Forest Planning and Management Criteria and Performance Indicators	Criteria and indicators based on *A Model of Urban Forest Sustainability* (Clark, J.R., Matheny, N.P., Cross, G., and Wake, V. 1997 Journal of Arboriculture.) or on work of W.A. Kenney, P.J.E. van Wassenaer, and A.L. Satel in *Criteria and indicators for strategic urban forest planning and management*. (2011)	Guidance to be provided in the UFMP. Conducting this Audit is one approach to Criteria & Indicators

URBAN FOREST AUDIT SYSTEM: RISK MANAGEMENT

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
7.00	**Risk Management Activities**		
7.01	TRAQ Attained	At least one staff or consultant is TRAQ.	City to provide input
7.02	Annual Level 1 (ANSI A300 Part 9 & ISA BMP)	All trees in high occupancy areas visited annually.	City to provide input
7.03	Mitigation Prioritization	A protocol for prioritizing mitigation following Level 1 and Level 2 assessments. Reflects the controlling agency's threshold for risk.	City to provide input
7.04	Occupancy Areas Mapped	Has TRAQ staff/consultant discussed/mapped occupancy levels with controlling authority?	City to provide input
7.05	Recordkeeping, Reporting, and Communications	A process has been put in place to maintain records on requests, inspections, evaluations, and mitigation of risk; and on the communications among the managers related to those risk assessments.	City to provide input
7.06	Standard of Care Adopted	Controlling authority has adopted a Standard of Care (SOC) or risk management policy.	City to provide input
7.07	Tree Risk Specification	Is there a written specification that meets requirements of ANSI A300 (Part 9)? And, has it been discussed with the controlling authority with relevance to the controlling authority's threshold for acceptable risk?	City to provide input
7.08	Urban Tree Risk Management	The community has prepared and follows a comprehensive program for urban tree risk management.	City to provide input
7.09	Invasive Management	Plan to address and manage invasive: plants, insects, and disease.	10 documents mention invasive management, prohibited trees, recommended trees, Arkansas Native Plant Society tree list, among others

URBAN FOREST AUDIT SYSTEM: DISASTER PLANNING

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
8.00	**Disaster Planning Activities**		
8.01	Response/Recovery Mechanism	Staff knowledge of the municipality's protocol for requesting disaster resources through the county or state with access to mutual aid and EMAC.	City to provide input, Fayetteville Emergency Operations Plan is in place
8.02	Urban Forestry as part of the County Disaster Plan	The UF plan (8.3) is incorporated into the county/municipal disaster plan; specifically in reference to debris management and risk mitigation.	Nothing found at the county level, City to provide input
8.03	Urban Forestry Disaster Plan	A separate/specific plan within the urban forestry management program (i.e. who to call, priorities).	No plan identified, City to provide input
8.04	Pre-disaster Contracts	Contracts are in place for critical needs.	City likely has a structure in place, City to provide input
8.05	Mitigation Plan	A mitigation plan has been developed for pre-disaster, recovery, and post-disaster.	City to provide input
8.06	EMAC Mission Ready Packages (MRP)	Municipality has published disaster resources with state EM and participates in inter-state Mutual Aid to support Urban Forest Strike Teams (UFST).	City to provide input
8.07	Urban Forest Strike Team	Participation in the UFST project.	City to provide input

URBAN FOREST AUDIT SYSTEM: STANDARDS & BMPS

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
9.00	**Standards & BMPs**		
9.01	ANSI Standards	Reference and adherence to ANSI Standards for arboricultural practices (A300), safety (Z133), or Nursery Stock (ANSI Z60.1) (any or all).	Tree ordinances reference standards, website lists standards, Tree Preservation Manual, Tree Preservation Standard Detail
9.02	Ages/Diameter Distribution	Specific management for the development of an age-diverse tree population	No specific mention about age diversity but species diversity is recognized
9.03	Arborist Standards	Standards of practice for arborists (i.e. Certification).	Tree ordinances reference standards, website lists standards, Tree Preservation Manual, Tree Preservation Standard Detail
9.04	Best Management Practices (BMPs)	Establishes or references tree maintenance BMPs (i.e. written comprehensive standards & standards).	Tree ordinances reference best practices, website lists standards, Comprehensive Plan lists BMPs, Tree Preservation Manual, Tree Preservation Standard Detail
9.05	Fertilization and Mulching	Fertilization or mulching standards required for conserved & planted trees.	Ordinances list requirements, City website has resources, Structural Soil Detail includes guidance
9.06	Lightning Protection	BMP written to the ANSI A300 Standard.	Nothing listed, minor recommendation to consider in the UFMP
9.07	Planting	Planting and transplanting standards required/specified.	Listed in ordinances, Tree Preservation Standard Detail, website, Tree Planting on Slope Detail
9.08	Pruning	Pruning standards required for conserved & planted trees.	Listed in ordinances, Tree Preservation Manual, Tree Preservation Standard Detail, City website
9.09	Removal	Infrastructure damage, stump grinding, etc.	Guidance listed in Chapter 167 and City website
9.10	Support Systems (Guying and Bracing)	BMP written to the ANSI A300 Standard.	Nothing listed, minor recommendation to consider in the UFMP
9.11	Tree Risk	Tree risk assessment procedures; ISA BMP or equivalent.	Risk mentioned in Ch. 167 but should be evaluated as part of the UFMP
9.12	Construction Management Standards	Written standards for: tree protection, trenching/boring in CRZs, pre-construction mulching, root or limb pruning, watering (any or all).	Critical root zone, tree protection zones, critical root zone addressed in ordinances, Tree Preservation Manual, City website, and Tree Preservation Standard Detail
9.13	Design Standards	Standards for design that specifically require trees; standards for placement, soil treatment, and/or drainage.	18 documents have standards listed for development that impacts trees and landscaping (Comp Plan, Tree Manual, Ordinances, Active Transportation Plan, neighborhood plans, others)
9.14	Genus/Species Diversity	Suggests or requires diversity of plant material.	City website has a list and references the Arkansas Native Plant Society Tree List

URBAN FOREST AUDIT SYSTEM: STANDARDS & BMPS CONT.

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
9.00	**ANSI Standards & BMPs**	**CONTINUED**	
9.15	Green Stormwater Infrastructure (GSI)	BMPs for site level GI practices like rain gardens and swales. Small-scale projects.	Energy Action Plan recommends stormwater utility for green infrastructure, other plans reference stormwater management and GI
9.16	Inventory Data Collection	Adopted or developed standards for tree inventory data collection	Guidance to be provided in the UFMP
9.17	Minimum Planting Volume	Minimum required root zone volume.	Tree Preservation & Landscape Manual provides standards and BMPs
9.18	Minimum Tree Size	Minimum caliper for tree replacements, and/or minimum size of existing trees to receive tree density or canopy credit.	Tree Preservation & Landscape Manual notes the 2" minimum caliper
9.19	Root Protection Zone (CRZ)	Defines adequate root protection zone; Critical Root Zone (CRZ).	Tree Preservation & Landscape Manual plus 5 other documents note this
9.20	Safety	Safety logs, trainings, reference to ANSI Z133 Safety Standard	No specific standards for safety around trees. Guidance to be provided in the UFMP
9.21	Topping	Prohibits topping or other internodal cuts (public & private).	Chapter 167 restricts topping
9.22	Tree Species List	Identifies and publishes a list of the most desirable, recommended, or preferred species (native and non-native species); alternatively, a list of species prohibited.	Tree Preservation & Landscape Manual, ordinances, significant trees list, City website, and others list the recommended or required trees
9.23	Tree Quality Standards	Written standards for tree selection at nursery in addition to Z60.1.	Tree Preservation & Landscape Manual notes the ANSI standard for nursery stock
9.24	Utility Right-of-Way (ROW) Management	Requirements for planting, pruning, and/or removal of trees within a utility ROW.	Chapter 167 and City website mention utility management but could be expanded as part of the UFMP
9.25	Urban Agriculture	Enabled urban food forestry practices.	Guidance to be considered for the UFMP
9.26	Wood Utilization	Larger diameter material is processed for wood products.	Guidance to be considered for the UFMP
9.27	3rd party forest certification	Examples: American Tree Farm System (ATFS), Forest Stewardship Council™	Guidance to be considered for the UFMP
9.28	Energy generation	Local or regional use of chips or other woody debris for co-generation facilities.	Guidance to be considered for the UFMP
9.29	Composting of Leaf and/or Other Woody Debris	Leaves and small woody debris are captured and used on-site or processed by someone by composting for reuse.	No mention of debris management, guidance to be considered for the UFMP
9.30	Watering Standards		Various documents state the watering requirement post-planting. Additional guidance to be provided in the UFMP

URBAN FOREST AUDIT SYSTEM: COMMUNITY

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
10.00	**Community Building**		
10.01	Social Media Website or Similar	Does your community/campus use social media platforms or similar to document and publicize your urban forestry program, activity, or events?	City website, social media, Speak Up Fayetteville
10.02	Education	The urban forest is used as an educational laboratory for class activity; Kids in the Woods, PLT, high school, or college level.	Resources on City website, Tree Manual
10.03	Private Property Tree Program	Does your community sponsor this program locally?	To be addressed in the UFMP
10.04	Public-facing Inventory Software	Public access to the community tree resource via an on-line mapping program (i.e. any Web Map Service; WMS).	2022 sample tree inventory used a public facing software program but trial subscription ended. City does have online portal of canopy assessment maps
10.05	Public Perception	Is public management consistent with private property requirements for tree protections and care? Does the Campus/public tree management reflect neighborhood norms?	Comprehensive Plan included a survey. Ongoing public feedback recommendations to be provided in the UFMP
10.06	Recognition Programs	Programs that raise awareness of trees or that use trees to connect the community to significant events or activities.	Arbor Day events, spring and fall planting, Celebration of Tres, Amazing Tree
10.07	Arbor Day Celebration	Whether or not associated with Tree City USA.	Arbor Day events, spring and fall planting, Celebration of Tres, Amazing Tree
10.08	Arboretum designation	Internal or third party arboretum designation.	University of Arkansas tree inventory and Arboretum Mapping Project, Botanical Garden of the Ozarks
10.09	Significant trees	For example: size, history.	No Heritage or Significant Tree Ordinance but City has Significant Trees on website
10.10	Memorial/Honorarium	Tree planting or tree care programs than honor/memorialize individuals, organizations, or events.	City to provide input. City has tree giveaways, and tree donations
10.11	Social Media	Does your community/campus make use of Twitter, Facebook, Blogs for internal or external outreach?	Several posts about urban forestry but additional guidance to be provided in UFMP
10.12	Active Communications	Press releases, regular news articles (print), "State of the Urban Forest" reports, periodic analysis of threats and opportunities.	Additional guidance to be provided in the UFMP
10.13	Tree Care	Are volunteers trained and used for basic tree care (e.g. mulching, pruning, planting).	Volunteer program and events, invasive species removal, City website with resources for tree care
10.14	Tree City USA®	Community/campus meets current qualifications for any of these programs.	27 years as TC USA with 9 Growth Awards
10.15	Volunteer Opportunities	Ad hoc or scheduled. Any/all age groups. Tree Campus USA student activities.	Volunteer programs and events

URBAN FOREST AUDIT SYSTEM: GREEN ASSET EVALUATION

#	Component Evaluated	Description or Criteria for Evaluation	Ranking Rationale / Considerations
11.00	**Observed Outcomes**	**Based on an analysis of tree inventories**	
11.01	Deadwood	Look for evidence of periodic or ad-hoc deadwood removal (i.e. lack of dead limbs ≥ 2" in the trees or on the ground).	To be evaluated with the 2022 tree inventory and guidance provided in the UFMP
11.02	Genus Diversity	No genera exceed **20%** of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local species of concern.	Based on the sample inventory in 2022, 31% are oaks, 15% elms, 8% maples. Guidance to be provided in the UFMP
11.03	Mature Tree Care	Mature trees are retained in the landscape, and are of acceptable risk; i.e. veteran tree management.	Based on the sample inventory in 2022, the highest percent of recommended tree work is pruning for clearance (8%). Guidance to be provided in the UFMP
11.04	Mulching	Evidence of adequate (i.e. spatial extent, depth, and material) roots zone mulching for all age classes.	To be evaluated with the 2022 tree inventory and guidance provided in the UFMP
11.05	Planting Site Volume Optimization	Are species & sites matched for optimization of above ground canopy; right tree in the right spot concept.	Only 6% of the trees inventoried in 2022 have a clearance conflict (2% pedestrian, 1% building, 1% light, 1% sign or signal). Guidance to be provided in the UFMP
11.06	Rooting Volume Optimization	Are species & sites matched for optimization for below ground rooting volume; right tree in the right spot concept.	Only 0.3% of trees inventoried in 2022 were noted as causing sidewalk damage. Guidance to be provided in the UFMP
11.07	Species Diversity	No species/cultivars exceed **10%** of population; make specific observations for *Acer*, *Quercus*, *Fraxinus, Ulmus* and other local genera of concern. Also evaluate the role of regionally local native species.	Based on the sample inventory in 2022, no species exceed the 10% threshold. 7% are Princeton elms, 6% post oaks, 6% willow oaks, 5% pin oaks, and 4% blackgums. Guidance to be provided in the UFMP
11.08	Soil Compaction	Observe evidence of soil compaction by users or staff during maintenance. Include "desire" lines and construction activity at time of evaluation.	To be evaluated with the 2022 tree inventory and guidance provided in the UFMP
11.09	Tree Health	Rate the overall tree health in all size (age) classes; look for crown dieback, decay, foliage density & color.	Based on the sample inventory in 2022, 75% of public trees are in good condition, 15% in fair condition, 5% poor, and 5% dead. Guidance to be provided in the UFMP
11.10	Young Tree Pruning	Look for evidence of periodic (e.g. every 3 years to year 9) structural pruning (e.g. subordination cuts, dominant central leader, co-dominant stems lower that 20').	Based on the sample inventory in 2022, only 3 trees (0.1%) require structural pruning at a young age. Guidance to be provided in the UFMP

URBAN FOREST AUDIT SYSTEM: SUMMARY

Final Audit Results

Note, the audit may be kept internal and is only meant to serve as a preliminary evaluation to support the development of the Plan's goals and strategies though it may serve as a UFMP implementation monitoring tool

#	Category	SOC (% Achieved)*	Base (% Achieved)**	Overall Rating	Overall (% Achieved)
1	Management Policy and Ordinances	50%	67%	20	71%
2	Professional Capacity and Training	100%	NA	16	89%
3	Funding and Accounting	75%	NA	8	67%
4	Decision and Management Authority	50%	100%	5	63%
5	Inventories	NA	56%	17	65%
6	Urban Forest Management Plans	NA	50%	13	54%
7	Risk Management	83%	50%	14	78%
8	Disaster Planning	NA	67%	9	64%
9	Standards and BMPs	75%	69%	44	73%
10	Community	100%	NA	25	89%
11	Green Asset Evaluation	NA	NA	16	80%
Total		**76%**	**65%**	**187**	**73%**

*Standard of Care (SOC) elements represent the minimum group of urban forestry management "best practices" that a municipality should consider for implementation.

**Base Practices (BP) elements represent additional urban forest management activities or components that may effectively expand a program beyond the SOC group (see footnote above). These elements are typically precursors to other "non-core" elements in the category.

Urban Forest Audit System: Source

The original audit and supporting spreadsheet were developed by Urban Forestry South (USDA Forest Service, Region 8, SRS-4952, Athens, Georgia). The spreadsheet was based on the current Urban Forest Sustainability and Management Review Checklist developed in cooperation with Agnes Scott College Office of Sustainability and the ASC Arboretum Advisory Council and the City of Austin (TX)

https://urbanforestrysouth.org/resources/files/UFS%20and%20ASC%20UF%20ReviewCalc%20Tool%20-18Aug15%20v4.2beta.xlsx/view



RECOMMENDED TREE LIST & SISTER CLIMATE CITY ASSESSMENT

In support of the City of Fayetteville, Arkansas'

2023 URBAN FORESTRY MANAGEMENT PLAN

October 2023

CITY OF FAYETTEVILLE ARKANSAS

PlanITGeo™ developers of TreePlotter

CONTENTS

Climate Impacts in Fayetteville 1

Fayetteville's Current Tree List and Planting Practices 1

Overview 1

The Danger of Single Species Planting 2

Criteria for Selection for the List 2

Street Tree Planting Scenarios 2

Fayetteville's Sister Climate City 4

Sister Climate City Tree List Comparisons 5

Fayetteville, AR and Dallas, TX Tree List Crosswalk - Results 6

Summary of Matching Tree Species 8

USDA Forest Service Climate Change Atlas Considerations 9

Summary of Trees in the SCCA List and Favorable with Climate Change 11

Summary 12

Appendix A. Climate Adaptation Report 13

Climate Change Impacts for Southeast 13

Tables

Table 1. Summary of tree species in the Fayetteville, AR and Dallas, TX recommended or approved tree lists 6

Table 2. Summary of matching tree species from Fayetteville, AR and Dallas, TX's recommended or approved tree lists 8

Table 3. Summary of Fayetteville's trees on the Dallas, TX (SCCA) tree list and the predicted habitat change according to the USDA Forest Service Climate Change Atlas 9

Table 4. Summary of Fayetteville's trees that are on the Dallas, TX (SCCA) tree list and whose habitat is predicted to increase or not change according to the USDA Forest Service Climate Change Atlas 11

Figures

Figure 1. Excerpt from the City of Fayetteville's recommended tree list showing the attributes and a sample of large species trees in the list 3

Figure 2. Map displaying the Sister Climate City of Longview, TX and the City of Dallas, TX which was utilized for comparing recommended tree lists 5

CLIMATE IMPACTS IN FAYETTEVILLE

Urban areas around the world are facing dramatically intensifying extreme weather and climate impacts including drought, long-term water shortages, flooding, extreme weather events, and prolonged heat. Urban trees can play a significant role in making Fayetteville resilient to weather and climate extremes, and in protecting human and ecosystem health and safety. View Appendix A for the Climate Adaptation Report generated for the southeast United States from the Climate Adaptation Workbook.

Increased temperatures and prolonged heat have a dramatic effect on urban trees. Urban trees already face many struggles of the urban environment, including competition for space, elements of an urban environment, vandalism, and harmful pests and diseases. Some of Fayetteville's established trees are unlikely to survive the changes in the climate and weather patterns over the next 50-75 years. Planting the right trees for Fayetteville today and in the future will play a vital role in the resiliency of the City's urban forest as well as overall community sustainability.

In pursuit of a sustainable and resilient urban forest, the City of Fayetteville seeks to apply climate adaptation strategies to urban forest management planning. Building toward this objective, the City maintains a recommended tree list of small, medium, and large trees prepared by the Arkansas Native Plant Society. The following provides an analysis of the changing climate and considerations for new tree species to integrate into Fayetteville's urban forest over time.

FAYETTEVILLE'S CURRENT TREE LIST AND PLANTING PRACTICES

Recreated from the City of Fayetteville's website— www.fayetteville-ar.gov/3979/List-of-Recommended-Native-Trees-and-Shr

Overview

Urban Forestry Staff reviews, recommends and selects trees for a variety of sites and growing environments. Staff evaluates each place for site-specific variables when selecting the most appropriate trees for a site. Not every tree is right for every location, and the Urban Forestry staff uses our extensive tree knowledge, research and site evaluation when selecting trees, mindful of how each tree and each site may change in the short- and long-term future.

This list of trees contains recommendations for trees planted in Fayetteville, including ideal locations and notes on each tree. It highlights how many species of butterflies and moths each of these trees can host. The list does not include all the insects, birds, reptiles and small mammals that a tree can host. The Arkansas Native Plant Society was the catalyst for this updated list, and the Urban Forestry Advisory Board assisted with information.

Urban Forestry Staff is continuously researching and contemplating the use, space, species and varieties of trees, shrubs and plants used throughout the City. We seek expert advice in our community and are lucky to have professional connections with the Horticulture, Landscape Architecture, and Plant Pathology Departments at the University of Arkansas. We also have a healthy relationship with the Arkansas Forestry Commission and the Arkansas Native Plant Society. We utilize the wealth of knowledge surrounding us to benefit the City by helping Staff and residents choose the right tree for the right space.

The Danger of Single Species Planting

Historically, the use of a single species of street trees has had negative consequences. In the early 1900s, the American Chestnut, a popular and heavily planted street tree, was devastated by the chestnut blight. The blight caused large swaths of trees in the American streetscape to perish and left large gaps in the American landscape. A similar incident occurred with the spread of Dutch Elm disease. Due to the monoculture planting of elm trees as street trees, the impact was even more noticeable on streetscapes throughout the country. For these reasons and other global issues with plant disease, pests and pathogens, Fayetteville's Urban Forestry Staff encourages and recommends a diverse planting palette. Using native species trees is vital because it benefits the local ecosystem and saves the City money and time. Native species are well suited for our climate and prosper in Northwest Arkansas's soils because they originated here.

Criteria for Selection for the List

The City Urban Forestry Staff carefully selects species of trees as each location offers unique challenges. The overall criteria include:

- Native or native cultivars first
- Trees tolerant of pollution, drought and harsh conditions (salt/sand from winter and winds)
- Trees that create litter problems or produce large fruit are not used as street trees
- Tree shape – to ensure limbs are not too low and could create a visibility issue
- Small trees under power lines
- Trees with seasonal interest: fall color or blooms
- Amount of sun and shade in the existing conditions
- Speed of traffic
- Pedestrian intensity
- Visibility for traffic
- Maintenance issues
- Pest problems
- Longevity of the tree
- Type of Street Tree location:
    - Urban tree well
    - Large median (over six feet wide)
    - Small median (usually the green space between a curb and sidewalk, less than six feet wide)

Street Tree Planting Scenarios

Urban Tree Well

Trees planted in urban tree wells have the most difficulty surviving and thriving for several reasons: the structured soils do not offer the same nutrients as a forest; space for the root systems is limited; and exposure to pollutants. The tree's shape also has to be considered for pedestrian visibility, automobile visibility, and not interfering with buildings.

Large Medians

Large median spaces vary in size from six to 10 feet wide. The space is adequate for most trees, and Staff considers maintenance needs when choosing a tree to be planted in the medians. Trees that produce less litter and fruit are ideal for large medians. Finally, visibility is another characteristic when choosing a large median tree. Urban Forestry staff selects trees that allow for visibility under and through the canopy to increase vehicular safety.

Small Medians - Trees between Curb and Sidewalk (Tree Lawn less than Six feet)

Small medians are the green spaces between the curb and the sidewalk, typically less than six feet wide. In these cases, Staff prioritizes maintaining the structural integrity of the sidewalk and curb. Other factors included in choosing the right species for this condition are sightline visibility for vehicles and pedestrians, sun and shade conditions, the appropriate size for location in town (residential, commercial, downtown), watering needs, amount of litter produced, and environmental benefits.

This list does not contain every tree used in Fayetteville. Urban Forestry Staff does consider other trees not listed as viable options and will examine all proposed trees. There are construction techniques that allow larger trees in small locations. Staff will consider these techniques with appropriate construction details.

LARGE SPECIES - Mature ht. 45' or above

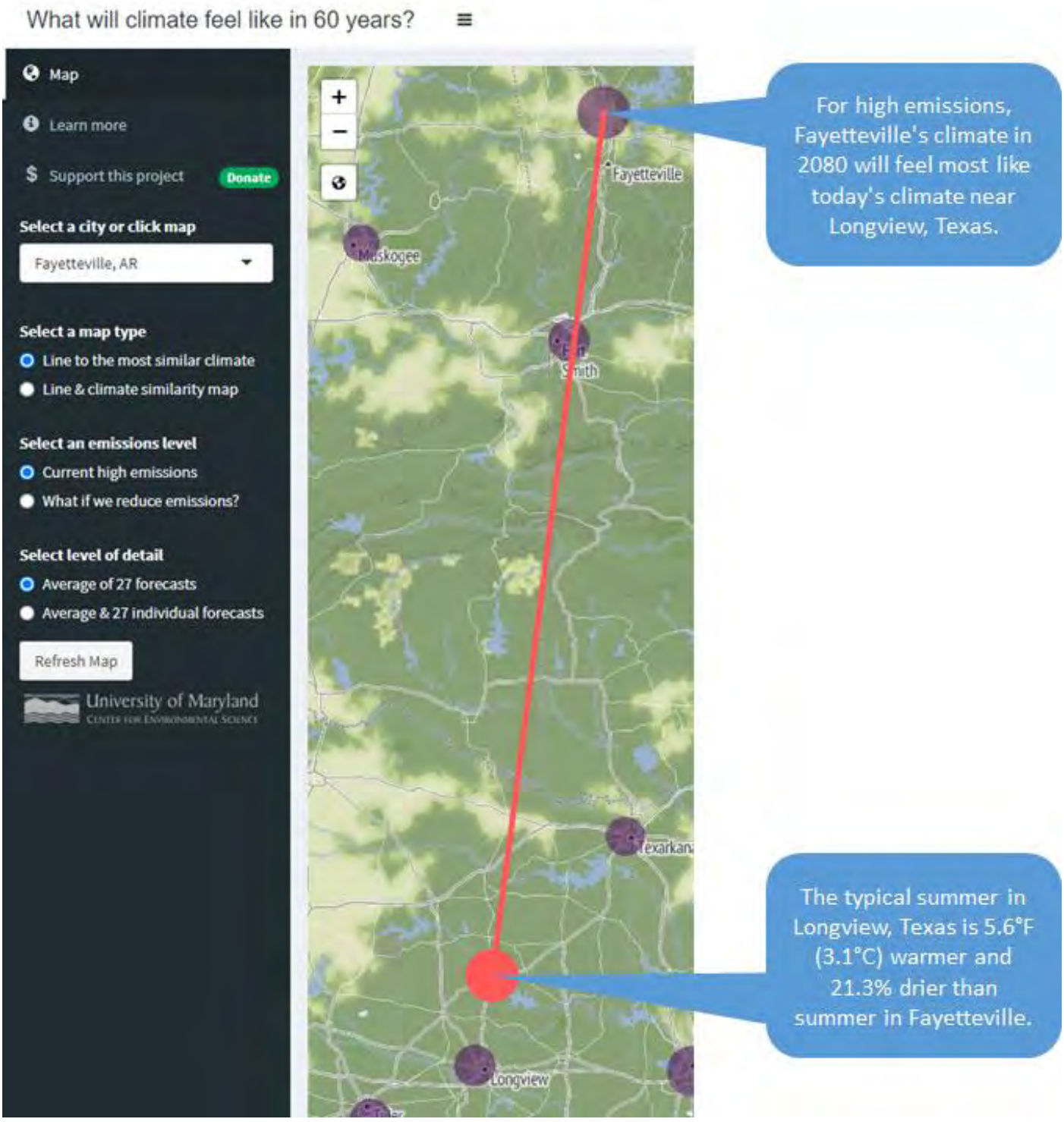
Species	Common Name	Street Tree Recommendation Types of Street tree conditions. Tree well, Large median (6' or more) small median (6' or less)	Number of butterfly and moth species tree can host (Does not include other insects, birds, reptiles and small animals that live in trees.)	Ideal Location	Notes
Acer rubrum	Red Maple	None	199	Trunk shaded in morning and afternoon	Grows poorly in compacted soil. Not a good street tree, sun scald is big problem with this as a street tree.
Acer saccharum	Sugar Maple	None	199	Trunk shaded in morning and afternoon	Grows poorly in compacted soil. Not a good street tree, sun scald is big problem with this as a street tree.
Betula nigra	River Birch	None	221		Extended dry soil leads to leaf drop. Avoid high pH. The three trunk species is overused in landscapes.
Carya cordiformis	Bitternut Hickory	None	220	Woods/Property Perimeter	Nuts -plant away from storm drains. Nut trees do not make good street trees due to litter.
Carya illinoinensis	Pecan	None	220	Woods/Property Perimeter	Nuts -plant away from storm drains. Nut trees do not make good street trees due to litter.

Figure 1. Excerpt from the City of Fayetteville's recommended tree list showing the attributes and a sample of large species trees in the list

FAYETTEVILLE'S SISTER CLIMATE CITY

The Future Urban Climates tool, created and maintained by University of Maryland Center for Applied Sciences, is a mapping tool that matches and displays similar climates for cities across the United States. The comparisons are based on minimum and maximum temperatures and seasonal precipitation in each city.

The closest area where current climate data is available is the Springdale, Arkansas area, just 10 miles north of Fayetteville. Results for a high emissions scenario show that the climate in 2080 for the Fayetteville region will feel most like today's climate near Longview, Texas—approximately 130 miles east of Dallas, Texas. The typical winter in Longview, Texas is 10.7°F (5.9°C) warmer and 40.8% wetter than winter in Fayetteville.



Sister Climate City Tree List Comparisons

Based on the climate projections, Longview, Texas (Sister Climate City) currently has a climate that is similar to Fayetteville's projected climate and plant hardiness zone. The Sister Climate City's approved tree planting list was researched and compared with Fayetteville's "2020 Tree List From Arkansas Native Plant Society" list. After online research, no recommended tree list exists or was found for Longview, TX's urban forestry program. Therefore, the City of Dallas, Texas's recommended tree list was utilized given Dallas is only 130 miles west of Longview and the urban forestry consultants conducting this SCCA study have extensive experience in the Dallas-Fort Worth area.

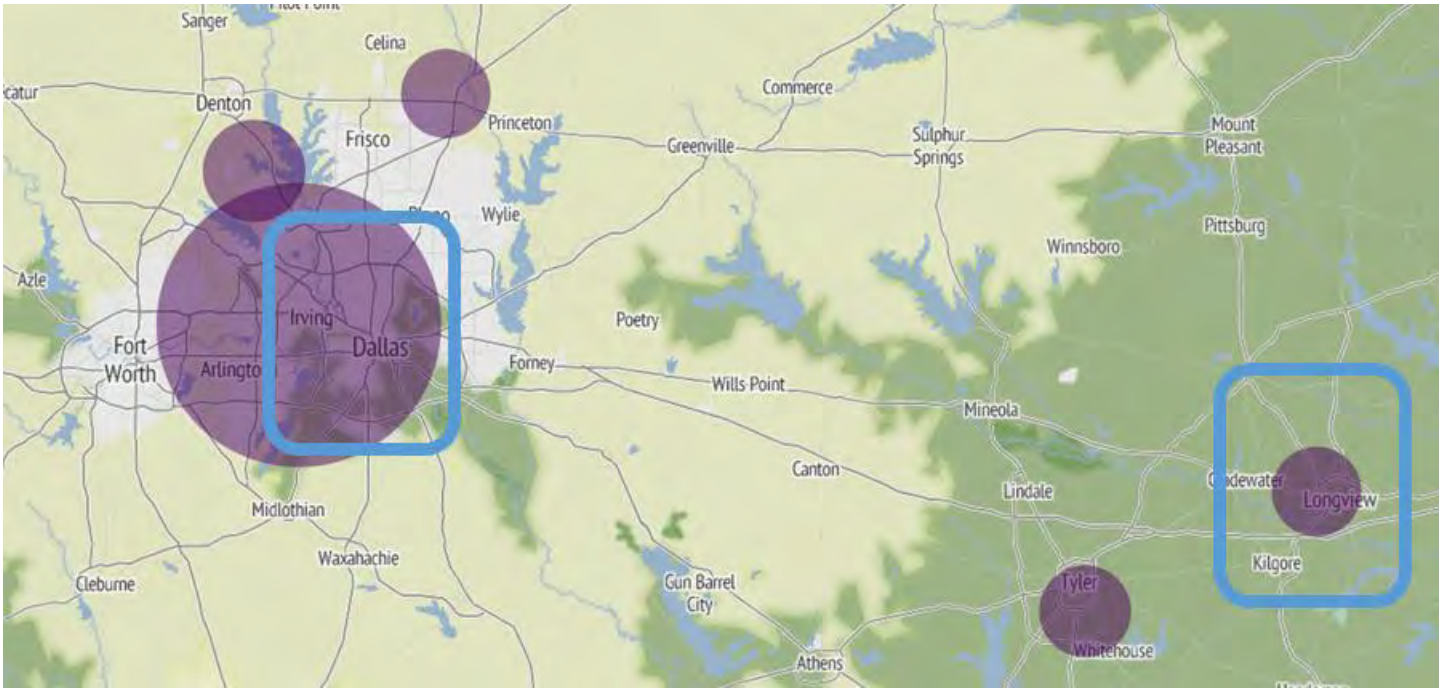


Figure 2. Map displaying the Sister Climate City of Longview, TX and the City of Dallas, TX which was utilized for comparing recommended tree lists

Fayetteville, AR and Dallas, TX Tree List Crosswalk - Results

A total of 38 of 74 (51%) tree species in Fayetteville's tree list are in the "Approved Tree List" for Dallas, TX. The majority (24 tree species) are in the "Large" category, four are in the "Medium" category, and nine are in the "Small" category. The table below details Fayetteville's tree list (shrubs excluded) and an indicator of the species that is also in the Dallas tree list.

Table 1. Summary of tree species in the Fayetteville, AR and Dallas, TX recommended or approved tree lists

COMPARISON OF FAYETTEVILLE TREE LIST TO SISTER CLIMATE CITY TREE LIST		
Fayetteville Tree List (ordered by Scientific Name)	**Common Name**	**Dallas, TX Tree List?**
Acer rubrum	Red Maple	Yes
Acer saccharum	Sugar Maple	
Aesculus glabra	Ohio Buckeye	
Aesculus pavia	Red Buckeye	Yes
Amelanchier arborea	Serviceberry	
Aronia arbutifolia	Red Chokeberry	
Asimina triloba	Pawpaw	
Betula nigra	River Birch	Yes
Carpinus caroliniana	Hornbeam or Musclewood	
Carya cordiformis	Bitternut Hickory	
Carya illinoinensis	Pecan	Yes
Carya ovata	Shagbark Hickory	
Catalpa speciosa	Northern Catalpa	
Celtis laevigata	Sugarberry	Yes
Celtis occidentalis	Hackberry	
Cercis canadensis	Redbud	Yes
Chionanthus virginicus	Fringe Tree	Yes
Cladrastis kentuckea	Yellowwood	
Cornus alternifolia	Alternate Leaved Dogwood	
Cornus florida	Flowering Dogwood	Yes
Corylus americana	Hazelnut	
Cotinus obovatus	American Smoketree	Yes
Crataegus crus-galli	Cockspur Hawthorn	
Crataegus crus-galli var. *inermis*	Thornless Cockspur Hawthorn	Yes
Crataegus viridis	Green Hawthorn	Yes
Diospyros virginiana	Persimmon	
Fagus grandifolia	American Beech	
Gleditsia triacanthos	Thornless Honeylocust	Yes
Gymnocladus dioicus	Kentucky Coffeetree	Yes
Hamamelis vernalis	Ozark Witch Hazel	
Hamamelis virginiana	Common Witch Hazel	
Ilex decidua	Deciduous Holly	Yes
Ilex opaca	American Holly	Yes
Ilex vomitoria *	Yaupon Holly	Yes
Ilex X *attenuata* 'E.Palatka'*	East Palatka Holly	
Ilex X *attenuata* 'Eagleston' *	Eagleston Holly	
Ilex X *attenuata* 'Fosteri' *	Foster Holly	

Juglans nigra	Black Walnut	Yes
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes
Liquidambar styraciflua	Sweetgum	Yes
*Liriodendron tulipifera**	Tulip Tree	
Maclura pomifera	Osage Orange	Yes
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes
*Magnolia grandiflora**	Southern Magnolia*	Yes
*Magnolia virginiana**	Sweet Bay Magnolia	
Nyssa sylvatica	Black Tupelo	
Ostrya virginiana	Hophornbeam	
Pinus echinata	Shortleaf Pine	
*Pinus strobus **	Eastern White Pine*	
Platanus occidentalis	Sycamore	Yes
Quercus alba	White Oak	Yes
*Quercus bicolor **	Swamp White Oak	
Quercus falcata	Southern Red Oak	Yes
Quercus imbricaria	Shingle Oak	
Quercus macrocarpa	Bur Oak	Yes
Quercus muehlenbergii	Chinquapin Oak	Yes
Quercus nigra	Water Oak	
Quercus phellos	Willow Oak	
Quercus rubra	Northern Red Oak	
Quercus shumardii	Shumard Oak	Yes
Quercus velutina	Black Oak	
Rhamnus caroliniana	Carolina Buckthorn	Yes
Sapindus saponaria var. *dummondii*	Soapberry	Yes
Sassafras albidum	Sassafras	
*Taxodium distichum **	Bald Cypress*	Yes
*Thuja occidentalis**	Eastern Arborvitae	
Tilia americana	American Linden	Yes
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes
Ulmus americana 'New Harmony'	New Harmony Elm	Yes
Ulmus americana 'Princeton'	Princeton Elm	Yes
Ulmus americana 'Jefferson'	Jefferson Elm	Yes
Viburnum prunifolium	Blackhaw Viburnum	
Viburnum rufidulum	Rusty Blackhaw	Yes

* See original tree list for notes on the respective species

Summary of Matching Tree Species

Table 2. Summary of matching tree species from Fayetteville, AR and Dallas, TX's recommended or approved tree lists

SUMMARY OF TREE SPECIES MATCHES		
Fayetteville Tree List (ordered by Scientific Name)	**Common Name**	**Dallas, TX Tree List?**
Acer rubrum	Red Maple	Yes
Aesculus pavia	Red Buckeye	Yes
Betula nigra	River Birch	Yes
Carya illinoinensis	Pecan	Yes
Celtis laevigata	Sugarberry	Yes
Cercis canadensis	Redbud	Yes
Chionanthus virginicus	Fringe Tree	Yes
Cornus florida	Flowering Dogwood	Yes
Cotinus obovatus	American Smoketree	Yes
Crataegus crus-galli var. *inermis*	Thornless Cockspur Hawthorn	Yes
Crataegus viridis	Green Hawthorn	Yes
Gleditsia triacanthos	Thornless Honeylocust	Yes
Gymnocladus dioicus	Kentucky Coffeetree	Yes
Ilex decidua	Deciduous Holly	Yes
Ilex opaca	American Holly	Yes
Ilex vomitoria *	Yaupon Holly	Yes
Juglans nigra	Black Walnut	Yes
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes
Liquidambar styraciflua	Sweetgum	Yes
Maclura pomifera	Osage Orange	Yes
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes
*Magnolia grandiflora**	Southern Magnolia*	Yes
Platanus occidentalis	Sycamore	Yes
Quercus alba	White Oak	Yes
Quercus falcata	Southern Red Oak	Yes
Quercus macrocarpa	Bur Oak	Yes
Quercus muehlenbergii	Chinquapin Oak	Yes
Quercus shumardii	Shumard Oak	Yes
Rhamnus caroliniana	Carolina Buckthorn	Yes
Sapindus saponaria var. *dummondii*	Soapberry	Yes
Taxodium distichum *	Bald Cypress*	Yes
Tilia americana	American Linden	Yes
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes
Ulmus americana 'New Harmony'	New Harmony Elm	Yes
Ulmus americana 'Princeton'	Princeton Elm	Yes
Ulmus americana 'Jefferson'	Jefferson Elm	Yes
Viburnum rufidulum	Rusty Blackhaw	Yes

* See original tree list for notes on the respective species

USDA Forest Service Climate Change Atlas Considerations

Table 3. Summary of Fayetteville's trees on the Dallas, TX (SCCA) tree list and the predicted habitat change according to the USDA Forest Service Climate Change Atlas

SISTER CLIMATE CITY AND US FOREST SERVICE CLIMATE CHANGE ATLAS CONSIDERATIONS			
Fayetteville Tree List (ordered by Scientific Name)	**Common Name**	**Dallas, TX Tree List?**	**Predicted Habitat Change****
Acer rubrum	Red Maple	Yes	Increase
Acer saccharum	Sugar Maple		Decrease
Aesculus glabra	Ohio Buckeye		Decrease
Aesculus pavia	Red Buckeye	Yes	
Amelanchier arborea	Serviceberry		Decrease
Aronia arbutifolia	Red Chokeberry		
Asimina triloba	Pawpaw		
Betula nigra	River Birch	Yes	Increase
Carpinus caroliniana	Hornbeam or Musclewood		Increase
Carya cordiformis	Bitternut Hickory		No change
Carya illinoinensis	Pecan	Yes	Increase
Carya ovata	Shagbark Hickory		Decrease
Catalpa speciosa	Northern Catalpa		
Celtis laevigata	Sugarberry	Yes	
Celtis occidentalis	Hackberry		No change
Cercis canadensis	Redbud	Yes	Increase
Chionanthus virginicus	Fringe Tree	Yes	
Cladrastis kentuckea	Yellowwood		
Cornus alternifolia	Alternate Leaved Dogwood		
Cornus florida	Flowering Dogwood	Yes	Increase
Corylus americana	Hazelnut		
Cotinus obovatus	American Smoketree	Yes	
Crataegus crus-galli	Cockspur Hawthorn		
Crataegus crus-galli var. *inermis*	Thornless Cockspur Hawthorn	Yes	
Crataegus viridis	Green Hawthorn	Yes	
Diospyros virginiana	Persimmon		Increase
Fagus grandifolia	American Beech		No change
Gleditsia triacanthos	Thornless Honeylocust	Yes	Increase
Gymnocladus dioicus	Kentucky Coffeetree	Yes	
Hamamelis vernalis	Ozark Witch Hazel		
Hamamelis virginiana	Common Witch Hazel		
Ilex decidua	Deciduous Holly	Yes	
Ilex opaca	American Holly	Yes	Increase
Ilex vomitoria *	Yaupon Holly	Yes	
Ilex X *attenuata* 'E.Palatka'*	East Palatka Holly		
Ilex X *attenuata* 'Eagleston' *	Eagleston Holly		
Ilex X *attenuata* 'Fosteri' *	Foster Holly		
Juglans nigra	Black Walnut	Yes	No change
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes	Increase
Liquidambar styraciflua	Sweetgum	Yes	Increase
*Liriodendron tulipifera**	Tulip Tree		Increase

Maclura pomifera	Osage Orange	Yes	Increase
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes	Increase
*Magnolia grandiflora**	Southern Magnolia*	Yes	Increase
*Magnolia virginiana**	Sweet Bay Magnolia		
Nyssa sylvatica	Black Tupelo		Increase
Ostrya virginiana	Hophornbeam		Increase
Pinus echinata	Shortleaf Pine		Increase
*Pinus strobus **	Eastern White Pine*		
Platanus occidentalis	Sycamore	Yes	Increase
Quercus alba	White Oak	Yes	No change
*Quercus bicolor **	Swamp White Oak		
Quercus falcata	Southern Red Oak	Yes	Increase
Quercus imbricaria	Shingle Oak		
Quercus macrocarpa	Bur Oak	Yes	Decrease
Quercus muehlenbergii	Chinquapin Oak	Yes	No change
Quercus nigra	Water Oak		Increase
Quercus phellos	Willow Oak		Increase
Quercus rubra	Northern Red Oak		Decrease
Quercus shumardii	Shumard Oak	Yes	No change
Quercus velutina	Black Oak		Decrease
Rhamnus caroliniana	Carolina Buckthorn	Yes	
Sapindus saponaria var. *dummondii*	Soapberry	Yes	
Sassafras albidum	Sassafras		Increase
*Taxodium distichum **	Bald Cypress*	Yes	No change
*Thuja occidentalis**	Eastern Arborvitae		
Tilia americana	American Linden	Yes	Decrease
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes	Increase
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes	Increase
Ulmus americana 'New Harmony'	New Harmony Elm	Yes	Increase
Ulmus americana 'Princeton'	Princeton Elm	Yes	Increase
Ulmus americana 'Jefferson'	Jefferson Elm	Yes	Increase
Viburnum prunifolium	Blackhaw Viburnum		
Viburnum rufidulum	Rusty Blackhaw	Yes	

* See original tree list for notes on the respective species

** USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario).

Important Note: The USDA Forest Service Tree Atlas models predict habitat change for 134 native tree species in the eastern United States. The research is then modeled for tree species in the southeast U.S. including Arkansas. Some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included. With limited data currently available on the resilience and vulnerability of native Arkansas tree species, this table provides a glimpse of how the species' composition of Fayetteville's urban forest may change. Web source: www.fs.usda.gov/nrs/atlas/tree/

Summary of Trees in the SCCA List and Favorable with Climate Change

Table 4. Summary of Fayetteville's trees that are on the Dallas, TX (SCCA) tree list and whose habitat is predicted to increase or not change according to the USDA Forest Service Climate Change Atlas

Fayetteville Tree List (ordered by Scientific Name)	Common Name	Dallas, TX Tree List?	Predicted Habitat Change**
Acer rubrum	Red Maple	Yes	Increase
Betula nigra	River Birch	Yes	Increase
Carya illinoinensis	Pecan	Yes	Increase
Cercis canadensis	Redbud	Yes	Increase
Cornus florida	Flowering Dogwood	Yes	Increase
Gleditsia triacanthos	Thornless Honeylocust	Yes	Increase
Ilex opaca	American Holly	Yes	Increase
Juglans nigra	Black Walnut	Yes	No change
Liquidambar s. 'Rotundifolia'	Sweetgum (fruitless)	Yes	Increase
Liquidambar styraciflua	Sweetgum	Yes	Increase
Maclura pomifera	Osage Orange	Yes	Increase
Magnolia grandiflora 'Bracken's Brown Beauty'*	Bracken's Brown Magnolia	Yes	Increase
*Magnolia grandiflora**	Southern Magnolia*	Yes	Increase
Platanus occidentalis	Sycamore	Yes	Increase
Quercus alba	White Oak	Yes	No change
Quercus falcata	Southern Red Oak	Yes	Increase
Quercus muehlenbergii	Chinquapin Oak	Yes	No change
Quercus shumardii	Shumard Oak	Yes	No change
Taxodium distichum *	Bald Cypress*	Yes	No change
Ulmus americana ' Valley Forge'	Valley Forge Elm	Yes	Increase
Ulmus americana 'Lewis & Clark'	Lewis & Clark Elm	Yes	Increase
Ulmus americana 'New Harmony'	New Harmony Elm	Yes	Increase
Ulmus americana 'Princeton'	Princeton Elm	Yes	Increase
Ulmus americana 'Jefferson'	Jefferson Elm	Yes	Increase

* See original tree list for notes on the respective species

** USDA Forest Service Climate Change Atlas for tree species habitat in Arkansas predicted to decrease (low emission scenario).
Important Note: The USDA Forest Service Tree Atlas models predict habitat change for 134 native tree species in the eastern United States. The research is then modeled for tree species in the southeast U.S. including Arkansas. Some native species are not currently modeled in the Tree Atlas and no cultivars or exotics are included. With limited data currently available on the resilience and vulnerability of native Arkansas tree species, this table provides a glimpse of how the species' composition of Fayetteville's urban forest may change. Web source: www.fs.usda.gov/nrs/atlas/tree/

SUMMARY

Fayetteville's tree planting recommendations are in line with industry standards and best practices since the City utilizes the Arkansas Native Plant Society list and therefore, generally plants and recommends planting trees native to the region.

The effects of climate change are already taking hold in the City and Fayetteville recognizes the challenges that lie ahead. Some of the experienced and anticipated effects include prolonged periods of high temperatures and drought, extreme weather events, changes in the duration of seasons, favorable conditions for harmful tree pests and diseases, among other impacts. To grow a sustainable and resilient urban forest, the City should continue to examine the performance of trees planted and the species of trees that are recommended for planting.

To develop plans and strategies relating to tree planting for climate change, a Sister Climate City Analysis (SCCA) was conducted. This SCCA examined the predicted climate of Fayetteville 60 years from now and identified a city with a current climate that matches the projected climate of Fayetteville. The City of Longview, Texas was identified but no city-approved or recommended tree list was found. Therefore, a neighboring city, the City of Dallas, Texas was utilized given the location and the urban forestry consultant's experience working with Dallas. From the SCCA, it was found that 51% of Fayetteville's trees on the Arkansas Native Plant Society tree list are also in the City of Dallas's approved tree list. This means that those trees in Fayetteville's list may favor well with changing climate since the Sister Climate City of Dallas currently approves and is planting those tree species.

In addition to the Sister Climate City Analysis, the U.S. Forest Service's Climate Change Atlas was utilized to examine the predicted habitat change due to climate change. From this study, it was found that 44 trees in Fayetteville's list are in the Climate Change Atlas study. Of the 44 trees, there are 28 species where it is predicted that the habitat will increase due to climate change. A total of 8 species have habitats that may decrease and 8 species have habitats that may not change with climate change. A full report is provided in the 2023 Urban Forestry Management Plan.

When combining the SCCA results and the Climate Change Atlas, a total of 24 of the 74 (32%) tree species in Fayetteville's list are on the Dallas, TX approved tree list and are predicted to have habitats either increase or not change.

This analysis shows the City of Fayetteville is on track for planting a resilient urban forest but the City should be mindful of the diversity of species, the associated benefits of the trees planted, the maintenance needs, and other considerations beyond what is covered in this summary report. The results of this analysis are not meant to serve as a definitive guide for tree species selection. Instead, it provides an analysis of what is currently being planted compared to the effects of climate change and offers general guidance on the species of trees that should continue to be planted while considering other goals and standards such as species diversity.

APPENDIX A. CLIMATE ADAPTATION REPORT

Climate Change Impacts for Southeast

Source: Adaptation Workbook, Developed in partnership with the U.S. Department of Agriculture (USDA), the USDA Forest Service, the Northern Institute of Applied Climate Science, and American Forests.

Climate Change Impacts for Southeast research report by: Carter, L., A. Terando, K. Dow, K. Hiers, K.E. Kunkel, A. Lascurain, D. Marcy, M. Osland, and P. Schramm, 2018: Southeast. In Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, Volume II [Reidmiller, D.R., C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (eds.)]. U.S. Global Change Research Program, Washington, DC, USA, pp. 743–808. doi: 10.7930/NCA4.2018.CH19

This region was defined in the National Climate Assessment (2014) and includes the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia.

National Climate Assessment (2018) - Southeast

Temperatures in the Southeast are projected to increase by 4.4 to 7.7 degrees Fahrenheit by late-century (2071-2100).
All climate models agree that temperatures are projected to increase over the 21st century across the Southeast. The spatial variations are projected to be relatively small across the region, with the largest temperature changes occurring in the northwest part of the region (Arkansas, Kentucky, Mississippi, and Tennessee), the smallest variations occurring in southern Florida. Temperature increases will be the greatest in summer. The greatest warming during summer is expected in the northwest portion of the region. Compared to all other seasons, winter temperature increases are projected to be more mild.

R.S. Vose, D.R. Easterling, and others. 2017. Climate Science Special Report: Temperature Changes in the United States. U.S. Global Change Research Program.

The Southeast is expected to experience between 5 and 30 more days per year with a maximum temperature exceeding 95 degrees Fahrenheit by the middle of the century.
The smallest increase of 4 days per year is expected in areas with a currently low number of 95-degree days, including the highest elevation areas along the spine of the Appalachians where historically days above 95-degrees occur fewer than 10 days out of the year. The largest increase in the number of 95-degree days per year (35 days) is expected in south-central Florida, where these kinds of hot days are already common. The western portion of the region is expected to experience the largest number of consecutive 95-degree days, with as many as 16-20 additional days by mid-century.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

The Southeast is expected to experience between 0 and 14 fewer days per year with a minimum temperature below 10 degrees Fahrenheit by the middle of the century.
The largest decreases are expected in Kentucky, Virginia, Tennessee, North Carolina and the northern part of Arkansas. The smallest decreases in cold days are expected along the coastal and southern areas, where these kinds of cold days rarely occur. Similarly, the Southeast region is expected to have more than 20 fewer days with a minimum temperature below 32 degrees by the middle of the century.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

Average annual precipitation is projected to increase slightly in the northeast portion of the Southeast, but may decrease in the southwest half of the region.
There is uncertainty between different climate scenarios for future precipitation projections in the Southeast. Generally, there is a southwest-to-northeast gradient in annual precipitation projections. The greatest increases are projected in North Carolina and Virginia (3-9% increase by the end of the century), and the greatest decreases are projected in Louisiana and Arkansas (3-12% decrease by the end of the century). Overall changes in precipitation for the Southeast are projected to be slight and comparable to current year-to-year variations. Daily precipitation totals in the Southeast have increased substantially in the fall season, and this trend is expected to continue.

D.R. Easterling, K.E. Kunkel, and others. 2017. Climate Science Special Report: Precipitation Change in the United States. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

The number of days per year with more than 1 inch of precipitation will increase across the Southeast by the middle of the century, and double the number of heavy rainfall events are projected by late century.
Extreme rainfall events have increased in frequency and intensity in the Southeast, and will continue to increase in the future. Most of the region is projected to experience 6% to 25% more days each year with more than an inch of precipitation by the middle of the century. The largest increases (up to 25% increases) in extreme precipitation are expected across the Appalachian Mountains. The smallest increases (less than 10%) are expected across Arkansas, Louisiana and Mississippi. Days with more than 2 inches, 3 inches, and 4 inches of precipitation are also expected to occur more frequently by the middle of the century. Under a high emissions scenario, projections indicate approximately double the number of heavy rainfall events (2-day precipitation events with a 5-year return period) and a 21% increase in the amount of rain falling on the heaviest precipitation days (days with a 20-year return period) by late century. Heavy precipitation associated with hurricanes and tropical storms could result in more flooding and damage to coastal forests, and contribute to an increase in inland flooding as well.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

A majority of climate models suggest that precipitation in the Southeast will increase in the winter, spring, and fall by the end of the century, but summer is generally expected to become drier.
Simulated changes in summer precipitation by the end of the century range from a 0-10% decrease, with the largest decreases occurring in southern Florida and Arkansas and Tennessee. The means of several climate models indicate that winter and spring precipitation may increase around 15% by the end of the century, particularly in the northern part of the region. Daily precipitation totals in the Southeast have increased substantially in the fall season; this trend is expected to continue, with the greatest expected increases along the Gulf Coast. Overall, only minimal change or slight increases in precipitation are projected along much of the Atlantic and Gulf Coasts. These projections are averaged outputs from a climate scenario with higher emissions (A2), and under mild climate scenarios changes are generally expected to be smaller.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

The annual freeze-free season is expected to increase by 20 to 30 days in the Southeast by 2055. The freeze-free season lengthens by more than a month by the late 21st century in climate simulations based on a high emissions scenario.
The freeze-free season is defined as the period of time between the last spring frost (daily minimum temperature below 32 degrees F) and the first fall frost. The length of the annual freeze-free season has been increasing since the 1980s, and all climate models agree that it will continue to increase in the future across the Southeast. The largest increases of 25-30 days are mainly expected in Louisiana, Tennessee, Kentucky, Virginia, and North Carolina. The smallest changes are expected in southern Florida, which is not surprising because freezing events are already rare in this part of the Southeast.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

K. Kunkel, L. Stevens, and others. 2013. Regional Climate Trends and Scenarios for the U.S. National Climate Assessment - Southeast. NOAA.

Red spruce, balsam fir, and eastern hemlock are projected to decline substantially across the Southeast by the end of the century, and conditions for pines may also deteriorate.
Red spruce and eastern hemlock are already declining in some areas, and these species are projected to be extirpated from the southeast by 2100 as a result of the combined stresses of warming, air pollution, and insects. If temperature continues to increase and precipitation becomes more variable, conditions for pine growth may begin to deteriorate. Even if regional forest productivity remains high for pine species, the center of forest productivity could shift northward into North Carolina and Virginia, causing significant economic and social impacts.

J. Vose, D. Peterson, and others. 2012. Effects of Climate Variability and Change on Forest Ecosystems: A Comprehensive Science Synthesis for the U.S. Forest Sector.. USDA Forest Service Pacific Northwest Research Station.

Climate change will amplify many existing stressors to forest ecosystems in the Southeast, such as invasive species and insect pests.
Forest ecosystems throughout the Southeast Region are exposed to a range of natural, introduced, and anthropogenic stressors. Stressors such as invasive plants, forest pests, and diseases are expected to become more damaging under climate change, and these factors may interact in unpredictable ways. The southern pine beetle is already the most destructive pest in the region's forests, and longer growing seasons could allow populations of the pest to expand more rapidly. Cogongrass and kudzu are expected to expand into new territory under climate change, and both of these species have cascading effects on disturbance regimes and diversity.

J. Vose, D. Peterson, and others. 2012. Effects of Climate Variability and Change on Forest Ecosystems: A Comprehensive Science Synthesis for the U.S. Forest Sector.. USDA Forest Service Pacific Northwest Research Station.

Wildfire risk is projected to increase across the Southeast by the end of the century.
Rising temperatures and increases in the duration and intensity of drought are expected to increase wildfire occurrence and also reduce the effectiveness of prescribed fire in the Southeast. While this region experiences the highest number of wildfires in the country, prescribed fire is currently more common than wildfire in Southeastern forests. However, as fire seasons lengthen in the future, the window for prescribed burning may decrease because of increased fuel flammability. Decades of wildfire suppression has increased the potential for crown fires, and model projections indicate that wildfires are likely to occur more frequently in the Southeast in the future. Annual fire probability, calculated solely with climate data and physical principles, is projected to increase by 20% to 80% across the Southeast by the end of the century, with the greatest increases in the southern Appalachians. The incidence of atmospheric conditions that contribute to large and erratic fire behavior, measured by the Haines Index, is also projected to occur more 8 to 11% more frequently by the end of the century. The limitation for these sorts of projections is that they do not account for changes in land use, fire suppression rates, or vegetation changes.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

J. Vose, D. Peterson, and others. 2012. Effects of Climate Variability and Change on Forest Ecosystems: A Comprehensive Science Synthesis for the U.S. Forest Sector.. USDA Forest Service Pacific Northwest Research Station.

Y. Tang, S. Zhong, and others. 2015. The Potential Impact of Regional Climate Change on Fire Weather in the United States. Annals of the Association of American Geographers.

R. Guyette, F. Thompson, and others. 2014. Future Fire Probability Modeling with Climate Change Data and Physical Chemistry. Forest Science.

Damage from hurricanes and sea-level rise is expected to increase in the Southeast by the end of the century.
Global sea level rise is projected to rise between 1 and 4 feet by the end of the century. Sea level rise and related increases in storm surges pulsing farther inland will continue to exacerbate ongoing land loss in low-lying coastal areas and may result in excessive saltwater inundation of coastal forests. The number of Category 4 and 5 hurricanes has increased since the 1980s, and this trend can be attributed both to natural variability and climate change. High-intensity hurricanes such as the 2017 Hurricane Irma are expected to become more common in the future. Rapid intensification of storms is also more likely as the climate warms, even though there is also some historical evidence that the same conditions that lead to this intensification also act to weaken hurricane intensity near the U.S. coast, but it is unclear whether this relationship will continue as the climate warms further. Damage from these kinds of storms can be intense and extend for hundreds of miles inland, including windthrow and blowdown, inundation, damage to infrastructure on land, and significant ecological impacts to terrestrial and freshwater ecosystems due to saltwater intrusion and altered hydrology.

L. Carter, A. Terando, and others. 2018. Fourth National Climate Assessment: Southeast. U.S. Global Change Research Program.

L. Carter, J. Jones, and others. 2014. National Climate Assessment – Southeast. U.S. Global Change Research Program.

Low-diversity systems are at greater risk from climate change.
Studies have consistently shown that diverse systems have exhibited greater resilience to extreme environmental conditions and greater potential to recover from disturbance than less diverse communities. This relationship makes less diverse communities inherently more susceptible to future changes and stressors. The diversity of potential responses of a system to environmental change (response diversity), is a critical component of ecosystem resilience. Response diversity is generally reduced in less diverse ecological systems. Genetic diversity within species is also critical for the ability of populations to adapt to climate change, because species with high genetic variation have better odds of producing individuals that can withstand extreme events and adapt to changes over time.

E.V. Moran, F. Hartig, and others. 2015. Intraspecific trait variation across scales: Implications for understanding global change responses. Global Change Biology.

A.S. Jump, R. Merchant, and others. 2009. Environmental change and the option value of genetic diversity.

T. Elmqvist , C. Folke, and others. 2003. Response diversity, ecosystem change, and resilience. Frontiers in Ecology and the Environment.

A. Hoffman and C. Sgrò. 2011. Climate change and evolutionary adaptation. Nature.

Systems that are more tolerant of disturbance have less risk of declining on the landscape
Disturbances such as wildfire, flooding, and pest outbreaks are expected to increase in the future. Forests that are adapted to gap-phase disturbances, with stand-replacing events occurring over hundreds or thousands of years, may be less tolerant of more frequent widespread disturbances. Mesic hardwood forests can create conditions that could buffer

against fire and drought to some extent, but these systems are not expected to do well if soil moisture declines significantly. Forest systems that are more tolerant of drought, flooding, or fire are expected to be better able to withstand climate-driven disturbances. This principle holds true only to a given point, because it is also possible for disturbance-adapted systems to experience too much disruption. For example, dry pine forests and woodlands might benefit from drier conditions with more frequent fire, but these systems might also convert to savannas or open grasslands if fire becomes too frequent or drought becomes too severe.

G. Nowacki and M. Abrams. 2008. The Demise of Fire and "Mesophication" of Forests in the Eastern United States. BioScience.

E. Gustafson and B. Sturtevant. 2013. Modeling Forest Mortality Caused by Drought Stress: Implications for Climate Change. Ecosystems.

Species in fragmented landscapes will have less opportunity to migrate in response to climate change.
Habitat fragmentation can hinder the ability of tree species to migrate to more suitable habitat on the landscape, especially if the surrounding area is nonforested. Modeling results indicate that mean centers of suitable habitat for tree species will migrate between 60 and 350 miles by the year 2100 under a high emissions scenario and between 30 and 250 miles under milder climate change scenarios. Based on data gathered for seedling distributions, it has been estimated that many northern tree species could possibly migrate northward at a rate of 60 miles per century. Fragmentation makes this disparity even more challenging, because the landscape is essentially less permeable to migration.

L. Iverson, M. Schwartz, and others. 2004. How fast and far might tree species migrate in the eastern United States due to climate change?. Global Ecology and Biogeography.

C. Woodall, C. Oswalt, and others. 2009. An indicator of tree migration in forests of the eastern United States. Forest Ecology and Management.

Systems that are limited to particular environments will have less opportunity to migrate in response to climate change.
Some species and forest types are confined to particular habitats on the landscape, whether through requirements for hydrologic regimes, soil types, or other reasons. Similar to species occurring in fragmented landscapes, isolated species and systems face additional barriers to migration. Widespread species may also have particular habitat requirements. For example, sugar maple is often limited to soils that are rich in nutrients like calcium, so this species may actually have less available suitable habitat than might be projected solely from temperature and precipitation patterns. Riparian forests are not expected to be able to migrate to upland areas because many species depend on seasonal flood dynamics for regeneration and a competitive advantage. Similarly, lowland conifer swamps contain a unique mix of species that are adapted to low pH values, peat soils, and particular water table regimes. These species face additional challenges in migration compared to more-widespread species with broad ecological tolerances.

A. Jump and J. Peñuelas. 2005. Running to stand still: adaptation and the response of plants to rapid climate change. Ecology Letters.

The urban heat island effect can exacerbate the effects of increasing temperatures.
Urban areas with one million or more people can be 2 to 13° F warmer than their surrounding rural areas due to the "urban heat island effect" from heat-absorbing infrastructure such as pavement and buildings as well as waste heat generated from manufacturing and automobiles. The urban heat island is often more pronounced in historically redlined areas with lower tree cover.

H. Akbari. 2005. Energy saving potentials and air quality benefits of urban heat island mitigation. Lawrence Berkeley National Laboratory.

Maxwell, K. , Julius, S. , and others. 2018.

The surface urban heat island response to urban expansion: A panel analysis for the conterminous United States

Recent progress on urban overheating and heat island research. Integrated assessment of the energy, environmental, vulnerability and health impact. Synergies with the global climate change

The Effects of Historical Housing Policies on Resident Exposure to Intra-Urban Heat: A Study of 108 US Urban Areas

Impervious cover can exacerbate the effects of increased heavy precipitation events in urban areas.
Increases in impervious cover can dramatically increase the size and frequency of localized flooding. Typically, urban floods are short-lived, but extended flooding can stress trees, leading to leaf yellowing, defoliation, and crown dieback. If damage is severe, mortality can occur. In addition, flooding can lead to secondary attacks by insect pests and diseases. Some species are more tolerant of flooding than others. Flood-intolerant species include upland species such as bitternut and shagbark hickory, Kentucky coffeetree, and white oak. Species that are generally tolerant of flooding include species that are generally native to wetlands and riparian areas such as baldcypress, sycamore, and red maple. Trees in coastal areas may also be vulnerable to saltwater intrusion during flood events.

S. Bratkovich, L. Burban, and others. 1993. Flooding and Its Effect on Trees. USDA Forest Service Northeastern Area.

G. Hollis. 1975. The effect of urbanization on floods of different recurrence interval. Water Resources Research.

Maxwell, K. , Julius, S. , and others. 2018.

Causal Effect of Impervious Cover on Annual Flood Magnitude for the United States

Assessing the tree health impacts of salt water flooding in coastal cities: A case study in New York City



INVASIVE PLANT SPECIES PROGRAM REVIEW

In support of the City of Fayetteville, Arkansas'

2023 URBAN FORESTRY MANAGEMENT PLAN

October 2023

CITY OF FAYETTEVILLE ARKANSAS

PlanIT Geo™ developers of TreePlotter

CONTENTS

Fayetteville's Current Invasive Plant Species Program 1

Overview **1**

Current Management of Invasive Plant Species **3**

Evaluating and Updating the City's Invasive Species Management Program **4**

Planning a Management Strategy 4

Invasive Plant Species Control and Removal Methods 3

Re-establishing Native Vegetation 4

Invasive Plant Species Program Review Checklist **5**

Program Review Checklist for Fayetteville, Arkansas' Invasive Plant Species Management Program 5

Summary 8

Resources 9

Attachment A: Ordinance #5820 10

Tables

Table 1. Checklist for the City of Fayetteville to evaluate and update its invasive plant species management program (Source: PlanIT Geo, Inc.) 5

Figures

Figure 1. Example of the community event for invasive plant species management (Source: City of Fayetteville, AR Facebook) 1

Figure 2. Example public messaging for the management of invasive plant species (Source: City of Fayetteville, AR Facebook) 1

Figure 3. The City of Fayetteville, AR's educational packet for invasive plant species management (Source: City of Fayetteville, AR) 2

Figure 4. City of Fayetteville, AR's 2023 Urban Forestry Management Plan 2

Figure 5. Identifying callery pear (Pyrus calleryana) an invasive tree species (Source: Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide) 3

Figure 6. City of Fayetteville's public education for invasive plant species removal (Source: KHBS News) 2

Figure 7. Revegetating with a native Ozark chinquapin tree (Source: Only in Arkansas) 4

Figure 8. Before and after of volunteers removing invasive plants along a trail near Scull Creek in Fayetteville, AR (Source: North American Invasive Species Management Association, NAISMA) 4

FAYETTEVILLE'S CURRENT INVASIVE PLANT SPECIES PROGRAM

Overview

An invasive plant is a plant species found outside its native range that threatens the survival or reproduction of native plants and animals, reducing biological diversity and causing significant damage to ecosystems, communities, habitats, and native species. The parks across the City of Fayetteville contain many invasive plant species, including two that are prolific: Japanese and Bush Honeysuckle (*Lonicera maackii*) and Chinese Privet (*Ligustrum sinense*).

The City of Fayetteville's Parks Maintenance Division in the Public Works Department is responsible for the invasive plant species removal and habitat restoration programs on public lands. Parks Maintenance also conducts and collaborates with organizations to host work days to remove targeted areas and rely heavily on volunteers for this work, which ranges from removal of plants with loppers and shovels, to replanting once invasives are gone. Volunteers that participate in these events are trained to take the skills learned back home so that they may remove these plants from their own back yards.

The City has an events calendar and page for interested community members to sign up for text or email notifications about upcoming stewardship volunteer opportunities. In addition to events and trainings, the City has information about the Invasive Plants Ordinance and a list of invasive plants and native alternatives on its website.



Figure 1. Example of the community event for invasive plant species management (Source: City of Fayetteville, AR Facebook)



Figure 2. Example public messaging for the management of invasive plant species (Source: City of Fayetteville, AR Facebook)

The Fayetteville City Council adopted Ordinance #5820 on November 3, 2015 (see Attachment A); this ordinance established a list of eighteen invasive plants to be restricted from being installed in new developments that require a Landscape Plan Review by the Urban Forester. The list of invasive plants was determined through an open participation process which involved a team of thirteen stakeholders. Stakeholders included nursery owners/managers, landscape architects, academic experts, landscape installers, hobby gardeners, botanists, naturalists, conservationists, City Park Managers and local citizens. The team met to evaluate the economic and environmental harm caused by invasive plants. After recognizing the need for an invasive plant policy, the stakeholder group reviewed other communities' invasive plant species policies and made recommendations to City staff.

The Ordinance was established in response to Fayetteville's Comprehensive Plan's guiding policies for Natural Areas which calls to, "preserve native vegetation and meet the habitat needs of multiple species." To support the awareness and compliance of the Ordinance, the "Invasive Plant Species in Fayetteville, Arkansas" resource was created by the City which consists of the eighteen invasive plants and recommends appropriate plant species for trees, shrubs or ground cover. The City of Fayetteville encourages all property owners to identify, remove and replace invasive plants from the landscapes around their homes and businesses.



Figure 3. The City of Fayetteville, AR's educational packet for invasive plant species management (Source: City of Fayetteville, AR)

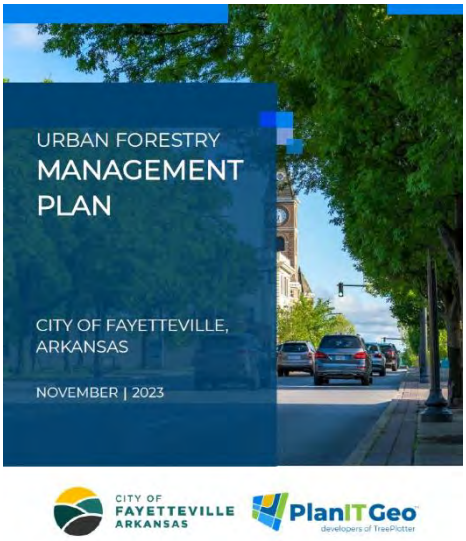


Figure 4. City of Fayetteville, AR's 2023 Urban Forestry Management Plan

This report was provided to the City of Fayetteville in support of the 2023 Urban Forestry Management Plan ("Plan") and was created to examine the existing program for managing invasive plant species in the City. Within the Plan, invasive plant species were recognized as an external challenge facing the City's urban forest now and in the future with changing climates. To address these challenges, Goal B1 in the Plan calls for the City to "prioritize public tree maintenance and tree risk management" and has a supporting action to "continue to manage invasive plant species on public properties and within public rights-of-way. Support controlled burns to manage invasives and wildlife on public properties."

The following provides a summary of the program review and recommendations based on industry standards and best practices and local research pertaining to the management of invasive plant species.

Current Management of Invasive Plant Species

For the City's consideration, the following table summarizes the plant species that are invasive according to Fayetteville's Invasive Plant Species educational packet compared to the University of Arkansas' Cooperative Extension Service (U of A Cooperative Extension) Invasive Plants in Arkansas list:

Plant Species	Listed in Fayetteville's Invasive Plant Species Educational Packet?	Listed in the University of Arkansas Division of Agriculture Cooperative Extension Service's Invasive Plants in Arkansas List?*
Asian Wisteria	Yes	Yes
Bamboo	Yes	Yes
Bigleaf Periwinkle	Yes	Yes
Callery/Bradford Pear	Yes	Yes
Burning Bush	Yes	No
Bush Honeysuckle	Yes	No
Chinese Privet	Yes	Yes
Creeping Euonymus	Yes	No
English Ivy	Yes	Yes
Heavenly Bamboo	Yes	No
Japanese Honeysuckle	Yes	Yes
Kudzu	Yes	No
Littleleaf Periwinkle	Yes	No
Mimosa, Silktree	Yes	Yes
Multiflora Rose	Yes	No
Sericea Lespedeza	Yes	Yes
Shrubby Lespedeza	Yes	Yes
Tree-of-Heaven	Yes	No
Running Monkey Grass	No	Yes
Tall Fescue	No	Yes
Chinese Tallow Tree	No	Yes
Cogongrass	No	Yes

*City of Fayetteville, AR's webpage for Invasive Plants and Native Alternatives (www.fayetteville-ar.gov/3028/Invasive-Plants-and-Native-Alternatives)

**University of Arkansas Division of Agriculture Cooperative Extension Service's Invasive Plants in Arkansas List (www.uaex.uada.edu/environment-nature/ar-invasives/invasive-plants)



Figure 5. Identifying callery pear (Pyrus calleryana) an invasive tree species (Source: Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide)

Evaluating and Updating the City's Invasive Species Management Program

The City may consider updating the invasive plant species listed in the Invasive Plant Species educational packet and the City Ordinance #5820 to align with recommendations provided by the University of Arkansas' Cooperative Extension Service, the Arkansas Native Plants Society, the Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide", the Northwest Arkansas Land Trust, and/or other reputable sources.

According to the Cooperative Extension Service at the University of Arkansas, the following plant species have been invasive in some landscape situations and should be monitored by the City of Fayetteville to determine the level of invasiveness and the need for prohibiting planting:

- Garlic Chives
- Devil's Walking Stick
- Artemesia
- Trumpet Creeper
- Obedient Plant
- Sweet Autumn Clematis
- Mexican Hydrangea
- Queen Ann's Lace
- Wintercreeper Euonymus
- Chameleon Plant
- Cypress Vine

Planning a Management Strategy

For the consideration of Fayetteville, the following management strategies are recommended for invasive plant species management on public lands and for educating the public to manage invasives on private land (recreated from the Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide."):

Prevent Invasive Plants From Establishing

- Don't introduce invasive plants; consider native alternatives
- Younger invasive plants are easier to remove than well-established plants

Identify Plant Species & Area To Be Managed

- Take an inventory of your area and properly identify invasive and native plants
- Use caution on streamside areas or heavily sloped areas
- Seek assistance and consultation in sensitive areas
- Determine where and how removed brush will be handled. If composting, heat must be maintained above 145° F to denature seeds

Practice Safety

- Dress appropriately
    - Long sleeves, pants, gloves, sturdy shoes or boots
    - Safety glasses, sunscreen, and/or insect repellant may be appropriate
- If Using Chemical Herbicide Treatment, Personal Protective Equipment (PPE) Is Needed
    - Safety glasses
    - Latex or nitrile gloves
    - Prevent spills and use extreme caution near water sources
    - Read herbicide labels and Safety Data Sheets (SDS) for additional PPE measures and application guidelines
    - The herbicide label is the law
- Use Extreme Caution With Sharp or Heavy Tools
    - Acquire safety training for chainsaw use
- Be Aware of Surroundings

    - Swinging tools or falling limbs could injure you or others nearby
- Contact Arkansas One-Call at 811
    - Call 811 to locate underground utility lines prior to disturbing a substantial area and/or using heavy equipment.
- Use Caution When Working Around Overhead Utility Lines
- Work Areas May Not Be Easily Accessible
    - Be aware of steep slopes, banks, and slippery areas
- Be Aware of Wildlife
    - Work areas may harbor animals, snakes, or insects
    - Use caution with plants such as Poison Ivy, Poison Hemlock, or thorns (Greenbrier and Multiflora Rose)
- Rest Often
- Stay Hydrated

Divide Area

- Work in phases
- Large acreage may require focusing on one species at a time or dividing into smaller manageable areas
- Plant densities can be overwhelming; distribute workload

Seek Assistance From Local Professionals

- Tree professionals may be required. Use a certified arborist
- Consult your local extension office for herbicide recommendations

Revegetate/Encourage Native Plants

- Minimize damage to native vegetation during removal
- Consult native plant resources and research
- Choose correct native plant for growing conditions, ecoregion, and space
- Currently, Fayetteville recommends the "Wildscaping with Ozark Native Plants - Native Wildflowers and Grasses" resource for revegetating with native plants and the "Ozark-Friendly Landscape – Native Trees and Shrubs" resource for native trees

Do Maintenance Seasonally

- Many plants sprout or sucker from cut points; revisit managed areas
- Opening canopy may activate invasive seed bank and viney plants



Figure 6. City of Fayetteville's public education for invasive plant species removal (Source: KHBS News)

Invasive Plant Species Control and Removal Methods

Several methods are used to control or remove invasive plants each with varying degrees of effectiveness, advantages, and disadvantages. Listing here is not an endorsement for any one method. The area of infestation often dictates removal techniques, such as sensitive riparian areas along waterways, wetlands, or sloped areas. Use of herbicide trade names does not indicate endorsement of any one product.

Mechanical

- Hand Pulling
- Cutting (chainsaw, hand saw, pruners)
- Stump pulling (weed wrench, shrub pullers, chains, mattock, shovel, large machinery)
- Machinery (mowing, brush hog)

"Hand removal" is very effective but does require manual labor and may not be practical across large areas. Cutting alone is rarely effective, unless used in conjunction with cut-stump treatments. The most effective way to kill invasive plants is by removing the entire plant including root systems. Stump pulling is useful for small to medium shrubs and trees and is easier in moist soil.

Cultural Practices

Prescribed fire has been used throughout history to control vegetation, but burning is often unavailable in urban settings. Fire can control the spread of some invasive plants, but must often be used in tandem with mechanical and/or chemical measures. It can risk harming native vegetation, activate invasive seed banks, or even stimulate some undesirable plants. Refer to local laws and ordinances to ensure compliance. Applying mulch helps to control invasive populations by preventing sprouting. It also holds moisture for native plants and covers bare soil to help prevent erosion.

Chemical (Herbicide)

- Foliar spray
- Cut-stump treatments
- Basal bark treatment
- Frill (hack-and-squirt)

Always read and follow herbicide label instructions and precautions. Great care should be taken when conducting chemical treatment and it is important to consult your local cooperative extension office for herbicides effective for weed and brush control. A brief description of herbicide treatments follows:

Foliar sprays are not always a viable option in the urban landscape or public setting. This technique can be used to target young plants, but it tends to be ineffective on many resilient, mature, invasive plants in Northwest Arkansas. Foliar spray can damage or kill non-target native plants from drift and contaminate water resources.

Cut-stump treatments minimize chemical use and contamination of native vegetation and water resources. Most effective in the fall, stumps are cut 3 to 4 inches from the ground and are treated with an herbicide-marking mixture within a few minutes using a squirt bottle or sponge applicator. The marking dye helps land managers or volunteers to see where the chemical has been applied. Stump treatments also help to prevent suckering or secondary growth. Resilient stumps may need cutting and chemical application again the following season.

Basal bark herbicide treatment is effective on most invasive woody plants including vines. An oil soluble herbicide is mixed with an oil carrier. For woody plants with a 6-inch diameter or less, spray the bark of the plant from ground level to 15 inches. Plants should not be cut for 6 months. This method can be used anytime of the year except early spring.

Frill or hack and squirt is used to target invasive trees and introduces the herbicide into the stem using spaced cuts below the last live branch and around the trunk. A hatchet is used to make downward angled incisions through the bark (2 inches long) evenly spaced (one inch) around the tree. Each cut is carefully filled (do not allow spillage) with herbicide-marking mixture using a spray bottle or gunjet.

Re-establishing Native Vegetation

Once invasive vegetation is removed from a property, it is important to establish a healthy stand of plants native to the local ecoregions of Northwest Arkansas. Native vegetation provides shelter and food for wildlife, and it contributes to the reproduction and survival of insects, birds, fish, reptiles, and mammals. Native vegetation also supports migrating species, such as monarch butterflies and wood thrushes. Having adapted to the Ozark Mountain region, native species of plants generally are easy to establish and are drought resistant. Many are beautiful with showy flowers, berries, and leaves, and they can easily be incorporated into a landscaped setting. The previous tables of plants native to both the Boston Mountains and Ozark Highlands Ecoregion should be considered for replanting. These lists can be used as a guide for the revegetation of an area of interest where invasive plants have been removed. Just because a shrub is removed doesn't mean it needs replaced with another shrub. As an example, there may be a preference to establish native grasses and woodland wildflowers in a forested area where bush honey suckle has been removed. As part of the invasive removal process, a plan for native plant establishment should be created.



Figure 7. Revegetating with a native Ozark chinquapin tree (Source: Only in Arkansas)

Native plants can be established by dispersing seed or by planting potted plants or bare roots. Native seed can be collected locally or purchased and is generally used for large areas where grasses and wildflowers are desired. If native seed is purchased, a local source or at a minimum, a source that was cultivated in or near the Ozark Mountain region should be considered. When dispersing native seed on bare soils, mix a nursery crop of winter wheat or oats with a variety of native grass and wildflower species. Following the application of the seed mix, cover with straw. Trees and shrubs are generally established by planting potted plants or bare roots. Again, if possible, find a local source for these plants.

Once the treated area is replaced with native plants, it is important to inspect for and remove new invasive plants that will try to reestablish on the property. Once a healthy stand of native vegetation is established, less invasive vegetation will arise.



Figure 8. Before and after of volunteers removing invasive plants along a trail near Scull Creek in Fayetteville, AR (Source: North American Invasive Species Management Association, NAISMA)

Invasive Plant Species Program Review Checklist

The following checklist is provided by the urban forestry consultants at PlanIT Geo for the City of Fayetteville to examine and update its current Invasive Plant Species Management Program. By updating the program and aligning it with industry standards and best practices, the City will be better equipped to implement the 2023 Urban Forestry Management Plan and achieve the vision of a sustainable urban forest in Fayetteville.

Program Review Checklist for Fayetteville, Arkansas' Invasive Plant Species Management Program

Table 1. Checklist for the City of Fayetteville to evaluate and update its invasive plant species management program (Source: PlanIT Geo, Inc.)

A) PROGRAM OVERVIEW		
A1) Mission and Goals		
Question	***Answer***	***Status***
A1a) Are the program's mission and goals clearly defined and measurable?		
A1b) Do the goals align with the City's overall priorities and environmental goals?		
A2) Program Scope		
Question	***Answer***	***Status***
A2a) What types of invasive plants does the program target?		
A2b) What geographic areas does the program cover?		
A2c) What types of interventions are used (e.g., education, removal, restoration)?		
A3) Program Budget		
Question	***Answer***	***Status***
A3a) Is the program adequately funded to achieve its goals?		
A3b) How are resources allocated across different program components?		
A3c) Are there opportunities for additional funding or cost savings?		

B) PROGRAM IMPLEMENTATION		
B1) Planning and Prioritization		
Question	***Answer***	***Status***
B1a) Does the program have a strategic plan for managing invasive species?		
B1b) Are priorities set based on the ecological impact of different species and the feasibility of control?		
B1c) Is there a mechanism for regularly updating the plan and incorporating new information?		
B2) Outreach and Education		
Question	***Answer***	***Status***
B2a) Does the program have a comprehensive outreach and education plan to engage the public and stakeholders?		
B2b) Are educational materials clear, accurate, and accessible to different audiences?		
B2c) Are there opportunities to partner with other organizations for outreach efforts?		

B3) Invasive Species Removal		
Question	***Answer***	***Status***
B3a) Are control methods effective and based on best practices?		
B3b) Are appropriate disposal methods used for removed plants?		
B3c) Are there monitoring protocols in place to assess the success of control efforts?		
B4) Restoration and Re-vegetation		
Question	***Answer***	***Status***
B4a) Does the program include efforts to restore native plant communities after invasive species removal?		
B4b) Are native species selection and planting methods appropriate for the site and ecological goals?		
B4c) Are there monitoring protocols in place to assess the success of restoration efforts?		

C) PROGRAM EVALUATION		
C1) Data Collection and Analysis		
Question	***Answer***	***Status***
C1a) Does the program collect data on the distribution and abundance of invasive species?		
C1b) Are data collection methods reliable and standardized?		
C1c) Is data analyzed regularly to inform program decision-making?		
C2) Monitoring and Reporting		
Question	***Answer***	***Status***
C2a) Does the program monitor the effectiveness of its interventions?		
C2b) Are results reported to stakeholders and the public?		
C2c) Are there opportunities to improve monitoring and reporting procedures?		
C3) Adaptive Management		
Question	***Answer***	***Status***
C3a) Does the program use an adaptive management approach to adjust interventions based on monitoring results?		
C3b) Are lessons learned from past efforts incorporated into future planning?		
C3c) Are there opportunities to share information and best practices with other programs?		

D) PARTNERSHIPS AND COLLABORATION		
D1) Stakeholder Engagement		
Question	***Answer***	***Status***
D1a) Does the program actively engage with stakeholders such as residents, landowners, and businesses?		
D1b) Are there opportunities for stakeholders to participate in program planning and implementation?		
D2) Interagency Collaboration		
Question	***Answer***	***Status***
D2a) Does the program collaborate with other agencies and organizations involved in invasive species management?		
D2b) Are there opportunities to share resources and expertise?		
D3) Volunteer Engagement		
Question	***Answer***	***Status***
D3a) Does the program utilize volunteers for invasive species removal and restoration efforts?		
D3b) Are volunteer opportunities well-organized and effective?		

E) RECOMMENDATIONS FOR IMPROVEMENT		
Question	***Answer***	***Status***
E1) Based on the review findings, what are the key recommendations for improving the program's effectiveness?		
E2) What are the estimated costs and resources needed to implement the recommendations?		
E3) What are the potential benefits of implementing the recommendations?		

F) CONCLUSION		
Question	***Answer***	***Status***
F1) Overall, is the Fayetteville invasive plant species management program meeting its goals and objectives?		
F2) What are the program's strengths and weaknesses?		
F3) What are the key opportunities for improvement?		

ADDITIONAL NOTES
This checklist is a starting point and may need to be adapted to the specific context of the program.
The review process should involve stakeholders from diverse backgrounds and perspectives.
The results of the review should be used to inform program improvement efforts.

SUMMARY

Fayetteville's urban forest consists of all trees throughout the City on both public and private property. The trees and the overall urban forest are vital resources that provide numerous ecological, economic, and social benefits. However, invasive plant species pose a significant threat to the health and sustainability of this valuable asset. To ensure the long-term health of the urban forest, it is critical for Fayetteville to regularly review and update its programs for managing invasive plant species. By conducting the program review and applying the recommendations provided in this Report the City of Fayetteville will be position to:

Address evolving threats: Invasive species are constantly adapting and evolving, requiring frequent reassessment of management strategies. New invasive species may emerge, and existing species may develop resistance to current control methods. Updating the program allows for incorporating new knowledge and implementing more effective approaches.

Adapt to changing environmental conditions: Climate change and other environmental factors can significantly impact the distribution and abundance of invasive species. By reviewing and updating the program, Fayetteville can ensure it is adaptable and capable of responding to these changing conditions.

Optimize resource allocation: Limited resources must be used efficiently and effectively. A review process can identify areas for improvement in resource allocation and ensure that program efforts are focused on achieving the most significant impact.

Improve program effectiveness: Regular evaluation and feedback are crucial for identifying program weaknesses and areas for improvement. This information can be used to refine existing strategies, develop new interventions, and ultimately enhance the program's overall effectiveness.

Maintain public support: An effective invasive species management program relies on public awareness and support. By demonstrating commitment to continuous improvement and transparency, the program can build trust and encourage broader community engagement.

Ensure a sustainable future: Invasive plant species can have devastating consequences for the health and diversity of the urban forest. By proactively managing these threats, Fayetteville can ensure the long-term sustainability of this valuable ecosystem and safeguard its ecological, economic, and social benefits for future generations.

Regularly reviewing and updating Fayetteville's invasive plant management program is crucial for maintaining a healthy and resilient urban forest. This proactive approach will require ongoing commitment and collaboration, but it will ultimately contribute to a more sustainable and vibrant City for all residents.

RESOURCES

- Arkansas Native Plant Society: anps.org/category/native-plants/Missouri Department of Conservation mdc.mo.gov/trees-plants/problem-plant-control
- Arkansas One-Call. Damage prevention information, local contacts and rules for safe digging in Arkansas: Dial 811 or 1 (800) 482-8998
- Arkansas State Plant Board (phone: 501-225-1598): aad.arkansas.gov/arkansas-state-plant-board
- City of Fayetteville Code of Ordinances, Ordinance #5820 https://library.municode.com/ar/Fayetteville/ordinances/code_of_ordinances?nodeId=749989
- City of Fayetteville Invasive Plants and Native Alternatives: www.fayetteville-ar.gov/3028/Invasive-Plants-and-Native-Alternatives
- Invasive Plant Atlas: invasiveplantatlas.org
- MP44, "Recommended Chemicals for Weed and Brush Control," University of Arkansas Division of Agriculture, Research and Extension, Arkansas 2021. See MP44 online at www.uaex.edu
- National Invasive Species Information Center: invasivespeciesinfo.gov
- University of Arkansas Division of Agriculture Cooperative Extension (phone: 501-671-2000): uaex.edu/yard-garden/in-the-garden/native-plants
- University of Arkansas Division of Agriculture Cooperative Extension Service's Invasive Plants in Arkansas List: www.uaex.uada.edu/environment-nature/ar-invasives/invasive-plants
- Watershed Conservation Resource Center's "Invasive Plants of Northwest Arkansas, A Field Management Guide

ATTACHMENT A: ORDINANCE #5820

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Ordinance: 5820

File Number: 2015-0496

AMEND CHAPTER 177 LANDSCAPE REGULATONS:

AN ORDINANCE TO AMEND CHAPTER 177 LANDSCAPE REGULATIONS OF THE UNIFIED DEVELOPMENT CODE TO ADOPT REGULATIONS PROHIBITING THE INSTALLATION OF CERTAIN INVASIVE PLANT SPECIES IN NEW DEVELOPMENTS THAT REQUIRE A LANDSCAPE PLAN REVIEW AND APPROVAL BY THE URBAN FORESTRY DIVISION, AND TO MAKE CERTAIN TECHNICAL REVISIONS

WHEREAS, on May 5, 2015, the City Council passed Resolution 101-15 requesting that City staff examine the need and propriety of submitting a proposed ordinance that would regulate or prohibit the sale or use of certain invasive plant species in Fayetteville; and

WHEREAS, City staff assembled a team of thirteen diverse stakeholders who identified eighteen invasive plant species that warrant restrictions based on the economic and environmental harm that they cause.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.01 Purpose by adding a new subsection (B)(12) as follows: "Discouraging the new installation of identified invasive plant species and encouraging the removal of existing invasive plant species."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.01 Purpose by adding a new subsection (C)(8) as follows: "Plants identified as invasive in Section 177.09: Invasive Plant Species are prohibited from being installed in all development projects that require a landscape plan review."

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.02(B) by replacing "Tree and Landscape Advisory Committee" with "Urban Forestry Advisory Board."

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby amends § 177.03 **Landscape Plan Requirements** by adding the words "Combined Plan" to the beginning subsection (C)(5) and by adding a new subsection (C)(7)(h) as follows: "Plants listed in Section 177.09: **Invasive Plant Species** shall not be installed in developments requiring a landscape plan review."

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby adds a new Section 177.09 Invasive Plant Species as set forth in Exhibit "A" attached hereto and made a part hereof.

PASSED and APPROVED on 11/3/2015

Approved:

_____
Lioneld Jordan, Mayor

Attest:

_____
Sondra E. Smith, City Clerk Treasurer

Exhibit A

177.09 Invasive Plant Species

The following plants shall not be installed in development projects that require a landscape plan review.

Asian Wisteria
Wisteria sinensis, Wisteria floribunda

Bamboo
Pyllostachys Spp.

Bigleaf Periwinkle
Vinca major

Callary/Bradford Pear
Pyrus calleryana

Burning Bush
Euonymus alatus

Bush Honeysuckle
Lonicera maackii, Lonicera fragrantissima

Chinese Privet
Ligustrum sinense

Creeping Euonymus
Euonymus fortunei

English Ivy
*Hedera helix*Heavenly Bamboo
*Nandina domestica**

Japanese Honeysuckle
Lonicera japonica

Kudzu
Pueraria montana

Littleleaf Periwinkle
Vinca minor

Mimosa, Silktree
Albizia julibrissin

Multiflora Rose
Rosa multiflora

Sericea Lespedeza
Lespedeza cuneata

Shrubby Lespedeza
Lespedeza bicolor

Tree-of-Heaven
Ailanthus altissima

*Cultivars that do not produce flowers or fruit are not considered invasive.

PLAN-IT GEO, LLC

FAYETTEVILLE, ARKANSAS



URBAN TREE CANOPY ASSESSMENT PROJECT 2012

5790 YUKON STREET
ARVADA, CO 80002

page left intentionally blank

Fayetteville, Arkansas

Urban Tree Canopy Assessment

November 2012

Prepared By

Funding assistance was provided by a grant from the Arkansas Forestry Commission Urban & Community Forestry Program through the USDA Forest Service. Special thanks to the U.S. Forest Service Urban Forestry South-Centers for Urban & Interface Forestry team for their assistance.

Prepared For

The Arkansas Forestry Commission-Urban & Community Forestry Program,
Urban Forestry South-Centers for Urban & Interface Forestry,
and the City of Fayetteville

page left intentionally blank

Table of Contents

EXECUTIVE SUMMARY 1
- Urban Tree Canopy in Fayetteville 1
- Ecosystem Services 1
- Urban Forest Management Scenarios 2
- Recommendations and Summary 2

INTRODUCTION 3

MAJOR FINDINGS 6

METHODOLOGY 7
- Data Inputs, Imagery and Land Cover Classification 7
- Terminology 8

RESULTS 9
- Land Cover in Fayetteville 9
- Tree Canopy in Fayetteville 10
- Tree Canopy by Land Use and Parcels 11
- Tree Canopy in the Street Rights-of-Way 15
- Tree Canopy by Census Blocks 16
- Tree Canopy By Riparian Corridors 18

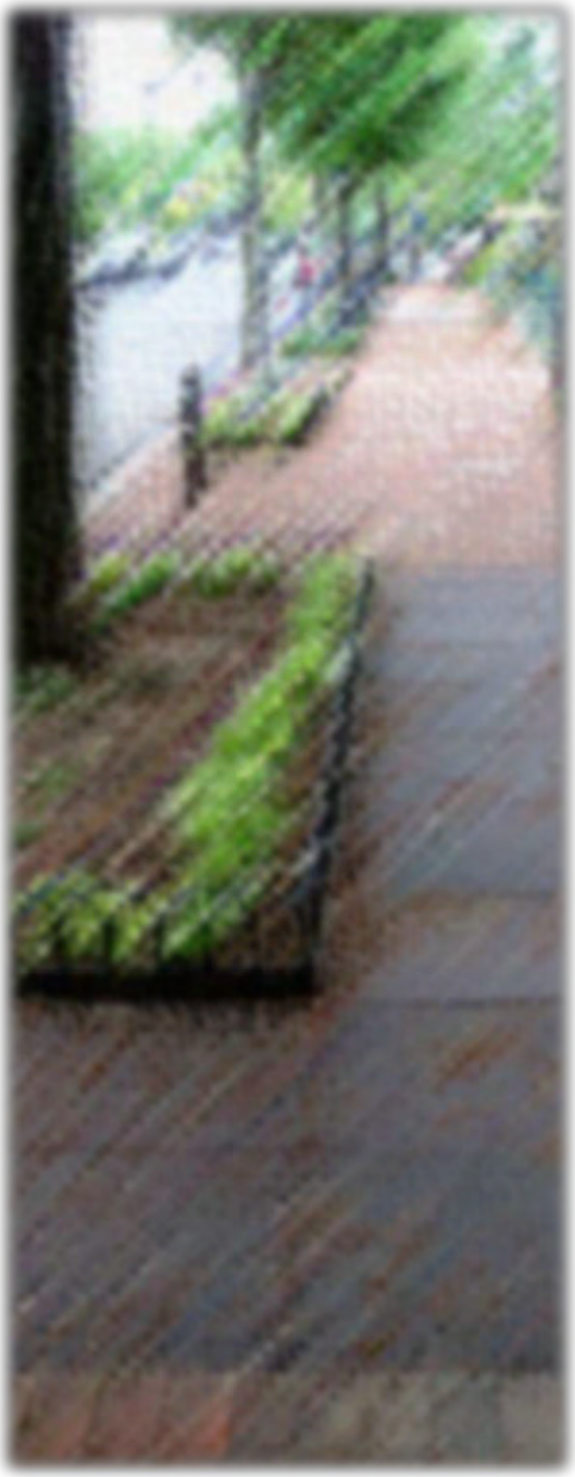
ECOSYSTEM SERVICES 19

URBAN FOREST MANAGEMENT SCENARIOS 21
- 2002 – 2012 Comparison 21
- Targeting Areas to Plant Trees 27
- Tree Canopy Cover Goals and Policy 30
- Management 31

RECOMMENDATIONS 33

SUMMARY 35

APPENDIX 36
- Urban Tree Benefits 36
- Land Cover Classification Methods & Accuracy 38
- Additional Maps for Potential Planting Sites 41
- References 42



page left intentionally blank

FAYETTEVILLE, ARKANSAS
URBAN TREE CANOPY ASSESSMENT 2012

EXECUTIVE SUMMARY

This Urban Tree Canopy (UTC) assessment provides a benchmark of Fayetteville's current tree cover. The study delivers essential data layers, maps and tools to enhance urban forest management, policy and decision-making, and planning. Additionally, by calculating some of the services and benefits the tree canopy provides, City staff and elected officials have information that places a value on trees and forests in their community in order to promote sound environmental and land use plans and policies.

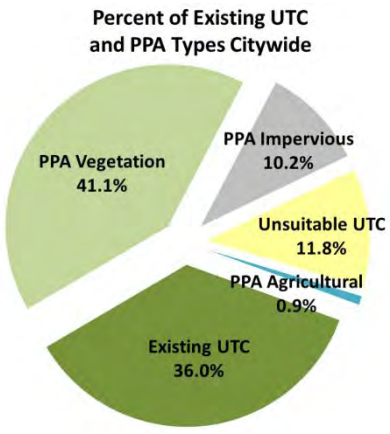


Geographic information systems (GIS), Land Use / Land Cover data, and high-resolution summer imagery provide the basis for this assessment. The data and technologies were used to assess Existing UTC and Possible Planting Areas (PPA) for assessment boundaries with different planning scales and intents. These included Fayetteville's city boundary, 6 land use types at the parcel-level, 2010 census blocks, riparian corridors by watershed boundary, and street rights-of-way.

This report presents results for current land cover and UTC distribution, compares canopy cover to 2002 conditions, estimates tree canopy benefits through multiple scenarios, and offers an evaluation, custom maps and tools, and recommendations for setting and achieving UTC goals.

URBAN TREE CANOPY IN FAYETTEVILLE

This study encompasses 55.4 square miles (35,437 acres) defined by the city limits of the City of Fayetteville, in Washington County, Arkansas. Based on a land area (after excluding water) of 34,586 acres, the City of Fayetteville has 12,441 acres (36%) of existing tree canopy, 17,757 acres (51%) of possible planting area, and 4,388 acres (13%) that is likely unsuitable for tree planting.



Riparian buffer analysis reveals there is 60% tree cover along Fayetteville's streams and rivers. Canopy cover within land use categories ranged from 18% (Commercial) to 45% (Agriculture) while the street rights-of-way average 13% cover. Residential properties average 41% UTC with 6 available planting sites per acre.

ECOSYSTEM SERVICES

Trees and forests in communities provide many "ecosystem services", or direct and indirect economic and environmental benefits such as removing air pollutants, storing and sequestering carbon, mitigating stormwater runoff, conserving energy through shade and wind block, improving public health, and providing wildlife habitat. Fayetteville's tree canopy currently provides an estimated $3.5M in air quality services each year and $64M in total stormwater management. Additionally, 50,000 planting sites were mapped near residential buildings where energy conservation

and associated carbon emissions reductions could be maximized. The impact on ecosystem services from increasing and decreasing canopy cover is presented in this report.

URBAN FOREST MANAGEMENT SCENARIOS

Management scenarios are presented and discussed involving further mapping, analysis and evaluation of Fayetteville's urban forest.

- **Comparison of canopy cover and benefits (2002 – 2012)** – urban forests are dynamic and constantly changing. Three (3) methods were used to assess gains and losses in tree canopy.
- **Target areas to plant trees** – an analysis of potential tree planting sites focused on (1) *areas most vulnerable to urban heat island effects*, (2) *wildlife habitat and linking of corridors*, and (3) *current land use types*. Other attributes were added to this GIS layer for additional prioritization.
- **Evaluating Fayetteville's canopy cover and tree preservation ordinance** – at 36% UTC, Fayetteville is 4% (~1,400 ac) below the national recommendation of 40%. Scenarios to reach 40% and an evaluation on the City's tree preservation ordinance are presented.
- **Management of the urban forest on city owned properties** – gains and losses in tree canopy on city properties is evaluated for future management purposes.

RECOMMENDATIONS AND SUMMARY

Understanding how and where trees are concentrated and distributed across Fayetteville is essential for maintaining a healthy and sustainable urban forest. This study provides the most up-to-date analysis to foster this overarching goal.

Fayetteville currently has 36% tree cover with 52% of the City classified as possible planting space. A comparison and trends assessment indicates canopy cover has decreased from around 37% to 36% (approximately 750-acre net loss) from 2002 to present. Forest regeneration and new tree planting are helping to offset only some of the losses from new development. Broad recommendations offer suggestions on using the results of this assessment as well as ways to create, expand, or strengthen urban forestry practices in the City.

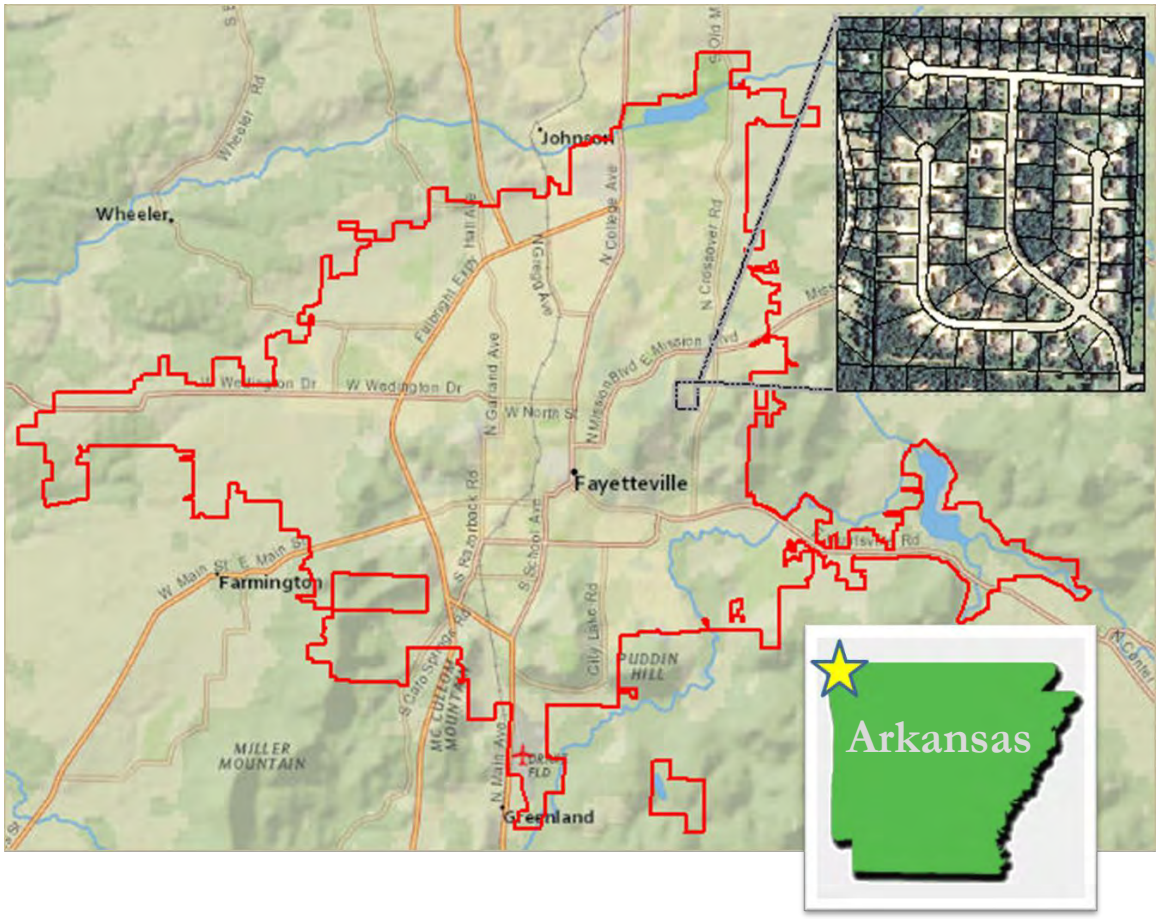
As development and economic progress continue, communities and public officials place a value on their tree cover when drafting and revising policies that affect trees. Fayetteville's leaders, business community, and citizens shape their urban forest in tree planting and protection ordinances, and should use the results from this study to reevaluate whether changes in the City's landscape the past 10 years is acceptable for their health, the environment, and the local economy and community.



Tree canopy cools impervious surfaces on hot sunny days therefore reducing the effects of radiant heat escaping back into the atmosphere (Downing, 2011).

INTRODUCTION

Trees provide many economic, social, and environmental benefits that form the basis of livability in urban municipalities. Therefore, it is important for urban development to work closely with urban forest health protection and management goals in order to maintain community livability. Geographic distribution of land use plays a critical role in maintaining a uniform urban forest. Each category of land use has unique management objectives and regulatory constraints.



This Urban Tree Canopy Assessment (UTC) in Fayetteville represents an opportunity to better understand baseline conditions of tree canopy, the distribution of existing canopy vs. potential tree canopy, and development of tools to incorporate urban forest benefits during policy and planning processes. It involves the use of high-resolution multispectral imagery, GIS, and remote sensing technologies, training and development of custom tools, ecosystem benefits modeling, and reporting to characterize existing and potential UTC. The products and outcomes of this study will support developing and monitoring of UTC goals, provide detailed data for management plans and ordinances, and foster greater understanding of UTC benefits.

This analysis of urban tree canopy aims to reveal and provide a better understanding of the benefits of the City of Fayetteville's green infrastructure, expanding upon previous studies by the Fayetteville Natural Heritage Association (FNHA). This study looks at the urban forest's relation to air quality, stormwater control, and carbon sequestration and storage. With funding in part provided by the USDA Forest Service (USDA FS), the Arkansas Forestry Commission Urban & Community Forestry (AFC) program contracted with Plan-It Geo, LLC to map Fayetteville's urban tree canopy

(UTC). This assessment examines the area and percent cover for existing tree canopy, possible planting area (in vegetated grass areas and paved impervious areas), and areas unsuitable for planting (buildings, roads, water, agricultural fields, etc.). These metrics were calculated for six (6) assessment boundaries: (1) Fayetteville City boundary, (2) land use, (3) census blocks, (4) riparian corridors, (5) street rights-of-way, and (6) parcels (see Table 1 on the following page).

The assessment was accomplished by using newly generated land cover data and assessment boundaries provided by City GIS. The land cover classification includes the following eight (8) classes for the City: (1) tree canopy, (2) other low-lying vegetation, (3) bare soil/dry vegetation, (4) water, (5) buildings, (6) roads, (7) agriculture, and (8) other impervious surfaces (parking lots, driveways, etc.). See Figure 1.

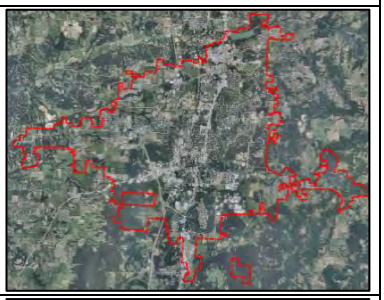
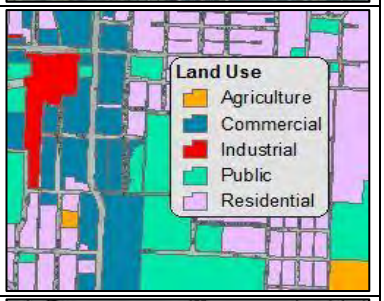
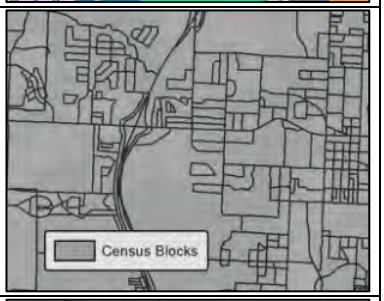
Specific objectives of this assessment were to:

- Map and assess eight (8) land cover classes across Fayetteville.
- Map and quantify existing urban tree canopy and possible planting areas for the City and five other finer scale assessment boundaries.
- Estimate Urban Forest Ecosystem Services, including air pollution removal capacity, carbon storage and sequestration, and stormwater management, broken out by the City, residential land uses, and watersheds.
- Create a series of Urban Forest Management Scenarios describing how UTC has changed over time and what current vs. future projected tree benefits and tree canopy could look like. This involved developing a GIS layer for prioritized potential planting locations, a plug 'n play Canopy Calculator tool, and an evaluation of the City's tree preservation ordinance.
- Provide training to City staff, volunteer organizations, state agency officials, and others in a workshop demonstrating how to use the data and tools and conduct ecosystem services analysis. In addition, presenting the results to the Fayetteville City Council.

The Fayetteville Urban Tree Canopy assessment provides data and tools to develop local and regional urban forestry goals, policies, outreach, and management plans to sustain and enhance the existing urban forest. In addition to this report, Plan-It Geo, LLC has also provided GIS data layers and Excel spreadsheets to accompany reported results. Only a fraction of the information available from this assessment is provided in the report. Fayetteville and other partners are encouraged to conduct additional analyses to answer specific questions related to local planning policies and concerns.



Table 1. List and description of UTC assessment boundaries for this study.

Assessment Boundary	# of Types or Features	Description	Map
City Boundary	1	City of Fayetteville	
Land Use	6	Land Use Categories Used: Agriculture Commercial Industrial Public Land Residential Public Right-of-Way	
Census Blocks	1,894	2010 U.S. Census data provides demographic data at the tract, block group, and block level. The most detailed 'block' level was used for this project.	
Riparian Corridors	69	Buffered streams and rivers, segmented by watershed boundary into finer-scale reaches to provide a better planning scale for this assessment.	
Street Rights-of-Way	903	The public rights-of-way (ROW) along streets.	
Parcels	28,768	Tax lots from the county assessors property database.	

MAJOR FINDINGS

Based on Fayetteville's analysis of aerial imagery, Land Use / Land Cover, ecosystem services, and potential tree planting sites, the following represents the major findings from this study.

- ***Fayetteville has 36% urban tree canopy cover based on 2010 imagery.***
- ***Canopy trends indicate a loss of possibly 1.5% UTC since 2002.***
- ***Residential lots cover 31% of Fayetteville with an average tree cover of 41% citywide. This represents 1/3 of the City's total tree canopy.***
- ***19% of the City's tree canopy is on publically owned properties.***
- ***The current urban forest removes nearly 1.3M pounds of air pollutants from the air annually, valued at $3.5M per year.***
- ***This equates to 1.1 billion pounds of stored carbon with an annual carbon sequestration rate of 8.4M pounds of CO2 taken up by the tree canopy.***
- ***Stormwater Savings***
    - ***At 36% UTC, Fayetteville's tree canopy is valued at an estimated $64 million based on avoided stormwater facility construction costs.***
    - ***If canopy declines, at 30.0% canopy cover, it is valued at $44M.***
    - ***At 40% UTC with 4% of new canopy growth from regeneration (natural forested areas), it is valued at $65M***
    - ***At 45% UTC with the new canopy growing over streets and parking lots, the tree canopy would be valued at $85M.***
- ***Natural forest regeneration plays a large role in UTC gains in Fayetteville. Examples are provided in the Canopy Change section of this report.***
- ***There are 50,000 potential tree planting locations near residential buildings. If trees are planted to maximize cooling in summer, energy conservation as trees reach maturity would be significant.***

METHODOLOGY

The following section describes the data and methods used for land cover classification and the terminology for defining and assessing the urban tree canopy (UTC) and potential planting areas (PPA). Brief methods for the comparison of tree canopy cover from 2002 to 2010 are included in the Results section further below.

DATA INPUTS, IMAGERY AND LAND COVER CLASSIFICATION

Numerous GIS data layers from the City and County were used in the process of mapping land cover classes and in the UTC assessment process. Examples include streets, buildings, water bodies, streams, parcels, land use, publicly owned properties, watersheds, and GIS layers from Fayetteville Natural Heritage Association's Green Infrastructure Plan. One-meter resolution imagery from summer 2010 (National Agricultural Imagery Program – NAIP) was used as the basis for this UTC Assessment. The final land cover classification data includes eight (8) classes: (1) **tree canopy**, (2) **grass / open space**, (3) **bare soil/dry vegetation**, (4) **water**, (5) **buildings**, (6) **roads**, (7) **agriculture**, and (8) **other paved surfaces** (parking lots, driveways) shown in Figure 1 below.

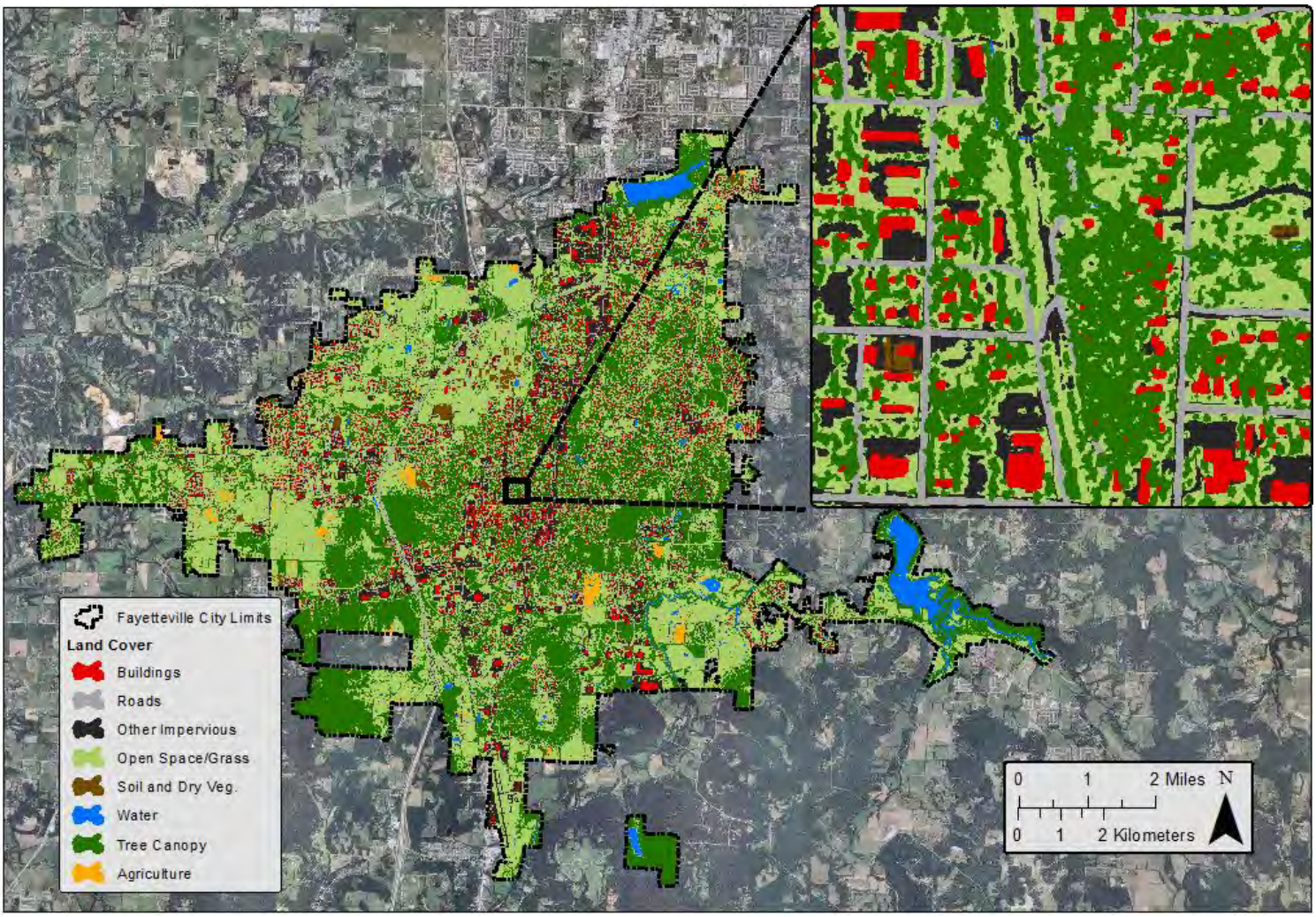


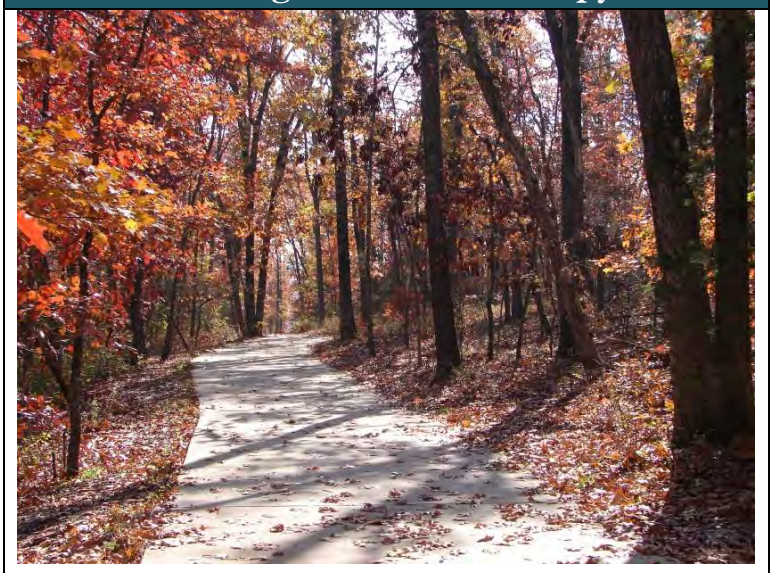
Figure 1. Land cover with 8 classifications as an overview and an inset map.

TERMINOLOGY

The UTC types assessed in this study are defined and described below. The area and percent of each was reported for six assessment boundaries. More details are provided throughout the report.

- ***Existing forest canopy*** is comprised of all forests and individual trees mapped from the 2010 summer NAIP imagery. For the purposes of this study, water was excluded from the total study area when calculating percent UTC. Excluding water from the study area (35,437 acres) creates total land area (34,586 acres) which was used to create all UTC metrics.
- ***Possible planting area (PPA)*** is defined as the total land area where no tree canopy cover currently exists and it is biophysically possible to plant trees. In this analysis, mainly grass and open space constitute "PPA – Vegetation" while impervious surfaces such as parking lots makeup "PPA – Impervious". These are combined to report Total PPA. This does not equal to potential canopy but rather the space on-the-ground that is available for tree planting opportunities.
- ***Unsuitable UTC***, for this study, was the combination of bare soil, dry vegetation, roads, buildings, agricultural land use, and water. Soil and dry vegetation are considered unsuitable given they comprise baseball infields, industrial lots, and vegetation that is lacking completely or unmaintained. Some areas mapped as Unsuitable UTC could become PPA through natural and human processes over time. Agricultural lands from the county land use data were sub-categorized as a PPA type but are generally considered as Unsuitable UTC.

Existing Urban Tree Canopy



Possible Planting Areas – Streets & Yards



Possible Planting Areas – Impervious



RESULTS

Detailed land cover and UTC assessment results are presented below. Land cover results are presented first, followed by results for each assessment boundary with specific tables, maps and graphics for Existing UTC, Possible Planting Areas, and Unsuitable UTC.

LAND COVER IN FAYETTEVILLE

This study encompasses 55.4 square miles (35,437.4 acres) defined by the city limits of Fayetteville. The two predominate land cover types for the study area are green vegetation (grass and open space) at 41% (14,518 acres) and secondly tree canopy at 12,441 acres as shown in Figure 2. "Other impervious", consisting of parking lots, driveways, patios, and other paved surfaces, is third comprising of 10% of Fayetteville or 3,539 acres. The next four land cover classes including roads, buildings, water, soil and dry vegetation each individually fall under 10% for land cover and as a whole comprise of 14% of Fayetteville's land cover.

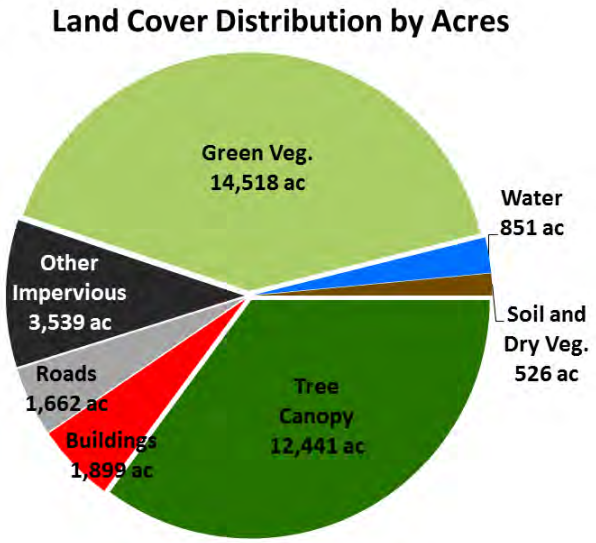


Figure 2. Distribution of land cover in Fayetteville.

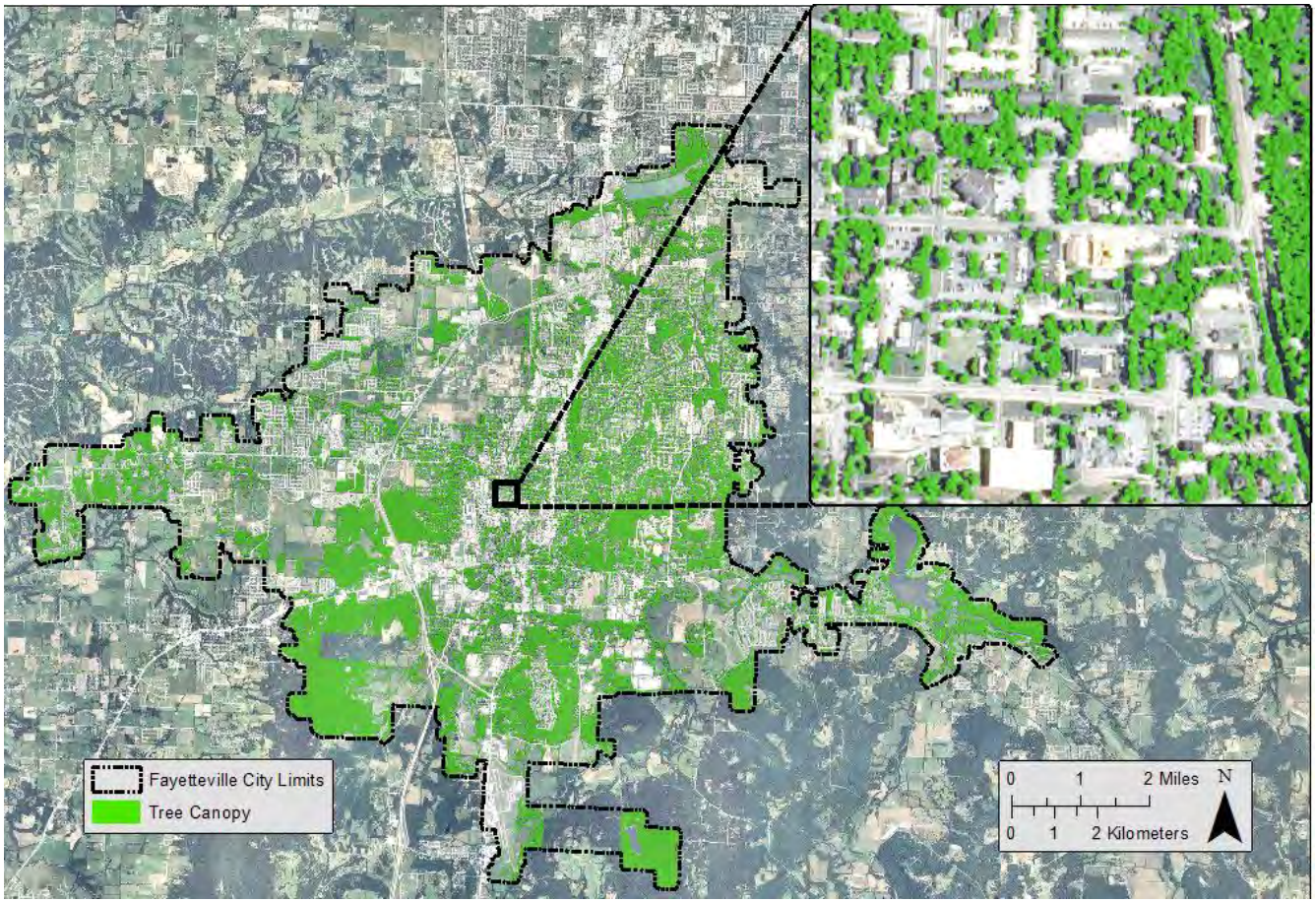


Figure 3. Tree canopy classification overview and inset map.

TREE CANOPY IN FAYETTEVILLE

As seen in Table 2 and Figure 4, Fayetteville's current UTC covers 12,441 acres or 36% of the total land area. In addition to tree canopy, total possible planting area (PPA) in Fayetteville is equivalent to 18,057 acres or 52% of the total land area. The remaining 4,088 acres (11.8%) of land area is considered unsuitable for planting additional trees.

Table 2. Metrics for Fayetteville showing UTC and PPA in acres and percent.

	Total Acres	Land Area (acres)	2010 UTC (acres)	2010 UTC %
City of Fayetteville	35,437	34,586	12,441	36.0%

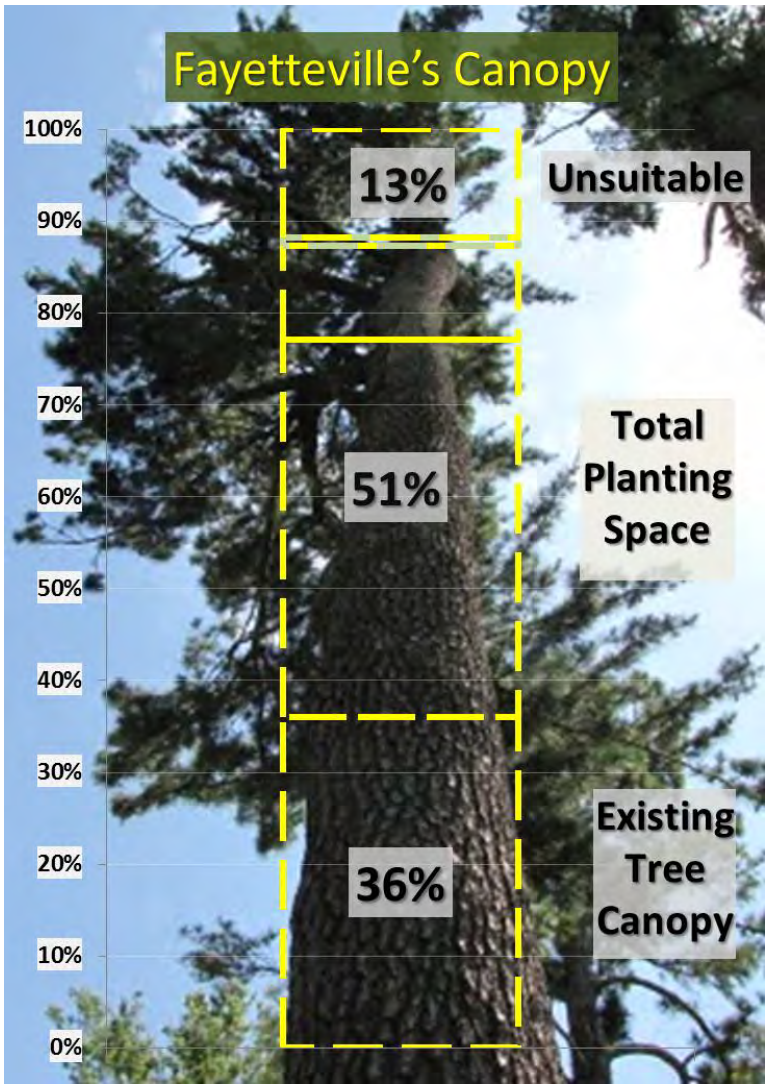


Figure 4. Percent distribution of UTC and PPA for the City of Fayetteville.

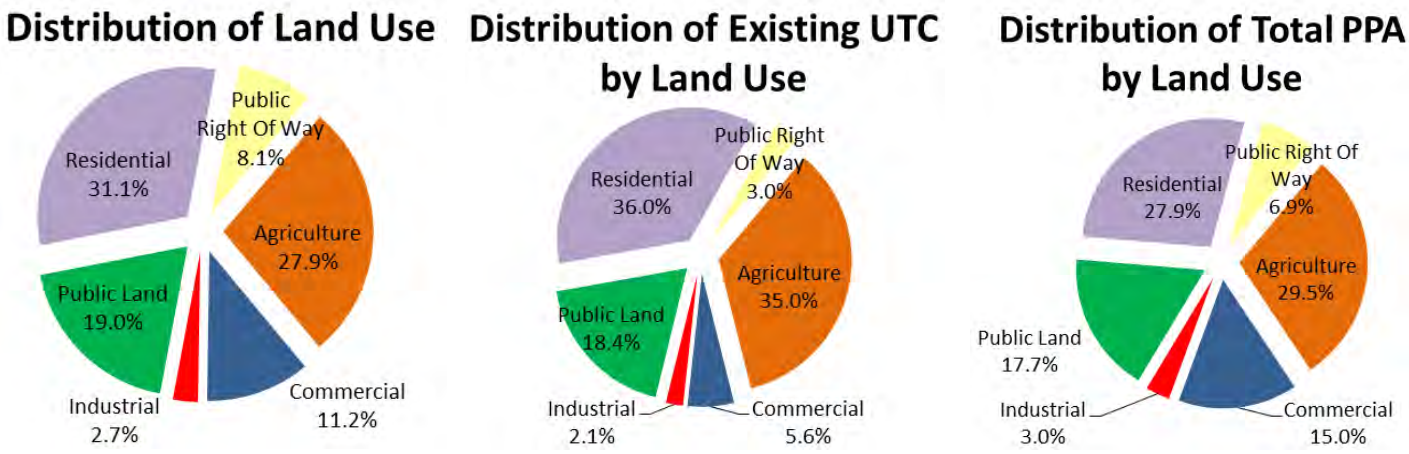
TREE CANOPY BY LAND USE AND PARCELS

Various policies, regulations, ordinances, and city codes influence tree canopy in Fayetteville. To provide data that advances urban forest management, six (6) broad land use categories were assessed for tree canopy and possible planting areas. Parcels from the county tax assessor's database were provided which included broad land use categories. Public lands were derived from parcels with 'exempt' status and the Public Rights-of-Way occur outside of all parcel boundaries. This was the finest scale assessment boundary and included 28,768 records. Results can be queried and symbolized using GIS to drill down and identify specific planting opportunities in subdivisions, land use types, or neighborhoods. Table 3 provides complete results for UTC and PPA land use metrics.

Table 3. UTC and PPA Results for 6 Broad Land Use Categories.

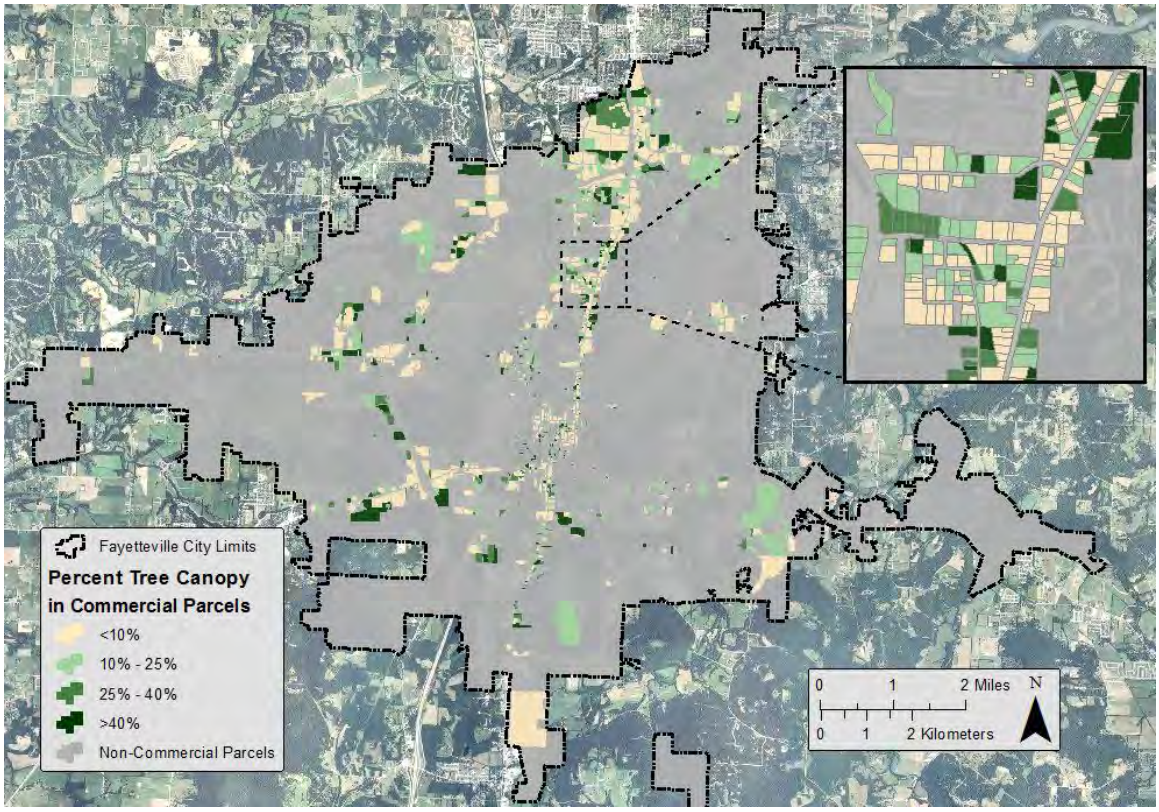
	Land Use Category	Total Acres	Land Area (acres)	% of Total City Area	UTC (acres)	Existing UTC %	Distribution of UTC by Land Use	Total Possible Planting (acres)	Total Possible Planting %	Distribution of Total PPA by Land Use
City of Fayetteville	Agriculture	9,880	9,757	27.9%	4,353	44.6%	35.0%	5,329	54.6%	29.5%
	Commercial	3,985	3,943	11.2%	702	17.8%	5.6%	2,705	68.6%	15.0%
	Industrial	957	949	2.7%	258	27.2%	2.1%	549	57.9%	3.0%
	Public Land	6,731	6,106	19.0%	2,285	37.4%	18.4%	3,190	52.2%	17.7%
	Residential	11,017	10,968	31.1%	4,475	40.8%	36.0%	5,038	45.9%	27.9%
	Public Right Of Way	2,867	2,863	8.1%	368	12.9%	3.0%	1,247	43.6%	6.9%
	TOTALS	**35,437**	**34,586**	**100.0%**	**12,441**	**36.0%**	**100.0%**	**18,058**	**52.2%**	**100.0%**

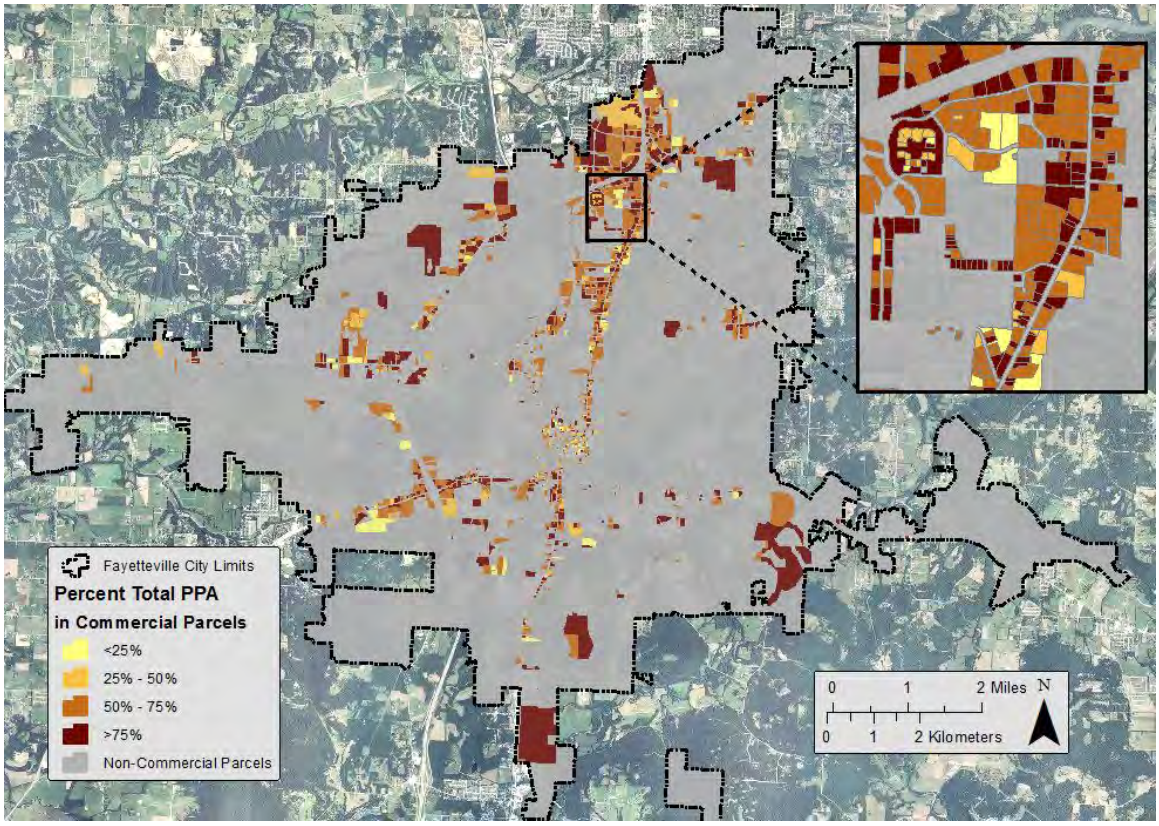
As an example, Commercial properties makeup 11% of the City, have 18% average tree canopy cover which represents almost 6% of UTC citywide, have 69% possible planting area largely from turf grass areas and parking lots, which constitutes 15% of all the PPA citywide.



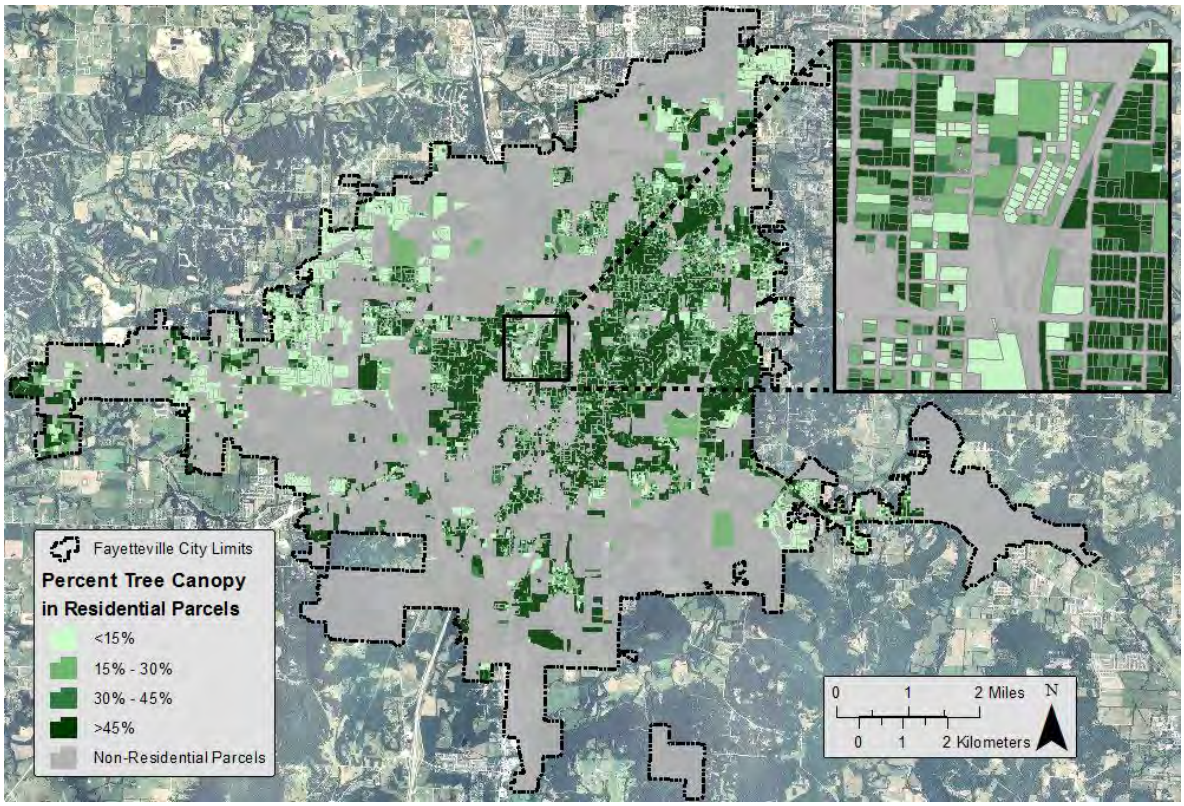
Figures 5-7. The Distribution of Land Use, UTC by Land Use, and PPA by Land Use.

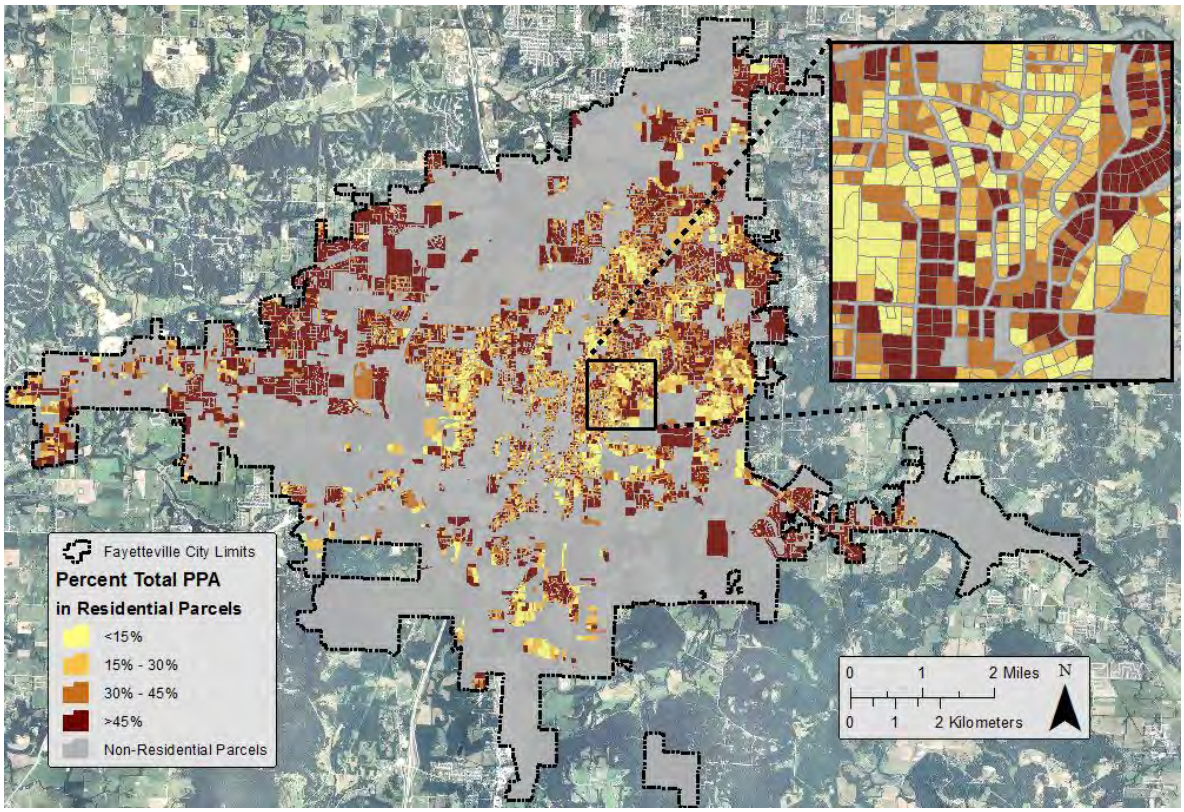
Maps in Figures 8-13 on the following pages illustrate how the land use and parcels data can be used together with UTC and PPA metrics to target specific properties for tree planting as well as monitoring the effectiveness of ordinances. Maps are shown for commercial, residential, and public properties by the percent of Existing UTC and Total Possible Planting Areas.



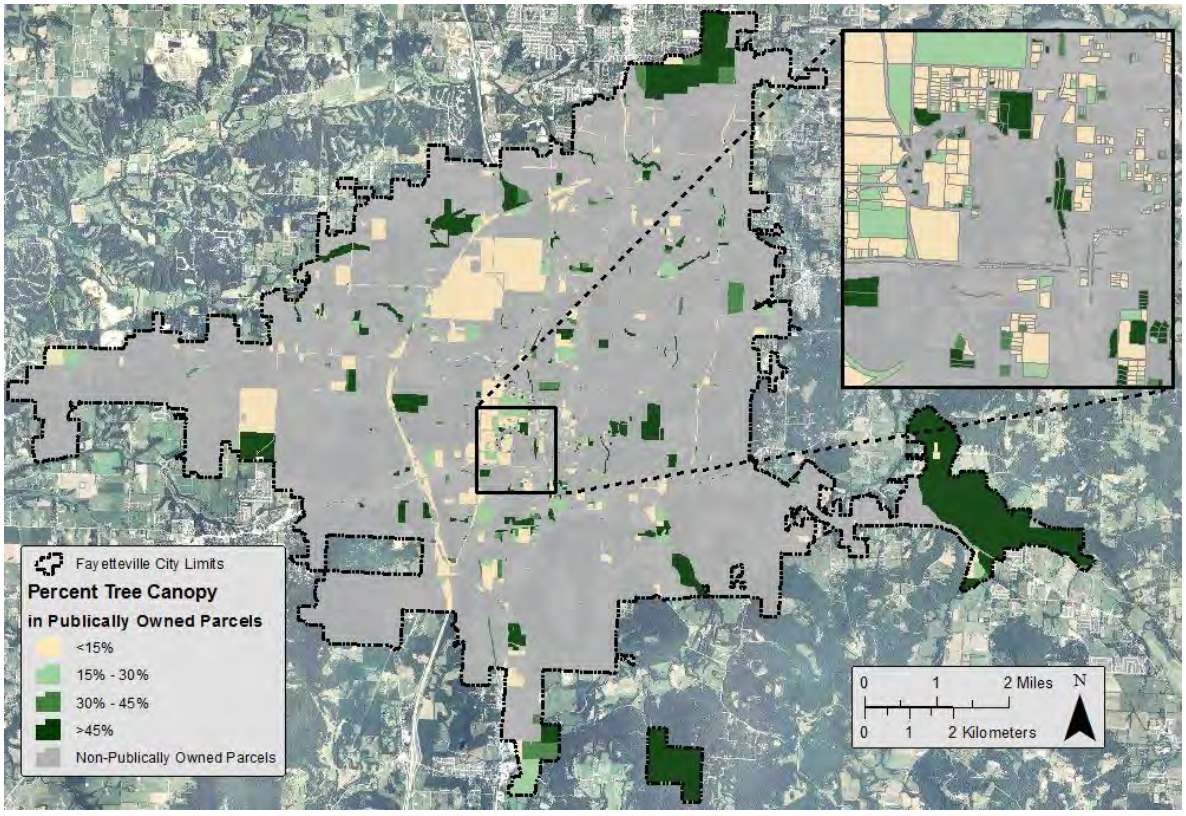


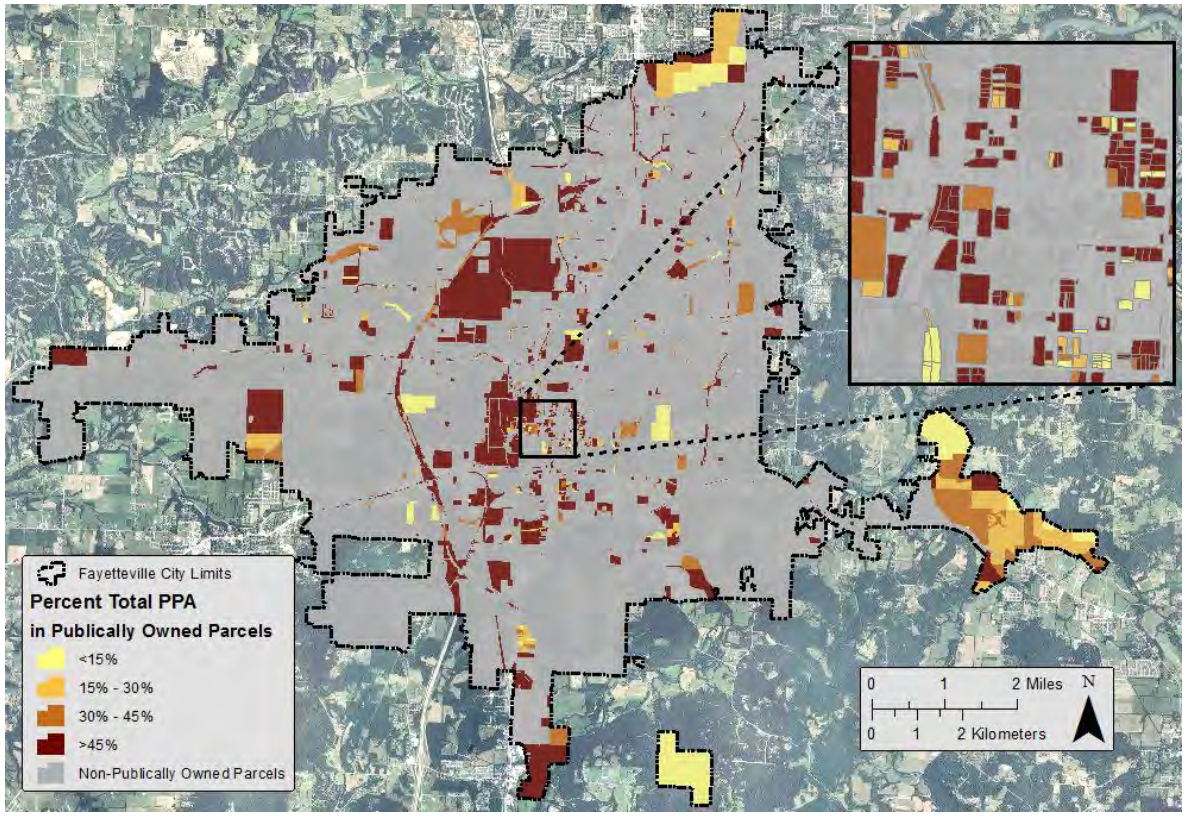
Figures 8-9. Existing UTC and Total PPA Percentages for Commercial Properties.





Figures 10-11. Residential parcels color-coded by Percent Existing UTC and Total PPA.





Figures 12-13. Publicly owned parcels color-coded by Percent Existing UTC and Total PPA.

TREE CANOPY IN THE STREET RIGHTS-OF-WAY

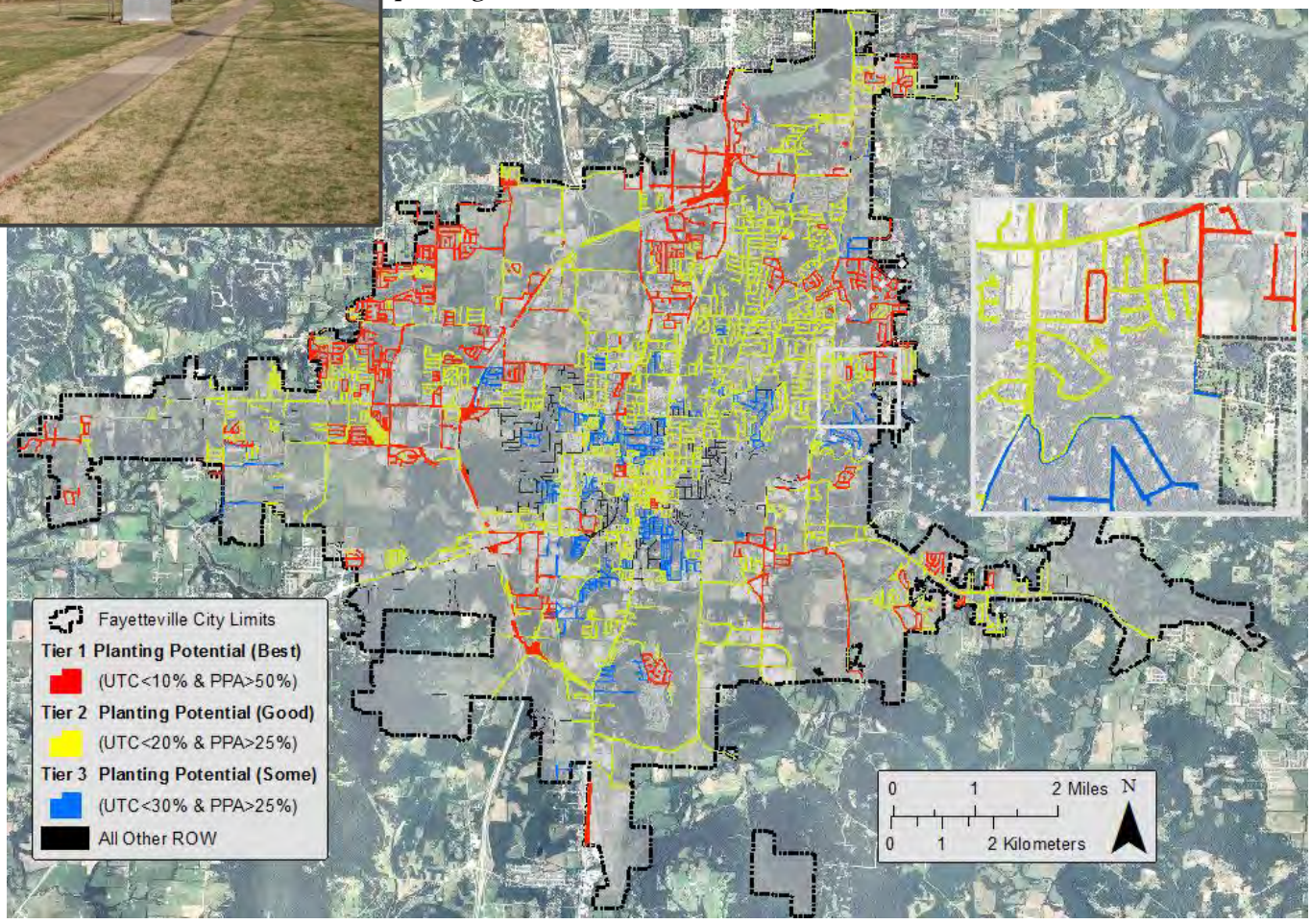
The City of Fayetteville's urban forestry program plants, manages, and maintains trees in the street rights-of-way (ROW). This is where the City has the most direct influence on tree canopy aside from tree preservation or other private property ordinances. Key findings in Fayetteville's ROW are:

- ROW total land area is equal to 2,863 acres, or 8% of the total city land area.
- Existing UTC in the ROW is 368 acres or 13% average cover. This represents 3% of all UTC citywide.
- PPA – Vegetation totals 611 acres or 21% of the ROW and PPA – Impervious totals 636 acres or 22% of the ROW.
- There are an estimated 15,000 potential planting sites in the ROW, or 5 per acre. If 25% of these sites were planted, grew to 30' tree crown spreads, this would generate 61 acres of new tree canopy. 61 acres is 4% of the acreage required to reach 40% citywide UTC.

Other UTC and PPA results for the ROW can be seen in Table 3 and Figures 5-7 in the Tree Canopy by Land Use section.



Figure 14. Potential planting area in the Street ROW. The GIS queries in the map legend show 3 colors based on ranges of Existing UTC and Total PPA. As an example, streets colored red have less than 10% UTC and greater than 50% total planting area.



TREE CANOPY BY CENSUS BLOCKS

The 2010 U.S. Census data provides social and demographic information at a variety of scales, specifically in GIS format from large to small as census tracts, block groups, and individual blocks. In Fayetteville, 1,894 census blocks were assessed for UTC and planting areas.

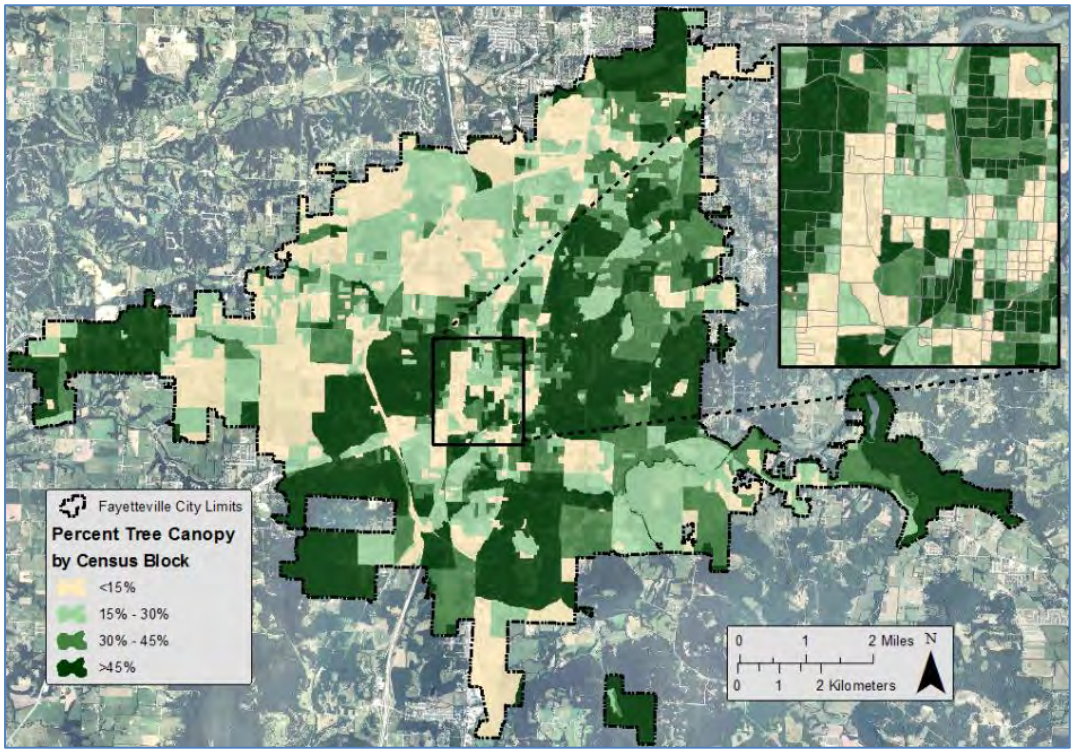


Figure 15.

Census blocks (socio-demographic units) color-coded by Percent UTC. Darker areas have more tree cover than lighter colored areas.

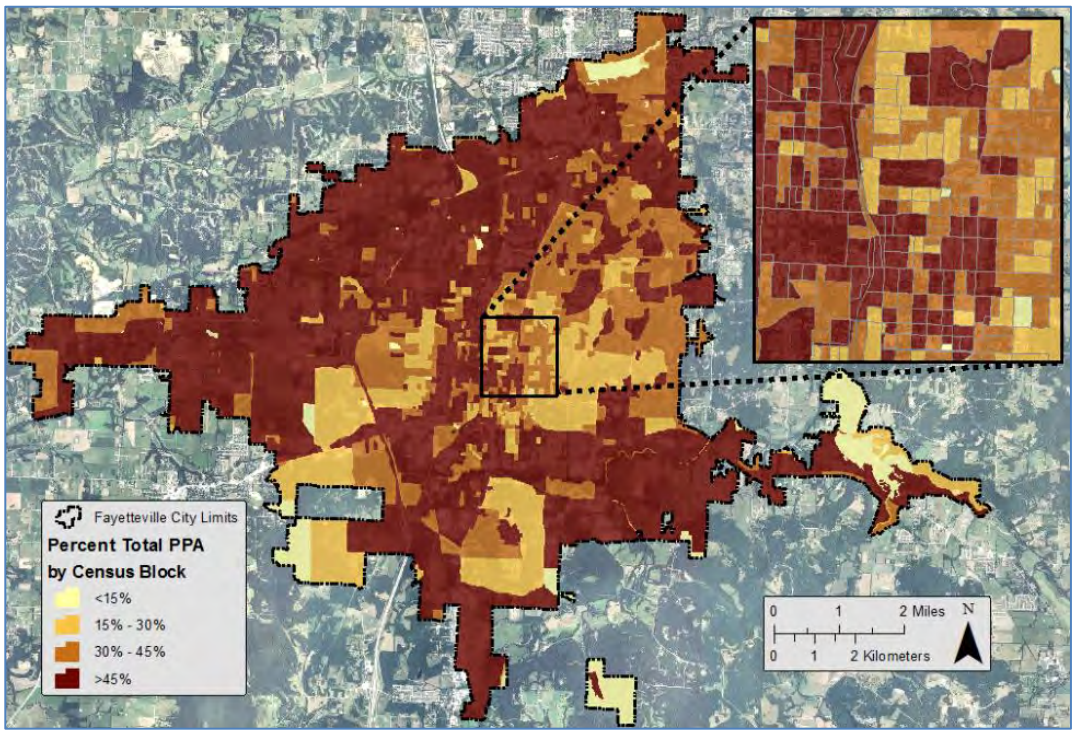
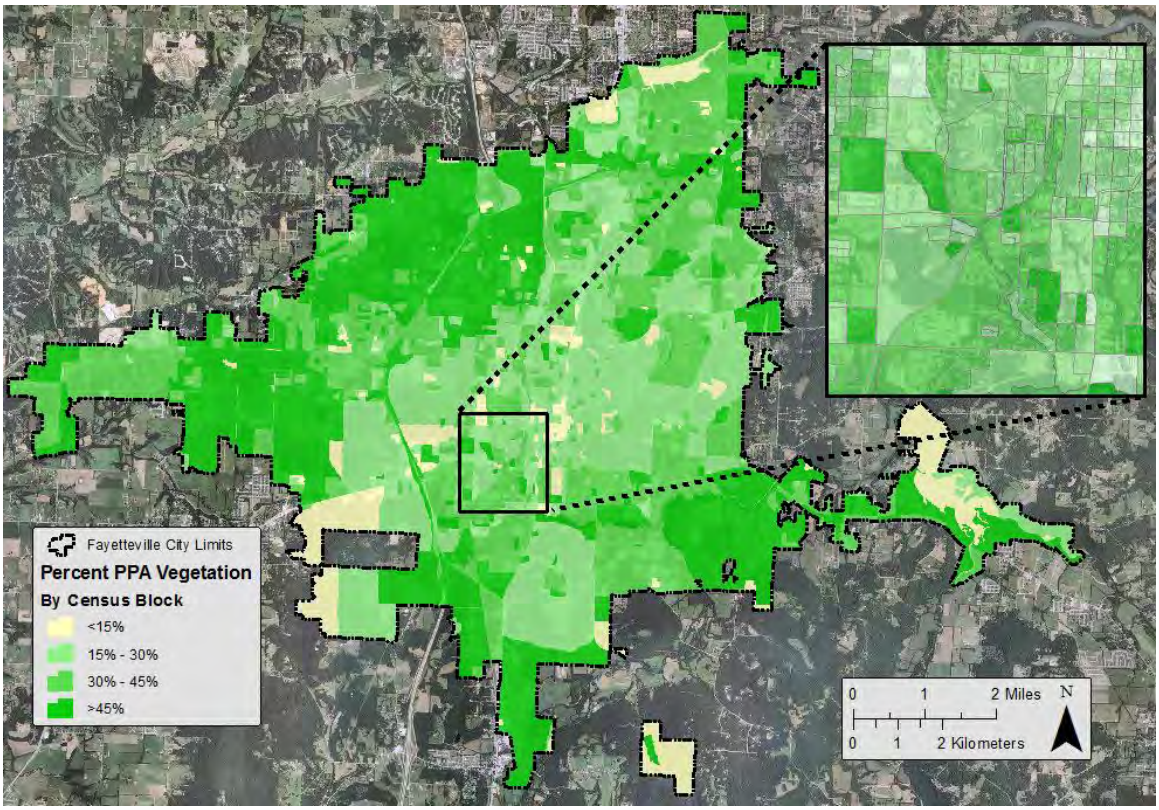


Figure 16.

Census blocks (socio-demographic units) color-coded by Percent of Total PPA. Darker areas have more planting potential from grass and open space as well as suitable paved (impervious) areas.

Figure 17.

Census blocks (socio-demographic units) color-coded by Percent of Total PPA. Darker areas have more planting potential from grass and open space. Agricultural land use areas were excluded from percentages.



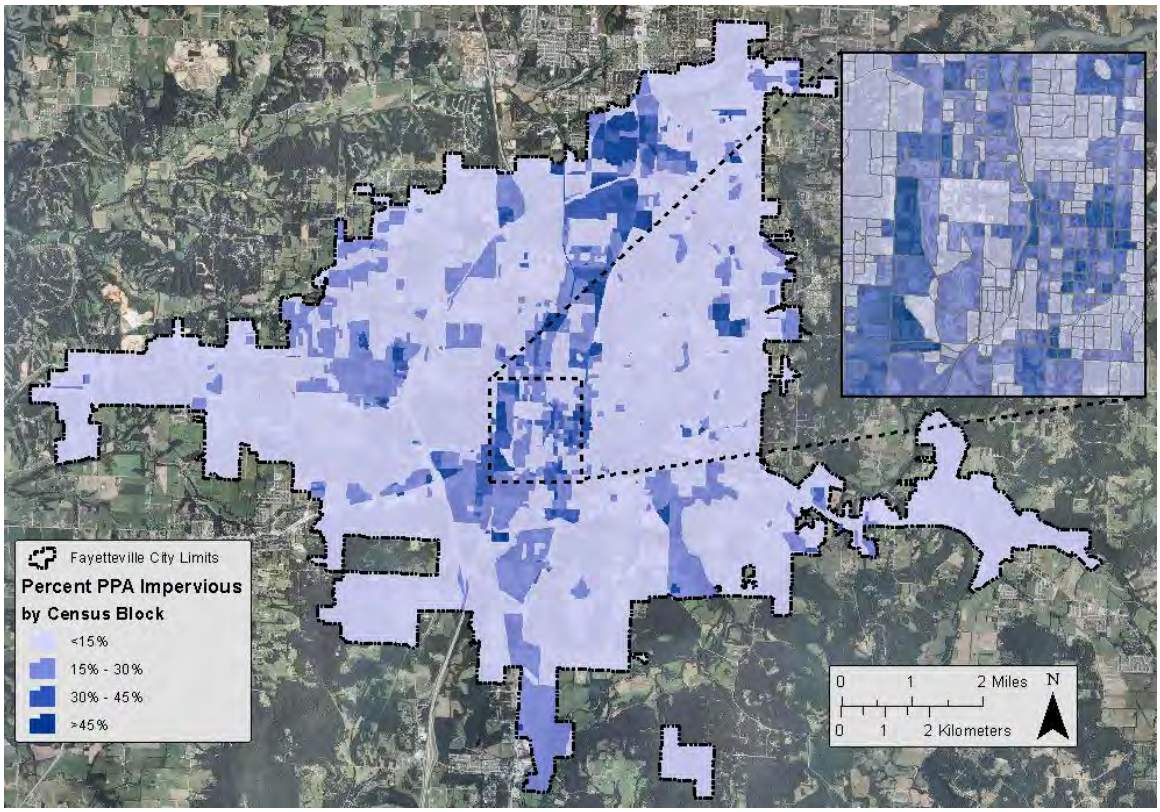


Figure 18.

Census blocks (socio-demographic units) color-coded by Percent of Total PPA. Darker areas have more planting potential from suitable paved (impervious) areas such as parking lots, driveways, etc.

TREE CANOPY BY RIPARIAN CORRIDORS

Fayetteville's streams and rivers, or riparian corridors, provide many ecosystem services such as erosion and sediment control, stream temperature regulation, and wildlife habitat. Conservation buffers along riparian areas are a best management practice where development is often restricted and natural vegetation is encouraged to maintain natural processes. In this study, to provide assessment results at a useful scale, Fayetteville's riparian areas were split along watershed boundaries and then segmented manually into smaller stream reaches. This resulted in 69 riparian corridor "segments" which were buffered by 100 feet and analyzed for UTC and PPA. Key findings included:

- 49 (of 69) riparian corridors segments have greater than 50% existing canopy cover.
- 14 have greater than 50% potential planting area (grass and open space).
- Three watersheds with the largest amount of riparian area for tree planting are:
    - Hamestring Creek (78 acres of PPA; 1,559 potential planting sites)
    - Mud Creek-Clear Creek (92 acres of PPA; 3,037 potential planting sites)
    - Town Branch-West Fork White River (122 acres of PPA; 3,729 planting sites)

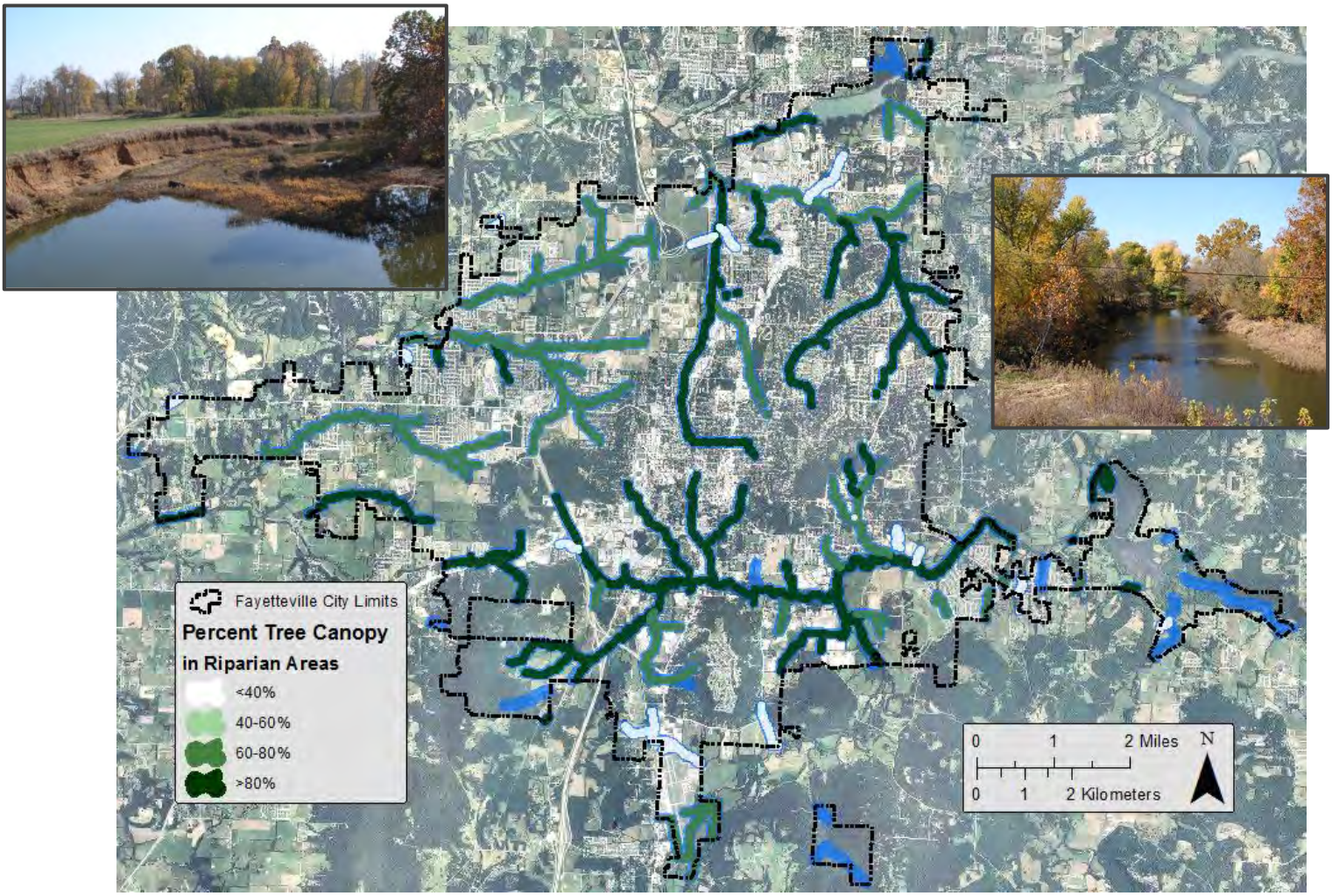


Figure 19. Riparian buffer segments color-coded by percent Existing UTC.

ECOSYSTEM SERVICES



Forest benefits are referred to as "ecosystem services", and describe ways in which urban forests contribute to improving quality of life. We tend to take for granted the direct and indirect benefits trees provide because they are not assigned a dollar value.

Examples include:

- Providing habitat and protecting biodiversity
- Decreasing stormwater utility costs, erosion, and flooding
- Reducing urban heat island effect and cooling costs
- Improving property values, tax revenues, recreation opportunities, and public health and well being
- Absorbing carbon dioxide annually through carbon sequestration and through carbon storage
- Improving air quality, water quality and groundwater recharge

CITYgreen software was used to estimate the benefits of Fayetteville's existing urban tree canopy and scenarios with decreased and increased canopy cover. CITYgreen, a GIS software developed by American Forests using research from the U.S. Forest Service and Natural Resources Conservation Service (NRCS), was used to calculate current and potential benefits related to carbon storage (cumulative amount of carbon stored in trees over time), carbon sequestration (the rate that carbon is captured), air pollution removal by trees annually, stormwater benefit of urban forests.

CITYgreen Parameters Used:

1.) Reference City for Air Quality: Tulsa was chosen as the closest, most representative city for the U.S. Forest Service reference city for air pollutant removal capacity of the urban forest.

2.) Soils: from the choices of Hydrologic Soil Group (HSG) A, B, C or D, soil type "C" was chosen as most representative. C type soils allow for less infiltration (clay) and are more restrictive soil type than B (loam).

3.) Construction cost per cubic foot (cu. ft.): $3/cu. ft. was used as a conservative average for stormwater facility construction cost.

4.) Replacement Land Cover Type: when tree canopy is "replaced" in the CITYgreen model, the replacement land cover chosen was Open Space - Grass/Scattered Trees: Grass cover 50% - 75%. This is more conservative than replacing the tree canopy with commercial or residential development which has a much higher curve number (CN).

Table 4. Summary of Benefits from Current and Future Projected Scenarios of UTC in Fayetteville.

City of Fayetteville "Tree Canopy & Environmental Benefit Scenarios"

Benefit Type			SCENARIOS				
	UTC-%	Citywide 36%	Decline to 30%	Increase #1 to 40%	Increase #2a to 45%	Increase #2b to 45%	Residential 41%
Air Quality	*Annual $ Benefit*	$3.5 million	$3.0 million	$4.0 million	$4.5 million	$5.0 million	$1.3 million
	Lbs. Removed/Year	1.3 million	1.1 million	1.4 million	1.6 million	1.8 million	461,000
Carbon Storage & Sequestration	*Total CO2 stored*	1.1 billion	915 million	1.2 billion	1.4 billion	1.5 billion	391 million
	Annual Rate Stored	8.4 million	7.1 million	9.5 million	10.7 million	11.9 million	3.0 million
Stormwater Savings	*Total $ Benefit*	$64.1 million	$43.9 million	$65.5 million *	$67.1 million *	$84.9 million **	$22.2 million
	Total Gallons Benefit . . .	21.4 million	14.6 million	21.9 million	22.4 million	28.3 million	7.4 million

* For Scenarios "Increase #1 and #2a", new projected tree canopy was assumed to be forests (natural regeneration), not individual yard trees.
** For the Scenario "Increase #2b", new projected tree canopy was assumed to overhang impervious surfaces, resulting in a larger $ value.

Plan-It Geo then used i-Tree Design, a free web-based tool developed by the U.S. Forest Service, to estimate benefits such as energy conservation from a common tree. A red oak tree was modeled at 8" diameter at breast height (dbh) and then projected 25 years out (20" dbh). See Figure 20.



Figure 20. Output from i-Tree Design software showing that a young red oak tree (8" dbh) provides $18 in annual energy savings if planted on the west side of a residential home. If the tree grows for 25 years, it would be expected to reach 20" dbh and provide nearly $48 in annual energy savings. With 50,000 potential planting locations near residential homes in Fayetteville, planting one-quarter (1/4) of these could provide roughly $600,000 in energy savings annually when those trees reach maturity.

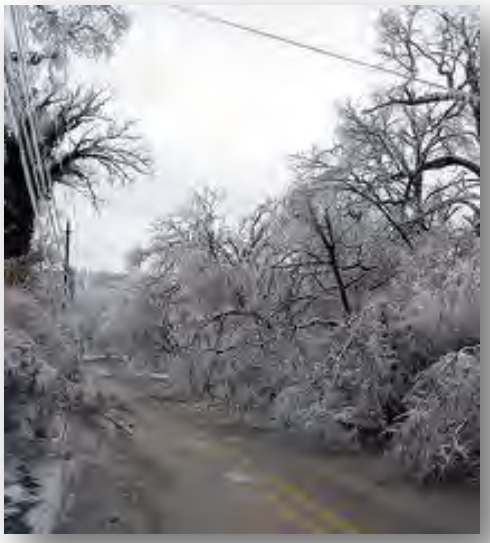
URBAN FOREST MANAGEMENT SCENARIOS

Using the land cover data and UTC assessment results, further analysis provides a presentation of different management scenarios introduced below. GIS data models and interpretation were utilized to produce these scenarios. Sample maps or tables are presented for each scenario and provided as additional data along with this report.

- **Comparison of canopy cover and benefits (2002 – 2012)** – multiple data layers and methods were used to assess gains or losses in tree canopy over the roughly ten-year time period. Table 4 in the Ecosystem Services section illustrates scenarios that quantify decreases and increases in benefits as canopy cover changes.
- **Target areas to plant trees** – potential tree planting sites were modeled citywide using the land cover data and GIS analysis. Attributes were created focusing on (1) *areas most vulnerable to urban heat island effects*, (2) *wildlife habitat and linking of corridors*, and (3) *current land use types*. Multiple other attributes were added to the GIS planting points for prioritization.
- **Evaluating Fayetteville's canopy cover and tree preservation ordinance** – this entails an analysis of Fayetteville's current canopy coverage in comparison to the national recommendation of 40% and recommendations on the effectiveness of the tree preservation ordinance.
- **Management of the urban forest on city owned properties** – tree canopy is evaluated for gains or losses for future management purposes.

2002 – 2012 COMPARISON

Fayetteville's urban forests are constantly changing over time resulting from natural and man-made processes, including tree growth and planting, and mortality and development. Monitoring forest change provides important information about the effectiveness of forest policy, community action, and natural processes impacting the urban forest. Today, urban forest managers have access to a variety of tools designed to evaluate forest cover at different spatial scales. This assessment uses three different approaches to evaluate forest change that has occurred since 2002. While no single available approach provides precise quantitative measurements of forest change, the combined methods elucidate several important trends.



Agents of change: heavy winds, flooding, and ice storms such as the 2009 storm illustrated on the right can cause heavy damage and natural loss to forest canopy.

Canopy Comparison Methods

Canopy cover between the two time periods was compared using three methods presented here.

1. i-Tree Canopy Method:
    - A point-based statistical analysis was conducted using the *i-Tree Canopy* tool to compare canopy cover across Fayetteville based on current and 2002 high resolution Google Maps imagery. This method has been used to evaluate canopy cover in 20 cities across the country (Nowak and Greenfield, 2012).

- Tree canopy was assessed for each time period at 770 randomly distributed points.
- Results: 37% (13,147 acres) and 35.3% (12,509 acres) of the City was forest cover in 2002 and 2010 respectively (based on total area), for a net loss of 1.7% (640 acres).

2. GIS Land Cover Comparison Method:

   - Two previous land cover assessments mapped canopy cover in Fayetteville in 2001 and 2002 from satellite imagery. Although the assessments provided the best available data at the time, the overall accuracy of the final land cover products were below standards required for direct comparison with this assessment. Therefore, a manual GIS-based review and editing approach was conducted to provide an initial level of quality control in a comparison between the 2002 canopy data at 39% and the 2010 UTC results at 36%.
   - Forests greater than one-quarter acre from each time period was overlaid to identify significant areas of change. Areas were validated in this GIS-based approach by visually comparing with imagery from each time period and correcting obvious errors.
   - Results illustrate total forest canopy gains of 502 acres and losses of 1,249 acres, for a net loss of 747 acres (2%). See Figure 21.

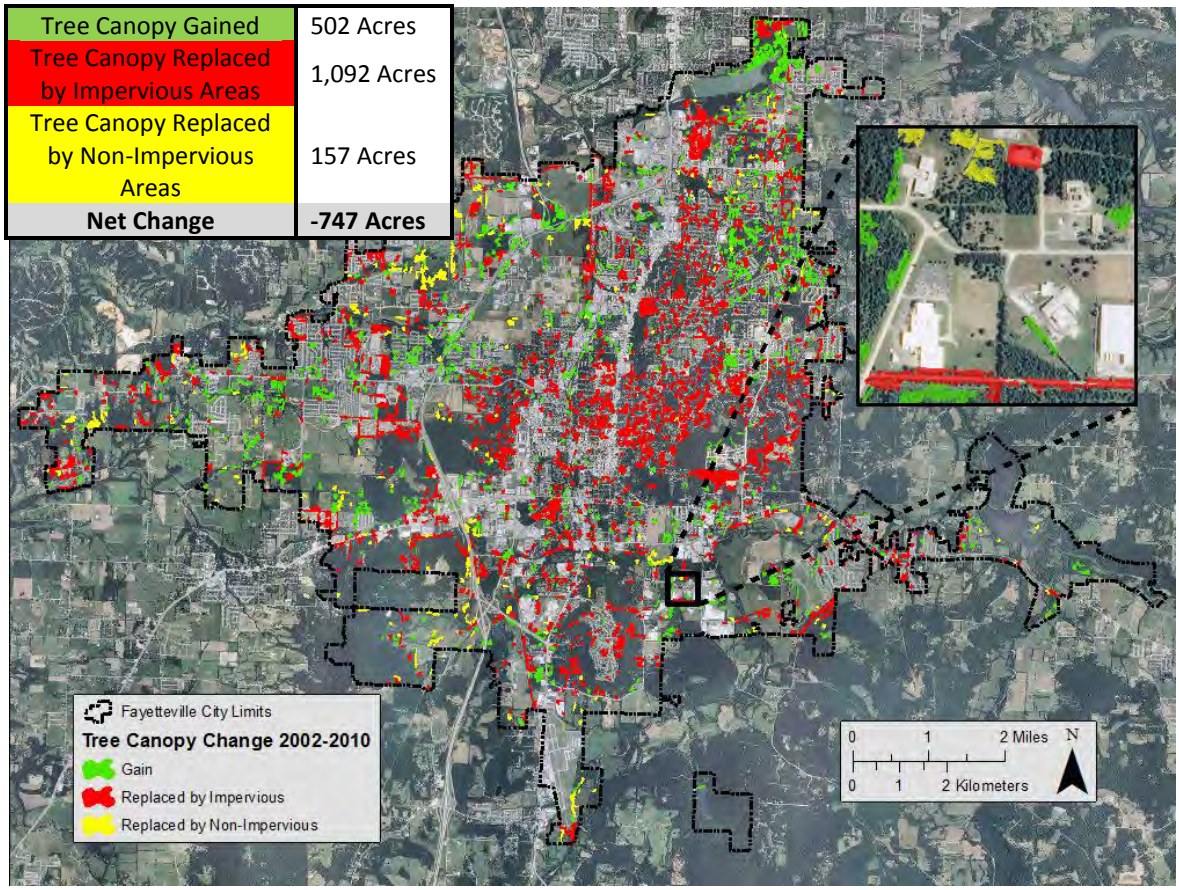


Figure 21. Comparing forests using GIS analysis to show significant gain and loss areas.

3. Growth of Trees from New Residential Development

- Canopy growth from newly planted trees was estimated by digitizing individual tree crowns from current imagery and comparing canopy area to the expected canopy size at the time of planting (2002).
- COF identified 22 new developments where tree plantings were known to occur around 2002. Within the new developments canopies from 250 randomly selected trees were digitized to measure current canopy areas in square feet. The estimated starting point of 40 square feet was subtracted from current canopy to estimate growth since planting.



Figure 22. Individual tree crowns added about 23 acres per 1,000 newly planted trees between since 2002.

- Results for 250 sampled trees on residential properties:
    - Total canopy area in 2011: 66,801 sq.ft. (estimated at 10,000 sq.ft. in 2002 as the starting point)
    - Total canopy growth = 56,081 sq.ft. (1.29 acres)
    - Average annual tree growth = 224 sq.ft. per tree
- Residential canopy cover averages 41% citywide while it averages around 6 or 7% in the 22 subdivisions assessed in this task, implying newly planted trees are not yet compensating for the loss of trees removed during development.

When extrapolated out forty (40) years, the sampled 250 trees are expected to comprise about 5.7 acres of canopy, or 0.02% of Fayetteville's total area. Using this assumption, planting 1,000 trees each year for 40 years would yield about 23 acres of forest canopy annually. With an expected survival to maturity rate of about 70%, accumulated over 40 years a total of 13,000 acres of new tree canopy would be added.

We estimate that around 60 medium sized mature trees are equivalent to one acre of forest canopy. Given mortality rates in the region, the City and residents should expect to plant around 80 trees to produce one acre of mature tree canopy in the future.

Canopy Change and Interpretation

Assessing urban tree canopy change presents many technical challenges given differences in image quality, availability, classification methods, and level of QA/QC. Data and computing capabilities are constantly making higher levels of accuracy and precision in land cover mapping possible. Comparisons with Fayetteville's 2001 and 2002 classifications were challenged given the satellite imagery used as the input image for the 2001 assessment was unavailable and noticeable errors of under- and overestimation were visible. The fact that two independent methods (i-Tree and land cover data) used to assess canopy change yielded similar values provides confidence in both the stated canopy percent values for each time period and the methods used to present a trend in cover.

Table 5. Canopy comparison analysis results from three (3) methods.

Analysis Method	Canopy Change Percent	Change Description
i-Tree Canopy	1.7% Loss Citywide	City-wide statistical estimate comparing 2002 and 2011 tree canopy.
GIS Overlay	2% Loss Citywide	GIS analysis of gains and losses since 2002 in forest areas greater than ¼-acre.
Tree Growth in Developments	0.1% Growth per 1,000 trees planted	Canopy growth over 8 years reflects the challenge of reforestation compared with losses to development.
Overall Trend	1.5% Loss	Overall, canopy cover is in decline.

Recommendations for Comparing Canopy Change Over Time

Based on the comparisons done within the scope of this project, the following recommendations are offered for conducting reliable UTC comparisons over time:

- Use the same city boundary given they change over time due to annexations
- Because UTC percent is calculated based on land area which excludes water, ensure that the area of water is the same and/or accurate in both time periods.
- Use similar image resolution and quality and LiDAR (Light Detection & Ranging) when possible.
- Conduct time-intensive Quality Assurance / Quality Control (QA/QC) for quality comparisons.
    - Accuracy of each time period should be 95% or greater to ensure losses are demonstrating actual canopy change.
    - Early forest regeneration is difficult to map with remote sensing and can be subjective with manual processing. Canopy mapping with sufficient detail to map individual trees will aid in mapping early canopy growth over time.
- Canopy Change analysis within i-Tree Canopy version-5.0 can be effective, but is still subjective to the analyst's preference. Use multiple interpretations to arrive at confident values.
- A process known as "object fate analysis" can be conducted to assess change in land cover across time periods, though initial research shows this is a time-intensive and expense method.

Figure 23. Examples of tree canopy increases from natural regeneration and street/yard planting.

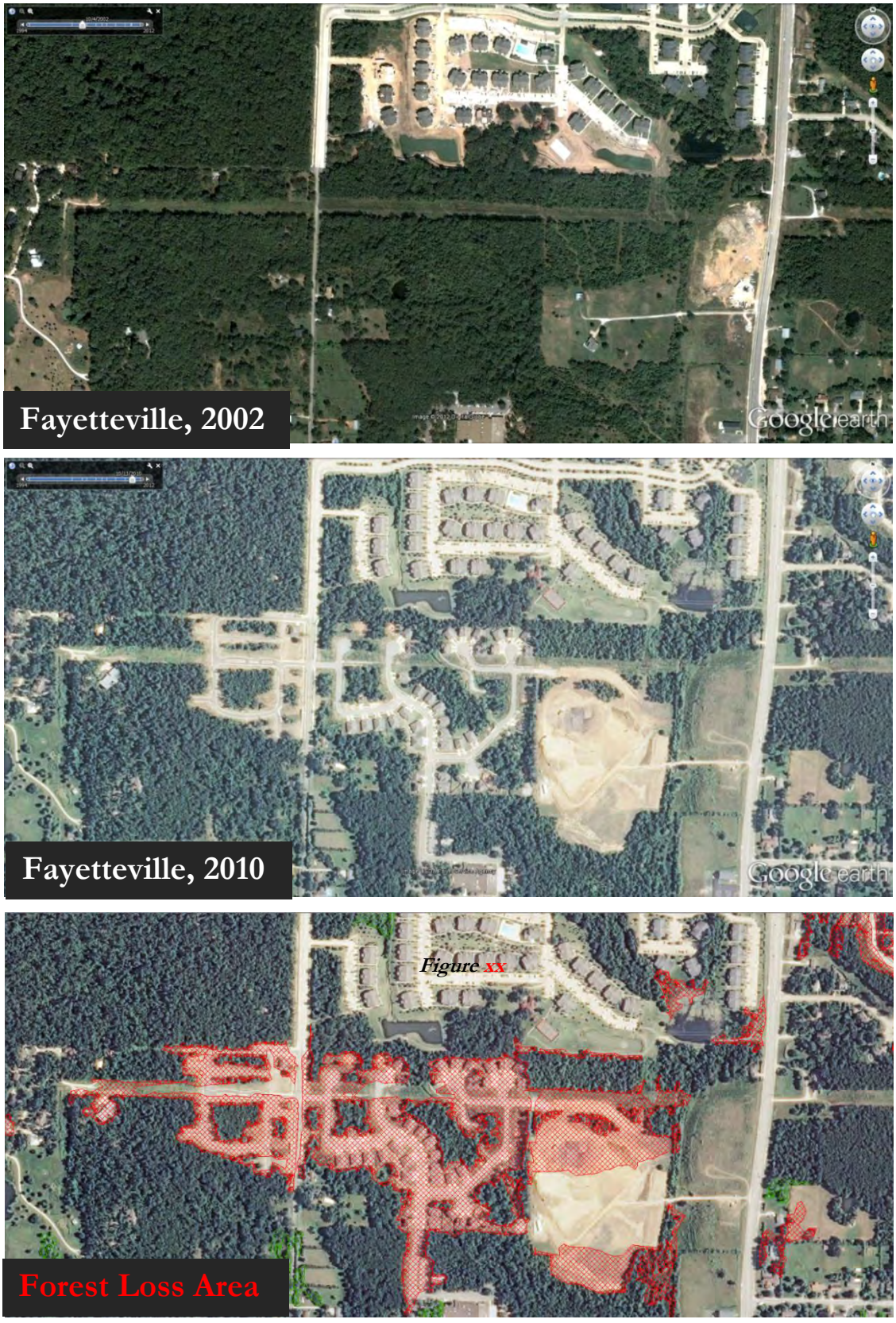








Figure 24. Examples of tree cover loss during development (mapping result shown at bottom).



TARGETING AREAS TO PLANT TREES

The land cover, land use, UTC, and other data were inputs to a sophisticated GIS model to automate the mapping of potential tree planting sites. The resulting GIS points will assist the City in targeting areas to plant trees, evaluating the effectiveness of tree preservation ordinances, and goal setting.

Available planting sites exist where there is a lack of trees and adequate planting area exists in grass and herbaceous cover. To get a more realistic estimate of where trees could be practically planted, exclusions and constraints were applied in the model (see Table 6). After removing these areas from grass and open space in the land cover data, the remaining spaces were converted into potential planting site points.

Table 6. List and description of the main rules used to map potential tree planting locations.

GIS Layer(s)	Rule Applied	Reason
Tree Canopy	Buffered by 10 feet	To allow for spacing and growth of existing trees
Buildings	Buffered by 5 feet	To avoid tree and building conflicts
Agricultural Land Use	Buffered by 15 feet	To allow for farming and related uses

The City should ground-truth (field-verify) the points over time to exclude points that are invalid due to conflicts such as safety, utilities/power lines, and small trees not seen in the 2010 canopy mapping.

The model resulted in roughly 190,000 sites, so prioritizing them is crucial. To prioritize sites, new attributes were added to the GIS planting sites layer. For example, land use types from parcels were spatially joined (overlaid) to each site. For proximity to urban heat islands and wildlife habitat corridors (as well as other high value areas), similar overlays and distances assumptions were used. Sites that meet each criterion can now be queried, symbolized, and counted. The list in Table 7 below shows the types, their count, the criteria used, and then calculates the impact on citywide UTC if 25% or 50% were planted. Maps on the following pages and Appendix offer many examples.

Table 7. List of attributes added to each potential planting site (GIS point database) for prioritization and possible impact on UTC goals.

Planting Site Attribute	Total # of Planting Sites	General Criteria Used	Additional UTC Acres from Planting:		% of Additional UTC Acres Needed to Reach 40% UTC Goal:	
			25% of Planting Sites	50% of Planting Sites	25% of Planting Sites	50% of Planting Sites
City Owned	6,447	On City Owned Property	26	52	2%	4%
School	1,100	On School Parcel	4	9	0%	1%
Wildlife Habitat	47,181	Within 50 ft of Large Forests	191	383	14%	27%
Along Riparian Corridor	18,360	Within 100 ft of Riparian Corridor	74	149	5%	11%
Energy Conservation	69,153	Within 50 ft of Building	281	561	20%	40%
Park	7,898	On Park Parcel	32	64	2%	5%
Urban Heat Island	37,131	Within 50 ft of Large Impervious Area	151	301	11%	22%
Trail	29,033	Within 100 ft of Trail	118	236	8%	17%
Near Park	20,065	Within 1/8 mi of Park	81	163	6%	12%
Front Yard	45,461	Within 25 ft of Rights of Way	184	369	13%	26%
Near School	1,557	Within 1/8 mi of School	6	13	0%	1%
Air Quality	5,691	Within 50 ft of Highways/Arterials	23	46	2%	3%

* Numbers reflect planting sites in "Developed" areas with the exception of Riparian sites which include all
* Projections based on trees with an average 30' crown spread (15' radius)

Urban Heat Island Effect – *refers to developed areas that are hotter than surrounding rural areas due to the abundance of man-made materials there which absorb the sun's energy much more than trees or other plants, and in turn warm the air around them* (Center for Environmental Studies, Brown University, "Trees and the Urban Heat Island Effect", 2010). Tree shade lowers ambient air temperatures which limits the formation of ozone and smog. Trees also absorb ozone which reduces air pollutant concentrations.

The EPA reports that tree shading can reduce surface temperatures 20–45ºF in the summer.

Only 4% of Fayetteville's urban tree canopy overhangs impervious surfaces.

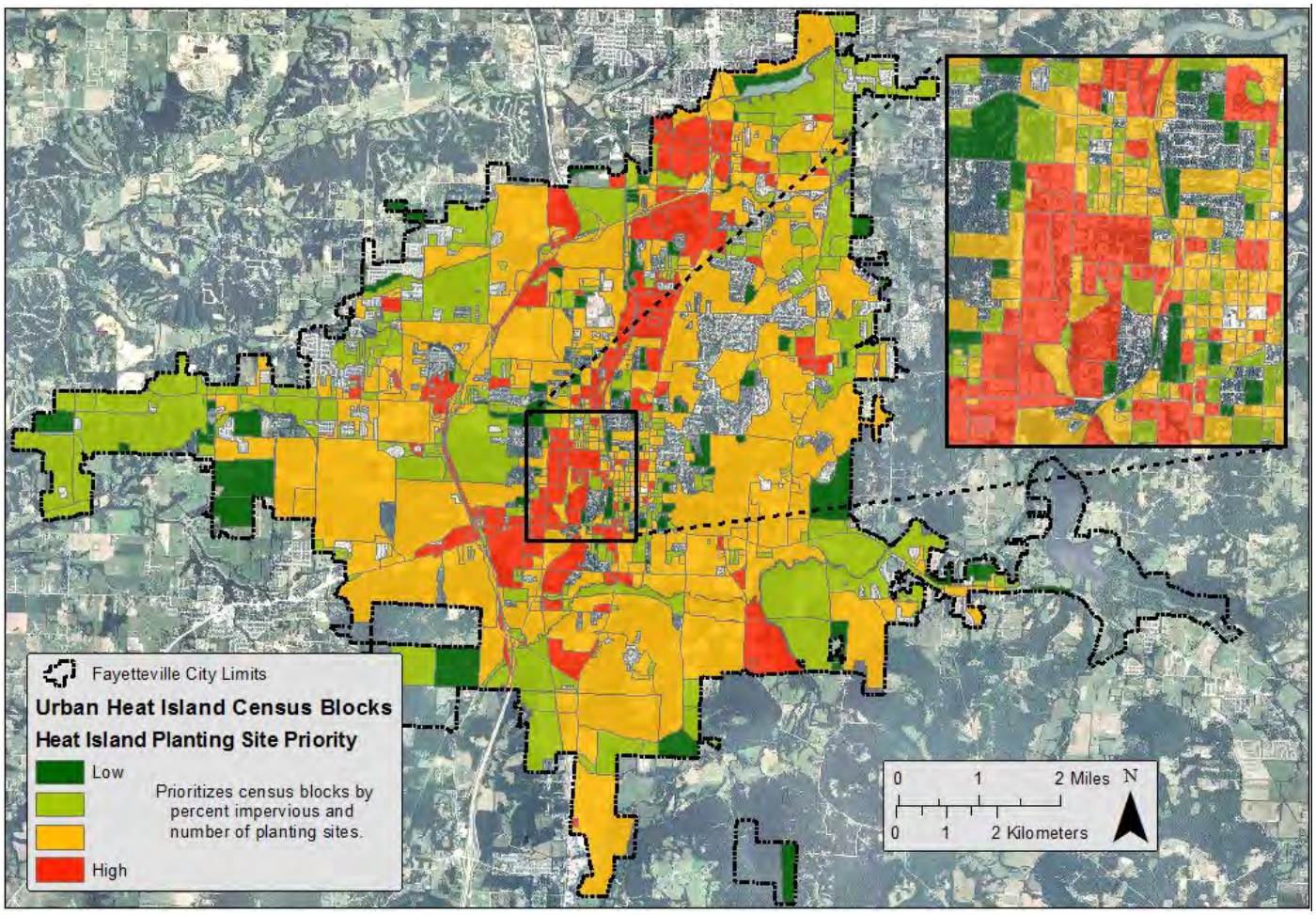


Figure 25. Census blocks with the largest contiguous impervious surface area and highest number of potential planting sites.

Wildlife Habitat – urban forests provide essential habitat for wildlife and provide opportunities for the community to experience nature in the city. The GIS planting site points were modeled with ecological and corridor data from the Fayetteville Natural Heritage Association (FNHA), land use, and large contiguous forested areas. Figures 26-29 illustrates querying planting locations near habitat.

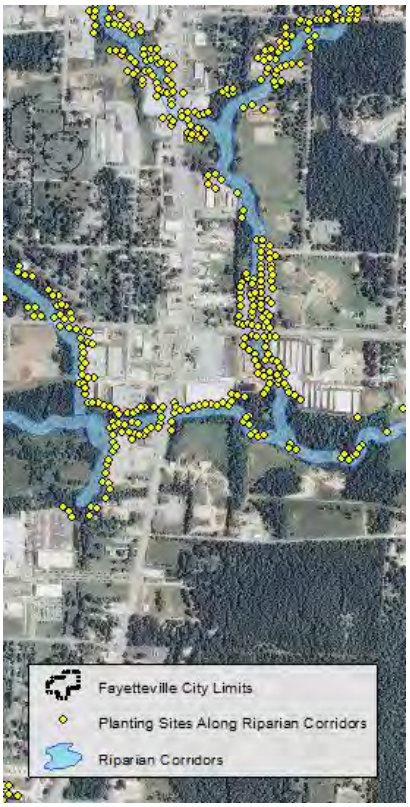


Figure 26. Potential tree planting sites along riparian corridors for improving water quality and decreasing storm water runoff.

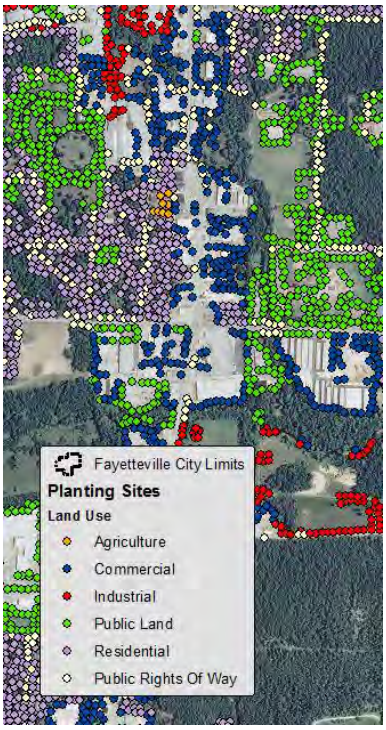


Figure 27. Potential Planting Areas by Land Use.

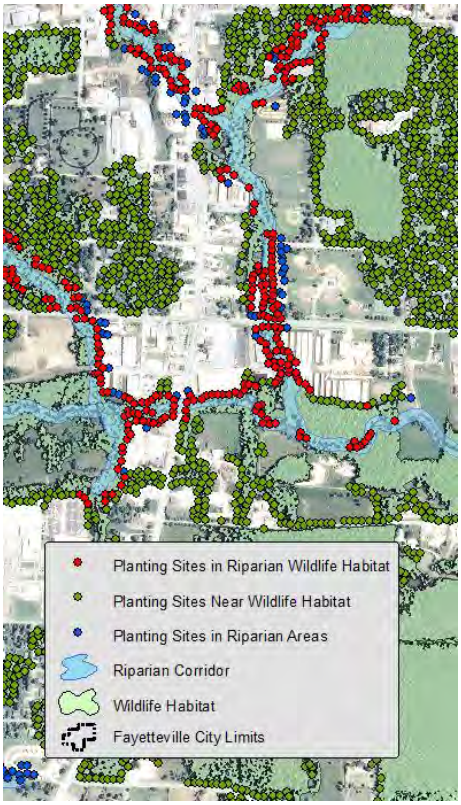


Figure 28. Potential tree planting sites in Fayetteville Natural Heritage Association (FNHA) core areas provide another potential for increased wildlife habitat.



Figure 29. Potential tree planting sites along riparian corridors and near forested lands provide a higher quality wildlife habitat and often provide important wildlife corridors.

TREE CANOPY COVER GOALS AND POLICY

One objectives of this study is to compare canopy coverage to the national recommendation of 40%. At 36% UTC, bridging the 4% gap (1,383 acres) can be accomplished in a number of ways. Here are 2 very different scenarios showing what it might take:

- Using Plan-It Geo's Canopy Calculator tool (Figure 30 below), 40% UTC can be achieved by increasing Commercial properties from 18% to 20% and Residential lots from 41% to 50%.
- Natural forest regeneration is a driver of canopy gains based on results from this study and a cost-effective path. With an estimated 500 acres of forest gain in 10 years (not considering losses), a similar trend could in theory help the City reach 40% UTC in 30 years, but would require a cessation of forest loss during development.

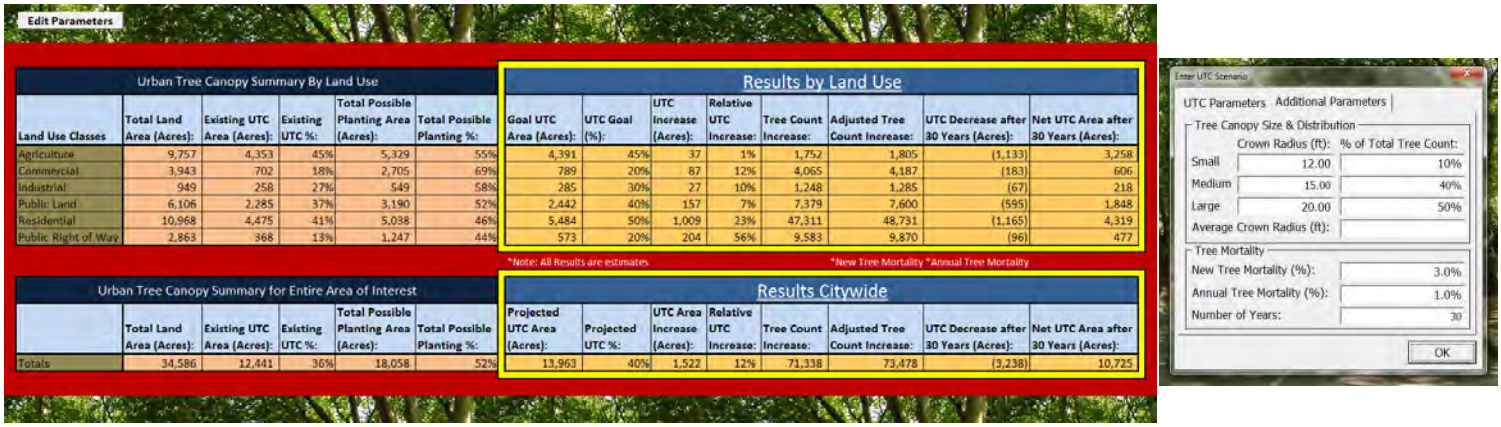


Figure 30. Plan-It Geo's Urban Tree Canopy Calculator tool used to set future goals in Fayetteville.

Another objective is to provide an evaluation of the effectiveness of Fayetteville's tree preservation ordinance followed by recommendations if the ordinance is not working.

The Tree Preservation and Protection Chapter under Fayetteville's Unified Development Code provides a framework for maintaining urban forest quality while the City grows and develops. As the Chapter objectives state, trees provide a variety of benefits that contribute Fayetteville's natural beauty and livability for its residents, including temperature and climate regulation, air and noise pollution reduction, storm water, flood, and erosion mitigation, provision of wildlife habitat, energy conservation, and property value enhancement. The Chapter aims to promote these benefits through the preservation of on-site trees during development, using on-site mitigation strategies when preservation in not possible, off-site preservation, off-site forestation projects, or financial contributions to a tree escrow account.

How can UTC assessment be used to measure successes resulting from the ordinance?

Measuring the incremental success of tree preservation and protection is important for meeting stated goals into the future. Of the many tools available to urban forest managers, this UTC assessment provides a snapshot of city-wide forest canopy extent as seen from above, and its requisition meets the goal of conducting an assessment by end of 2012. The following results can be used to evaluate the relative success of the Tree Preservation and Protection Chapter:

- **Overall forest canopy percent change** across Fayetteville: 37% in 2002 to 36% in 2010.
- **Riparian areas canopy cover** averages 61%, well above the citywide forest cover of 36%.

- **Urban Heat Islands: Canopy percent** averages 22% among census blocks with large impervious areas, and just 9% in high priority areas mapped in this study.
- **Rights of Way: Canopy percent** averages 13% with only 4% of the total tree canopy overhanging impervious surfaces across the City.

Additional Tasks to Measure Preservation and Protection Success

Additional analysis steps can be conducted to measure Preservation and Protection success that were outside the scope of this analysis but could be implemented internally by COF staff:

- **Using this Assessment Data.** Use the new data to evaluate whether recent developments have met preservation requirements (e.g. Minimum Canopy Requirements).
- **Conduct Periodic UTC Assessments.** As the Chapter recommends, periodic assessments can evaluate ordinance progress. Consider using NAIP or i-Tree Canopy (Google Maps and Google Earth) during intermediate years to track development-specific progress.
- **Assess Hillside / Hillslope Overlay Districts** for canopy change over time.
- **Hedonic Pricing models** can be used to assess canopy's contribution to property values.
- **Track Registry Tree growth** of individual registry trees to ensure longevity and protection.

Other forestry tools for measuring preservation success

Today's urban forest managers have access to host of tools which can enhance the effectiveness of management strategies. Many tools are inexpensive or free and can be used to target specific goals and locations.

- **Tree Inventories** provide the greatest level of detail regarding individual tree conditions. Requiring developers to conduct a post-development tree inventory could be a cost-effective way to initiate Fayetteville's citywide inventory.
- **i-Tree Eco** provides the best available science to value benefits received from urban trees.
- **Localized Ecological Studies** can be used to assess impacts from specific development and mitigation strategies by directly measuring impacts before and after implementation.
- **Developer Workshops** hosted by Fayetteville's urban forestry staff to promote best management practices (BMPs) and specific development strategies (such as ordinance requirements or recommendations like cluster development).

MANAGEMENT

The City currently owns and maintains 543 properties that include civic buildings, parks & open space, trails, and more. UTC and PPA metrics were calculated for each property and joined to the land use data layer at the parcel-level. This way queries and custom maps of these properties can be created along with other information. Results were summarized for all city owned properties and the results can be seen in Table 7.

Table 7. Tree canopy and planting potential metrics summarized for all City Owned Properties.

	Total Acres	Land Area (acres)	% of Total City Area	UTC (acres)	UTC %	Distribution of % Total UTC	PPA Vegetation (acres)	PPA Vegetation %	PPA Impervious (acres)	PPA Impervious %	Total # of Planting Sites	Planting Sites per Acre
City Owned Properties	4,763	4,136	11.7%	2,355	56.9%	18.9%	1,491	36.0%	195	4.7%	6,447	1.56

Using the results from the analysis steps described above, gains and losses of tree canopy was estimated for city owned properties (see Figure 31 below). This resulted in a loss of tree canopy for 54 acres or 1.3% of City Owned Properties. This information should be used as a general trend and not an exact measure of UTC change.

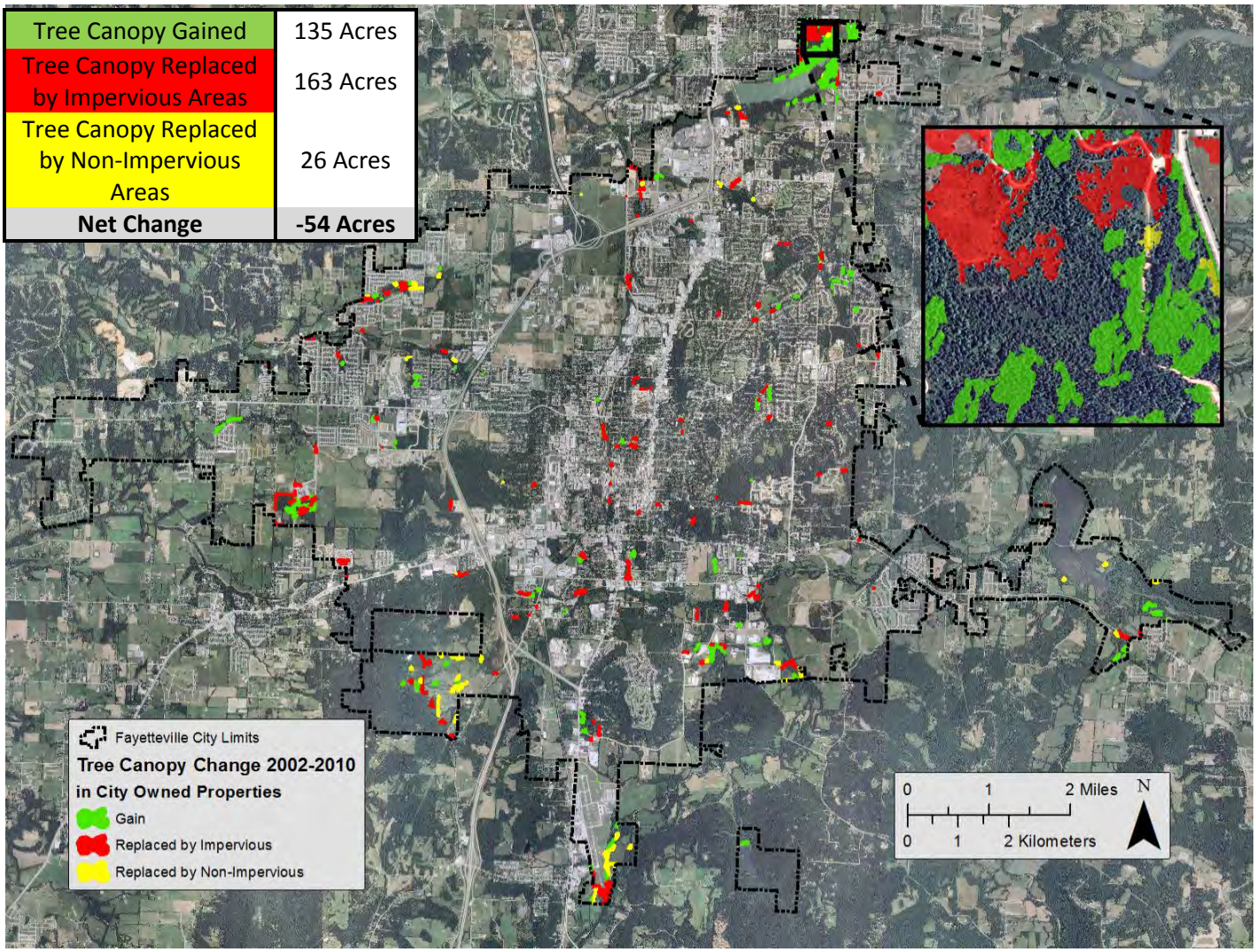


Figure 31. Canopy change for City Owned Properties from 2002-2010.

RECOMMENDATIONS

Based on this assessment, the following general recommendations are offered for using the data and for managing, maintaining, and monitoring a healthy, sustainable, robust working urban forest.

1. **Share this report to promote cohesion among the City, AFC, FNHA, and other partners and community stakeholders:**
   - People are part of the urban forest. Use this report as a catalyst among urban forest managers and community stakeholders to meet Fayetteville's natural resource goals.
   - Solicit feedback from community partners for the refinement of tree preservation ordinances, tree planting initiatives, and steps to encourage survivability and forest health.
   - Develop best management practices (BMPs) such as maintaining higher canopy cover in ecologically sensitive areas (wetlands), parking lots, schools, and commercial properties.
2. **Monitor, adapt, and enforce existing tree Preservation and Protection ordinances**.
   - Streamline tree-related policies and identify if codes are working against local goals.
   - Enforce requirements in the Tree Preservation plan, especially the 90% survival rate for forested areas and tree plantings.
   - Collaborative planning can reduce costs and provide consistency for public works officials, planners, developers, and stormwater and resource managers.
3. **Develop a regional urban tree canopy assessment report in Arkansas.** Utilize the information gained from this assessment and others in the state to compile and compare results. Involve interdisciplinary partners in the process and draft an appropriate call to action.
4. **Assess tree canopy every 8-10 years** to monitor trends and assess the effectiveness of public education & outreach campaigns and the tree preservation ordinance. Tools such as i-Tree Canopy can be used in between comprehensive GIS-based assessments.
5. **Disseminate the land cover and UTC assessment data from this project broadly**. While it is current, encourage its use for applications such as water supply planning, stormwater modeling, land use planning, green infrastructure, and Low Impact Development (LID) design.
6. **Foster academic partnerships.** Recommend that the University of Arkansas become a Tree Campus USA and work with local schools to educate and plant/care for trees.
7. **Explore all potential partnerships to achieve urban forest goals**: public/private including corporate and academic sponsors, council representatives, environmental quality and stormwater associations, volunteers, non-profit organizations, and neighborhood associations.
8. **Promote hardy, climate-adapted, and long-lived tree species** that are appropriate for Fayetteville's environment to insure investments in trees achieve maximum benefits.
9. **Target areas for tree planting using the assessment data.**
   - Use results to justify targeted public tree plantings in the public rights-of-way and greater private planting in commercial landscaping.
   - Ground-truth possible planting areas and planting site locations. Make these data sets available on a GIS webmap as social assessment tools available to residents and businesses.

10. **Create a central repository for monitoring tree planting and tree removals** on public and private property, possibly using a web-based application that is open to the public.
11. **Ensure consistency in future UTC assessments** by using comparable image resolution, classification techniques, and QA/QC procedures. LiDAR and 1.5-2.0' multispectral satellite imagery acquired at similar times would provide an ideal data set.
12. **Create or update an existing targeted education and outreach campaign using the ecosystem benefits values.** Use the data, maps, tools, and tree benefits to help non-profits, residents, and businesses visualize their role in reaching, maintaining and expanding Fayetteville's urban forest for social, environmental, and economic benefits that are relevant to them.
13. **Work urban forestry goals and design specifications into other environmental planning initiatives** such as wetland restoration projects, open space conservation easements, green infrastructure & low impact development (LID) plans, and energy efficiency programs.
14. **Assess forest stands at risk from development** by overlaying zoning or future land use data and developable slope %. Quantify and locate areas at risk that if developed would impact overall citywide canopy cover goals as the economy improves and development follows.
15. **Promote cost-effective professional development in urban forestry.** eLearn Urban Forestry is a state-of-the-art online, distance-learning program geared specifically toward beginning urban foresters and those allied professionals working in and around urban and urbanizing landscapes, including service foresters, natural resource planners, landscape architects, city officials and public works employees. eLearn Urban Forestry provides free access to learning modules, with a link to the Continuing Forestry Education (CFE) group, where for a small maintenance fee you can get ISA or SAF credit. Visit elearn.sref.info/ for more details.
16. **Provide an environment for natural forest regeneration.** This study shows that grass, herbaceous, and shrub/briar land cover types are naturally regenerating into forests, contributing to the City's overall tree canopy and ecosystem services.



SUMMARY

Urban forests are dynamic resources that are constantly changing through natural and human processes. Managing urban forests effectively requires an understanding of where trees are presently, where they can be planted equitably to maximize benefits, and where physical restrictions may prevent their growth.

This assessment provides COF will their first high-resolution UTC data set and citywide estimate of 36% tree cover. While agriculture and residential land uses have similar average tree cover (45% and 41% respectively) and they makeup similar proportions of the total tree canopy (35% and 36% respectively), residential areas provide 28% of the total possible planting area citywide and are most realistic for canopy gains that benefit the community most. These results indicate that one of the most cost-effective means to advancing urban forestry in the city may be education and outreach on the benefits of urban tree canopy.

Based on assessing land cover across several broad land use types, tree planting that focuses on vegetation land cover, such as grassy areas, and impervious land cover, such as parking lots, which are concentrated on public lands and residential land use types will have the greatest impact for increasing Fayetteville's urban tree canopy. As population density and impervious cover increases, the necessity of planting trees will also increase.

Regeneration, be it natural or by strategically planting seedlings and saplings, is important to the success and future of Fayetteville's urban tree canopy. This study shows that natural regeneration is occurring and adding to canopy cover, but invasive species control and forest management is needed.

It is import to sustain the health, environmental, and social benefits received from urban forests by consideration of tree maintenance and forest preservation during development through utilizing a specific urban forest management plan and furthermore the setting of goals. These plans should be dynamic in order to adjust with continuous forest change.

On future periodic assessments, techniques for monitoring gains and losses need to be consistent and include strict quality control / quality assurance methods to reliably track change over time. Additional technology tools are becoming available such as open source wiki-style mobile and web-mapping applications to engage the public in tracking and caring for trees.



Balancing new development with the protection and conservation of environmental values related to forest cover such as wetland habitat, air quality, and climate adaptation related to carbon storage and energy conservation will be an ongoing work item. The economic benefits of urban tree canopy alone are incentives to continue in this direction.

APPENDIX

Additional details on Fayetteville's 2012 urban tree canopy assessment are provided including supporting information on urban tree benefits, land cover classification methodology and accuracy, addition tree planting site maps, and literature citations.

URBAN TREE BENEFITS

The benefits of urban trees include environmental, economic, and social values. These "ecosystem services" are direct or indirect benefits provided by urban forests and individual trees that are often dismissed or underrepresented when valuing infrastructure because they don't readily have an associated dollar value. Types of tree benefits are listed and briefly described below. While none alone are a "silver bullet", when combined, trees and the urban forest are an impressive part of the solution for sustainability during urban planning and community development.

Environmental "Services" of Urban Trees:

- Air Quality – trees absorb, trap, offset and hold air pollutants such as particulate matter, ozone, sulfur dioxide, carbon monoxide, and CO^2.
- Greenhouse Gases (GHGs) and Carbon – trees store and sequester carbon through photosynthesis as well as offset carbon emissions at the plant due to energy conservation.
- Water Quality and Stormwater Runoff Mitigation – trees infiltrate, evapotranspire, and intercept stormwater while also increasing soil permeability and ground water recharge.
- Erosion control – tree roots hold soil together along stream banks and steep slopes, stabilizing soils and reducing sedimentation issues in water bodies.
- Urban heat island effect – trees cool the air directly through shade and indirectly through transpiration, reducing day and nighttime temperatures in cities.
- Increased wildlife habitat – Trees create local ecosystems that provide habitat and food for birds and animals, increasing biodiversity in urban areas.

Economic "Services" of Urban Trees:

- Property value – numerous studies across the country show that residential homes with healthy trees add property value (up to 15%).
- Energy conservation – trees lower energy demand through summer shade and winter wind block, additionally offsetting carbon emissions at the power plant.
- Economic Development – trees attract businesses, tourists, and increase shopping.
- Stormwater facilities – trees and forests reduce the need for or size of costly gray infrastructure.
- Pavement – tree shade increases pavement life through temperature regulation (40-60% in some studies).

Social "Services" of Urban Trees:

- Public health – trees help reduce asthma rates and other respiratory illnesses.
- Safe walking environments – trees reduce traffic speeds and soften harsh urban landscapes.
- Crime and domestic violence – urban forests help build stronger communities. Nature and trees provide settings in which relationships grow stronger and violence is reduced.
- Connection to nature – trees increase our connection to nature.
- Noise pollution – Trees reduce noise pollution by acting as a buffer and absorbing up to 50% of urban noise (U.S. Department of Energy study).

LAND COVER CLASSIFICATION METHODS & ACCURACY

Introduction to Image Classification and Accuracy

The goal of image classification for the City of Fayetteville (COF) was to convert a landscape comprised of complex uses and cover types into target categories that are meaningful for the management of the City's urban forests. The object-based classification approach used in this analysis provides the ability to segment landscape features at a fine scale with a high level of precision, based on the 1 meter horizontal resolution of the input imagery. Classification accuracy assessment describes how well the classification is able to translate the complex landscape into target land cover classes.

Five target land cover classes (1. Tree Canopy, 2. Impervious Surface, 3. Green Vegetation and Agriculture, 4. Soil and Dry Vegetation, or 5. Water) were and three impervious sub-classes were initially mapped (for a total of eight classes) for the COF using four-band National Agricultural Inventory Program (NAIP) aerial photography from 2010. A single color infra-red image was mosaicked from multiple Geotiff image tiles purchased from USDA NAIP headquarters in Utah. Feature Analyst software (FA) was used to segment the COF mosaic into desired land cover classes. Additional vector layer inputs were used to further segment classification categories.

Target land cover classes were selected because they segment the landscape into categories that are useful for urban forest management. Tree canopy describes the current forest cover as seen from above, but is only part of Urban Tree Canopy (UTC) assessment. Subcategories of impervious surfaces segment areas where it may be impossible to plant trees (such as roads and buildings) and areas where trees offset many of the negative impacts of impervious materials (such as parking lots and sidewalks). Areas comprised of green vegetation are important for UTC assessment since they represent the easiest transition to additional forest cover through tree planting. In this assessment, all agricultural areas were classified in the vegetation category and later differentiated from other green vegetation using the agricultural land use data provided by the COF. Soil and dry vegetation is excluded from possible planting areas since these areas represent either current development, or areas where live vegetation is not supported. For this classification, water was directly digitized in combination with input data provided by the COF.

Accuracy Assessment

Accuracy assessments serve two main purposes; Accuracy assessments provide information to map producers about what methods are working and where improvements need to be made for creating the best possible product from available resources. Accuracy assessments also provide information to map users who need to understand how closely the intended classification categories represent the true classes observed on the ground.

Procedure

More than 100 sample points were randomly distributed across the study area and assigned a random numeric value. Sorting from lowest random value to highest, at each sample point, a 3x3 pixel (9 m2) reference sample unit was digitized onto the NAIP imagery and assigned one of the five target land cover classes. The procedure was repeated until an at least 100 pixels were sampled from the three dominant land cover classes (Tree Canopy, Impervious Surfaces, and Green Vegetation). Sample units were then intersected with the classified map to compare with the reference samples, as presented in the sample error matrix below.

Interpretation

Statistical relationships between the reference pixels (representing the true conditions on the ground) and the intersecting classified pixels are used to understand how closely the entire classified map represents the COF landscape. The sample error matrix represents the intersection of reference pixels manually identified by a human observer (columns) and classification category of pixels in the classified image (rows). The white boxes along the diagonals of the matrix represent agreement between the two pixel maps. Off-diagonal values represent the number pixels manually referenced to the column class that were classified as another category in the classification image. Overall accuracy is computed by dividing the total number of correct pixels by the total number of pixels reported in the matrix (238+165+220+72+66 = 761 / 819 = 93%), and the matrix can be used to calculate per class accuracy percentages. For example, 260 pixels were manually digitized in the reference map as Tree Canopy, but only 238 of those pixels were classified as Tree Canopy in the classification map, with 22 pixels misclassified as Green Vegetation. This relationship is called the "Producer's Accuracy" and is calculated by dividing the agreement pixel total (diagonal) by the reference pixel total (column total). Therefore, the Producer's Accuracy for Tree Canopy is calculated as: (238 / 260 = 0.92), meaning that we can expect that 92% of all tree canopy in the COF were classified as Tree Canopy in the classification map. Conversely, the "User's Accuracy" is calculated by dividing the number agreement pixel total by the total number of classified pixels in the row category. For example, 241 classification pixels intersecting reference pixels were classified as Tree Canopy, but three pixels were identified as Green Vegetation in the reference map. Therefore, the User's Accuracy for Tree Canopy is calculated as: (238 /241 = 0.99), meaning that pixels classified as Tree Canopy the classification were actual tree canopy in the COF.

It is important to recognize the Producer's and User's accuracy percent values are based on a sample of the true ground cover, represented by the reference pixels. As with any statistical relationship we can compute the level of confidence with which the classified map values represent the reference map of the COF. Confidence intervals are used to report the lower limit and upper limit of the expected percent values of each classification category. In the matrix above, the 95% confidence interval describes the range of values we would expect to observe 95 out of 100 times given a randomly distributed selection of reference pixels. For example, if the accuracy assessment was repeated 100 times, we expect that tree canopy accuracy would fall between 88% and 95% for Producer's and 97% and 100% for User's accuracy for at least 95 of the 100 samples.

Relating Accuracy to the Classification Map

Accuracy assessments provide important information regarding how well the landscape was classified into target land cover classes, but what do Producer's and User's accuracies mean for interpreting land cover results? It should be noted that for both the classification map and the error matrix, land cover classes are interrelated, meaning that if a pixel is incorrectly omitted from one category, it is also incorrectly committed to another category. For example, 22 pixels in the sample error matrix were erroneously omitted from the Tree Canopy class and erroneously committed to the Green Vegetation class. The classification map reports 36.5% of the COF is covered with Tree Canopy. The Producer's accuracy of 92% can be interpreted as up to 8% of the overall landscape may be tree cover but was classified as another land cover category. Conversely, the User's accuracy of 99% indicates that if a pixel is classified in the classification map as Tree Canopy, we are 99% confident that the pixel is tree canopy in the reference map. When combined, these two figures indicate that 36.5% probably underestimates the true canopy percent (and that the Green Vegetation category probably contains some actual tree canopy). Figure 32 below uses work by Pontius and Millones

(2011) to illustrate the total map area of each classification category where there is agreement between the reference and classification map (blue), where classification categories contained committed (pink) and omitted (green) pixels. The figure below uses concepts defined as Quantity and Allocation disagreement to estimate true land cover percent values based on statistical results.

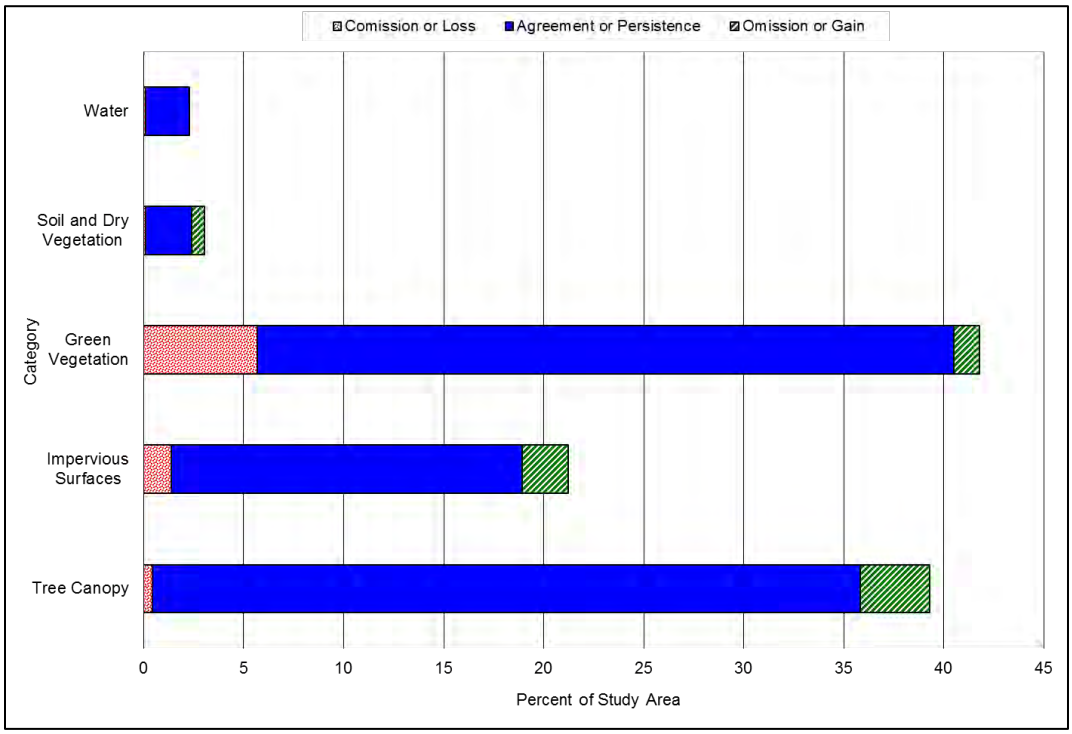


Figure 32. Land Cover Accuracy Assessment per land cover class

Land Cover Classes

A total of eight land cover classes were mapped for Fayetteville including four impervious sub-classes classified using some of the City's GIS resources.

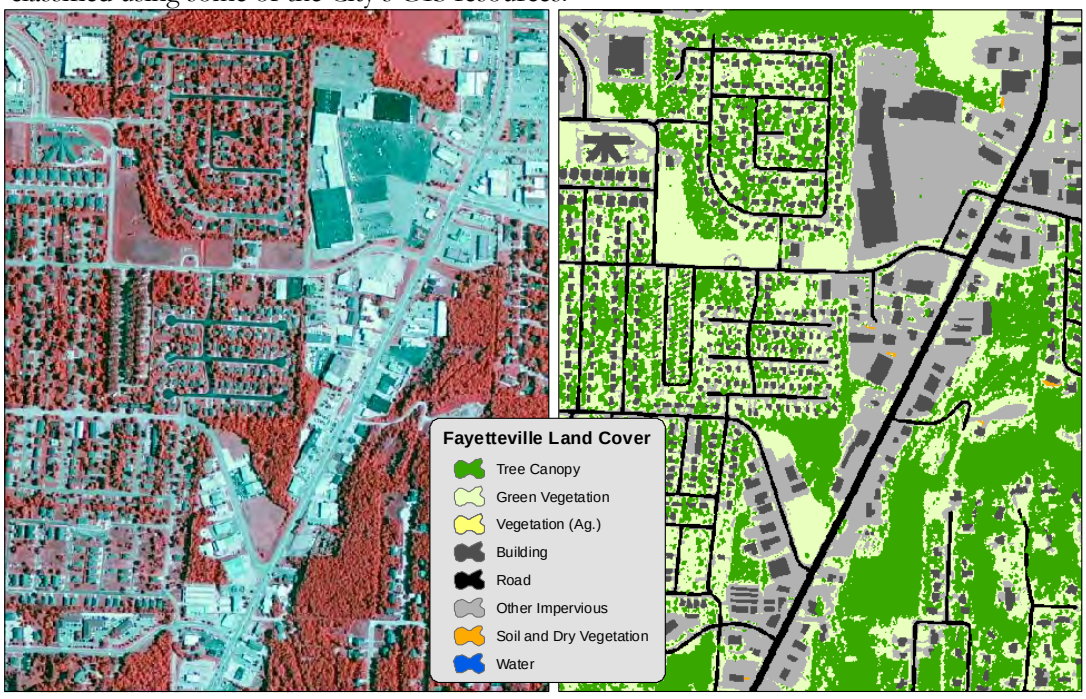


Figure 33. An additional example of the land cover mapping data in Fayetteville.

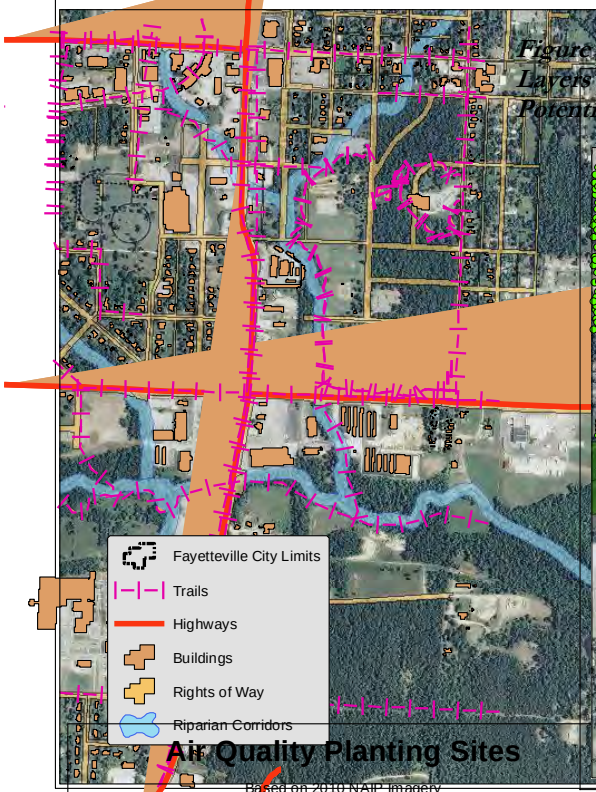


Figure 34. Reference GIS Layers used to Prioritize Potential Planting Sites.

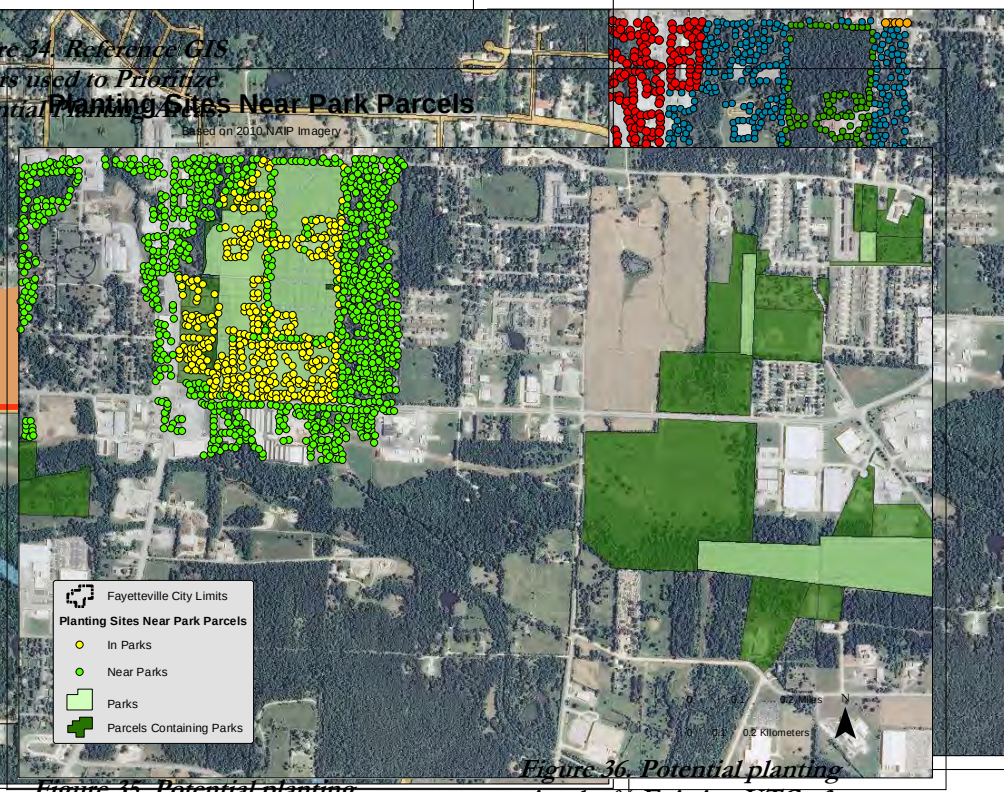


Figure 35. Potential planting sites in and nearby parks.

Figure 36. Potential planting sites by % Existing UTC of underlying census block.

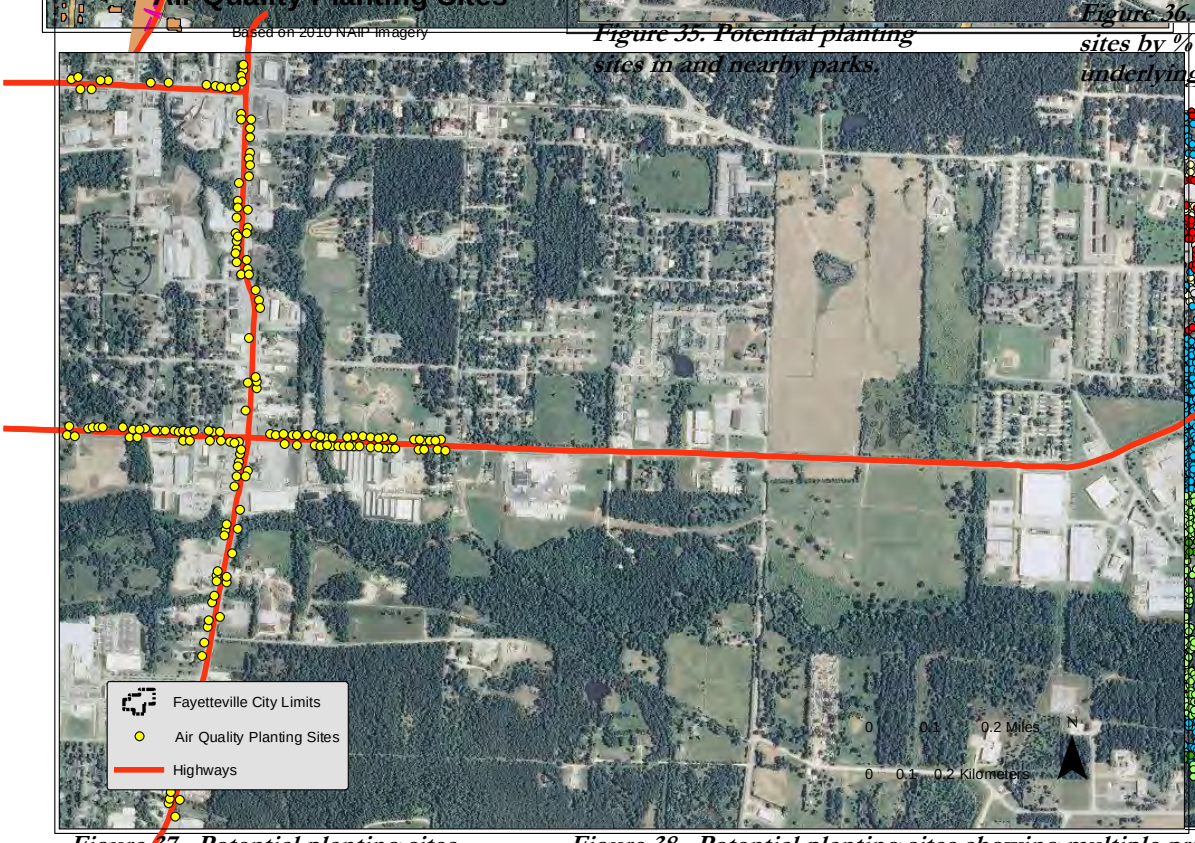


Figure 37. Potential planting sites along major arterials and highways to maximize air quality benefits.

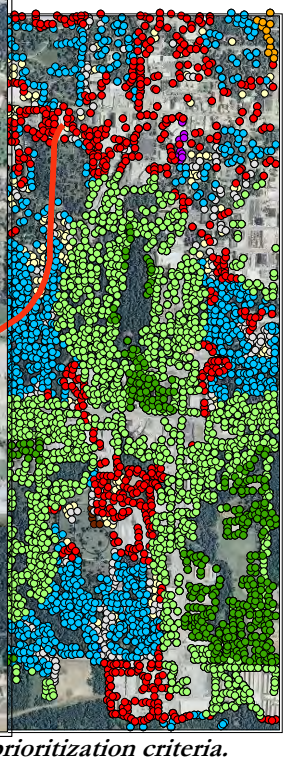


Figure 38. Potential planting sites showing multiple prioritization criteria.

REFERENCES

Downing, Adam, 2011. Ecology, *Air: What's a Tree Got to Do with It?* http://www.ecology.com/2011/09/13/air-tree/. Accessed November 2, 2012.

Pontius, R. and M. Millones. 2011. Death to Kappa: birth of quantity disagreement and allocation disagreement for accuracy assessment. International Journal of Remote Sensing. 32, 15: 4407-4429.

The City of Fayetteville, Arkansas, *Urban Forestry*. urbanforestry.accessfayetteville.org/. Accessed November 2, 2012.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-616

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Donna Wonsower, Planner

SUBJECT: **APPEAL: LSD-2024-0011: Large Scale Development (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST/URBAN LOFTS AT NELSON HACKETT, 523): Submitted by DEVELOPMENT CONSULTANTS INC for property located SOUTHEAST OF S. NELSON HACKETT BLVD in WARD 1. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.28 acres. The request is for a 138-unit multi-family residential development and associated parking.**

RECOMMENDATION:
City Staff and Planning Commission recommend approval of the large-scale development request as described and shown in the attached Exhibits 'A' and 'B', and described in the attached Planning Commission staff report.

BACKGROUND:
The subject area contains one 1.28-acre parcel which is bound by W. South St. to the north, S. Nelson Hackett Blvd. to the west, W. 4th St. to the south, and S. Block Ave. to the east. The parcel received its current zoning designation in 2006 with the implementation of the Downtown Master Plan (ORD 4930). The parcel was previously developed with four residential structures, each of which contained four residential dwelling units. These fourplexes were demolished in 2022 and the site is currently undeveloped. The property is within the Downtown Master Plan area and 71B Corridor Plan.

Request: The applicant requests large scale development approval to develop the subject property with two multifamily structures totaling 138 residential units.

Public Comment: Staff has received substantial comments on this proposal, with the majority expressing opposition. Several members of the public have provided both multiple written and verbal comments. Six people spoke at Subdivision Committee and 18 spoke at the August 12 Planning Commission meeting. Including written comments received before and after the August 12 Planning Commission meeting, staff has received 53 written comments from 37 unique individuals. Comments opposed to the development generally cited include increased traffic danger and congestion, insufficient or dangerous parking, conflicts with the existing neighborhood character, a high number of children and walkers, inadequate existing infrastructure, opposition to small "efficiency" units, and incompatible density. Comments in support have cited the need for more affordable housing in the city, previous multifamily use of the property, a thoughtful approach and transition, good design, and high-quality materials.

*Findings: S*taff finds the proposed large-scale development is not likely to adversely affect the public interest.

The proposed multi-family structures are of a type and scale that is compatible with the surrounding neighborhoods, with the larger structure fronting Nelson Hackett Blvd. and transitioning to a smaller building of only two stories adjacent to the surrounding neighborhood. Street improvements, including sidewalk construction and curb widening, are proposed along S. Nelson Hackett Boulevard., W. South Street, S. Block Avenue, and W. 4th Street. On average, each street is shown to be widened by approximately the width of a parallel parking space, meaning that any proposed parallel parking would occur outside of the existing street curb. Memos have been provided from Solid Waste and the Fire Marshall's office indicating no concerns with street access as designed. Further, the police have requested proposed parking on Nelson Hackett be well-lit for public safety but have otherwise indicated that they do not see substantial issues arising from the proposed development. Additionally, a traffic assessment was completed, and Engineering staff have determined that the anticipated impact of the development is not sufficient to warrant a full traffic study.

While there has been substantial public comment regarding the proposed density of the project, staff notes that the underlying DG, Downtown General zoning district does not have a prescribed density limit. The applicant voluntarily reduced their total unit count during the entitlement process; however, staff cannot require reductions of the unit count beyond what is permitted by right or controlled by other development standards. Further, staff analyzed several downtown multifamily developments, and found that the proposal is less intense than many of these when considering density by bedrooms per acre rather than unit count. As parking requirements apply based on bedroom count, staff found this metric provided a more direct comparison since other apartment complexes in the area feature multi-bedroom units. The proposed Urban Lofts project has a bedroom count of 108 bedroom per acre and is parked 99% on site or on the immediately abutting streets, which is permitted with the approval of the Zoning and Development Administrator. In comparison, the Atmosphere Apartments have 188 bedrooms per acre with 85% of these bedrooms parked. The Cardinal Apartments have 174 bedrooms per acre with 88% of units provided parking. Academy at Frisco Apartments and Gather Dickson both park 100% of units when accounting for only their residential component, but also have bedroom densities of more than double the proposed density at Urban Lofts.

Four variances have been requested, with staff finding these to be appropriate and representing relatively minor impacts, including for access management and dumpster location. Given the property's unique condition of four street frontages, these variances would likely be necessary of any development. No variances have been requested for parking counts, as the proposal is within all parking allowances permitted by-right including the ability to utilize substituted bicycle racks and motorcycle spaces within the required parking total. While staff notes that one variance applies to parking located within a build-to-zone, the applicant has not taken their full, potential reduction allowed based on proximity to multiple transit stops. While removing these spaces could eliminate the need for this variance, it could also increase potential overflow off-site. Staff recommends approval of all requested variances.

DISCUSSION:

At the August 12 Planning Commission meeting, the Planning Commission voted to deny the overall project, citing traffic safety concerns. Extensive public comment was also provided, which is summarized in the report. After a request to reconsider by the applicant, the Commission voted to do so on August 26 and tabled the item to the September 23 Planning Commission meeting to provide time for the applicant to re-notify the surrounding properties. In the intervening weeks, updated plans were provided which reduced the total number of units from 163 to 138, removed two variance requests, addressed inconsistencies in tree mitigation calculations, and updated parking calculations. A bike wash and work stand was also added at the northwest pedestrian entry near the proposed bike racks. The request for reconsideration also includes a commitment to reserve 15% of the units for those within a designated AMI and well as multiple steps intended to encourage car-free renters.

At the September 23 Planning Commission meeting, the Planning Commission voted 8-1-0 to approve the

revised plans. Commissioner Werner motioned to approve with a second from Commissioner Castin. Commissioners voting in favor of the development cited steps the developer has taken to address concerns, stringent standards for project denials, proposed safety improvements, the by-right nature of parking allowances, proposal by the applicant to purchase parking permits in the adjacent downtown parking garage for potential overflow, reasonable variance requests, proximity to transit, thoughtful design, high-quality materials, and the need for additional housing options including smaller rental units. Several commissioners mentioned the possibility of a parking district in the surrounding neighborhoods but noted that doing so would be a separate process that would require City Council approval. Commissioner Payne voted against the proposal, citing potential traffic hazards. Twenty-nine individuals spoke at this meeting, with 10 in support and 19 opposed. Comments in support generally cited the need for single-bedroom apartments in Fayetteville, recent street improvements along Nelson Hackett, proximity to downtown, the housing crisis, and city goals for infill and housing along the 71B corridor. Comments opposed generally cited concerns with traffic, parking, pedestrian safety, desire for less housing, and the presence of the depressed courtyards along Nelson Hackett.

BUDGET/STAFF IMPACT:
NA

ATTACHMENTS: Appeal Letter with Council Member Sponsors (#3), Exhibit A (#4), Exhibit B (#5), Staff Report (#6), Council Appeal Memo - City Attorney (#7), City Attorney Memo (#8), Proposed Bill of Assurance - City Attorney Reply (#9)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-616

APPEAL: LSD-2024-0011: Large Scale Development (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST/URBAN LOFTS AT NELSON HACKETT, 523): Submitted by DEVELOPMENT CONSULTANTS INC for property located SOUTHEAST OF S. NELSON HACKETT BLVD in WARD 1. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.28 acres. The request is for a 138-unit multi-family residential development and associated parking.

A RESOLUTION TO GRANT THE APPEAL OF CITY COUNCIL MEMBER D'ANDRE JONES AND DENY LARGE SCALE DEVELOPMENT APPLICATION LSD-2024-0011

WHEREAS, on September 23, 2024, the Planning Commission voted to approve the large scale development application LSD-2024-0011; and

WHEREAS, City Council Member D'Andre Jones timely appealed this approval by his email to City Clerk Treasurer Kara Paxton on October 1, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that large scale development application LSD-2024-0011 submitted by Development Consultants Inc. for property located Southeast of South Nelson Hackett Boulevard is denied pursuant to § 166.02(C)(2)(a)(iv) because the proposed development would create or compound a dangerous traffic condition.

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Sent: Wednesday, October 2, 2024 9:50 AM
To: Paxton, Kara <kapaxton@fayetteville-ar.gov>
Cc: Shelton, Jackson <jshelton@fayetteville-ar.gov>; D'Andre Jones <dre91732000@gmail.com>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>
Subject: FW: Request to appeal

Kara,
Reading this entire list of emails below, I conclude that Council Member D'Andre Jones has properly appealed the Planning Commission's decision to approve the Large Scale Development on the corner of Nelson Hackett boulevard and South Street on behalf of resident Louise Gamache upon my forwarding of this email to you. Council Member Jones properly referenced the proper code listing approval/rejection criteria for an LSD and his concern about traffic safety.
Kit

From: D'Andre Jones <dre91732000@gmail.com>
Sent: Tuesday, October 1, 2024 7:34 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Alan@drainagedoctornwa.com; esyule@yahoo.com
Subject: Re: Request to appeal

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kit I an appealing the planning commission's decision referencing Section 166.02 (C)(2)(a) The proposed development could pose dangerous traffic issues and impact the neighborhoods quality of life. I have included Alan Ostner and Louise Gamache of the neighborhood in this email.
Sent from my iPhone

On Oct 1, 2024, at 9:44 AM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

D'Andre,
Teresa was also asking about appealing this decision. Please see below what is required and the code sections which are attached.
Kit

From: Williams, Kit
Sent: Tuesday, October 1, 2024 9:04 AM
To: Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: RE: Request to appeal

Teresa,
You may appeal this decision for a resident by emailing your appeal for the resident to the City Clerk's Office. The appeal must be accomplished by next Monday (ten business days from the Planning Commission's decision). You need to reference Section 166.02 (C)(2)(a) and discuss a possible violation of subsection (iv) "The proposed development would create or compound a dangerous traffic condition." I have attached copies of the relevant Code sections for your information. If you have further questions, please call me.
Kit

From: Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Sent: Monday, September 30, 2024 8:05 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: Fwd: Request to appeal

What is required to sponsor this appeal on behalf of this resident? What is the deadline to appeal this decision?

Thanks in advance,
Teresa
Sent from my iPhone

Begin forwarded message:

> **From:** Esyule <esyule@yahoo.com>
> **Date:** September 30, 2024 at 8:02:53 PM CDT
> **To:** "Turk, Teresa" <teresa.turk@fayetteville-ar.gov>
> **Subject: Request to appeal**

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

> **From:** Esyule <esyule@yahoo.com
>
> **Subject: Lot at 4th St and South St, bordering on Nelson Hackett Blvd, plans and approval Sept. 23rd LSD-2024-0011**
>
> Dear Teresa: As a property owner and resident in Ward One on the south side, I am appalled by the approval to build on over 130 unit apartment complex with a parking lot to hold 72 cars on this lot which is just over an acre, on a hill off a busy road as well as building in parallel parking on Nelson Hackett Blvd. The residents and nearby residents spoke eloquently against this and I concur. It is a devastating money grab which will harm the existing neighborhood, pose dangerous traffic issues, congest a fragile historic area and harm the essential nature of this city. I ask that you appeal this decision on LSD-2024-0011 by the City Planning Board to allow the build yo proceed. If I and other concerned citizens of Fayetteville need to do more to stop this build, please let me know. Thank you.
>
> Louise Gamache
> 311 East Huntsville Rd
> 479-601-4519
> esyule@yahoo.com

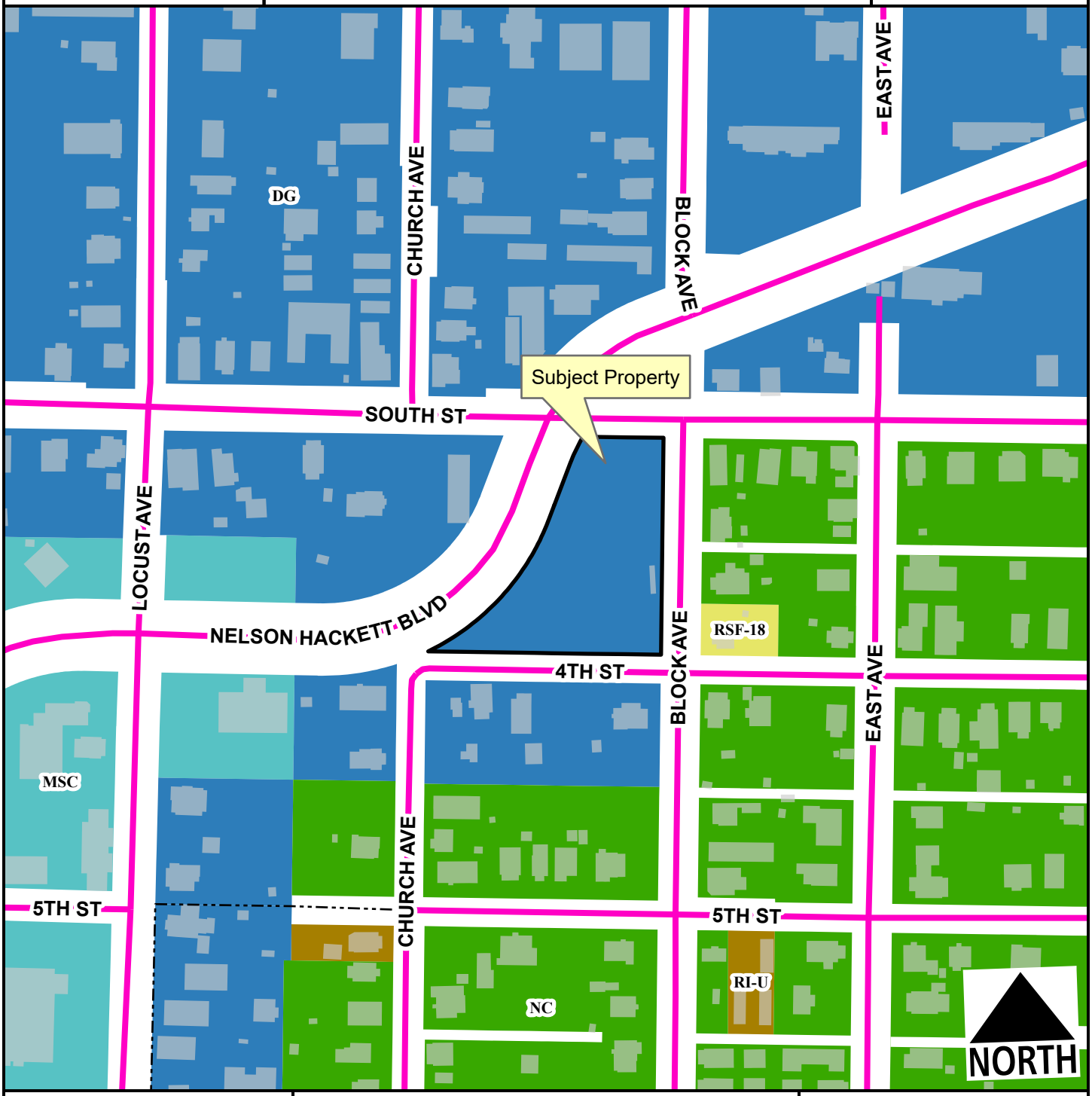
Sent from my iPhone

LSD-2024-0011

Close Up View

S. NELSON HACKETT BLVD & W. 4TH ST

Exhibit 'A'
LSD-2024-0011



Urban Center
Planning Area
Fayetteville City Limits
Design Overlay District

Feet
0 75 150 300 450 600
1:2,400

RSF-18
RI-U
Main Street Center
Downtown General
Neighborhood Conservation

Exhibit 'B'
LSD-2024-0011

SITE DESCRIPTION

PART OF LOTS 4 AND 5, AND ALL OF LOTS 6 AND 7, BLOCK 17, AND PART OF LOTS 1, 2 AND 3, AND ALL OF LOTS 4, 5, 6 AND 7, BLOCK 18, JENNINGS ADDITION TO THE CITY OF FAYETTEVILLE, AS DESIGNATED UPON THE RECORDED PLAT OF SAID ADDITION, BEING ALL OF SAID LOTS IN BLOCKS LYING SOUTH AND EAST OF ARCHIBALD YELL DRIVE (US HIGHWAY NO. 71) SITUATED IN ETH CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. ABD A 14' ALLEY, ORDIANNCE 1322, BK 581, PG 154.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Donna Wonsower, Planner
Melissa Boyd, Staff Engineer
Melissa Evans, Urban Forester

MEETING: September 23, 2024 (UPDATED WITH MEETING RESULTS)

SUBJECT: **LSD-2024-0011: Large Scale Development (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST/URBAN LOFTS AT NELSON HACKETT, 523):** Submitted by DEVELOPMENT CONSULTANTS INC for property located SOUTHEAST OF S. NELSON HACKETT BLVD. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 1.28 acres. The request is for a 163-unit multi-family residential development and associated parking.

RECOMMENDATION:
Staff recommends approval of **LSD-2024-0011** with conditions.

RECOMMENDED MOTION:
*"I move to approve **LSD-2024-0011,** determining**"***

- *In favor of variance to §166.11(A), Conformance to Plans and Regulations;*
- *In favor of variance to §166.05(F), Access Management;*
- *In favor of variance to §166.21(E)(1), Dumpster Location;*
- *In favor of variance to §172.04(C)(4): Parking Lot Location Standards;*
- *In favor of recommended right-of-way dedication,*
- *In favor of recommended street improvements, and*
- *In favor of all other conditions as recommended by staff."*

AUGUST 12, 2024 PLANNING COMMISSION MEETING:
At the August 12 Planning Commission meeting, the Planning Commission voted to deny the overall project, citing traffic safety concerns. Extensive public comment was also provided, which is summarized in the report. After a request to reconsider by the applicant, the Commission voted to reconsider the item on August 26 and tabled the item to the September 23 Planning Commission meeting to provide time for the applicant to renotify the surrounding properties. In the intervening weeks, updated plans were provided which reduced the total number of units from 163 to 138, removed two variance requests, addressed inconsistencies in tree mitigation calculations, and updated parking calculations. A bike wash and work stand was also added at the northwest pedestrian entry near the proposed bike racks. The request for reconsideration also includes a commitment to reserve 15% of the units for those within a designated AMI and well as multiple steps intended to encourage car-free renters.

BACKGROUND:
The subject area contains one 1.28-acre parcel which is bound by W. South St. to the north, S. Nelson Hackett Blvd. to the west, W. 4th St. to the south, and S. Block Ave. to the east. The parcel received its current zoning designation in 2006 with the implementation of the Downtown Master Plan (ORD 4930). The parcel was previously developed with four residential structures, each of

which contained four residential dwelling units. These fourplexes were demolished in 2022 and the site is currently undeveloped. The property is within the Downtown Master Plan area and 71B Corridor Plan. Surrounding land uses and zoning are depicted in *Table 1.*

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Retail, Mixed-Density Residential	DG, Downtown General
South	Single-Family Residential	DG, Downtown General
East	Single-Family Residential	NC, Neighborhood Conservation RSF-18, Residential Single Family, 18 Units per Acre
West	Single-family Residential	DG, Downtown General

Proposal: The applicant requests large scale development approval to develop the subject property with two multifamily structures totaling 138 residential units. Four variances have been requested with this project.

Variance #1: §166.11(A), Conformance to Plans and Regulations. All projects shall conform to the official plans and regulations that make up the City's Master Street Plan.
S. Nelson Hackett Blvd. is an Urban Center Street, which typically requires two ten-foot drive lanes, two eight-foot parking lanes, two four-foot furniture zones and an eight-foot sidewalk on each side of the street. The applicant has proposed a street section in line with administratively approvable design elements, with the exception of a proposed ten-foot slip lane between the drive lanes and parallel parking.

a. *Staff recommendation: Staff recommends in favor of the variance. The stated intent of the slip lane is to provide additional area for vehicles utilizing on-street parking to safely maneuver while entering or existing the parallel parking spots. Given the curve and slope of S. Nelson Hackett Blvd., staff finds that this slip lane will serve the public benefit by improving safety. Fayetteville Police recommend that the proposed parallel parking along Nelson Hackett shall be well-lit, and staff recommends a modified curb shall be installed between the travel and buffer lanes, and the buffer lane shall be constructed out of stamped colored concrete (similar to roundabout truck aprons) to create a visual and tactile change in material between the travel and parking lanes. The exact stamp pattern and colored concrete may be submitted to Engineering for approval with the grading permit.*
Should the Planning Commission choose to specify an exact stamp pattern and concrete color, staff recommends it match what was installed at the Porter/Deane/Stephen Carr roundabout.

Variance #2 §166.08(F): Access Management. Per ordinance, properties that fronts onto more than one (1) public street shall place a higher priority on accessing the street with the lowest functional classification, e.g., residential and neighborhood links. In a case where the streets have the same classification, access shall be from the lower volume street, or as determined by the City Engineer. The proposal includes one driveway onto S. Block Ave. and one driveway onto W. 4th St. approximately mid-block.

Staff recommendation: Staff recommends in favor of the variance with no added conditions. The ordinance is intended to promote safety by reducing the number of driveways onto higher classification streets. All adjacent streets are designated as Urban Centers with S. Nelson Hackett as the highest traffic street. Per the applicant's letter, two entries are required to meet the fire code and that both entries could not be located on S. Block Ave. while still meeting separation

requirements. Given this, staff finds driveways on two separate streets to be necessary.

Variance #3 §166.21(E)(1): Dumpster Location. Per the Downtown Design Overlay District regulations, dumpsters may only be located within the rear yard of a parcel. The dumpster is currently proposed along the southern property line adjacent to E. 4th St.

Staff recommendation: Staff recommends in favor of the variance. The parcel is bounded on all sides by a public street, meaning that there are effectively no rear yards in which an exterior dumpster could be placed. However, staff finds that the intent of the ordinance is still being met. S. Nelson Hackett Blvd. and W. South St. are functioning as the principal facades, with an additional building located at the corner of E. 4th St. and S. Block Ave. Staff finds that the proposed location is largely screened by adjacent buildings to the east and west and that impact is likely to be minimal. Staff recommends a condition that the dumpster screening enclosure shall be constructed of high-quality materials such as the proposed CMU with a brick façade and with either vegetative screening or public art to minimize visual impact from the south.

Variance #4 §172.04(C)(4): Parking Lot Location Standards. In urban zoning districts, a drive-thru lane, parking lot drive aisle, or parking spaces are not permitted to be located in the front yard directly between a building and the Master Street Plan right-of-way. The proposal includes a parking lot with access from S. Block Ave. and E. 4th St., with portions located between the building and ROW.

Staff recommendation: Staff recommends in favor of the variance. As noted in the applicant's request letter, the parcel has frontage on four sides meaning that there are effectively no rear or side setbacks. The parking is not visible from either E. Nelson Hackett Blvd. or W. South St., the two principal facades. A large portion of the parking lot is also screened from both S. Block Ave. and E. 4th St. by the second residential building. Staff finds that the parking within the build-to-zone is meeting screening requirements of §172.04(C)(1) and that fully locating all parking behind a building façade is not practical given the site's shape and topography changes.

Right-of-Way to be Dedicated: The subject property currently has street frontage along S. Nelson Hackett Blvd., W. South St., S. Block Ave., and W. 4th St., all of which are designated as Urban Center Streets with typical right-of-way dedication of 30.5 feet from centerline. Per a right-of-way determination by the Zoning and Development Administrator, forty-six feet of dedication shall be required for S. Nelson Hackett Blvd. The remaining three streets were each determined to require 26.5 feet of right-of-way from the centerline.

Street Improvements: All adjacent streets are Urban Center. The Zoning and Development Administrator completed a right-of-way determination on July 2, 2024, for several alternative design elements that may be administratively approved. These requirements are described below.

- S. Nelson Hackett Blvd: The applicant proposes for the existing turn lane and ten-foot drive to remain. A portion of the road is proposed to be widened to accommodate a ten-foot slip lane and eight-foot parallel parking lane with 0.5-foot curb. A four-foot furniture zone and eight-foot sidewalk are proposed following the curb. As the ten-foot slip lane is not an administratively approvable item, a variance to §166.11(A), Conformance to Plans and Regulations has been requested with this application.

- W. South St., S. Block Ave., and W. 4th St.: The remaining three streets are proposed to include a 10-foor drive lane, 8-foot parallel parking lane with bump-outs, 0.5-foot curb, and eight-foot sidewalk including three-foot deep urban tree wells. The typical furniture zone requirement was permitted to be administratively removed along these streets.

Access Management/Connectivity: Staff has determined that the proposed development is compliant with the City's access management and connectivity standards with the exception of the above variance request. Memos have been provided from Solid Waste and the Fire Marshall's office indicating no concerns with access as designed. Further, the police have requested proposed parking on Nelson Hackett be well-lit for public safety but have otherwise indicated that they do not see substantial issues arising from the proposed development.

Design Standards: Staff finds the proposed development is substantially in compliance with §166.21 Downtown Design Overlay District, §166.22 Parking Garages, §166.23 Urban Residential Design Standards, and 172.04 Parking Lot Design Standards except where variances are specifically requested above. Final plans will be reviewed with grading and building permits.

Parking Design and Number of Spaces: Reductions in proposed parking counts as described in §172.05(A)(2) are by-right per ordinance and are not subject to discretionary approval. Based on proximity to multiple transit stops, the proposed development is within the area where a 15% reduction of the required number of spaces may be taken, which would reduce the total number of required vehicle spaces from 138 (one per bedroom) to 117. The applicant does not propose to utilize this full reduction. Rather, they propose to shift a total of 9 spaces from full vehicle spaces to motorcycle/ scooter spots, and an additional 12 from vehicle to bicycle racks. Accounting for motorcycle/scooter spaces and bicycle racks required in other sections of the code, a total of 137 total bicycle or vehicle spaces are proposed with the development. This total is only one space fewer than the number of bedrooms proposed

As noted above, the proposal is within allowances permitted by right which are not subject to discretionary approval. However, staff further analyzed similar large multifamily apartments and their density and parking structures in order to provide a comparison given extensive public concern. Based on this analysis, staff finds that the proposal not only meets required parking minimums, but also exceeds the typical parking of other large apartment complexes.

Development	Bedroom Count per Acre	Percent Parked (Vehicle, Motorcycle / Scooter, and Bike Racks)
Urban Lofts at Nelson Hackett	108	99% (86% auto)
Atmosphere Apartments	188	85% (60% auto)
Cardinal Apartments	174	88% (81% auto)
Academy at Frisco Apartments (When Considering Residential Only, Project also includes 8,000 sf of commercial)	227	103% (93% auto)
Gather Dickson	256	103% (59% Auto spaces)

The applicant's request to reconsider the proposal also includes multiple steps the applicant intends to utilize to encourage car-free renting, including providing a discount on rent for those who do not require a parking spot, stating in the leases that tenants are expected to utilize on-site parking rather than the surrounding neighborhoods, and providing a designated drop-off zone on nelson Hackett for rideshare pick-up and drop-off.

Water and Sewer System: The applicant is proposing to install a fire hydrant, fire lines, and water meters to provide domestic service and fire protection to the development, and to install a new sanitary sewer main in E 4th St to provide sanitary sewer service to the development.

Parkland dedication or fee in-lieu: The Parks and Recreation Advisory Board (PRAB) reviewed this proposal at a meeting held on March 7, 2022. The Parks and Recreation Advisory Board recommended fee-in-lieu of parkland dedication. Final park fees shall be determined and paid prior to the issuance of any building permits. Based on current information, fees for 138 new multifamily residential units minus the previous 16 multifamily units previously located on site would result in a fee of $116,144.

Tree Preservation:
Canopy minimum requirement: 10.0%
Existing Canopy: 48.0%
Preserved canopy: 5.0%
Mitigation required: 56 two-inch caliper trees

While a large number of trees are proposed to be removed, staff finds that most of these would be heavily impacted by any street improvements which comply with the master street plan or required construction of any buildings within the build-to-zone. Tree preservation is proposed in the southwest corner of the property that will also serve as a communal outdoor space. 43 on-site mitigation trees and 10 off-site mitigation trees are proposed. Green facades and green roofs are also proposed on the site, which may take the place of an additional 3 mitigation trees.

Public Comment: Staff has received substantial comments on this proposal, with the majority expressing opposition. Several members of the public have provided both multiple written and verbal comments. Six people spoke at Subdivision Committee and 18 spoke at the August 12 Planning Commission meeting. Including written comments received before and after the August 12 Planning Commission meeting, staff has received 53 written comments from 37 unique individuals. Comments opposed to the development generally cited include increased traffic danger and congestion, insufficient or dangerous parking, conflicts with the existing neighborhood character, a high number of children and walkers, inadequate existing infrastructure, opposition to small “efficiency” units, and incompatible density. Comments in support have cited the need for more affordable housing in the city, previous multifamily use of the property, a thoughtful approach and transition, good design, and high-quality materials.

RECOMMENDATION: Staff recommends approval of **LSD-2024-0011** with the following conditions:

Conditions of Approval:

1. **Planning Commission determination of variance to §166.11(A), Conformance to Plans and Regulations.** *Staff recommends approval of the requested variance with the following conditions:*
    a. Proposed parallel parking along Nelson Hackett shall be well-lit.
    b. Modified curb shall be installed between the travel and buffer lanes, and the buffer lane shall be constructed out of stamped colored concrete (similar to roundabout truck aprons) to create a visual and tactile change in material between the travel and parking lanes. The exact stamp pattern and colored concrete may be submitted to Engineering for approval with the grading permit. Should the Planning Commission choose to specify an exact stamp pattern and

concrete color, staff recommends it match what was installed at the Porter/Deane/Stephen Carr roundabout.

Subdivision Committee recommended in favor.

2. **Planning Commission determination of variance to §166.08(F): Access Management.** *Staff recommends approval of the requested variance with no added conditions.*

   Subdivision Committee recommended in favor.

3. **Planning Commission determination of variance §166.21(E)(1): Dumpster Location.** *Staff recommends approval of the requested variance with the following conditions:*
   a. *The dumpster screening enclosure shall be constructed of high-quality materials such as the proposed CMU with a brick façade and with either vegetative screening or public art to minimize visual impact from the south.*

   Subdivision Committee recommended in favor.

4. **Planning Commission determination of variance to §172.04(C)(4): Parking Lot Location Standards.** *Staff recommends approval of the requested variance with no added conditions:*

   Subdivision Committee recommended in favor.

5. **Planning Commission determination of right-of-way dedication.** *Staff recommends right-of-way dedication in the following amounts.:*
   a. Forty-six feet (46') of right-of-way dedication for N. Nelson Hackett Blvd from street centerline.
   b. Twenty-six and a half feet (26.5') of right-of-way dedication for E. South St. from street centerline.
   c. Twenty-six and a half feet (26.5') of right-of-way dedication for S. Block Ave. from street centerline.
   d. Twenty-six and a half feet (26.5') of right-of-way dedication for W. 4th St. from street centerline.

   Subdivision Committee recommended in favor.

6. **Planning Commission determination of street improvements.** *Staff recommends street improvements as described below:*
   a. S. Nelson Hackett Blvd: 5.5-foot left turn lane (half), 10-foot drive lane, 10-foot alternative slip lane, 8-foot parallel parking lane, 0.5-foot curb, 4-foot furniture zone, and 8-foot sidewalk
   b. W. South St., S. Block Ave., and W. 4th St.: 10-foot drive lane, 8-foot parallel parking lane, 0.5-foot curb, 0-foot furniture zone, and 8-foot sidewalk

   Subdivision Committee recommended in favor.

7. Parks fees shall be determined and paid prior to building permit issuance. Based on current information, fees for 138 new multifamily residential units would be required in the amount of $139,944.

8. Remaining comments from Planning shall be addressed, including:
    a. Extend screening wall around parking's east side within 4th St. build-to-zone.

9. Conditions of approval from Engineering, Fire, and Urban Forestry are included in the official conditions of approval, attached hereto;
    a. Address remaining plan comments
    b. Provide domestic flow demands and fire flow calculations to ensure water meters and fire lines are sized appropriately.
    c. Retaining walls over 4 feet in height shall be designed by a professional engineer licensed in Arkansas. Safety railings are required for the retaining wall proposed along S. Nelson Hackett Blvd. Limits of wall construction must be shown on plans. Geogrid cannot be in right-of-way.
    d. Existing curb inlets to be converted to grate inlets must perform how existing curb inlets function- spread, depth, capture, etc. Include calculations in drainage report.

Standard Conditions of Approval:

10. Impact fees for fire, police, water, and sewer shall be paid in accordance with city ordinance;

11. Technical Plat Review and Subdivision Committee comments (to include written staff comments provided to the applicant or their representative, and all comments from utility representatives: Black Hills Energy, AT&T, Ozarks Electric, SWEPCO, and Cox Communications);

12. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with the City's current requirements;

13. Large scale development approval shall be valid for one year;

14. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy; and

15. Prior to the issuance of a building permit, the following is required:
    a. Grading and drainage permits;
    b. Separate easement plat for this project that shall include any tree preservation areas and all utility and access easements;
    c. Exterior lighting package must be provided to the Planning Division;
    d. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance;
    e. Project Disk with all final revisions; and
    f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all

improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

PLANNING COMMISSION ACTION: ☒ **Approved** ❒ **Tabled** ❒ **Denied**

Meeting Date: **September 23, 2024**

Motion: WERNER

Second: CASTIN

Vote: 8-1-0 (PAYNE OPPOSED)

"I move to approve LSD-2024-0011, determining"
•In favor of variance to §166.11(A), Conformance to Plans and Regulations;
•In favor of variance to §166.05(F), Access Management;
•In favor of variance to §166.21(E)(1), Dumpster Location;
•In favor of variance to §172.04(C)(4): Parking Lot Location Standards;
•In favor of recommended right-of-way dedication,
•In favor of recommended street improvements, and
•In favor of all other conditions as recommended by staff."

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Staff Memos
  - Legal Memo
  - Engineering Memo
  - Urban Forestry Memo
  - Parks Memo
  - Parking District Process
  - Solid Waste Comments
  - Fire Marshal Comments
  - Police Comments
  - Curb Widening Exhibit
- Applicant Exhibits
  - Reconsideration Request Letter
  - Variance Request Letter
  - Traffic Study
  - Renderings
  - Architectural Elevations
  - Site Plans
- Public Comments
- One Mile Map
- Close-Up Map
- Current Land Use Map

DEPARTMENTAL CORRESPONDENCE

OFFICE OF THE
CITY ATTORNEY

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Planning Commission**

FROM: **Blake Pennington**, Senior Assistant City Attorney

DATE: **September 19, 2024**

RE: **Approval/Denial of LSDs/PPLs and Variances**

I sent a memo in July (attached) about the approval/denial criteria for large scale developments and preliminary plats. It did not get into how variances might play a role in the consideration of a development so I wanted to provide that context.

Variances must be considered based on the standards set forth in § 156.03, which governs development, parking and loading variances:

> If the provisions of Development, Chapter 166, or Parking and Loading, Chapter 172 are **shown by the developer to cause undue hardship as they apply to this proposed development (including, but not limited to financial, environmental, or regulatory) and that the situation is unique to the subject property**, the City Planning Commission may grant a variance, on a temporary or permanent basis, to the development from such provision, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of the development or parking and loading regulations.

At next Monday's meeting you are reconsidering the Urban Lofts at Nelson Hackett project. The applicant now requests four variances instead of six:

1. Variance # 1 – Slip Lane: With this variance, the Planning Commission is not considering the parallel parking proposed for the project. You are considering only the slip lane between the driving lane and the parking spaces. If you do not grant the variance, the project would still be authorized by the UDC to construct parallel parking but it would be immediately adjacent to the driving lane. Whether the slip lane variance

is approved or not, the parking itself should be considered within the standard for approval/denial of a large scale development.

2. Variance #2 – Access Management: With respect to the access management variance, our office has consistently opined that a property owner has a constitutional right to access any street abutting its property. Here the applicant is requesting a second point of access to a public street which should be granted.
3. Variance #3 – Dumpster Location: I think any developer of this property could establish a hardship since there is no "rear yard" in which to place a dumpster; however, the Planning Commission certainly has the authority to approve conditions that ensure the intent of the requirement is met, including placement and screening.
4. Variance #4 – Parking Lot Location Standards: The project proposes to extend the parking lot into the build-to-zone because the applicant wishes to provide more parking for residents. The Planning Commission could potentially consider this a self-imposed hardship; however, if this variance is not granted, I understand the applicant could revise its parking plan by simply removing those spaces from the plan. This would remove the build-to-zone encroachment and nullify the need for a variance but could also lead to more off-site parking.

Just because a project requires variances doesn't mean it should be denied. The UDC provides for variances because it recognizes that certain project sites may present challenges others do not. As stated above, those challenges can include, but are not limited to, financial, environmental, or regulatory hardships. However, even if some variances are denied, it does not mean the entire project can be denied.

Conclusion

If the Planning Commission intends to deny a variance, you should clearly state why it did not meet the standards set forth in Chapter 156.

If the Planning Commission intends to deny a preliminary plat or large scale development, you should clearly state which of the six reasons set forth in § 166.02(C)(2)(a) led to the denial. As stated in the July memo, "if a proposed Large Scale Development or Preliminary Plat meets the minimum standards of the Unified Development Code, it must be approved even if every Commissioner believes it is a terrible development unanimously opposed by the neighbors."

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Planning Commissioners**

FROM: **Blake Pennington**, Senior Assistant City Attorney

DATE: **July 8, 2024**

RE: **Approval/Rejection of Large Scale Developments/Preliminary Plats**

The Planning Commission can be faced with strong neighborhood opposition to a Large Scale Development (LSD) or Preliminary Plat with compelling arguments that the proposal is incompatible with the existing neighborhood, too dense, likely to devalue adjoining homes, etc. These types of arguments may not be considered when determining whether to approve or reject a Preliminary Plat or LSD. **The Planning Commission must follow the dictates of the Unified Development Code (enacted by the City Council).**

The Arkansas Supreme Court has clearly held:

> **"When a subdivision ordinance specifies minimum standards to which a preliminary plat must conform, it is arbitrary as a matter of law to deny approval of a plat that meets those standards."** Richardson v. City of Little Rock Planning Commission, 295 Ark. 189, 747 S.W. 2d 116, 117 (1988).

The City Council has enacted those minimum standards in the Unified Development Code. When it comes to denial of a large scale development or preliminary plat, you may only consider the six factors set forth in § 166.02(C)(2)(a):

> (a) Reasons For Denial. The Subdivision Committee or Planning Commission may refuse to approve a large scale development, preliminary plat or concurrent plat for any of the following reasons:
>
> (i) The plat or development plan is not submitted in accordance with the requirements of this chapter.

(ii) The proposed development would violate a city ordinance, a state statute, or a federal statute.

(iii) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements required by this chapter.

(iv) The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a dangerous traffic condition shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern.

(v) City water and sewer is not readily available to the property within the large scale development, preliminary plat, or concurrent plat and the developer has made no provision for extending such service to the development.

(vi) The developer refused to comply with ordinance requirements or conditions of approval for on-site and off-site improvements.

Any objection or reason to deny a Large Scale Development or Preliminary Plat must be included within those six stated reasons to be valid. If a proposed Large Scale Development or Preliminary Plat meets the minimum standards of the Unified Development Code, **it must be approved even if every Commissioner believes it is a terrible development unanimously opposed by the neighbors**.

Although the City Council has clear authority to amend the UDC and change the factors that could be considered beyond the six currently enacted by the City Council, until such an amendment occurs you **must** obey the current Code of Ordinances.

"A city simply cannot pass procedural ordinances they expect to be followed by their residents and then conveniently ignore them themselves. **A legislative body must substantially comply with its own procedural policies.**" Potocki v. City of Fort Smith, 279 Ark. 19, 648 S.W. 2d 462, (1983). (emphasis added)

CITY OF FAYETTEVILLE ARKANSAS

STAFF MEMO

TO: Donna Wonsower, Planner

FROM: Melissa Boyd, Staff Engineer

DATE: September 17, 2024

SUBJECT: **Planning Commission Engineering Comments for LSD-2024-0011 Urban Lofts at Nelson Hackett**

Water: The applicant is proposing to install a fire hydrant, fire lines, and water meters to provide domestic service and fire protection to the development.

Sewer: The applicant is proposing to install a new sanitary sewer main in W 4th St to provide sanitary sewer service to the development.

Streets: The applicant is proposing to widen S Nelson Hackett Blvd, W South St, S Block Ave, and W 4th St along the project's frontage to provide on-street parking. The applicant has also requested two City Engineer determinations. The first request is to install a portion of a retaining wall within right-of-way at the south end of the sidewalk improvements along S Nelson Hackett Blvd. The second request is for on-street parking spaces to encroach within sight triangles on W South St, S Block Ave, and W 4th St. Both requests as shown on the exhibits included with the request dated July 3, 2024, have been approved by the City Engineer.

On-street parallel parking along S Nelson Hackett Blvd will include a buffer lane between the travel and parking lanes to allow vehicles to safely exit and re-enter traffic. Staff recommends a condition be added that a modified curb be installed between the travel and buffer lanes, and for the buffer lane to be constructed out of stamped colored concrete, similar to roundabout truck aprons, to create a visual and tactile change in material between the travel and parking lanes. The exact stamp pattern and concrete color may be submitted to Engineering for approval with the grading permit. Should the Planning Commission choose to specify an exact stamp pattern and concrete color, staff recommends it match what was installed at the Porter/Deane/Stephen Carr roundabout.

Drainage: This development is required to meet the 4 Minimum Standards for water quality, channel protection, overbank flood protection, and extreme flood protection of the Drainage Criteria Manual. The drainage report is still being reviewed for compliance with these requirements.

Plan Comments:

1. Provide domestic flow demands and fire flow calculations to ensure water meters and fire lines are sized appropriately.
2. Retaining walls over 4 feet in height shall be designed by a professional engineer licensed in Arkansas. Safety railings are required for the retaining wall proposed along S. Nelson Hackett Blvd. Limits of wall construction must be shown on plans. Geogrid cannot be in right-of-way.

3. Existing curb inlets to be converted to grate inlets must perform how existing curb inlets function- spread, depth, capture, etc. Include calculations in drainage report.
4. Address comments on plans and drainage report.

Standard Comments:

1. All designs are subject to the City's latest design criteria (water, sewer, streets and drainage). Review for plat approval is not approval of public improvements, and all proposed improvements are subject to further review at the time construction plans are submitted.
2. Any damage to the existing public street due to construction shall be repaired/replaced at the owner/developers expense
3. All public sidewalks, curb ramps, curb & gutter, and driveway aprons along this project frontage must meet ADA guidelines and be free of damage. Any existing infrastructure that does not conform to ADA guidelines or is otherwise damaged must be removed and replaced to correct the issue. Coordinate with the engineering department for inspection of existing facilities to determine compliance.
4. Water and sewer impact fees will apply for the additional impact to the system. The fees will be based on the proposed meter size and will be charged at the time of meter set.
5. Note, the following portions of all projects will typically not be reviewed by the Engineering Division until time of construction-level review (unless specifically requested at plat review):
    - Storm Sewer pipe/inlet sizing, gutter spread, profiles, or utility conflicts
    - Sanitary Sewer pipe sizing, profiles, or utility conflicts
    - Waterline fittings, callouts, or utility conflicts
    - Street profiles
    - Fine grading/spot elevations

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
LANDSCAPE PLAN COMMENTS

To: Allen Young, Development Consultants, Inc.

From: Melissa Evans, Urban Forester
Donna Wonsower, Planner

CC: Donna Wonsower, Planner

Meeting Date: September 23, 2024

Subject: LSD-2024-0011: S. Nelson Hackett & W. 4th St. (Urban Lofts at Nelson Hackett) 523

1. General Landscape Plan Checklist	Yes	No	N/A
a. Irrigation (notes either automatic or hose bib 100' o.c.) *UDC Chapter 177.03C7g, 177.04B3a*	X		
b. Species of plant material identified *UDC Chapter 177.03C7d,e*	X		
c. Size of plant material (minimum size 2" caliper for trees and 3 gal. shrubs) *UDC Chapter 177.03C7b,c*	X		
d. Soil amendments notes include that soil is amended and sod removed *UDC Chapter 177.03C6b*	X		
e. Mulch notes indicate organic mulching around trees and within landscape beds *UDC Chapter 177.03C6c,d*	X		
f. LSD, LSIP, and Subdivisions (PPL & FPL) plans stamped by a licensed Landscape Architect, others by Landscape Designer *UDC Chapter 177.03B*	X		
g. Planting bed contained by edging *UDC Chapter 177.03C6f*	X		
h. Planting details according to Fayetteville's Landscape Manual *UDC Chapter 177.03C6g*	X		
i. Provide information about 3-Year Maintenance plan. The owner shall deposit with the City of Fayetteville a surety for approved landscape estimate. *UDC Chapter 177.05 A2g*			X

2. Parking Lot Requirements 1 Tree : 12 Parking Spaces	Yes	No	N/A
a. Side and Rear Property Lines (5' Wide Landscape Area) *UDC Chapter 177D1*			X
b. Wheel Stops/Curbs *UDC Chapter 177.04B1*	Yes		

c.	Narrow Tree Lawn (8’ min. width, 37.5’ length) *UDC Chapter 177.04C*			**X**
d.	Tree Island (8’ min. width, 18.7’ min length, 150 square feet) *UDC Chapter 177.04C*	**X**		
e.	Placement of Trees (either side at entrances and exits) *UDC Chapter 177.04C2*	**X**		

3.	**Perimeter Landscaping Requirements**	**Yes**	**No**	**N/A**
a.	Front Property Line (15’ wide landscape) and 5’ on sides and rear. *UDC Chapter 177.04D2a*			**X**
b.	Shade trees planted on south and west sides of parking lots *UDC Chapter 177.04D2e*	**X**		
c.	Screening of parking lot from adjacent residential properties.	**X**		

4.	**Street Tree Planting Requirements**	**Yes**	**No**	**N/A**
a.	Residential Subdivisions 1 Large Shade Species Tree per Lot *UDC Chapter 177.05B1a*			**X**
b.	Non-Residential Subdivisions 1 Large Species Shade Tree every 30’ (planted in greenspace) *UDC Chapter 177.05B2a*			**X**
c.	Urban Tree Well – Urban Streetscapes Trees every 30’ (8’ sidewalk) *UDC Chapter 177.05B3a-f*	**X**		
d.	Structural Soil – Urban Tree Wells Include a note and/or detail of structural soil on Landscape Plan *UDC Chapter 177.05B3a-f*	**X**		
e.	Residential Subdivisions Timing of planting indicated on plans *UDC Chapter 177.05A4*			**X**
f.	Residential Subdivisions Written description for method of tracking planting *UDC Chapter 177.05A4e*			**X**

5. Landscape Requirement Totals	Amount
Mitigation Trees	**56 required,**
	43 On-site
	10 Off-site
	3 Green Façade
Parking Lot Trees	**10 Required,**
	10 provided
Street Trees.	**35 required,**
	35 provided
Detention Pond – Large Trees (1 Tree/3,000 square feet)	**0**
Detention Pond – Small Tree/Large Shrub (4 small trees or large shrubs/3,000 square feet)	**0**
Detention Pond – Small Shrubs/Large Grasses (6 shrubs or grasses (1 gallon)/3,000 square feet)	**0**

6. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	**7/17/24**	**8/01/24**	**8/12/2024**
			9/23/2024
Approved			
Tabled	**5/15/24**		
	6/13/24		
Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments

1. Urban Forestry recommends the project be approved by Planning Commission. Address items above marked "No" and all Redlines provided.
2. Off-site mitigation plan was not included with the resubmittal. Please add back in to packet.

CITY OF FAYETTEVILLE ARKANSAS

URBAN FORESTRY
TREE PRESERVATION COMMENTS

To: Allen Young, Development Consultants, Inc.

From: Melissa Evans, Urban Forester
Donna Wonsower, Planner

CC: Donna Wonsower, Planner

Meeting Date: September 23, 2024

Subject: LSD-2024-0011: S. Nelson Hackett & W. 4th St. (Urban Lofts at Nelson Hackett) 523

1. Submittal Requirements	Yes	No	N/A
Initial Review with the Urban Forester		X	
Site Analysis Map Submitted (if justification is needed)	X		
Site Analysis Written Report Submitted (justification is needed)	X		
Complete Tree Preservation Plan Submitted	X		
Tree Mitigation Table on Plans	X		
Tree Preservation Wavier Submitted (only use if no trees onsite or near P/L)			X

2. Tree Preservation Calculations

Tree Preservation Calculations Square Feet		
	Square Feet	**Percent of site**
Total Site Area *Minus Right of Way and Easements	55,186	100%
*Zoning Designation * Select Below with drop down arrow*		
Downtown General	5,519	10%
*HHOD * Select Below with Drop Down Arrow*		
No	0	0%
Total Canopy for Minimum Preservation Requirements	5,519	10.0%
Existing Tree Canopy * Minus Right of Way and Easements	26,500	48.0%
Tree Canopy Preserved	2,752	5.0%
Tree Canopy Removed *On Site	23,748	43.0%
Tree Canopy Removed *Off Site	9,508	
Tree Canopy Removed Total	33,256	60.3%
Removed Below Minimum	**2,767**	
Mitigation Requirements	**12,275**	

3. Mitigation Requirements	Canopy below requirement	Number of 2” caliper trees to be planted
High Priority	12,275	56
Low Priority		
Total Mitigation Trees Required	**12,275**	**56**

4. Mitigation Type	Yes	No	N/A
On-Site Mitigation	**X**		
Off-Site Mitigation	**X**		
Tree Escrow (See Conditions of Approval)			**X**

5. Tree Preservation Plan Checklist *UDC Chapter 167.04H1and 167.04L1*	Tech Plat	Subdivision Committee	Planning Commission
a. 5 year Aerial Check on Existing Trees	**Yes**		
b. Property Boundary	**Yes**		
c. Natural Features (100ft beyond limits of disturbance)	**Yes**		
d. Existing Topography and Proposed Grading	**Yes**		
e. Soil Types	**Yes**		
f. Significant Trees	**Yes**		
g. Groupings of Trees	**N/A**		
h. Table Inventory List (species, size, health, priority)	**Yes**		
i. All Existing and Proposed Utilities	**Yes**		
j. All Existing and Proposed Utility Easements and ROW’s	**Yes**		
k. All Streams (with approximate center line)	**N/A**		
l. Floodplains and floodways	**N/A**		
m. Existing Street, Sidewalk or Bike Path ROW	**Yes**		
n. Submitted Site Analysis Plan (if required)	**Yes**		
o. Shows ALL Proposed Site Improvements	**Yes**		
p. Delineates trees/canopy to be preserved and removed	**Yes**		
q. Tree Preservation Easement/s shown for LSD, LSIP and Commercial PPL projects	**Yes**		
Tree Protection Methods			
a. Tree Protection Fencing	**Yes**		
b. Limits of Root Pruning	**Yes**		
c. Traffic flow on work site	**Yes**		
d. Location of material storage	**No**		
e. Location of concrete wash out	**Yes**		
f. Location of construction entrance/exit	**Yes**		

6. Site Analysis Report (if required) *UDC Chapter 167.04H4*	Yes	No	N/A
a. Provide graphic examples of multiple options used to minimize removal of existing canopy	**X**		
b. Submitted Analysis Statement – Note the process, iterations, and approaches to preserve canopy.	**X**		

7. Review Status (See Comments)	Tech Plat	Subdivision Committee	Planning Commission
Conditionally Approved	**7/16/24**	**8/01/24**	**8/12/24** **9/23/24**
Approved			
Tabled	**5/15/24**		
Denied			

Appeal Process: A final administrative determination by the Urban Forester may be appealed in accordance with Chapter 155 of the Unified Development Code.

Comments

1. Address items above marked “No” and all Redlines provided.

CITY OF FAYETTEVILLE ARKANSAS

TO: Planning Division

FROM: Zach Foster, Parks Planning

DATE: September 9, 2024

SUBJECT: Parks & Recreation Technical Plat Review Comments

****

PRAB Meeting Date:	March 7, 2022
Project Title:	Urban Lofts at Nelson Hackett
Project Number:	LSD-2024-0011
Project Location:	NW of S Block Ave and W 4th St
Plat Page:	523
Park Quadrant:	SE
Billing Name & Address:	Osment Investments LLC, 204 SE 6th St, STE 102 Bentonville, AR 72712

☐ **Land Dedication** ☒ **Fee-in-Lieu** ☐ **Combination**

FEE-IN-LIEU

Single Family:	____	units	x	$1,089	per unit =	$ 0	
Multi Family:	122	units	x	$952	per unit =	$116,144	

TOTAL Fees
$116,144

SUMMARY:

- Project proposes **0** SF units and **138** MF units.
- The project will be charged for **122** MF units since there were **16** MF units previously on site.
- The final amount of fee-in-lieu and/or land dedication needed to satisfy Parkland Dedication requirements will be determined after Planning Commission's approval of this project.
- Current fee-in-lieu and/or land dedication rates will be applied regardless of when project was approved by PRAB.
- Prior to final receipt by the city, all fees must be paid and any deeds for parkland dedication property must be:
  - Approved by the City's Land Agent in the Engineering Division.
  - Recorded at the Washington County Courthouse.
- Each additional housing unit that is constructed in Fayetteville places an increased demand on the Parks and Recreation system. The money collected as part of this project will be used to fund future park acquisitions and improvements for this park quadrant.

Wonsower, Donna

From: Clay, Justin
Sent: Friday, August 9, 2024 8:13 AM
To: Masters, Jessica
Cc: Wonsower, Donna; Curth, Jonathan; Brown, Chris
Subject: Re: Planning Commission - Monday, August 12 - Establishing Neighborhood Parking District

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jessie,

Thanks for passing this along. There's no process per se. City Council approval is required to establish or alter any paid parking boundaries and the area in question would require a new district to be established, the regulations of which would ultimately be determined/approved by City Council.

The only neighborhood district that has been established (Wilson Park area) was a result of a Council Member bringing it forward followed by several months of meetings with neighbors and Council members to fine-tune the details.

There is no turn-key approach. We (or someone) based on input from the neighbors would have to determine:

1. who is eligible to receive parking permits and how many per residence;
2. what is the cost for residential permits;
3. what will the parking rates be for non-permit holders;
4. are residents of the new development eligible for permits, and if not, why not; and
5. what additional staff resources are necessary to administer and enforce the program

If we do go down this road my recommendation would be to make any of the regulated parking "mixed-use" meaning anyone can park there with either a residential permit or by paying a parking rate. Experience has shown that making certain on-street spaces exclusive for residential permit-holders only has resulted in low utilization.

Lastly, is there a tool to require a parking impact study for this type of development? If it is perceived that the development is going to create a parking problem are there other tools or variance denials that can be used to mitigate?

Sorry, I know that's a bit of rambling, but those are my initial thoughts – I'm not sure if any of it's helpful but please let me know what additional info or clarification I can provide.

Thanks,

Justin Clay
Parking Manager
Parking Management Division
City of Fayetteville, Arkansas
jclay@fayetteville-ar.gov
T 479.575.8277
Website | Facebook | Twitter | Instagram | YouTube

Wonsower, Donna

From: Bekemeier, Brandon
Sent: Friday, September 6, 2024 4:08 PM
To: Wonsower, Donna; Cook, Andrew
Subject: Re: LSD-2024-0011 Solid Waste Access

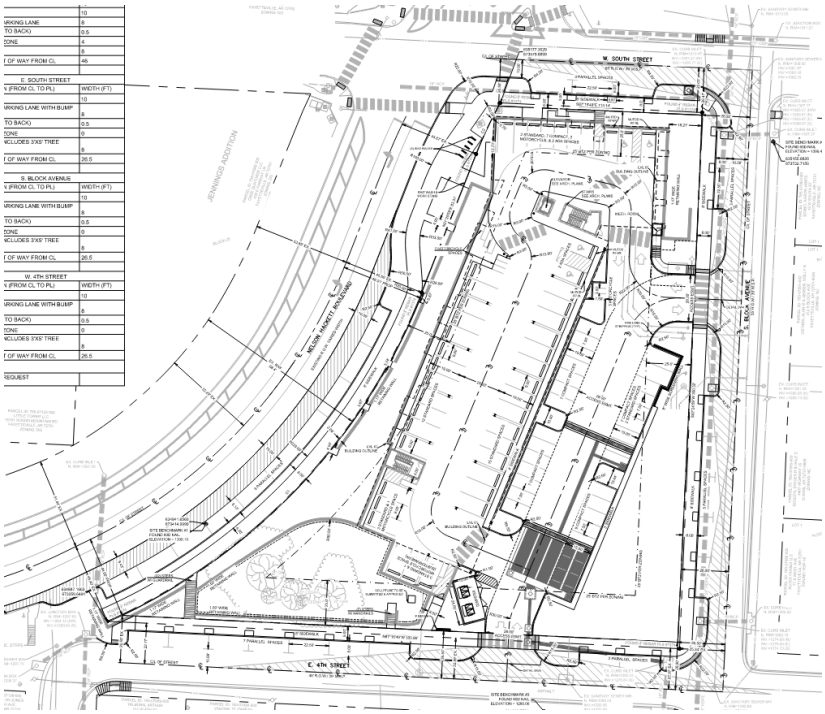
Drew and I sat down and reviewed these plans a week or two ago. We currently serviced the area with the same style truck that will be used for this development and don't see any concerns on our part. We do not feel there will be any issues with access for solid waste.

Get Outlook for iOS

From: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Sent: Friday, September 6, 2024 4:03:34 PM
To: Bekemeier, Brandon <bbekemeier@fayetteville-ar.gov>; Cook, Andrew <acook@fayetteville-ar.gov>
Subject: LSD-2024-0011 Solid Waste Access

Good Afternoon,

There was a great deal of concern at the previous Planning Commission meeting regarding LSD-2024-0011 on Nelson Hackett, specifically in regards to potential impacts to fire, police, and solid waste services and whether these services will still be able to access the property and surrounding neighborhood with the proposed on-street parking. I know you have been working with the applicant extensively, and wanted to confirm if Solid Waste has any concerns about getting around this area from the proposal.



Best Regards,
Donna Wonsower, AICP
Planner, Development Services
479-575-8358
Website | Facebook | Twitter | Instagram | YouTube

09/10/2024

From: Captain Jason Hood

To: Donna Wonsower

Title: Urban Lofts
Project: LSD-2024-0011

Subject: Fire Apparatus Access Roads

Donna,

The Fire Marshal's Office has reviewed the Large-Scale Development (LSD) plans for the Urban Lofts. The site is located at the corner of Nelson Hackett BLVD and West South Street. After our review we have found the project meets and exceeds the minimum requirements for Fire Apparatus Access Roads set forth by the Arkansas Fire Prevention Code (AFPC) 2021 edition.

Regards,

Captain Jason Hood
Fayetteville Fire Marshal's Office

Wonsower, Donna

From: Dawson, Greg
Sent: Monday, September 16, 2024 3:51 PM
To: Wonsower, Donna
Subject: RE: LSD-2024-0011 Access Concerns

Donna,
Thank you, and yes this is accurate. The 10 feet of slip lane eases our worries of vehicles traveling into the parking area. Having additional lighting will also be beneficial.
Greg

From: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Sent: Monday, September 16, 2024 9:39 AM
To: Dawson, Greg <gdawson@fayetteville-ar.gov>
Subject: RE: LSD-2024-0011 Access Concerns

Good Morning,

I am working up the Planning Commission report for this project over the next few days and wanted to confirm that I am representing police comments accurately. Coul you pleas confirm the below:

- No issues with access to the apartments themselves
- Only major concern for the proposed development is the proposed on-street parking along W. Nelson Hackett Blvd., though this concern was lessened after determining that the proposed slip lane is 10 feet in width. Police recommend that this area is well-lit to ensure that anyone utilizing this area is fully visible.

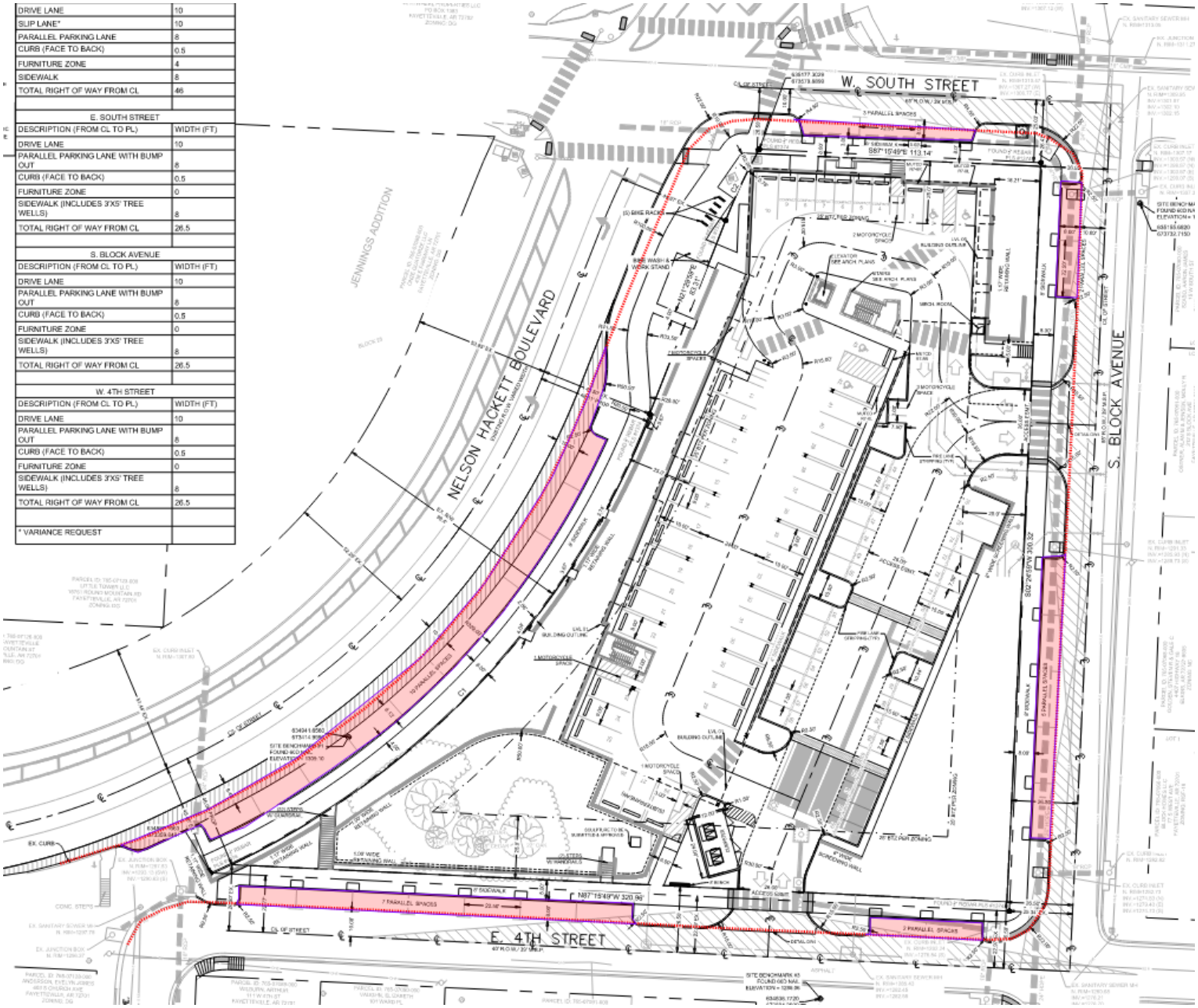
Let me know if I've misstated anything. Thank you!

Best Regards,
Donna Wonsower, AICP
Planner, Development Services
479-575-8358
Website | Facebook | Twitter | Instagram | YouTube

The Fayetteville Planning department is currently short-staffed. Please allow a minimum of 3-5 days for staff review and response to emails.

STAFF EXHIBIT:
CURB WIDENING

DRIVE LANE	10
SLIP LANE*	10
PARALLEL PARKING LANE	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	4
SIDEWALK	8
TOTAL RIGHT OF WAY FROM CL	46
E. SOUTH STREET	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
DRIVE LANE	10
PARALLEL PARKING LANE WITH BUMP OUT	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	0
SIDEWALK (INCLUDES 3'X5' TREE WELLS)	8
TOTAL RIGHT OF WAY FROM CL	26.5
S. BLOCK AVENUE	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
DRIVE LANE	10
PARALLEL PARKING LANE WITH BUMP OUT	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	0
SIDEWALK (INCLUDES 3'X5' TREE WELLS)	8
TOTAL RIGHT OF WAY FROM CL	26.5
W. 4TH STREET	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
DRIVE LANE	10
PARALLEL PARKING LANE WITH BUMP OUT	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	0
SIDEWALK (INCLUDES 3'X5' TREE WELLS)	8
TOTAL RIGHT OF WAY FROM CL	26.5
* VARIANCE REQUEST	



Proposed Widening

URBANLOFT Co.

August 22, 2024

Mr. Chairman,

We respectfully request that the Planning Commission reconsider our application for a Large Scale Development. We listened carefully to comments from commissioners and members of the public at the previous meeting, and are keen to present a few significant changes to the application in light of what we heard:

1. **A unit reduction of** nearly 20%, **from 163 total to 138 total.** It's important to point out that we are proposing more affordable 1-bed units. If we were instead proposing more expensive 2-bed units, the total units would be 69, or if we had chosen to follow the student housing model that is common in Fayetteville with 4-bed units, we would only have 35 units. Not only are our units more affordable, they're also more flexible, being appropriate for a wide variety of renters including young professionals, divorcées, retirees, and seasonal occupants (such as healthcare providers). In fact, we have seen that these customer segments are common in similar developments completed by this team, including in other college towns.
2. **A commitment to reserve up to 15 percent of the units for individuals making no more than a designated amount of AMI.** This commitment, which is unprecedented in terms of market-rate developments in this area as far as we're aware, is possible because providing housing for this segment of the population has been a goal of ours from day one. We feel strongly enough about this to put it in writing and invite you to make it a condition of approval. We are still working through these details and look forward to the opportunity to present these to the commission.
3. **A commitment to fully managed parking that encourages car-free renters**. A careful survey of our existing properties has revealed that on-site parking utilization hovers around 65% in our walkable developments, with many of our renters choosing other modes of transportation. Even though our project fully meets the city's requirements for parking, we will further encourage use of alternative transportation by:
    1. Providing a discount on monthly rent for renters who do not require a parking spot.
    2. Clearly stating in our lease agreements that renters should not plan to use on-street parking in the area as an alternative to our on-site accommodations.
    3. Providing a designated drop-off zone for ride sharing to be located on Nelson Hackett (away from neighborhood streets).

While none of these compromises are required by code, we are eager to offer them as a show of good faith in support of our earnest hope to be good neighbors. We have also made every effort to reduce or

215 Union St, STE 400
Jonesboro, AR 72401
870.240.8008
https://www.theurbanloftco.com/

URBANLOFT Co.

eliminate variances from this project; what we are left with is a short list of items where conflicting codes and / or site constraints have created hardships that are unavoidable. We thank City Staff for their favorable recommendations with regard to these variances and the project as a whole. We also did not note any specific objections to these variances from Planning Commissioners.

For years, City leadership has pointed out that creating infill housing in downtown and along 71B is critical to meeting Fayetteville's housing needs now and in the future. Indeed, this property has been zoned for this kind of development for well over a decade. Commission's consideration of this development comes amid a push by the city to rezone much of 71B for similar development patterns – an effort that is supported by a great deal of citizen input. We ask you to please consider re-hearing this project, which we believe will be a catalyst for the revitalization of the 71B corridor and instrumental in bringing more workforce housing units to Fayetteville.

Should the commission agree to re-hear the application, we would like to further request that the item be tabled to the next meeting to allow us sufficient time to notify members of the public.

Sincerely,

Andrew Berner
Managing Partner

215 Union St, STE 400
Jonesboro, AR 72401
870.240.8008
https://www.theurbanloftco.com/

16 September 2024

City of Fayetteville
Planning Commission
125 W. Mountain Street
Fayetteville, AR 72701
479.575.8267

LSD Number: 2024-0011
DCI Job Number: 2023-196
Project Name: Urban Lofts at Nelson Hackett
Owner: The Dallas Collection, LLC
215 Union St. STE 400
Jonesboro, AR 72401

Project Narrative:
The Urban Lofts at Nelson Hacket Multi-Family development is located at 309 S Block Ave, Parcel 765-07087-000, and consists of approximately 1.25 acres. This parcel fronts four streets, Nelson Hackett for approximately 376', W. South Street for approximately 113', S Block Ave for approximately 300', and E 4th Street for approximately 321'. The project is a multifamily development consisting of 138 micro-loft units contained in two buildings: a four-story structure with basement level parking and a three-story structure.

Variance Request:
On behalf of the owner, DCI is requesting variances to the following sections of the Unified Development Code.

1. Variance to UDC Section 166.08.F. Code requires properties fronted by more than one public street to place access off the lowest functional classification or volume of traffic. Fire Code requires buildings in excess of 3 stories or 30' to have two separate approved entries. As this site is fronted by streets on all four sides with Downtown General classification, the lowest volume streets were chosen for the fire access. Additionally, the Access Management Standards (UDC 166.08.F) require curb cut separations of 100' for Neighborhood Links (the closest street section to Downtown General) from all intersections and other curb cuts. It is not possible to achieve two curb cuts on S. Block Street that would both be 100' from an intersection and one another as S. Block Street has a total distance of 327 linear feet fronting this property. Similarly, E. 4th Street is only 320 linear feet in frontage, which would not allow for two entries that meet the above criteria. Therefore, the site requires the two fire apparatus entries to be located on separate streets.
2. Variance to UDC Section 166.11, Conformance to Plans and Regulations, for Van Buren Ave. Code requires the development to conform to the official plans and regulations that make up the Comprehensive Land Use Plan including the Master Street Plan. The Master Street Plan requires Nelson Hackett BLVD to provide an 8' parallel parking lane adjacent to the traveled way. DCI is

requesting a variance to the Master Street Plan on the owner's behalf to allow the construction of a slip lane, providing additional room for northbound traffic on Nelson Hackett to decelerate and safely maneuver into the parallel parking spaces. Requiring strict adherence to the Master Street Plan would require users to access their vehicles immediately adjacent to the traveled way of Nelson Hackett, which had an average daily traffic of 1,000 vehicles per day in 2023 (latest data).

3. Variance to UDC Section 166.21.E.1. Code requires trash dumpsters to be in the rear yard of a development that is located within the Downtown Design Overlay District. As this site is fronted by streets on all four sides, no "rear" yard exists. The dumpster location has been placed such that it is on the "rear" side of the primary building, hidden from view of Nelson Hackett and W South Street, which are considered the primary streets for this development.
4. Variance to UDC Section 172.04.C.4. Code requires all parking lots in urban zones to be located behind or on the side of a building. DCI is requesting a variance for portions of the parking lot adjacent to Block Ave. With this property being surrounded by streets and designed to be an intense, dense urban project, all usable space not being utilized for buildings or required green space is being utilized for parking. Portions of the parking lot are located behind the "front" of the building fronting Nelson, but are visible from Block Ave. Requiring all parking to be behind a building would require more building space or the removal of parking below allowable limits.

Thank you for your consideration and we look forward to working with the City moving forward.

Sincerely,



Chase Henrichs, P.E.
ChaseH@DCIUS.PRO
479.444.7880
Development Consultants

MEMORANDUM

August 23, 2024

TO: Development Consultants Inc.

FROM: Nathan Becknell, P.E., PTOE, PTP

SUBJECT: Nelson Hackett Multi-Family
Traffic Impact Review

LOCATION: Nelson Hackett Boulevard - 4th Street to South Street
Fayetteville, Arkansas

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 13621
NATHAN LEE BECKNELL

INTRODUCTION

Traffic Engineering Consultants, Inc. (TEC) was retained by Development Consultants Inc. (DCI) to conduct a traffic impact review on the proposed Nelson Hackett Multi-Family development. The proposed development is located east of Nelson Hackett Boulevard from 4th Street to South Street in Fayetteville, Arkansas as shown in **Figure 1** in the attachments.

The proposed multi-family development would include two mid-rise buildings with 138 dwelling units as shown in **Figure 2** in the attachments. Access to the development is proposed via drives at both 4th Street and Block Avenue. Additional access is proposed via on-street parking on the east curb line of Nelson Hackett Boulevard, the south curb line of South Street, the west curb line of Block Avenue, and the north curb line of 4th Street. Nelson Hackett Boulevard is a three-lane, with side-path, generally north/south "downtown/urban street" with a posted speed limit of 35 mph and has an approximate average daily traffic (ADT) of 19,000 vehicles per day (vpd). 4th Street, South Street, and Block Avenue are two-lane "downtown/urban streets" with an unposted speed limit of 20 mph. Historical ADT data and master street plan section information is included in the attachments.

SITE GENERATED TRAFFIC

To determine the effects a new development will have on an existing street system, the new or additional traffic must be projected. The latest edition of the *Trip Generation Manual*, published by the Institute of Transportation Engineers, was used to determine the amount of traffic the development is expected to generate. The report is a nationally accepted reference which provides trip rates for determining the traffic expected to be generated by different land use types.

Available information was utilized regarding the anticipated land use to determine the site generated traffic. The *Multifamily Housing (Mid-Rise)* with 4-10 floors land use category was selected as the most applicable to determine the trip generation of the proposed development. The resulting traffic volumes projected to be generated by the proposed development once completed are indicated in **Table 1**.

TABLE 1

Projected Site Generated Trips

Building Type (Land Use)	ITE Land Use Code	Approximate Gross Floor Area or Other	Average Weekday Vehicle Trips			Average AM Peak Hour Directional Distribution		Average AM Peak Hour Directional Trips (vph)		Average PM Peak Hour Directional Distribution		Average PM Peak Hour Directional Trips (vph)	
			Per Day	Per Peak Hour of Adjacent Street Traffic: One Hour Between 7am & 9am	Per Peak Hour of Adjacent Street Traffic: One Hour Between 4pm & 6pm								
			(vpd)	(vph)	(vph)	IN	OUT	IN	OUT	IN	OUT	IN	OUT
Trip Rate*		(Dwelling Units)	4.43	0.36	0.39								
Multifamily Housing (Mid-Rise)	221	138	612	49	54	23%	77%	11	38	61%	39%	33	21

* Trip Rates from "TRIP GENERATION MANUAL", 11th Ed., Institute of Transportation Engineers.

The proposed development would be expected to generate 612 vehicle trips per day with 49 trips occurring during the a.m. peak hour and 54 trips occurring during the p.m. peak hour. The City of Fayetteville minimum street standards are silent for study threshold requirements for the downtown/urban street section. Typically, a full traffic impact analysis is recommended for any development along a residential link which generates 100 or more vehicle trips during a peak hour or a regional link which generates 200 or more vehicle trips during a peak hour. It is assumed 4th Street, South Street, and Block Avenue behave similar to residential links and Nelson Hackett Boulevard behaves similar to a regional link for study requirement purposes. The proposed development would be expected to generate less than the minimum recommendation for all neighboring streets, therefore, a full traffic impact analysis was not conducted.

PARKING

The proposed site plan includes a combination of on-site parking and on-street parking to satisfy the minimum vehicle parking demands of the development. The City of Fayetteville master street plan classifies Nelson Hackett Boulevard as a “downtown/urban street,” which is a section allowing for more access and non-vehicular considerations. The roadway has recently transitioned from a more vehicular service section to partially implement the latest city master street plan section. Recent modifications include reallocation of lanes from four primary vehicle lanes to three with the addition of exclusive bicycle facilities. The “downtown/urban street” section desires on-street parking along Nelson Hackett Boulevard that does not currently exist. The following information is a summary of considerations for safety and function with on-street parking at the south/east curb line of Nelson Hackett Boulevard along the site.

Literature Summary

NACTO *Urban Street Design Guide*

Design Controls – Design Speed – "On-street parking narrows the street and slows traffic by creating friction for moving vehicles."

AASHTO *Policy on Geometric Design of Highways and Streets* (*Green Book*)

2.5.1 – "The principal advantages of controlling access are the preservation of improvement of service and the reduction of crash frequency and severity."

2.5.5 and Figures 2-7/2-8 - The inclusion of a two-way left-turn lane compared with an undivided section has a reduced crash rate for all rates of access management.

3.2.1 – "The designer should provide sight distance of sufficient length that drivers can control the operation of their vehicles to avoid striking an unexpected object in the traveled way."

4.20 – "On-street parking generally decreases through-traffic capacity, impedes traffic flow, and increases crash potential… However, within urban areas… located on arterial highway routes, on-street parking should be considered in order to accommodate existing and developing land uses. Often, adequate off-street parking facilities are not available. Therefore, the designer should consider on-street parking so that the proposed street or highway improvements will be compatible with the land use."

4.20 – "When a proposed roadway improvement is to include on-street parking, parallel parking should be considered. Under certain circumstances, (front-in/back-out) angle parking is an allowable form of street parking."

4.20 – "Where diagonal parking exists or is planned, consideration may be given to back-in/head-out diagonal parking because of the improved visibility for the driver to see vehicular and bicycle traffic when existing the parking space. In addition, back-in/head-out diagonal parking is usually a simpler maneuver than parallel parking."

7.3.3.7 – "Where parking is needed to contribute to an urban context or where adequate off-street parking facilities are not available or practical, parallel or angle parking may be considered on lower-speed arterials as long as the capacity provided by the through lanes for motor vehicles and bicycles is considered. However, parking is highly undesirable on higher speed roadways (50 mph and above) and generally not used on facilities in the 40- to 45 mph range."

AASHTO *Highway Safety Manual*

12.7.1/13.11.2.1 – Crash Modification Factor (CMF) for On-Street Parking – CMF for three-lane with turn lane 1.465 for parallel parking and 3.428 for front-in/back-out angle parking. The base condition being an absence of on-street parking. A value over one indicates an anticipated increase in crashes. Note: The CMF clearinghouse provided similar results and did not include CMF data for back-in/head-out diagonal parking.

FHWA *Highway Performance Monitoring System Field Manual*

Signalized Intersection Approach Capacity Adjustment for Parking for one lane in group and 6 parking maneuvers per hour (two-way streets with parking on one side) is 0.87. This value indicates slight reduction in capacity due to parking near a signalized approach.

FHWA *Road Diet Informational Guide*

3.3.5 – "The FHWA advises that roadways with ADT of 20,000 vpd or less may be good candidates for a Road Diet…"

Stopping Sight Distance

To determine stopping sight distance as recommended by the AASHTO *Policy on Geometric Design of Highways and Streets* (*Green Book)*, 24-hour volumes and speeds were collected during a typical mid-week day with mild weather and while school was in session in February 2024 on Nelson Hackett Boulevard between 4th Street and South Street. Based on the traffic data collected, the Nelson Hackett Boulevard ADT is 16,000 vpd (Note: ARDOT 2022 ADT measured at 19,000 vpd) and the 85th percentile speed is 38.1 mph for northbound traffic and 39.0 mph for southbound traffic. Detailed printouts of all the traffic count data are included in the appendix.

For speeds of 38.1 mph and an uphill grade of 5.5% the *Green Book* recommends a stopping sight distance of 262-feet. The proposed parking along the south/east curb of Nelson Hackett Boulevard should be checked for adequate vehicle stopping sight distance to enhance safety.

SUMMARY

The proposed Nelson Hackett Multi-Family development would be expected to generate 54 additional trips during the typical weekday peak hour periods. The traffic generated by the proposed development would have negligible effects on the surrounding intersections and roadways during the weekday peak periods. Based on these factors, no additional traffic related issues are anticipated as a result of the proposed development.

The City of Fayetteville "downtown/urban street" master street plan section desires on-street parking along Nelson Hackett Boulevard that does not currently exist. The existing vehicle speeds and volumes present on the corridor are less than the common thresholds for safety and capacity as found in literature by NACTO, AASHTO, and FHWA. On-street parking would be considered typically compatible with the proposed land use and urban context. Back-in/head-out diagonal parking would be considered an acceptable alternative to parallel parking. A minimum stopping sight distance of 262-feet shall be provided for northbound traffic.

Additionally, for "downtown/urban street" sections surrounding the development that behave similar to residential links, the City of Fayetteville master street plan desires a street section as shown in the proposed site plan and recommended by traffic safety literature. The proposed development does not create or compound a dangerous traffic condition on the existing low-volume streets surrounding the development and is in keeping with the requirements and ideals of the City of Fayetteville master street plan.

ATTACHMENTS



FIGURE 1. Project Location Map
Nelson Hackett Multi-Family
Fayetteville, Arkansas

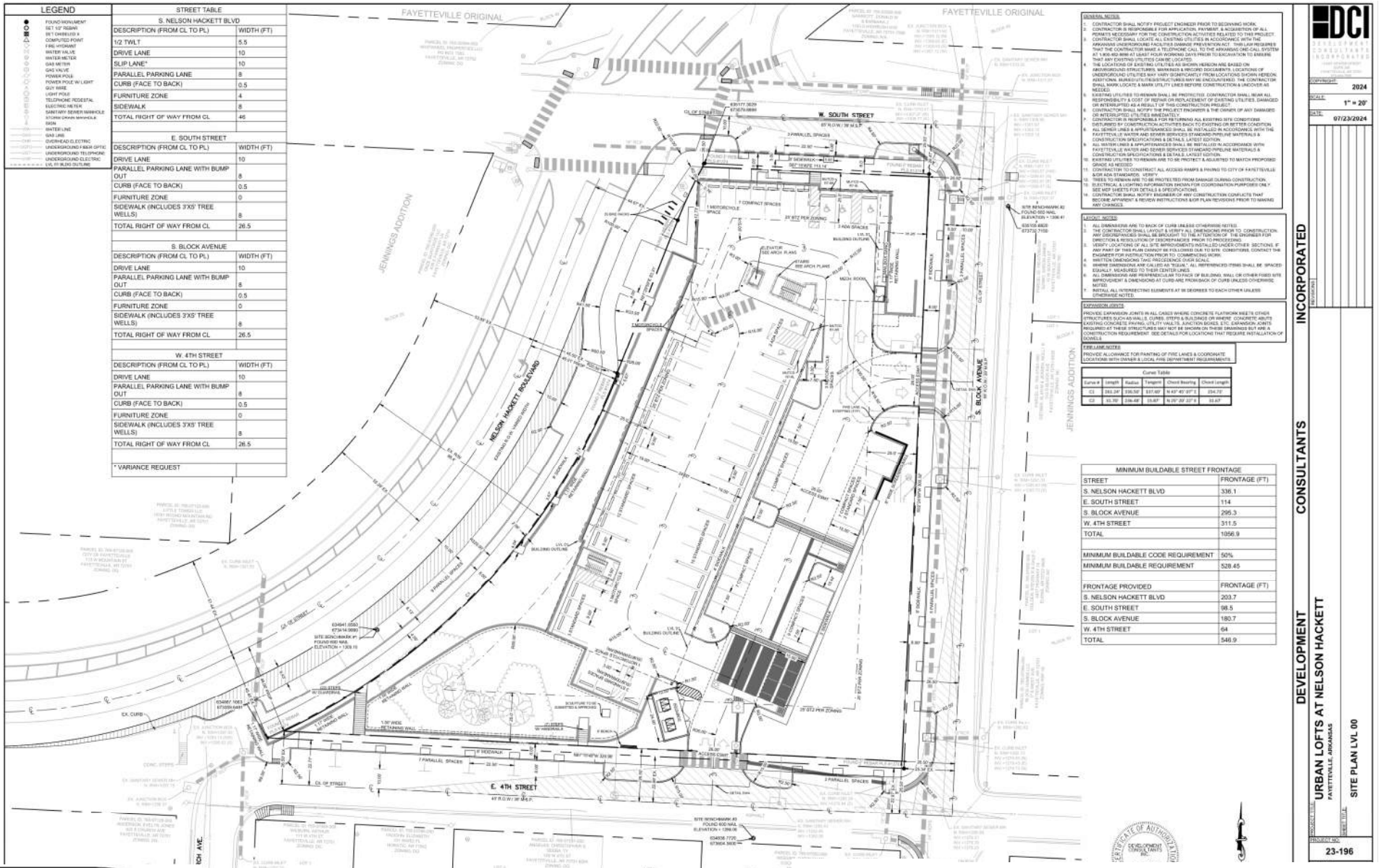
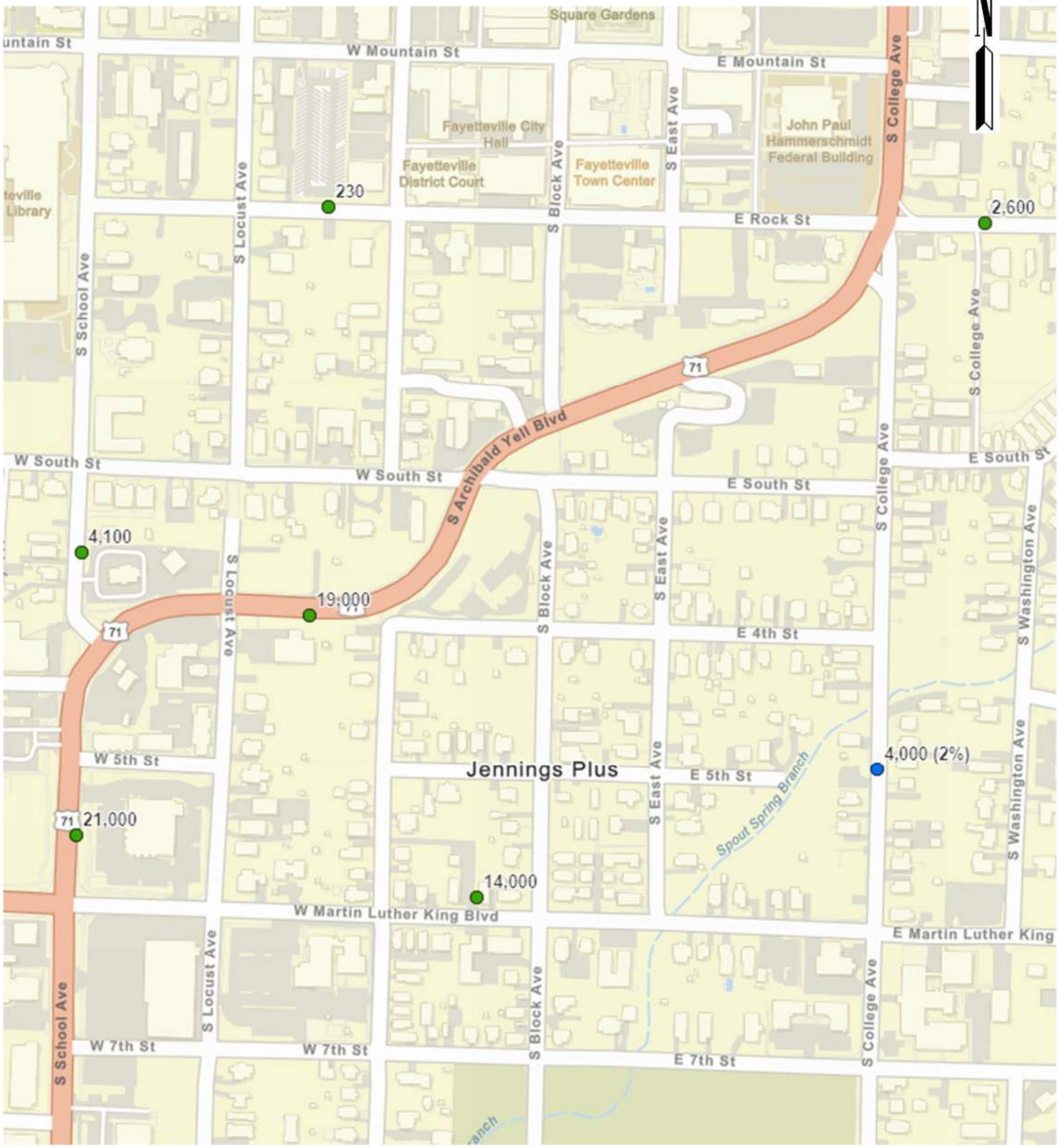


FIGURE 2. Site Plan

Nelson Hackett Multi-Family



2022 ADT—Nelson Hackett Blvd

Fayetteville, Arkansas

Downtown/Urban Street

Design Service Volume: Varies - Desired Operating Speed: 20-25 mph

The downtown (or urban) street section is intended to be used in Fayetteville's downtown core. Wide sidewalks, with separated furnishing/tree zones will be the standard. On-street parking is desirable and low-speed design should be encouraged to allow for maximum pedestrian comfort and utilization. Sight-lines at intersections should be protected from obstructions. Ideally, bicycles should be able to intermix with traffic safely and on-street protected bike facilities considered where traffic volumes or speeds exceed thresholds for all ages and abilities. Storm drainage infrastructure should have adequate depth or be offset to avoid conflicts with street tree plantings. Low-Impact Development (LID) features in green spaces are recommended best practices to incorporate alternative stormwater treatment techniques.

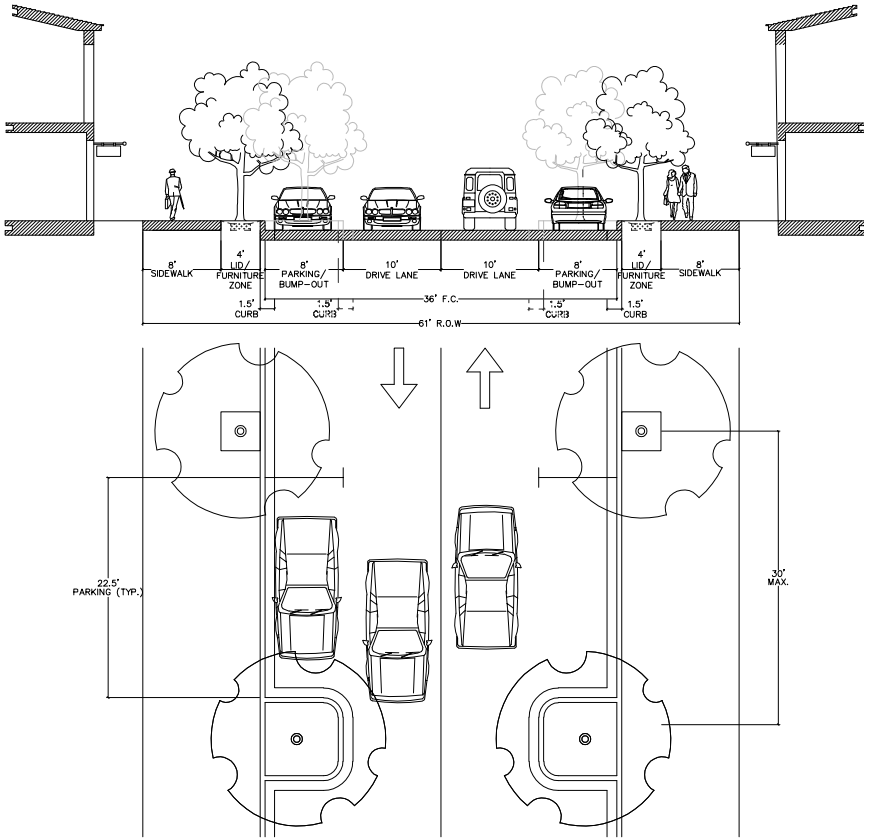


Figure 12.10 - Downtown/Urban Street

As determined by city staff, additional roadway elements may be required and include:

- An additional 2-ft frontage zone where buildings abut right-of-way. This may be accomplished with setbacks or additional right-of-way.
- If known or planned transit route, increase lane widths to 11-ft.

Alternative design elements may be approved administratively and include:

- Removal of the 8-ft parking lane or lanes to reduce the right-of-way by 16-ft will be considered when adequate parking is provided elsewhere.
- Sidewalk widths may be reduced to a minimum of 6-ft.
- Furniture zone may be reduced to 3-ft when determined appropriate by the Zoning and Develoment Administrator.
- Where bump-outs are used, the 4-ft furniture zone may be removed. Street trees may be planted behind sidewalk to meet requirements.
- Angled parking may be used with an additional amount of right-of-way as determined by the Zoning and Development Administrator. (79-ft Right-of-Way)

Example section (left) with parking on both sides.

Minimum Right-of-Way: 39-feet
Maximum Right-of-Way: 63-feet

	A	B	C	D	E	F	G	H
1				***The Traffic Group, Inc.***				
2				*(800) 583-8411*				
3				www.trafficgroup.com				
4								
5								
6				**Station Name: 2024-0155**				
7				**Site ID:110000000155**				
8				**Station Num:000000101481**				
9				**Description: Nelson Hacket Blvd. btw Locust Ave. and W. South St.**				
10				**County: Washington**				
11				**Start Date/Time:02-01-2024 00:00**				
12				**End Date/Time:02-01-2024 23:59**				
13								
14		**Mean Speed**	**Standard Deviation**	**Total Vehicles**	**Sample Size**	**15th Percentile**	**50th Percentile**	**85th Percentile**
15	**Lane 1 (North)**	33.56 MPH	4.05	7750	7750	30.08 MPH	33.41 MPH	38.13 MPH
16	**Lane 2 (South)**	34.51 MPH	4.08	8272	8272	30.66 MPH	34.55 MPH	38.95 MPH
17								

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1				Station Name: 2024-0155														
2				Site ID:110000000155														
3				Station Num:000000101481														
4				Description: Nelson Hacket Blvd. btw Locust Ave. and W. South St.														
5				County: Washington														
6				Start Date/Time:02-01-2024 00:00														
7				End Date/Time:02-01-2024 23:59														
8																		
9		20 MPH	25 MPH	30 MPH	35 MPH	40 MPH	45 MPH	50 MPH	55 MPH	60 MPH	65 MPH	70 MPH	75 MPH	80 MPH	85 MPH	> 85 MPH	All Speeds	Mean Speed
10	00:00	0	1	1	4	3	0	0	0	0	0	0	0	0	0	0	9	32.50
11	00:15	0	0	1	1	3	1	0	0	0	0	0	0	0	0	0	6	35.83
12	00:30	0	0	0	4	1	0	1	0	0	0	0	0	0	0	0	6	35.83
13	00:45	1	1	1	0	2	0	0	0	0	0	0	0	0	0	0	5	27.00
14	01:00	0	0	0	1	3	0	0	0	0	0	0	0	0	0	0	4	36.25
15	01:15	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2	35.00
16	01:30	0	0	2	2	3	0	0	0	0	0	0	0	0	0	0	7	33.21
17	01:45	0	0	2	6	1	1	0	0	0	0	0	0	0	0	0	10	33.00
18	02:00	0	0	5	1	7	0	0	0	0	0	0	0	0	0	0	13	33.27
19	02:15	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	32.50
20	02:30	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	32.50
21	02:45	0	0	0	3	2	0	0	0	0	0	0	0	0	0	0	5	34.50
22	03:00	0	0	1	3	1	1	0	0	0	0	0	0	0	0	0	6	34.17
23	03:15	0	0	1	3	0	0	0	0	0	0	0	0	0	0	0	4	31.25
24	03:30	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	37.50
25	03:45	0	0	2	3	0	0	0	0	0	0	0	0	0	0	0	5	30.50
26	04:00	0	1	3	5	5	2	0	0	0	0	0	0	0	0	0	16	33.75
27	04:15	0	0	1	6	3	1	0	0	0	0	0	0	0	0	0	11	34.32
28	04:30	0	0	0	4	2	0	1	0	0	0	0	0	0	0	0	7	36.07
29	04:45	0	0	3	4	1	2	0	0	0	0	0	0	0	0	0	10	33.50
30	05:00	0	0	0	7	3	0	0	0	0	0	0	0	0	0	0	10	34.00
31	05:15	0	0	2	3	3	0	0	0	0	0	0	0	0	0	0	8	33.13
32	05:30	0	0	5	7	6	1	0	0	0	0	0	0	0	0	0	19	33.29
33	05:45	0	1	4	10	7	3	1	0	0	0	0	0	0	0	0	26	34.42
34	06:00	0	1	0	18	11	2	0	0	0	0	0	0	0	0	0	32	34.53
35	06:15	0	0	5	19	17	2	0	0	0	0	0	0	0	0	0	43	34.36
36	06:30	0	2	8	35	27	4	0	0	0	0	0	0	0	0	0	76	34.01
37	06:45	0	4	6	29	30	4	0	0	0	0	0	0	0	0	0	73	34.14
38	07:00	0	0	4	32	47	2	0	0	0	0	0	0	0	0	0	85	35.26
39	07:15	1	1	15	72	43	3	0	0	0	0	0	0	0	0	0	135	33.52
40	07:30	0	3	21	85	39	3	0	0	0	0	0	0	0	0	0	151	33.10
41	07:45	0	0	31	79	50	5	0	0	0	0	0	0	0	0	0	165	33.38
42	08:00	1	0	12	73	49	7	0	0	0	0	0	0	0	0	0	142	34.14
43	08:15	0	0	16	92	46	6	0	0	0	0	0	0	0	0	0	160	33.81
44	08:30	0	5	19	59	23	8	1	0	0	0	0	0	0	0	0	115	33.07
45	08:45	2	6	19	70	44	5	0	0	0	0	0	0	0	0	0	146	32.98
46	09:00	1	0	4	52	27	4	0	0	0	0	0	0	0	0	0	88	34.01
47	09:15	0	0	13	48	34	5	0	0	0	0	0	0	0	0	0	100	34.05
48	09:30	1	1	18	55	26	8	0	0	0	0	0	0	0	0	0	109	33.30
49	09:45	0	1	30	67	25	5	0	0	0	0	0	0	0	0	0	128	32.62
50	10:00	1	1	9	64	32	9	1	0	0	0	0	0	0	0	0	117	34.10
51	10:15	2	8	9	59	34	2	0	0	0	0	0	0	0	0	0	114	32.68
52	10:30	0	3	29	58	31	2	2	0	0	0	0	0	0	0	0	125	32.74
53	10:45	0	4	11	69	33	13	0	0	0	0	0	0	0	0	0	130	34.04
54	11:00	0	1	14	74	55	5	0	0	0	0	0	0	0	0	0	149	34.14
55	11:15	0	7	13	77	29	3	0	0	0	0	0	0	0	0	0	129	32.81
56	11:30	0	2	8	54	46	6	1	0	0	0	0	0	0	0	0	117	34.59
57	11:45	0	1	22	73	42	4	0	0	0	0	0	0	0	0	0	142	33.42
58	12:00	0	2	14	73	44	2	1	1	0	0	0	0	0	0	0	137	33.85
59	12:15	0	2	14	79	44	6	0	0	0	0	0	0	0	0	0	145	33.81
60	12:30	0	2	13	66	52	8	0	0	0	0	0	0	0	0	0	141	34.31
61	12:45	0	0	20	76	51	4	1	0	0	0	0	0	0	0	0	152	33.88
62	13:00	1	2	17	72	51	5	0	1	0	0	0	0	0	0	0	149	33.83
63	13:15	0	2	27	59	27	8	0	0	0	0	0	0	0	0	0	123	32.99
64	13:30	0	2	13	72	45	3	0	0	0	0	0	0	0	0	0	135	33.76
65	13:45	0	1	29	65	52	5	0	0	0	0	0	0	0	0	0	152	33.52
66	14:00	0	2	19	91	34	6	0	0	0	0	0	0	0	0	0	152	33.26
67	14:15	0	0	21	73	26	1	0	0	0	0	0	0	0	0	0	121	32.79
68	14:30	0	1	22	60	48	6	0	0	0	0	0	0	0	0	0	137	33.81
69	14:45	1	3	10	65	41	5	0	0	0	0	0	0	0	0	0	125	33.72
70	15:00	0	2	16	82	55	2	0	0	0	0	0	0	0	0	0	157	33.74
71	15:15	0	3	13	77	36	1	1	0	0	0	0	0	0	0	0	131	33.34
72	15:30	2	2	16	96	42	6	0	1	0	0	0	0	0	0	0	165	33.38
73	15:45	0	0	10	99	57	9	1	0	0	0	0	0	0	0	0	176	34.43
74	16:00	1	2	18	74	40	6	0	0	0	0	0	0	0	0	0	141	33.40
75	16:15	0	0	7	75	45	9	0	0	0	0	0	0	0	0	0	136	34.56
76	16:30	0	1	16	90	30	8	1	0	0	0	0	0	0	0	0	146	33.56
77	16:45	0	0	15	71	44	5	0	0	0	0	0	0	0	0	0	135	33.94
78	17:00	1	0	14	77	43	8	0	0	0	0	0	0	0	0	0	143	33.92
79	17:15	0	1	23	84	33	6	0	0	0	0	0	0	0	0	0	147	33.18
80	17:30	0	1	23	84	33	5	0	0	0	0	0	0	0	0	0	146	33.12
81	17:45	0	0	37	58	21	2	0	0	0	0	0	0	0	0	0	118	31.99
82	18:00	1	8	12	60	27	4	0	1	0	0	0	0	0	0	0	113	32.79
83	18:15	0	5	20	55	31	2	0	0	0	0	0	0	0	0	0	113	32.72
84	18:30	0	3	11	62	35	3	0	0	0	0	0	0	0	0	0	114	33.55
85	18:45	0	0	8	55	33	1	0	0	0	0	0	0	0	0	0	97	33.89
86	19:00	0	0	13	55	20	1	0	0	0	0	0	0	0	0	0	89	33.01
87	19:15	0	0	11	44	16	3	0	0	0	0	0	0	0	0	0	74	33.24
88	19:30	0	0	11	45	15	4	0	0	0	0	0	0	0	0	0	75	33.30
89	19:45	0	1	20	54	11	1	0	0	0	0	0	0	0	0	0	87	31.98
90	20:00	0	0	10	39	27	1	0	0	0	0	0	0	0	0	0	77	33.73
91	20:15	2	0	3	30	23	3	1	0	0	0	0	0	0	0	0	62	34.11
92	20:30	0	0	7	40	15	2	0	0	0	0	0	0	0	0	0	64	33.44
93	20:45	0	0	1	24	9	0	0	0	0	0	0	0	0	0	0	34	33.68
94	21:00	0	1	6	27	16	0	0	0	0	0	0	0	0	0	0	50	33.30
95	21:15	0	0	7	20	13	2	1	0	0	0	0	0	0	0	0	43	34.01
96	21:30	0	1	11	17	6	1	0	0	0	0	0	0	0	0	0	36	31.81
97	21:45	0	0	4	22	15	1	0	0	0	0	0	0	0	0	0	42	34.05
98	22:00	0	0	4	22	15	0	0	0	0	0	0	0	0	0	0	41	33.84
99	22:15	0	0	2	16	11	2	0	0	0	0	0	0	0	0	0	31	34.60
100	22:30	0	0	1	12	5	1	1	0	0	0	0	0	0	0	0	20	34.75
101	22:45	0	1	2	17	2	1	1	0	0	0	0	0	0	0	0	24	33.13
102	23:00	0	1	2	15	14	1	0	0	0	0	0	0	0	0	0	33	34.32
103	23:15	0	0	5	14	8	2	0	0	0	0	0	0	0	0	0	29	33.71
104	23:30	0	0	4	4	4	1	0	0	0	0	0	0	0	0	0	13	33.27
105	23:45	0	0	2	8	4	0	0	0	0	0	0	0	0	0	0	14	33.21
106																		
107	Total	19	107	974	4070	2267	292	17	4	0	0	0	0	0	0	0	7750	
108	Percentag	0.25%	1.38%	12.57%	52.52%	29.25%	3.77%	0.22%	0.05%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
1				Station Name: 2024-0155_SB														
2				Site ID:510000000155														
3				Station Num:000000101425														
4				Description: Nelson Hacket Blvd. btw Locust Ave. and W. South St.														
5				County: Washington														
6				Start Date/Time:02-01-2024 00:00														
7				End Date/Time:02-01-2024 23:59														
8																		
9		20 MPH	25 MPH	30 MPH	35 MPH	40 MPH	45 MPH	50 MPH	55 MPH	60 MPH	65 MPH	70 MPH	75 MPH	80 MPH	85 MPH	> 85 MPH	All Speeds	Mean Speed
10	00:00	0	0	0	7	5	2	0	0	0	0	0	0	0	0	0	14	35.71
11	00:15	0	0	1	2	4	0	0	0	0	0	0	0	0	0	0	7	34.64
12	00:30	0	0	1	3	5	2	0	0	0	0	0	0	0	0	0	11	36.14
13	00:45	0	0	0	2	3	2	0	0	0	0	0	0	0	0	0	7	37.50
14	01:00	0	0	1	3	5	1	0	0	0	0	0	0	0	0	0	10	35.50
15	01:15	0	0	2	6	3	2	0	0	0	0	0	0	0	0	0	13	34.42
16	01:30	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2	35.00
17	01:45	0	0	2	2	2	0	0	0	0	0	0	0	0	0	0	6	32.50
18	02:00	0	0	0	1	2	2	0	0	0	0	0	0	0	0	0	5	38.50
19	02:15	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	4	35.00
20	02:30	0	0	1	6	1	0	0	0	0	0	0	0	0	0	0	8	32.50
21	02:45	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2	30.00
22	03:00	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	32.50
23	03:15	0	0	0	2	1	1	0	0	0	0	0	0	0	0	0	4	36.25
24	03:30	0	0	1	2	0	0	0	0	0	0	0	0	0	0	0	3	30.83
25	03:45	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	2	30.00
26	04:00	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	2	32.50
27	04:15	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	32.50
28	04:30	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	4	35.00
29	04:45	0	0	0	4	3	1	0	0	0	0	0	0	0	0	0	8	35.63
30	05:00	0	0	0	5	4	1	0	0	0	0	0	0	0	0	0	10	35.50
31	05:15	0	0	1	4	6	2	0	0	0	0	0	0	0	0	0	13	35.96
32	05:30	0	0	0	5	13	3	0	0	0	0	0	0	0	0	0	21	37.02
33	05:45	0	0	1	12	6	4	0	0	0	0	0	0	0	0	0	23	35.33
34	06:00	0	0	1	6	11	7	0	0	0	0	0	0	0	0	0	25	37.30
35	06:15	0	0	0	12	18	3	1	0	0	0	0	0	0	0	0	34	36.47
36	06:30	0	0	2	5	9	5	2	0	0	0	0	0	0	0	0	23	37.50
37	06:45	0	0	3	16	17	9	0	0	0	0	0	0	0	0	0	45	36.06
38	07:00	0	0	9	12	31	7	0	0	0	0	0	0	0	0	0	59	35.55
39	07:15	0	0	1	36	31	6	0	0	0	0	0	0	0	0	0	74	35.34
40	07:30	0	0	11	23	44	5	0	0	0	0	0	0	0	0	0	83	35.09
41	07:45	0	0	8	63	54	6	0	1	0	0	0	0	0	0	0	132	34.85
42	08:00	0	10	27	83	58	5	0	1	0	0	0	0	0	0	0	184	33.18
43	08:15	0	0	6	37	43	16	0	0	0	0	0	0	0	0	0	102	35.88
44	08:30	0	0	6	50	37	3	1	0	0	0	0	0	0	0	0	97	34.56
45	08:45	0	1	11	49	37	8	0	0	0	0	0	0	0	0	0	106	34.39
46	09:00	0	1	7	42	30	6	0	0	0	0	0	0	0	0	0	86	34.42
47	09:15	0	0	8	45	37	7	0	0	0	0	0	0	0	0	0	97	34.72
48	09:30	1	2	12	48	30	4	2	0	0	0	0	0	0	0	0	99	33.69
49	09:45	0	0	1	29	54	8	0	0	0	0	0	0	0	0	0	92	36.25
50	10:00	0	0	4	40	60	10	1	0	0	0	0	0	0	0	0	115	35.93
51	10:15	0	0	5	40	47	6	1	0	0	0	0	0	0	0	0	99	35.38
52	10:30	0	2	11	56	37	12	0	0	0	0	0	0	0	0	0	118	34.45
53	10:45	1	0	9	44	47	7	1	0	0	0	0	0	0	0	0	109	34.82
54	11:00	0	0	3	47	65	11	3	0	0	0	0	0	0	0	0	129	36.10
55	11:15	0	0	4	44	64	8	1	0	0	0	0	0	0	0	0	121	35.76
56	11:30	0	0	3	64	57	8	1	0	0	0	0	0	0	0	0	133	35.24
57	11:45	0	1	11	84	44	8	0	0	0	0	0	0	0	0	0	148	34.09
58	12:00	0	0	15	70	52	8	1	0	0	0	0	0	0	0	0	146	34.42
59	12:15	0	1	17	63	54	13	0	0	0	0	0	0	0	0	0	148	34.56
60	12:30	0	1	12	81	44	9	2	0	0	0	0	0	0	0	0	149	34.31
61	12:45	0	0	9	63	72	12	0	0	0	0	0	0	0	0	0	156	35.29
62	13:00	0	0	7	56	74	9	0	0	0	0	0	0	0	0	0	146	35.41
63	13:15	0	0	13	77	47	3	0	0	0	0	0	0	0	0	0	140	33.93
64	13:30	0	0	5	79	55	8	0	0	0	0	0	0	0	0	0	147	34.74
65	13:45	0	0	2	42	65	9	0	0	0	0	0	0	0	0	0	118	35.93
66	14:00	0	0	1	62	55	13	1	0	0	0	0	0	0	0	0	132	35.64
67	14:15	0	1	20	91	71	11	0	0	0	0	0	0	0	0	0	194	34.33
68	14:30	1	3	4	75	67	5	0	0	0	0	0	0	0	0	0	155	34.52
69	14:45	0	2	20	70	55	9	0	0	0	0	0	0	0	0	0	156	34.07
70	15:00	0	0	9	68	80	15	0	0	0	0	0	0	0	0	0	172	35.44
71	15:15	0	0	18	65	66	11	1	0	0	0	0	0	0	0	0	161	34.77
72	15:30	0	0	5	68	89	13	0	0	0	0	0	0	0	0	0	175	35.64
73	15:45	0	0	2	70	83	12	0	0	0	0	0	0	0	0	0	167	35.64
74	16:00	1	1	3	67	94	7	0	0	0	0	0	0	0	0	0	173	35.35
75	16:15	0	0	1	72	75	5	0	0	0	0	0	0	0	0	0	153	35.25
76	16:30	7	1	16	107	91	7	1	1	0	0	0	0	0	0	0	231	33.85
77	16:45	0	1	19	80	76	5	1	0	0	0	0	0	0	0	0	182	34.37
78	17:00	3	3	14	132	49	7	1	0	0	0	0	0	0	0	0	209	33.28
79	17:15	0	2	41	71	53	5	1	0	0	0	0	0	0	0	0	173	33.11
80	17:30	2	6	36	75	58	6	0	0	0	0	0	0	0	0	0	183	32.86
81	17:45	0	4	35	74	48	0	0	0	0	0	0	0	0	0	0	161	32.66
82	18:00	0	0	20	62	56	8	0	0	0	0	0	0	0	0	0	146	34.28
83	18:15	0	3	22	67	32	6	0	0	0	0	0	0	0	0	0	130	33.12
84	18:30	0	3	11	89	30	0	0	0	0	0	0	0	0	0	0	133	32.99
85	18:45	1	1	10	47	40	7	0	0	0	0	0	0	0	0	0	106	34.27
86	19:00	0	3	14	61	31	2	1	0	0	0	0	0	0	0	0	112	33.30
87	19:15	0	0	4	59	37	8	0	0	0	0	0	0	0	0	0	108	34.77
88	19:30	0	0	13	37	44	3	0	0	0	0	0	0	0	0	0	97	34.41
89	19:45	0	0	11	59	21	4	0	1	0	0	0	0	0	0	0	96	33.65
90	20:00	0	0	6	57	27	5	3	0	0	0	0	0	0	0	0	98	34.54
91	20:15	0	0	15	47	23	6	0	0	0	0	0	0	0	0	0	91	33.60
92	20:30	0	0	7	29	34	12	1	0	0	0	0	0	0	0	0	83	35.75
93	20:45	1	0	9	44	33	6	1	0	0	0	0	0	0	0	0	94	34.34
94	21:00	0	0	10	42	25	5	0	0	0	0	0	0	0	0	0	82	34.02
95	21:15	0	0	4	40	23	7	1	1	0	0	0	0	0	0	0	76	35.13
96	21:30	0	0	5	25	30	5	1	0	0	0	0	0	0	0	0	66	35.38
97	21:45	0	0	5	18	41	7	0	0	0	0	0	0	0	0	0	71	36.02
98	22:00	0	0	6	17	27	6	0	0	0	0	0	0	0	0	0	56	35.45
99	22:15	0	0	1	21	16	10	0	1	0	0	0	0	0	0	0	49	36.48
100	22:30	0	0	1	18	28	4	0	0	1	0	0	0	0	0	0	52	36.35
101	22:45	0	2	0	8	8	3	1	0	0	0	0	0	0	0	0	22	35.45
102	23:00	0	0	0	12	10	2	0	0	0	0	0	0	0	0	0	24	35.42
103	23:15	0	0	2	10	11	2	1	0	0	0	0	0	0	0	0	26	35.58
104	23:30	0	0	0	9	6	2	1	0	0	0	0	0	0	0	0	18	36.11
105	23:45	0	0	0	10	6	2	0	0	0	0	0	0	0	0	0	18	35.28
106																		
107	Total	18	55	676	3718	3242	522	34	6	1	0	0	0	0	0	0	8272	
108	Percentag	0.22%	0.66%	8.17%	44.95%	39.19%	6.31%	0.41%	0.07%	0.01%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	100.00%	

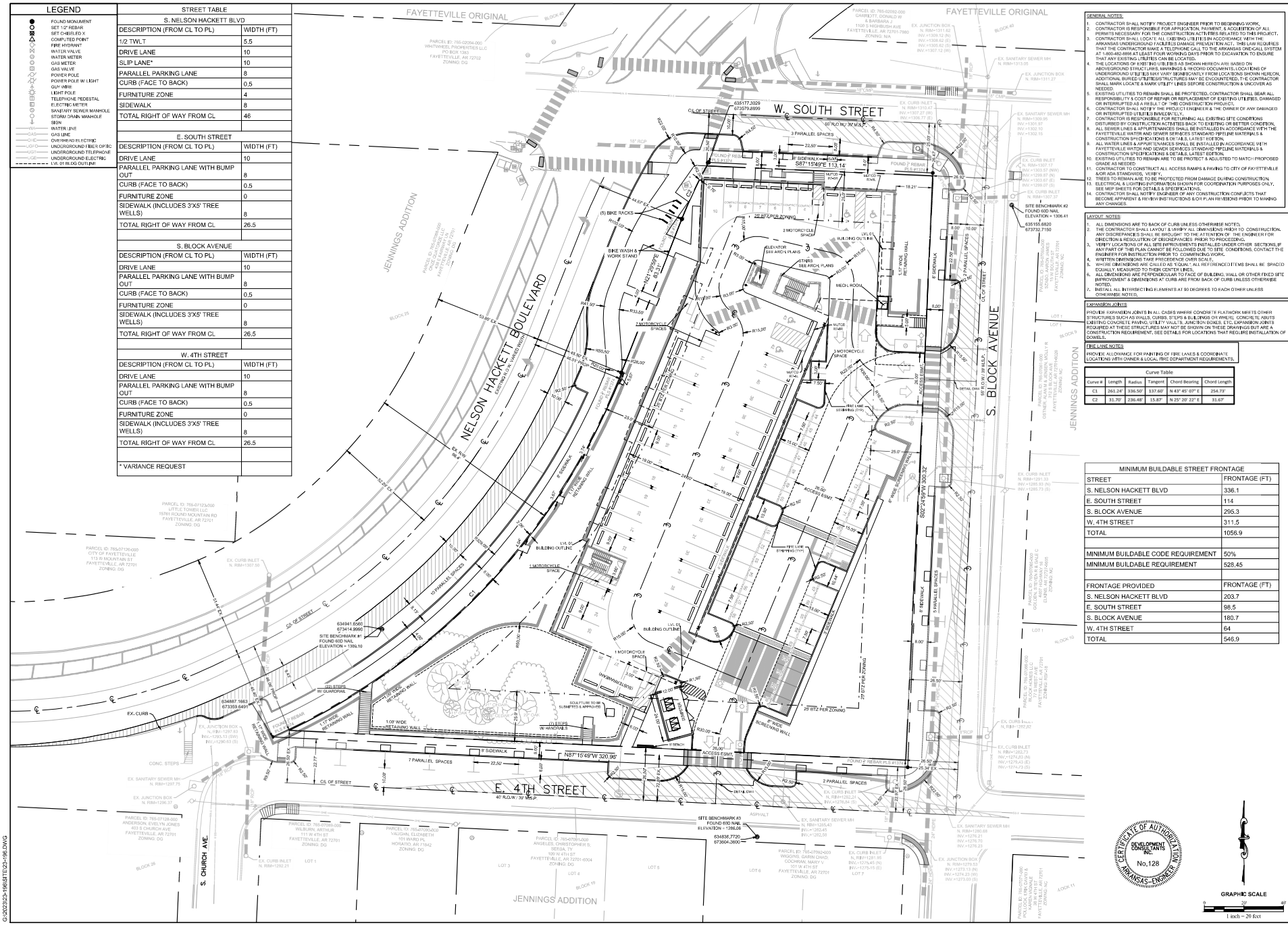
arch+craft design, pllc

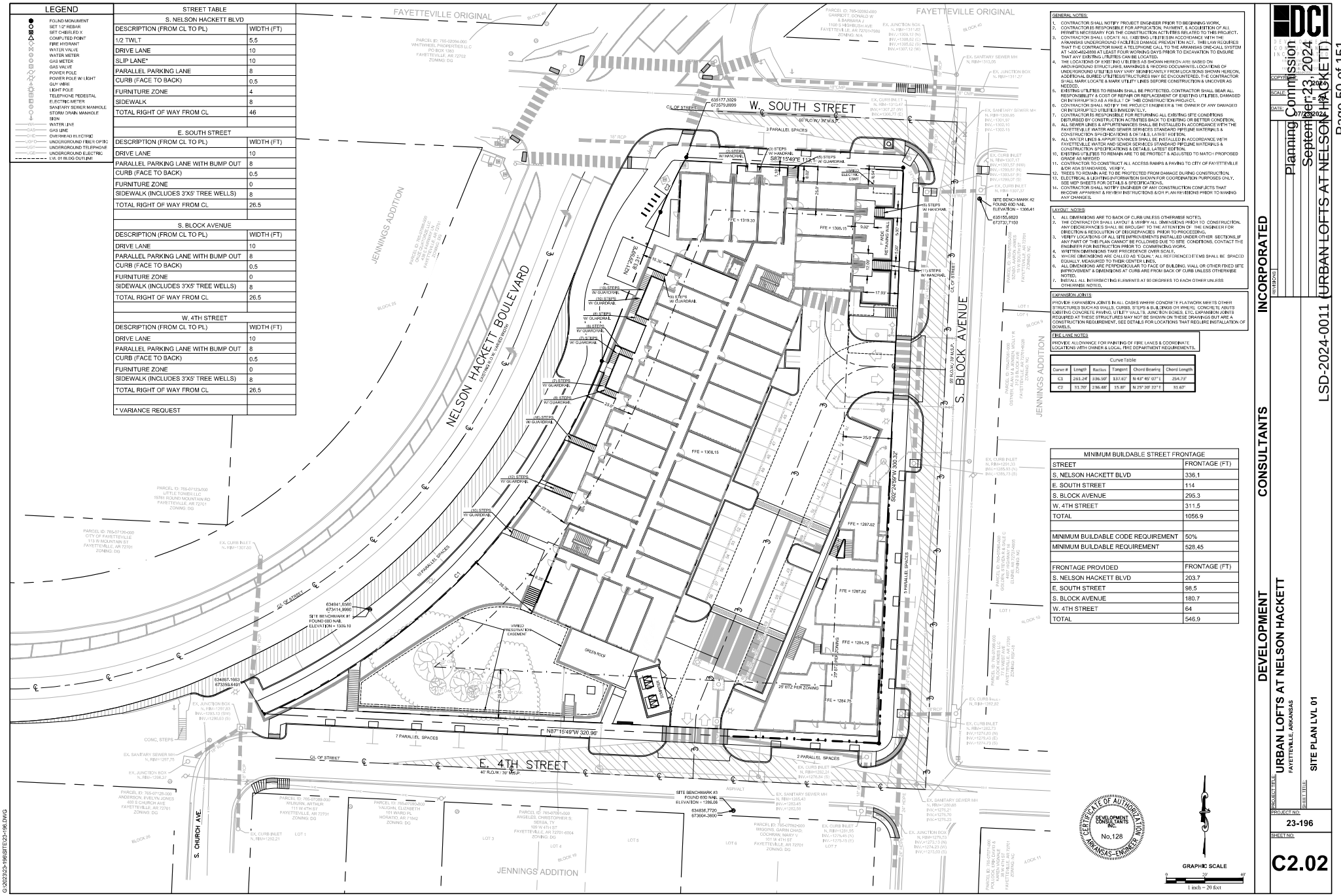
arch+craft design, pllc

arch+craft design, pllc

arch+craft design, pllc

arch+craft design, pllc


LEGEND
FOUND MONUMENT
SET 1/2" REBAR
SET CHISELED X
COMPUTED POINT
FIRE HYDRANT
WATER VALVE
WATER METER
GAS METER
GAS VALVE
POWER POLE
POWER POLE W/ LIGHT
GUY WIRE
LIGHT POLE
TELEPHONE PEDESTAL
ELECTRIC METER
SANITARY SEWER MANHOLE
STORM DRAIN MANHOLE
SIGN
WATER LINE
GAS LINE
OVERHEAD ELECTRIC
UNDERGROUND FIBER OPTIC
UNDERGROUND TELEPHONE
UNDERGROUND ELECTRIC
LVL 01 BLDG OUTLINE
FAYETTEVILLE ORIGINAL
JENNINGS ADDITION
NELSON HACKETT BOULEVARD
S. BLOCK AVENUE
S. CHURCH AVE.
W. SOUTH STREET
E. 4TH STREET
635177.3029
673579.8899
634941.6360
673414.9660
SITE BENCHMARK #1
FOUND 60D NAIL
ELEVATION = 1306.10
634887.1663
673359.6491
SITE BENCHMARK #2
FOUND 60D NAIL
ELEVATION = 1306.41
635155.6620
673732.7150
SITE BENCHMARK #3
FOUND 60D NAIL
ELEVATION = 1286.26
634836.7720
673604.3600
3 PARALLEL SPACES
7 PARALLEL SPACES
2 PARALLEL SPACES
17 PARALLEL SPACES
(5) BIKE RACKS
BIKE WASH & WORK STAND
2 MOTORCYCLE SPACES
1 MOTORCYCLE SPACE
3 MOTORCYCLE SPACE
ELEVATOR SEE ARCH. PLANS
STAIRS SEE ARCH. PLANS
MECH. ROOM
ELEV. RETAINING WALL
8' SIDEWALK
8' WIDE SCREENING WALL
1.00' WIDE RETAINING WALL
(2) STEPS W/ GUARDRAIL
(7) STEPS W/ HANDRAILS
SCULPTURE TO BE SUBMITTED & APPROVED
9' BENCH
ACCESS EASEMENT
FIRE LANE STRIPING (TYP.)
25' BTZ PER ZONING
S87°15'49"E 113.14'
N87°15'49"W 320.98'
S02°24'59"W 300.32'
N02°29'09"E 85.31'
LVL 01 BUILDING OUTLINE
EX. CURB
CONC. STEPS
EX. SANITARY SEWER MH
EX. JUNCTION BOX
EX. CURB INLET
EX. INLET
PROP. CURB INLET
PROP. SANITARY SEWER MH
PROP. JUNCTION BOX
PROP. CURB INLET
PROP.



STREET TABLE	
S. NELSON HACKETT BLVD	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
1/2 TWLT	5.5
DRIVE LANE	10
SLIP LANE*	10
PARALLEL PARKING LANE	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	4
SIDEWALK	8
TOTAL RIGHT OF WAY FROM CL	46
E. SOUTH STREET	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
DRIVE LANE	10
PARALLEL PARKING LANE WITH BUMP OUT	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	0
SIDEWALK (INCLUDES 3'X5' TREE WELLS)	8
TOTAL RIGHT OF WAY FROM CL	26.5
S. BLOCK AVENUE	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
DRIVE LANE	10
PARALLEL PARKING LANE WITH BUMP OUT	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	0
SIDEWALK (INCLUDES 3'X5' TREE WELLS)	8
TOTAL RIGHT OF WAY FROM CL	26.5
W. 4TH STREET	
DESCRIPTION (FROM CL TO PL)	WIDTH (FT)
DRIVE LANE	10
PARALLEL PARKING LANE WITH BUMP OUT	8
CURB (FACE TO BACK)	0.5
FURNITURE ZONE	0
SIDEWALK (INCLUDES 3'X5' TREE WELLS)	8
TOTAL RIGHT OF WAY FROM CL	26.5
* VARIANCE REQUEST	

GENERAL NOTES:

1. CONTRACTOR SHALL NOTIFY PROJECT ENGINEER PRIOR TO BEGINNING WORK.
2. CONTRACTOR IS RESPONSIBLE FOR APPLICATION, PAYMENT, & ACQUISITION OF ALL PERMITS NECESSARY FOR THE CONSTRUCTION ACTIVITIES RELATED TO THIS PROJECT.
3. CONTRACTOR SHALL LOCATE ALL EXISTING UTILITIES IN ACCORDANCE WITH THE ARKANSAS UNDERGROUND FACILITIES DAMAGE PREVENTION ACT. THIS LAW REQUIRES THAT THE CONTRACTOR MAKE A TELEPHONE CALL TO THE ARKANSAS ONE-CALL SYSTEM AT 1-(800)-482-8998 AT LEAST FOUR WORKING DAYS PRIOR TO EXCAVATION TO ENSURE THAT ANY EXISTING UTILITIES CAN BE LOCATED.
4. THE LOCATIONS OF EXISTING UTILITIES AS SHOWN HEREON ARE BASED ON ABOVEGROUND STRUCTURES, MARKINGS & RECORD DOCUMENTS. LOCATIONS OF UNDERGROUND UTILITIES MAY VARY SIGNIFICANTLY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. THE CONTRACTOR SHALL MARK LOCATE & MARK UTILITY LINES BEFORE CONSTRUCTION & UNCOVER AS NEEDED.
5. EXISTING UTILITIES TO REMAIN SHALL BE PROTECTED. CONTRACTOR SHALL BEAR ALL RESPONSIBILITY & COST OF REPAIR OR REPLACEMENT OF EXISTING UTILITIES DAMAGED OR INTERRUPTED AS A RESULT OF THIS CONSTRUCTION PROJECT.
6. CONTRACTOR SHALL NOTIFY THE PROJECT ENGINEER & THE OWNER OF ANY DAMAGED OR INTERRUPTED UTILITIES IMMEDIATELY.
7. CONTRACTOR IS RESPONSIBLE FOR RETURNING ALL EXISTING SITE CONDITIONS DISTURBED BY CONSTRUCTION ACTIVITIES BACK TO EXISTING OR BETTER CONDITION.
8. ALL SEWER LINES & APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH THE FAYETTEVILLE WATER AND SEWER SERVICES STANDARD PIPELINE MATERIALS & CONSTRUCTION SPECIFICATIONS & DETAILS, LATEST EDITION.
9. ALL WATER LINES & APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH FAYETTEVILLE WATER AND SEWER SERVICES STANDARD PIPELINE MATERIALS & CONSTRUCTION SPECIFICATIONS & DETAILS, LATEST EDITION.
10. EXISTING UTILITIES TO REMAIN ARE TO BE PROTECT & ADJUSTED TO MATCH PROPOSED GRADE AS NEEDED
11. CONTRACTOR TO CONSTRUCT ALL ACCESS RAMPS & PAVING TO CITY OF FAYETTEVILLE &/OR ADA STANDARDS, VERIFY.
12. TREES TO REMAIN ARE TO BE PROTECTED FROM DAMAGE DURING CONSTRUCTION.
13. ELECTRICAL & LIGHTING INFORMATION SHOWN FOR COORDINATION PURPOSES ONLY. SEE MEP SHEETS FOR DETAILS & SPECIFICATIONS.
14. CONTRACTOR SHALL NOTIFY ENGINEER OF ANY CONSTRUCTION CONFLICTS THAT BECOME APPARENT & REVIEW INSTRUCTIONS &/OR PLAN REVISIONS PRIOR TO MAKING ANY CHANGES.

LAYOUT NOTES:

1. ALL DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED.
2. THE CONTRACTOR SHALL LAYOUT & VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER FOR DIRECTION & RESOLUTION OF DISCREPANCIES PRIOR TO PROCEEDING.
3. VERIFY LOCATIONS OF ALL SITE IMPROVEMENTS INSTALLED UNDER OTHER SECTIONS, IF ANY PART OF THIS PLAN CANNOT BE FOLLOWED DUE TO SITE CONDITIONS, CONTACT THE ENGINEER FOR INSTRUCTION PRIOR TO COMMENCING WORK.
4. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE.
5. WHERE DIMENSIONS ARE CALLED AS 'EQUAL' ALL REFERENCED ITEMS SHALL BE SPACED EQUALLY, MEASURED TO THEIR CENTER LINES.
6. ALL DIMENSIONS ARE PERPENDICULAR TO FACE OF BUILDING, WALL OR OTHER FIXED SITE IMPROVEMENT & DIMENSIONS AT CURB ARE FROM BACK OF CURB UNLESS OTHERWISE NOTED.
7. INSTALL ALL INTERSECTING ELEMENTS AT 90 DEGREES TO EACH OTHER UNLESS OTHERWISE NOTED.

EXPANSION JOINTS

PROVIDE EXPANSION JOINTS IN ALL CASES WHERE CONCRETE FLATWORK MEETS OTHER STRUCTURES SUCH AS WALLS, CURBS, STEPS & BUILDINGS OR WHERE CONCRETE ABUTS EXISTING CONCRETE PAVING, UTILITY VAULTS, JUNCTION BOXES, ETC. EXPANSION JOINTS REQUIRED AT THESE STRUCTURES MAY NOT BE SHOWN ON THESE DRAWINGS BUT ARE A CONSTRUCTION REQUIREMENT. SEE DETAILS FOR LOCATIONS THAT REQUIRE INSTALLATION OF DOWELS.

FIRE LANE NOTES

PROVIDE ALLOWANCE FOR PAINTING OF FIRE LANES & COORDINATE LOCATIONS WITH OWNER & LOCAL FIRE DEPARTMENT REQUIREMENTS.

Curve Table					
Curve #	Length	Radius	Tangent	Chord Bearing	Chord Length
C1	261.24'	336.50'	137.62'	N 43° 45' 07" E	254.73'
C2	51.70'	236.48'	15.87'	N 25° 20' 22" E	51.60'

MINIMUM BUILDABLE STREET FRONTAGE	
STREET	FRONTAGE (FT)
S. NELSON HACKETT BLVD	336.1
E. SOUTH STREET	114
S. BLOCK AVENUE	295.3
W. 4TH STREET	311.5
TOTAL	1056.9
MINIMUM BUILDABLE CODE REQUIREMENT	50%
MINIMUM BUILDABLE REQUIREMENT	528.45
FRONTAGE PROVIDED	FRONTAGE (FT)
S. NELSON HACKETT BLVD	203.7
E. SOUTH STREET	98.5
S. BLOCK AVENUE	180.7
W. 4TH STREET	64
TOTAL	546.9

CERTIFICATE OF AUTHORITY
DEVELOPMENT CONSULTANTS INC.
No.128
ARKANSAS ENGINEER

DEVELOPMENT CONSULTANTS INCORPORATED

Planning Commission September 23, 2024

COPYRIGHT: 2024

SCALE: 1" = 20'

DATE: 07/26/2024

REVISIONS

PROJECT TITLE: URBAN LOFTS AT NELSON HACKETT
FAYETTEVILLE, ARKANSAS

SHEET TITLE: SITE PLAN LVL 01

PROJECT NO: 23-196

SHEET NO: C2.02

LSD-2024-0011 URBAN LOFTS AT NELSON HACKETT)

Page 50 of 151

G:\2023\23-196\SITE\23-196.DWG

G:\2023\23-196\SITE\23-196.DWG

(XX) - MATCH EXISTING
TF - TOP OF FOUNDATION
TS - TOP STEP
BF - BOTTOM FOOTING
BS - BOTTOM STEP
TW - TOP OF WALL
BW - BOTTOM WALL

GENERAL DEMOLITION NOTES:

1. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE THOROUGH KNOWLEDGE OF THE ALL ITEMS SHOWN IN REGULAR PRINT OR LABELED ARE TO BE REMOVED.
2. ALL ITEMS SHOWN IN BOLD PRINT OR LABELED ARE TO REMAIN.
3. DEMOLITION PLAN SHOWS SOME, BUT NOT ALL, OF THE ITEMS TO BE REMOVED. CONTRACTOR SHALL REVIEW ENTIRE SITE AND INCLUDE ALL ITEMS NECESSARY FOR CONSTRUCTION OF THE PROJECT.
4. ITEMS NOT SHOWN TO BE REMOVED OR THEIR PLANT INVEST, THE PRODUCT LIMITS & BY ALL JURISDICTIONAL AUTHORITIES HAVING JURISDICTION.
5. ALL DEMOLITION WORK SHALL BE COORDINATED WITH THE CITY OF FAYETTEVILLE. NOTICE OF INTERRUPTION TO UTILITY SERVICES SHALL BE GIVEN TO THE OWNER(S) AND AREAS OF CONSTRUCTION OF THE PROJECT.
6. ALL DEMOLISHED MATERIALS SHALL BE REMOVED FROM THE SITE AND DISPOSED OF IN A LEGAL MANNER. NO BURNING OR BURYING OF MATERIALS ON SITE WILL BE ALLOWED.
7. ALL DEMOLITION WORK SHALL BE PERFORMED IN A WORKMANLIKE MANNER. ANY DAMAGE TO ADJACENT PROPERTY SHALL BE REPAIRED AT THE CONTRACTOR'S EXPENSE.
8. NOTIFY ALL UTILITY COMPANIES AND LOCATE ALL UTILITIES PRIOR TO BEGINNING DEMOLITION. CONTRACTOR SHALL REVIEW RECORD DRAWINGS FOR EXISTING BUILDING & BUILDINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES AND STRUCTURES.
9. ITEMS DESIGNATED TO BE REMOVED SHALL BE STORED & RIGGED PER THESE PLANS OR BEING SHOWN TO BE REMOVED SHALL BE STORED & RIGGED PER THESE PLANS OR DIRECTED BY THE OWNER.
10. CONTRACTOR SHALL REVIEW RECORD DRAWINGS FOR EXISTING BUILDING & BUILDINGS. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES AND STRUCTURES. SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES AND STRUCTURES. DRAWINGS FOOTINGS & OTHER SUBSURFACE FEATURES MAY HAVE BEEN SHOWN. CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UTILITIES AND STRUCTURES. DRAWINGS FOOTINGS & OTHER SUBSURFACE FEATURES MAY RECOMMENCING THE DEMOLITION, REMOVAL & RELOCATION OF SUCH FEATURES AS
11. PROTECT EXISTING UTILITY SERVICES. ANTI, NOW SERVICES ARE IN PLACE & APPROVED.

GENERAL NOTES:

1. ALL WORK SHALL CONFORM TO THE CITY OF FAYETTEVILLE, ARKANSAS STANDARDS AND SPECIFICATIONS.
2. CONTRACTOR IS RESPONSIBLE FOR EXCAVATION, PAVEMENT, & EXCAVATION OF ALL UNDERGROUND UTILITIES PRIOR TO EXCAVATION. CONTRACTOR SHALL CONTACT ALL UTILITY COMPANIES AT LEAST FOUR WORKING DAYS PRIOR TO EXCAVATION TO ENSURE THE LOCATIONS OF EXISTING UTILITIES AS SHOWN HEREON ARE SHOWN ON
3. CONTRACTOR SHALL CONTACT ALL UTILITY COMPANIES AT LEAST FOUR WORKING DAYS PRIOR TO EXCAVATION TO ENSURE THE LOCATIONS OF EXISTING UTILITIES AS SHOWN HEREON ARE SHOWN ON
4. ALL EXISTING UTILITIES TO REMAIN SHALL BE PROTECTED. CONTRACTOR SHALL REPAIR ALL EXISTING UTILITIES DAMAGED BY CONSTRUCTION ACTIVITIES BACK TO EXISTING OR BETTER CONDITION.
5. ALL EXISTING UTILITIES SHALL BE PROTECTED. CONTRACTOR SHALL REPAIR ALL EXISTING UTILITIES DAMAGED BY CONSTRUCTION ACTIVITIES BACK TO EXISTING OR BETTER CONDITION.
6. ALL SIDEWALKS, DRIVEWAYS, AND PAVEMENT SHALL BE ENHANCED AND INCORPORATE WITH THE CONSTRUCTION SPECIFICATIONS & DETAILS LISTED HEREIN.
7. ALL WATER AND SEWER SERVICES SHALL BE ENHANCED AND INCORPORATE WITH THE FAYETTEVILLE WATER AND SEWER SERVICES STANDARD SPECIFICATIONS & DETAILS.
8. ALL EXISTING UTILITIES TO REMAIN ARE TO BE PROTECTED & ADJUSTED TO MATCH PROPOSED GRADING AS NEEDED.
9. CONTRACTOR TO CONSTRUCT ALL ACCESS RAMPS & PAVING TO CITY OF FAYETTEVILLE STANDARDS.
10. TREES TO REMAIN ARE TO BE PROTECTED FROM DAMAGE DURING CONSTRUCTION.
11. SEE SHEET C3.02 FOR DETAILED GRADING NOTES. COORDINATE PROPOSED ONLY; RECORD APPARENT & VERIFY PER INSPECTIONS & CITY PLAN REVIEW PRIOR TO MAKING ANY CHANGES.

ARKANSAS CERTIFICATE OF AUTHORITY
ENGINEERING CERTIFICATE
No: 128
REGISTERED PROFESSIONAL ENGINEER

DEVELOPMENT | **CONSULTANTS** | **INCORPORATED**

PROJECT TITLE:
URBAN LOFTS AT NELSON HACKETT
FAYETTEVILLE, ARKANSAS

SHEET TITLE:
GRADING & DRAINAGE LVL 00

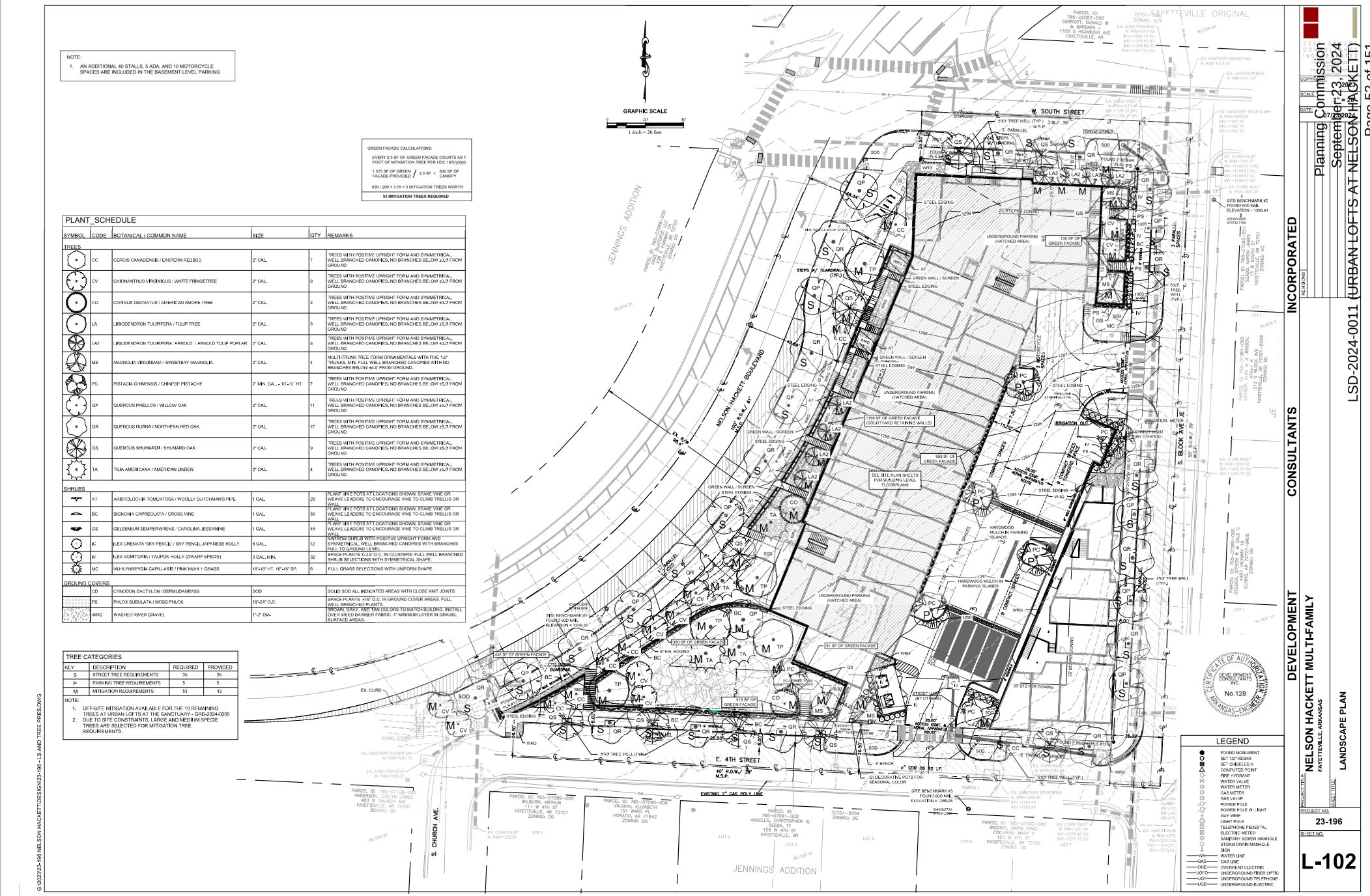
REVISIONS

DATE: 07/26/2024

SCALE: 1" = 20'

PROJECT NO: 23-196

SHEET NO: **C3.01**



DEVELOPMENT CONSULTANTS INCORPORATED

Planning Commission September 23, 2024

DATE: 07/26/2024

SCALE: 1"=20'

COPYRIGHT

REVISIONS

PROJECT TITLE: NELSON HACKETT MULTI-FAMILY
FAYETTEVILLE, ARKANSAS

SHEET TITLE: LANDSCAPE PLAN

PROJECT NO: 23-196

SHEET NO: L-102

LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)

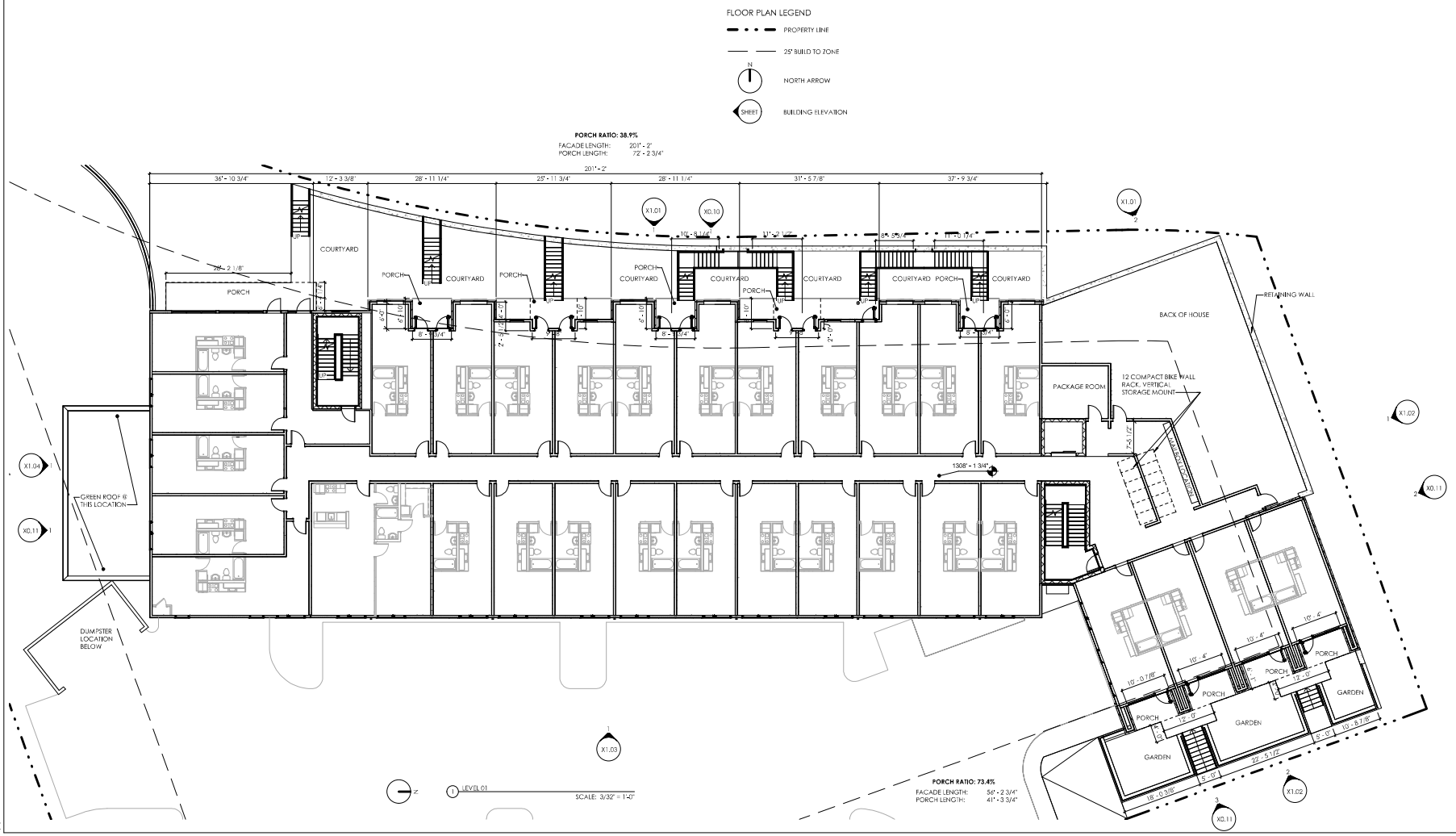
Page 52 of 151

G:\2023\23-196 NELSON HACKETT\DESIGN\23-196 - LS AND TREE PRES.DWG

No.	Description	Date

arch+craft design group
1617 COLLEGE AVE, SUITE
FAYETTEVILLE, AR 72
870.215.3024

NOT FOR CONSTRUCTION



URBAN LOFTS @ NELSON HACKETT

CITY SUBMISSION 05
23.12
09.03.2024
FIRST FLOOR PLAN

A1.11

9/3/2024 11:39:31 AM

No.	Description	Date

arch+craft design studio
1617 COLLEGE AVE, SUITE
FAYETTEVILLE, AR 72
870.215.3024

NOT FOR CONSTRUCTION

FLOOR PLAN LEGEND

- PROPERTY LINE
- 25' BUILD TO ZONE
- NORTH ARROW
- BUILDING ELEVATION



URBAN LOFTS @ NELSON HACKETT

CITY SUBMISSION 05
23.12
09.03.2024
SECOND FLOOR PLAN

A1.12

9/3/2024 8:34:44 AM

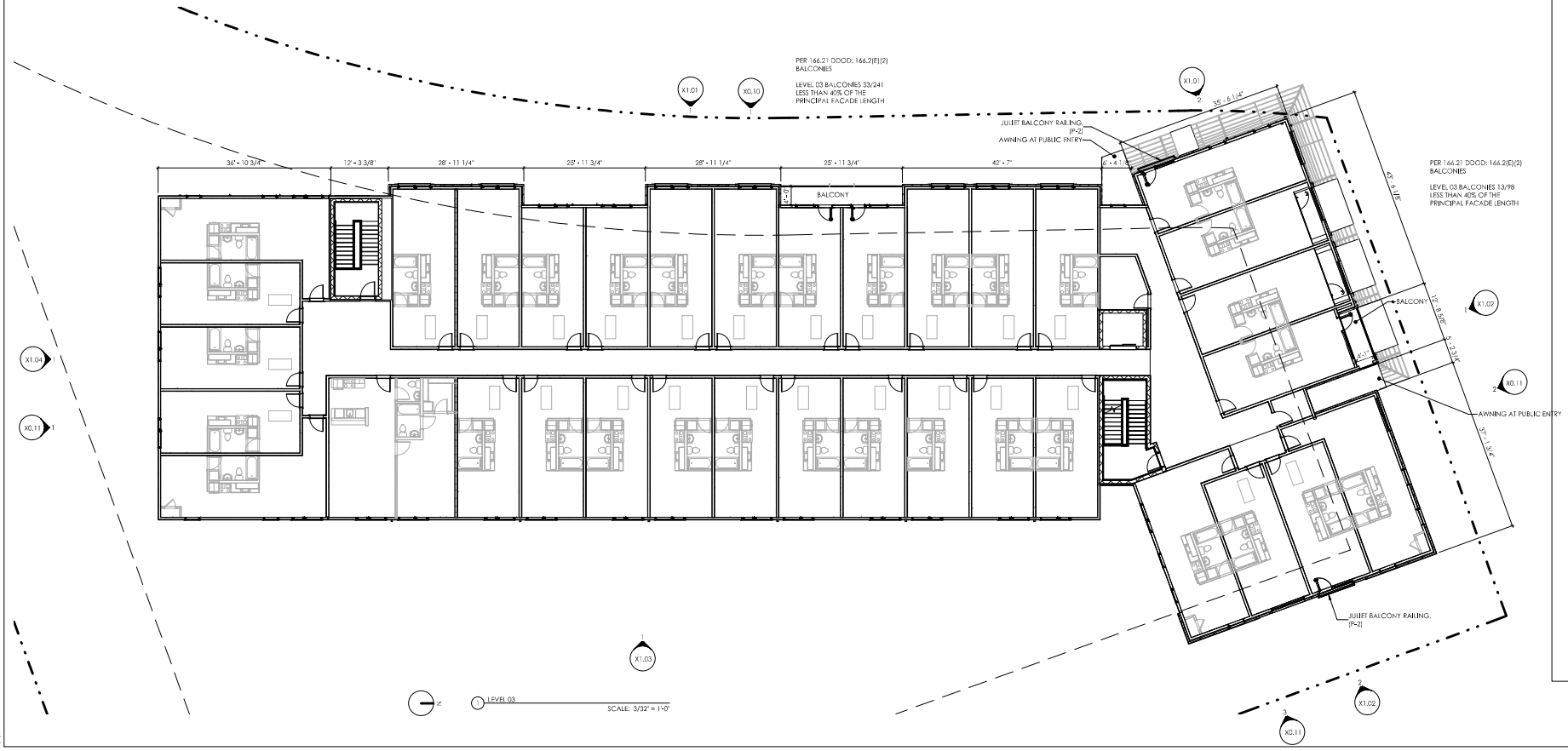
No.	Description	Date

arch+craft architecture
1617 COLLEGE AVE, SUITE
FAYETTEVILLE, AR 72
870.215.3024

NOT FOR CONSTRUCTION

FLOOR PLAN LEGEND

- PROPERTY LINE
- 25' BUILD TO ZONE
- NORTH ARROW
- BUILDING ELEVATION



URBAN LOFTS @ NELSON HACKETT

CITY SUBMISSION 05
23.12
09.03.2024
THIRD FLOOR PLAN

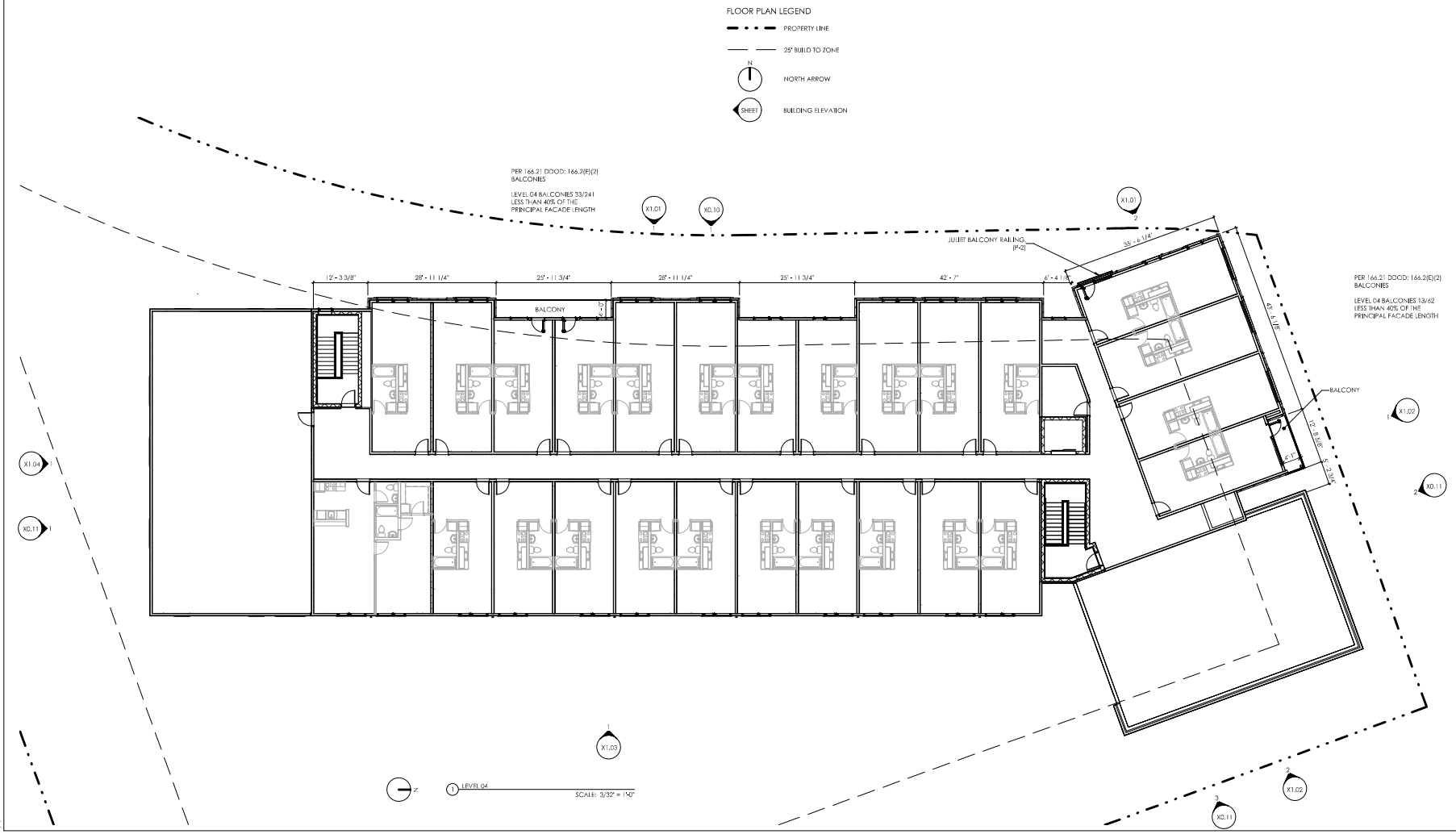
A1.13

9/3/2024 8:53:49 AM

No.	Description	Date

arch+craft architecture
1617 COLLEGE AVE, SUITE
FAYETTEVILLE, AR 72
870.215.3024

NOT FOR CONSTRUCTION



URBAN LOFTS @ NELSON HACKETT

CITY SUBMISSION 05
23.12
09.03.2024
FOURTH FLOOR PLAN

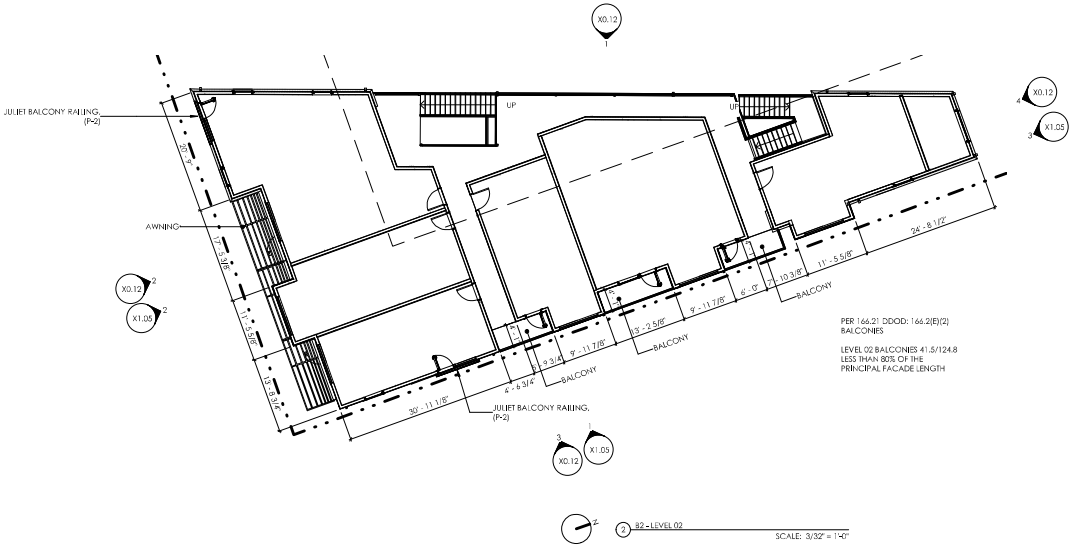
A1.14

9/3/2024 8:53:39 AM

No.	Description	Date

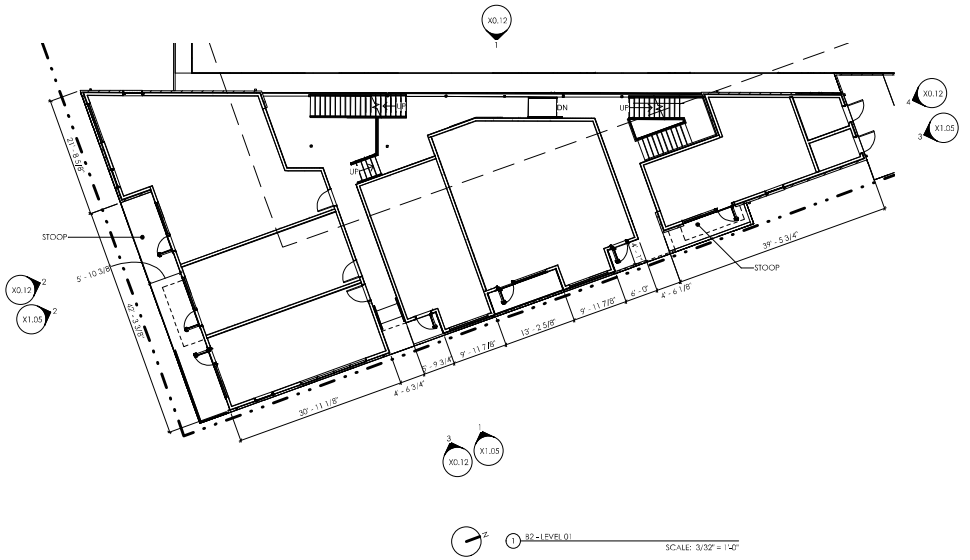
arch+craft design group
1617 COLLEGE AVE, SUITE B
FAYETTEVILLE, AR 72703
870.215.3024

NOT FOR CONSTRUCTION



FLOOR PLAN LEGEND

- PROPERTY LINE
- 25' BUILD TO ZONE
- NORTH ARROW
- BUILDING ELEVATION

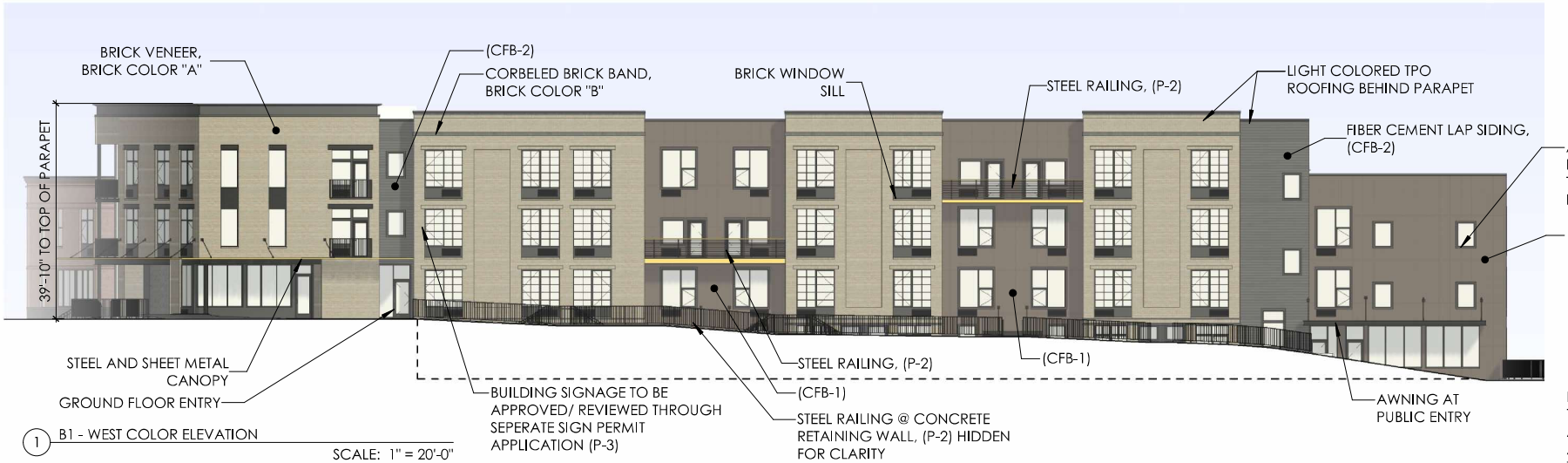


URBAN LOFTS @ NELSON HACKETT

CITY SUBMISSION 05
23.12
09.03.2024
B2 - FLOOR PLANS

A1.21

9/3/2024 8:53:05 AM



1 B1 - WEST COLOR ELEVATION

SCALE: 1" = 20'-0"

NOTE:
THESE TWO ELEVATIONS ARE THE SAME ELEVATION ALONG NELSON HACKETT. THE TOP ELEVATION ON THIS SHEET SHOWS THE ELEVATION AT STREET/ SIDEWALK LEVEL.
THE BOTTOM ELEVATION ON THIS SHEET SHOWS THE ELEVATION AT THE COURTYARD LEVEL.



2 B1 - WEST SUPPLIMENTAL ELEVATION

SCALE: 1" = 20'-0"

ABBREVIATION LEGEND:
B1 - BUILDING 01
B2 - BUILDING 02

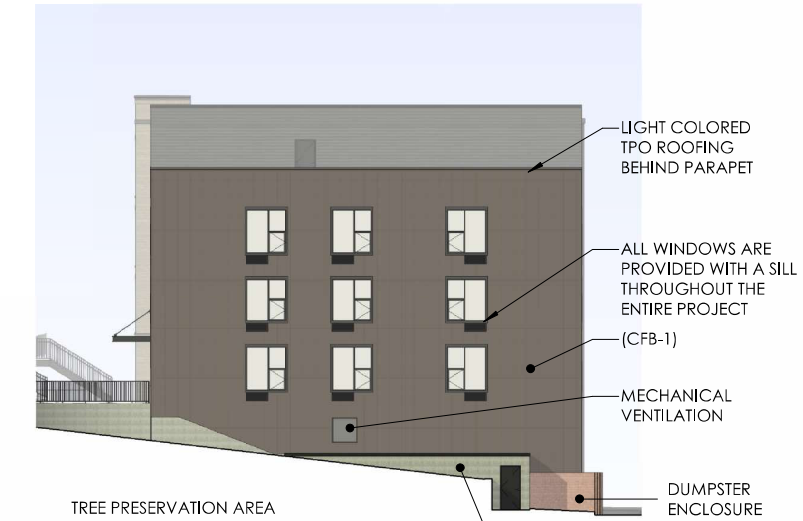
09.03.2024

COLOR ELEVATIONS

X0.10

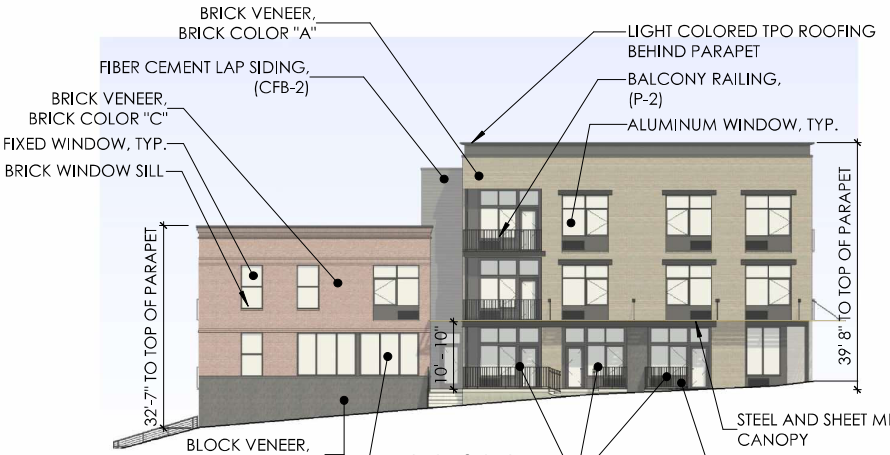
URBAN LOFTS @ NELSON HACKETT

Planning Commission
September 23, 2024
LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)
Page 58 of 151



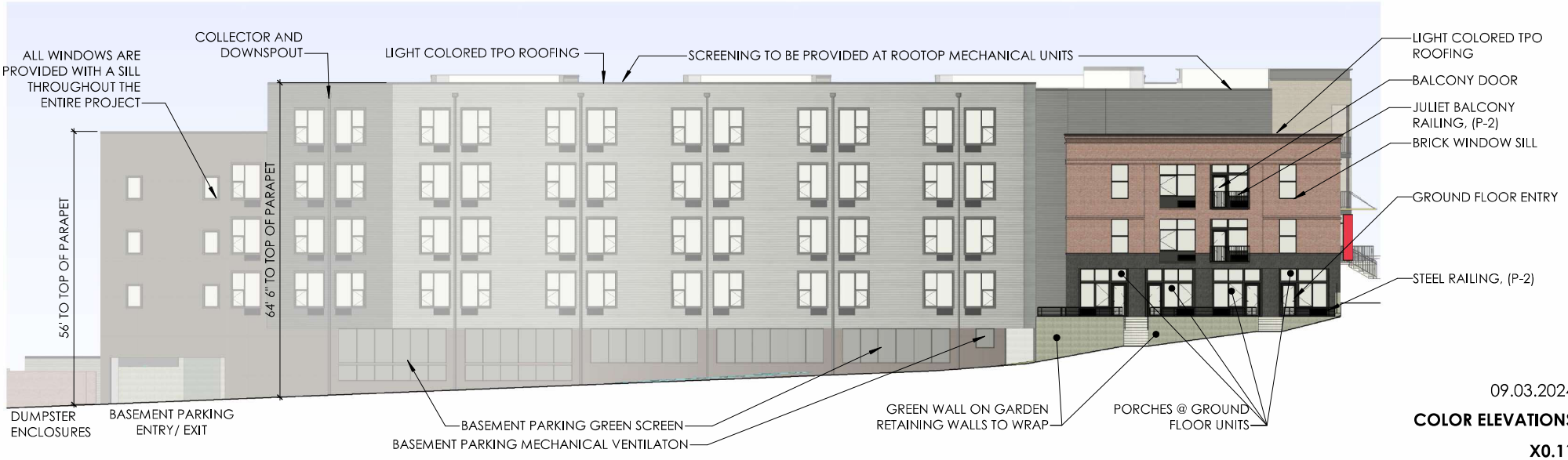
1 B1 - SOUTH COLOR ELEVATION

SCALE: 1" = 20'-0"



2 B1 - NORTH COLOR ELEVATION

SCALE: 1" = 20'-0"



3 B1 - EAST COLOR ELEVATION

SCALE: 1" = 20'-0"

ABBREVIATION LEGEND:
B1 - BUILDING 01
B2 - BUILDING 02

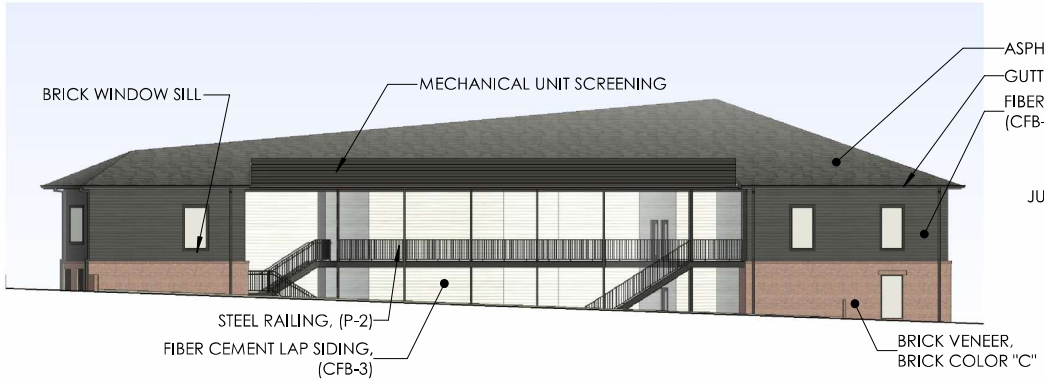
09.03.2024

COLOR ELEVATIONS

X0.11

URBAN LOFTS @ NELSON HACKETT

Planning Commission
arch+craft design plc
September 23, 2024
LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)



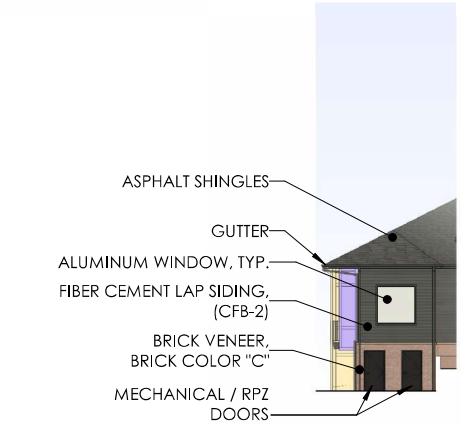
1 B2 - WEST COLOR ELEVATION
SCALE: 1" = 20'-0"



2 B2 - SOUTH COLOR ELEVATION
SCALE: 1" = 20'-0"



3 B2 - EAST COLOR ELEVATION
SCALE: 1" = 20'-0"



4 B2 - NORTH COLOR ELEVATION
SCALE: 1" = 20'-0"

ABBREVIATION LEGEND:
B1 - BUILDING 01
B2 - BUILDING 02

09.03.2024

COLOR ELEVATIONS

X0.12

URBAN LOFTS @ NELSON HACKETT

Planning Commission
arch+craft design plic
September 23, 2024
LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)



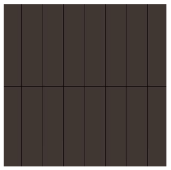
B-1
BRICK
DOVE GRAY, BRICK TYPE "A"
BANDING, HEADER, SILL



B-2
BRICK
SLATE GRAY, BRICK TYPE "B"
BANDING, HEADER, SILL



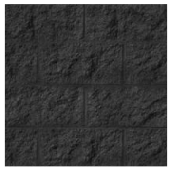
B-3
BRICK
VILLAGE, BRICK TYPE "C"
BANDING, HEADER, SILL



CFB-1
FIBER CEMENT PANEL
VERTICAL PATTERN
PANEL COLOR - PA944



C-1
CAST-IN-PLACE
CONCRETE STEPS



B-4
BLOCK
SPLIT-FACE CMU



CFB-2
FIBER CEMENT LAP SIDING



GREEN SCREEN
@ SELECTED CONCRETE
RETAINING WALLS



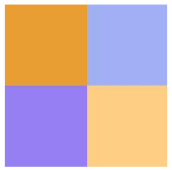
AS-1
ASPHALT SHINGLE ROOFING
SLATE GRAY



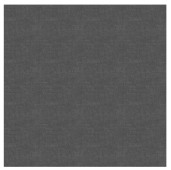
CFB-3
FIBER CEMENT LAP SIDING



P-2
METAL RAILINGS AND TRIM
MISC. METALS
ALUMINUM WINDOWS
SHERWIN WILLIAMS
IRON ORE SW7069



P-4
ACCENT COLORS



CFB-4
FIBER CEMENT PANEL w/ TRIM
SOLID GRAY



P-3
ACCENT COLOR 01
SHERWIN WILLIAMS
NUGGET SW6697



CFB-5
FIBER CEMENT LAP SIDING
LIGHT GRAY

TPO -1
LIGHT COLORED TPO

09.03.2024

BUILDING MATERIALS

X2.00

URBAN LOFTS @ NELSON HACKETT

Planning Commission
arch+craft design plic
September 23, 2024
LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)

Wonsower, Donna

From: Alan Ostner <alan@drainagedoctornwa.com>
Sent: Monday, September 16, 2024 3:20 PM
To: Wonsower, Donna
Subject: Re: Urban Lofts

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks for the review Donna. I'm amazed the giant pit in the ground next to the soon-to-be point of pride for Fayetteville Nelson Hackett meets downtown design standards. Seems like a real design drawback to me, promoting folks to feel uneasy and making pedestrians not want to go near it and all the fire-rated safety stairs they are putting there.

Best,

Alan Ostner, ASLA, PLA
DRAINAGE DOCTOR NWA, PLLC
Licensed Landscape Architect
Ark. LA License #5204
Ark. Contractor's Lic. #0428970724
BSA Scoutmaster
Member: Ark. Better Business Bureau
Member: Ark. Master Gardeners
Member: Ark. Native Plant Society Education Committee
C: 479.387.7900
W: www.drainagedoctornwa.com
E: alan@drainagedoctornwa.com
I reply to texts and emails from 7am-7pm M-F and 7am-noon Saturdays

On Mon, Sep 16, 2024 at 3:02 PM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

> Alan,
>
> Based on a review of the plans, several units were combined to make larger units (16 -> 8) and one floor of the southeast building was removed entirely. Updated renderings are still in progress and I anticipate receiving those prior to agenda session on Thursday.
>
> Best Regards,
>
> **Donna Wonsower, AICP**
>
> Planner, Development Services

Wonsower, Donna

From: Alan Ostner <alan@drainagedoctornwa.com>
Sent: Wednesday, September 18, 2024 12:23 PM
To: Alan Ostner; Wonsower, Donna
Subject: Vote against Urban Lofts

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Fayetteville Planning Commissioners,
I am writing today to request you **vote against the Urban Lofts proposal** LSD 2024-011 as it is currently being presented. There are many traffic dangers to this project as well as a long list of exceptions to Fayetteville's own development codes. It's way too much of a good thing.

1) National Highway data Bureau of Transportation Statistics shows 6 vehicle trips per day is the average for NWA from a residence. Even with the reduced project size to 138, this equals an average of 828 added vehicle trips per day from this project on our historic, narrow streets! Our streets are already crowded, with lots of kids, elderly walking pets, visitors trying to park, cars attempting to not block each other's mailboxes & trash cans on pickup day, etc. Common sense tells us **this is compounding a dangerous traffic situation** and is grounds for voting no.

2) What's with the **pit in the ground along Nelson Hackett** for this project? I'm stunned this pit meets the thorough, careful Downtown Fayetteville Design code. Huge efforts are going into making Nelson Hackett more prominent and safer with the recent Road Diet (reducing from 4 lanes to 3), and the awesome stoplight at South street intersection, and future trees and nice sidewalks planned. Now a pit in the ground along this project frontage? Folks will feel nervous and uncertain walking along there not sure of what's going on down there. Completely opposite of the beautiful streetscape with street-level shops we have all seen drawn up by the city vision over the last 20 years. This pit is a poor addition to the neighborhood and Nelson Hackett Drive. It pulls the neighborhood and the town down instead of bringing us up.

3) The mountain matters. This project is well-suited for a flat site, clearly seen by the pit needed to make the steep lot "flat" for the buildings. This **project does not respond or adapt to the steep site** at all, only creates more problems attempting to fight the mountain they are choosing to develop on. The long list of variances, which do not require approval, are proof that they are attempting to put too much on this site. Many other projects would fit nicely here at a lower 60 units per acre density: condos, townhomes, triplexes. These would still provide the much-needed increase in housing.

4) The **lack of 100 parking spots** for the project will be an enormous problem and traffic danger to this fragile neighborhood. Many of us don't have driveways and park on the street even today! We will be swamped with folks constantly looking for on-street parking. This isn't Boston or NYC. It's truly fantasy-land to think folks will rent the Urban Loft units without having a car.

5) Where is the buffer zoning? The DG zoning for Urban Lofts at 106 units per acre is massive! The established neighborhood is zoned NC at 10 units per acre. Good planning places a buffer between intensive uses and residential uses. Keep the Urban Lofts project to 40-60 units and it will all work safely.

We can all have it both ways, with multi-family and keeping the neighborhood intact. **Since there's no buffer zoning this project needs to be the buffer.** Ask the developer to lower the scale of Urban Lofts to prevent a traffic disaster.

6) This project is **killing the goose that laid the golden egg!** This neighborhood is experiencing a complete revival, thanks in part to the City's vision with the 2008 Walker Plan. That plan gave us the Neighborhood Conservation zoning and was the rocket that got us all headed in the right direction. Many folks are using gentle density, one property at a time, to revive this area. It's working! The Urban Lofts project will run out the folks who have worked hard to make this place special. Vote against this project to keep the success going.

Thanks for your time and efforts on this important city board.

Best,

Alan Ostner, ASLA, PLA
DRAINAGE DOCTOR NWA, PLLC
Licensed Landscape Architect
Ark. LA License #5204
Ark. Contractor's Lic. #0428970724
BSA Scoutmaster
Member: Ark. Better Business Bureau
Member: Ark. Master Gardeners
Member: Ark. Native Plant Society Education Committee
C: 479.387.7900
W: www.drainagedoctornwa.com
E: alan@drainagedoctornwa.com
I reply to texts and emails from 7am-7pm M-F and 7am-noon Saturdays

Wonsower, Donna

From: Cynthia King <cmeking1966@gmail.com>
Sent: Sunday, August 11, 2024 9:58 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Project #LSD-2024-0011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission:
We have resided in South Fayetteville, one block from LSD-2024-0011, for the last 24 years and have serious concerns regarding the project.

Over the years, we have witnessed bottlenecks created by cars parked on both sides of the streets which, on more than one occasion, have caused great difficulty for residents, garbage- and firetrucks and emergency personnel trying to reach their destinations. We are a neighborhood with active families who have small children who often play on or near these streets. The addition of at least 163 new residents with their vehicles increases the likelihood of cases of traffic endangerment in an area zoned as Neighborhood Conservation.

We are looking to the Planning Commission to support desirable development in our neighborhood and throughout the city, aligned with the values of livability, walkability, and a focus on arts, culture, and entertainment, as the Fayetteville Master Plan outlines. The scale and design of the proposed apartment complex make it unsuitable for this location. And while we understand the need for more housing in our growing city, the safety of Fayetteville's citizens and their right to a high quality of life should not be sacrificed.

Sincerely,
Cindy King and Jared Pebworth

Wonsower, Donna

From: Erik Pollock <epolloc@gmail.com>
Sent: Wednesday, September 18, 2024 1:37 PM
To: Wonsower, Donna
Subject: Fwd: 4th and block development

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---------- Forwarded message ---------
From: **Erik Pollock** <epolloc@gmail.com>
Date: Sun, Sep 15, 2024 at 4:00 PM
Subject: 4th and block development
To: <brad.payne@fayetteville-ar.gov>

Dear Sir,
There is a large high density development planned for the corner of 4th and Block streets. The proposal would be for 140-170 units. While there is hope to develop the site, the neighborhood lacks the infrastructure to safely accommodate such a development.
The lack of parking by the proposed development will cause a significant spill over into the surrounding community. Parking which is already stressed by current infill. The community has become a near model for Fayetteville. On my block alone, 2 houses have been razed and 5 houses have been built; proving that the infill policies are working.
However, the addition of 150 units with only 50% parking will radically change that. The current dog, child and person walkable neighborhood will likely be transformed into a commuter zone with a hellscape of parking.

The developer has asked for several variances. Firstly, the parking spot count includes spaces that already exist. The proposed parking on 4th and block are used regularly and would not be "invented" by the proposed development. Second, the proposed development is not within 1/4 mile of any public transportation. Yes if I could fly to the bus stop; it is, but if I could fly why do I need a bus? Thirdly, the suggestion that providing a bike or scooter parking is in any way a substitute for car parking is incorrect. Arkansas motor vehicle registrations per licensed driver is ~1.5
In short, this is the wrong development in the wrong place. I urge you to reject the proposal for safety, community development and civic pride

Erik Pollock
38 w 4th st

Wonsower, Donna

From: Franklin Evarts <fevarts56@gmail.com>
Sent: Wednesday, September 18, 2024 10:36 AM
To: Wonsower, Donna
Subject: Urban Loft Project

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Donna,

My wife Louise and I live at 11 West South street, about 100 yards from the proposed Urban Lofts project. We have lived in our home for 40 years. We remain very concerned about the size of the project. On the street parking and pedestrian safety remain big concerns for us. There is a lot of pedestrian traffic on our street , bikes, parents walking with young children and people just strolling. Many of the homes in our wonderful little neighborhood have no driveways,(like our home), and on the street parking is our only choice. A development this size will severely tax these older small streets.

I am also concerned about the strain on the old infrastructure in this part of town. The city has repaired leaks in the water/ sewer mains on West South at least 3 times in the past year or so. We are not against development of this property. It's just the size of the proposal. It just doesn't fit. Thank you very much for your time and service to Fayetteville and your consideration of our concerns,

Franklin Evarts and Dr. Louise Rozier

Wonsower, Donna

From: Franklin Evarts <fevarts56@gmail.com>
Sent: Wednesday, August 7, 2024 9:34 PM
To: Planning Shared <planning@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>
Subject: Large scale apartment project on South Block street. LSD 2024-001.

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City of Fayetteville Planning Commission,

My name is Franklin Evarts. My wife Louise and I have lived at 11, West South Street for nearly 40 years. In this time we have seen many changes, and quite a bit of new development and growth in our neighborhood, the majority of it being good and well thought out. Twenty years ago there were hardly any children around and a good percentage of the properties were rentals. Now there are many families buying properties because of the unique eclectic, friendly, diverse qualities of our little neighborhood. There are families walking with strollers and many kids playing in the streets. We are firstly concerned about safety, especially for the neighborhood children and then our own personal property. The apartment proposal is much too large as is. South street, which the development will border, was the main thoroughfare from Nelson Hackett and South College while all the traffic calming work was being done and there was so much traffic, and cars constantly were traveling way too fast. That was temporary. Many of the homes on South street have no driveways so street parking is our only choice; this makes the street even more narrow. When there are cars parked across from each other only one car can pass through at a time. I am very concerned about the safety of the pedestrians especially kids that are always on the street. There is a sidewalk on only one side of the street, and we are very concerned about such a large increase in traffic and potential overflow parking. We worry about the infrastructure of the neighborhood. The water main lines and sewage lines are repeatedly being repaired. The streets are too small and narrow to accommodate a large influx of new traffic. We understand that neighborhoods change. The proposed development is much too large and will negatively change our and many of our neighbors lives dramatically. Louise and I want to go on record to say we are not against safe, thought out, practical development.

Please consider these concerns when making your decision.

Thank you very much for your time and work for the city.

Sincerely,
Franklin Evarts and Louise Rozier

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 1, 2024 8:29 AM
To: Wonsower, Donna
Subject: FW: Multi Family Development at 309 S. Block Ave. LSD-2024-011

Importance: High

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Schuyler Schwarting <schuylerschwarting@gmail.com>
Sent: Wednesday, July 31, 2024 11:08 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Multi Family Development at 309 S. Block Ave. LSD-2024-011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission and Subdivision Board Members,

I live 1 block from this proposed project (160' away) and object to the size and density of it. The proposal of this many units, 162, on this small of a lot, 1.24 acres, is crazy for our family oriented neighborhood. With the possibility of 2 tenants to a unit, this development could add an additional 324 cars to our small neighborhood streets because the entrance to these units is through our neighborhood. Also, we do not feel there is enough parking on this small lot to accommodate this many units when adding potential roommates and visiting friends. This will most definitely overflow to the neighboring streets.
Our neighborhood is full of families with small children and very active residents, enjoying strolling and playing in their front yards and street. Adding this many cars would completely disrupt the quality of life and would work against what our neighborhood strives to be.

We do not want campus dorm sized residential apartments in our neighborhood. These units are as small as 318 SF, about the size of a hotel room. To put it into context, the smallest type of apartments according to apartments.com are about 500 - 600 SF. These are about half that size. Studio and efficiency apartments are usually located in very high-density downtown locations like New York City and LA not in a South Fayetteville neighborhood of single-family homes and families. You may also

find this type of development where there is a successful mass transit system to rely on, for tenants who do not have cars. This does not fit.

This proposal does not meet the Unified Development Code Chapter 161.28(E) Setbacks. 25' Build To Zone (BTZ). It encroaches on 3 of the 4 sides. The 25' setback is the requirement that the building's street facing facade must be located at a set distance from the property line.

I urge the Commission to reject this proposal due to the fact:

1) the application does not comply with the zoning and development requirements of the Unified Development Code including:
   a) setback requirements, density of the buildable area, required parking and compounding a dangerous traffic condition.

The proposed development would create or compound a dangerous traffic condition in which the risks of accidents involving motor vehicles is significant due to the high traffic volume and nature of the traffic pattern.

We aim to preserve and protect the health, safety, and general welfare of our neighborhood, preserve and enhance the natural beauty of our streets, and create an attractive, environmentally sound and healthy landscape for our neighbors. That is why we have regulations for the design, establishment and maintenance of spaces impacted by developmental practices.

Sincerely,
Schuyler and Kelley Schwarting
324 S. East Ave.
Fayetteville, AR 72701
schuylerschwarting@gmail.com

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 1:54 PM
To: Wonsower, Donna
Subject: FW: LSD-2024-0011 Planning Commission Meeting Aug 12, 2024

Follow Up Flag: Follow up
Flag Status: Flagged

Yours

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Schuyler Schwarting <schuylerschwarting@gmail.com>
Sent: Thursday, August 8, 2024 1:32 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: LSD-2024-0011 Planning Commission Meeting Aug 12, 2024

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

URBAN LOFTS at NELSON HACKETT

309 South Block Ave. Fayetteville, AR. Project # LSD-2024-0011

Dear Donna Wonsower, AICP,

I live 1 block from this proposed project (160' away) and object to the size and density of it. The proposal of 163 units on 1.24 acres, which is very dense at 131 units/acre, is crazy for our family-oriented neighborhood. These are not lofts but micro-units. With the possibility of 2 tenants to a unit, this development could add an additional 326 cars to our small neighborhood streets because the entrance to these micro units is through our neighborhood. The proposed development would create or compound a dangerous traffic condition in which the risks of accidents involving motor vehicles is significant because of the high traffic volume and nature of the traffic pattern.
Due to the work on Nelson Hackett and E. Rock St, where there are now no turns from the south or going south, all residents living on Rock St, Mill Ave, S. Willow Ave, S Walker Rd, S Barton Ave wanting to travel to or from the Southwest now must traverse through this neighborhood on South St. right next to this proposed

development. Also, just down the street at 439 S. Church a new zoning was approved to add 12 more units. Hopefully they will have driveways and their own parking.

Also, there is not enough parking on this small lot to accommodate this many units when adding potential roommates and visiting friends. With 163 units and the potential for 326 residents and only 104 car spots. WOW! In fact, out of the 104 car spots, there are only 63 that are standard sized parking spots, 34 standard sized parking spots on site and 28 left on the street. That is not very many for 163 units if statistics are accurate.
SUV's, overwhelmingly, are the #1 car type sold in the United States. 2 of 3 vehicles sold last year were SUV's. These types of vehicles will not fit in a compact space. This will most definitely overflow to the neighboring streets. At the South Yard Lofts down the street on S School Ave, they all have assigned parking spaces.

Our neighborhood is full of families with small children and very active residents, who enjoy daily strolls and playing in their front yards and streets. Adding this many cars would completely disrupt the quality of life and would work against what our neighborhood strives to be.

We do not want campus dorm sized residential apartments in our neighborhood. These units are as small as 318 SF, about the size of a hotel room. To put it into context, the smallest type of apartments according to apartments.com are about 500 - 600 SF. These are almost half that size. Studio and efficiency apartments are usually located in very high-density downtown locations like New York City and LA, not in a South Fayetteville neighborhood of single-family homes and families. You may also find this type of development where there is a successful mass transit system to rely on, for tenants who do not have cars. This does not fit.
The site is going from 16 units and 48% tree canopy to 163 units and 5% tree canopy. You should not justify the removal of this many large trees (50) by saying the development would have killed the trees anyway. (5) over 30", (12) 20-29", (19) 10-19", (13)5-10".
Previous impervious cover for this site was 19% and they are proposing 79% impervious cover which will lead to increased storm run-off and taxing of our storm inlets. The storm inlets have a tendency to fill with leaves and debris with some inlets growing vegetation and small trees out of them. Having more cars on the street will reduce the efficiency of the street sweeper who tries to maintain our streets and drainage issues.

I urge the Commission to reject this proposal due to the fact:

1) It does not meet the Downtown Master Plan Strategies 3, 4, 5 or 6.
2) The plans do not reflect the correct number of parking spots.
    a) On Block Ave, it shows 3 on street parallel spots where there are only 2.
    b) The plans show 39 Compact Spaces where there are only 37 spaces.
3) This site is not eligible for parking space reductions of 40 spaces because:
    a) They are further than 0.25 miles from the bus stop. They are 0.3 miles uphill with a 100' elevation ascent. Over an 11-minute walk on a small sidewalk for a bus that stops there once per hour. 24 spaces should not be reduced and should be added back.
    b) Increased bicycle racks inside the apartments does not qualify for a reduction of 16 parking spaces.
4) It would create and increase traffic danger and congestion due to its increased density.
5) It would alter the population density and thereby undesirably increase the load on public services including water and sewer services on our old lines. We are already having to adjust our water usage along Huntsville Rd due to the City experiencing increased demand resulting in reduced or no water pressure for some customers. An ordinance was just approved that includes a 6 month moratorium on new water service connections.

6) the application does not comply with the development requirements of the Unified Development Code including:
   a) density of the buildable area, required parking and
   b) compounding a dangerous traffic condition.

Once the units are decreased to match the parking availability, we request:

1) if the AC units are on the roof, I urge the Commission to request siding to block these units.
2) Only have the construction equipment access off of Nelson Hackett and South St.
3) The variance requested in UDC Chapter 166.21(E)(1). Dumpsters, we request approval with conditions 1) that this dumpster only gets serviced during normal wake periods meeting the Quiet Hours ordinance and 2) that the dumpster is sized appropriately to only be serviced once per week.
4) Upgrade the old water line in the neighborhood that has broken over 10 times in the past couple of years and is currently leaking.
5) Repair the sink holes where the leaks have occurred.
6) Off-site tree mitigation, plant all of the tree caliper inches on this site with larger diameter trees.
7) The ability to have more reviews and comments from our neighborhood.

We aim to preserve and protect the health, safety, and general welfare of our neighborhood, preserve and enhance the natural beauty of our streets, and create an attractive, environmentally sound and healthy landscape for our neighbors. That is why we have regulations for the design, establishment and maintenance of spaces impacted by developmental practices.
We are in favor of some form of SMART development on this site but not without enough parking.

Sincerely,
Schuyler and Kelley Schwarting
324 S. East Ave.
Fayetteville, AR 72701
schuylerschwarting@gmail.com

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 2:24 PM
To: Wonsower, Donna
Subject: FW: 309 South Block Avenue LSD-2024-011

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Kelley Schwarting <adorned@me.com>
Sent: Thursday, August 8, 2024 1:58 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Mayor <Mayor@fayetteville-ar.gov>
Subject: 309 South Block Avenue LSD-2024-011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Of Fayetteville
Donna Wonsower
planning@fayetteville-ar.gov

First let me say, myself and many of the neighbors were excited to have a new development on this property. We were told it would be 3 - 4 story multi family, 60-80 units with a wine bar and retail on the street level. A beautiful entry to the neighborhood.

This was perfectly in line with the City's Downtown Master plan and a vision for healthy, happy living. More housing where people could live comfortably and work inner city.

We assumed they would be nice units and the residents would have amenities like a pool, weight room and common areas to congregate.

I've surveyed young professionals in our area about living in micro units with no amenities and it was a resounding NO, a cuss word with NO and it sounds like a prison. This is just a few of their comments, all were negative.

Lets call it what it is, STUDENT HOUSING. Dormitory micro sized units 300-400 sqft no private bedrooms. 163 units and only 106 car spaces. Leaving 57+ (57 units without spaces on site PLUS guest) cars to fill the neighborhood driving around looking for street parking. Crowding our already busy streets, as many neighbors park on the street hindering assessable roads for Fire, Ambulances, Trash pick up, mailboxes and street and gutter cleaning.

It will be dangerous for the many kids we have who play in the streets.

It's not the infill Fayetteville desperately needs. It's student housing without the support of the University of Arkansas for busy traffic times like move in and move out, parent weekends, football games, etc.

The developer is trying to maximize his dollar without taking into consideration the surrounding landowners of single family homes. We are are being adversely affected.

I ask the City to have the developer reduce the number of units and at a minimum match parking spaces to units/bedrooms.

I ask that the address of the property be changed to Nelson Hackett so all deliveries, Ubers drivers, Veorides, pick up/drop offs, waiting areas be done at the front of the property instead of through the neighborhood.

I ask the City do a traffic / parking study to the immediate 5 streets for the overflow parking and guest.

I ask the City to change the immediate 5 streets (Block, South, East, 4th and 5th) to no parking on one side for emergency vehicle access, mail delivery and trash pick up.

I ask the City to notify all residents of street cleaning days so cars can be moved so our drainage areas stay clear.

I ask the City to give all single family housing Resident Reserve Parking like was implemented in the Wilson Neighborhood, prior to street parking becoming a problem.

I also ask the City evaluate our failing infrastructure, water lines and sewer for needed upgrades on all streets before allowing a huge development that will further tax our system.

We understand we live on the edge of downtown of a thriving city. We welcome thoughtful infill and development for residents. We hope the City will hear our concerns so we can grow Fayetteville in a positive way.

Kelley Schwarting
324 S East Ave

Wonsower, Donna

From: Planning Shared
Sent: Tuesday, September 17, 2024 4:15 PM
To: Wonsower, Donna
Subject: FW: 309 S Block LSD 2024-011

Follow Up Flag: Follow up
Flag Status: Flagged

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Kelley Schwarting <adorned@me.com>
Sent: Tuesday, September 17, 2024 4:03 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Fwd: 309 S Block LSD 2024-011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Donna,

At the last Planning meeting regarding this project we discussed how we love our unique neighborhood. We are wonderfully located on the cusp of Downtown General and The Walker Park Neighborhood.

Our residents include homeowners and renters. Our residents are local artist who paint murals in town, teachers at Fayetteville Public Schools, Professors at the University, retired people, ballet dancers, Healthcare workers from Washington Regional and University students who have moved away from the campus lifestyle to continue their education while having a family and start their careers in Fayetteville. We also have so many KIDS. Kids of all ages, who play together on our streets.

This group of out of state developers does not see our neighborhood as a cohesive friendly place to live and work in Fayetteville.

Builder Jetton Berner, founder of University Lofts was quoted in TalkBuisness.net article titled the 'Wild, Wild West' of Northwest Arkansas stating "University Lofts is something we're really excited about right now." "We took the idea from the city of Detroit Revolution." "We believe students are looking for their own micro space units."

His mission statement is to develop all inclusive housing options in college towns. Student Housing.

One of the partners was interviewed in the Arkansas Business journal and he touted how this is a brilliant business model targeted at students.

We are not Detroit. Detroit has a vast and free mass transit system.

We are not the Wild Wild West! We are beautiful thriving town and a growing University Campus.

It is concerning how they recently rebranded University Lofts into Urban Lofts. It is concerning how they have left the property and neighborhood sidewalks in disarray after tearing down the 16 units that were originally on the site. It is concerning that the true owners are not listed on the Rezoning application.

University housing does not help with “affordable housing.” It artificially inflates housing cost.

There is plenty of open undeveloped land that the university owns, that is already on or close to the transit route to build more student housing, we should not look to a private developers to solve that problem.

Several articles over the past month have stated the University intends to build more student housing. They have identified and approved areas **North** of campus. Areas where they can easily expand the Razorback transit, areas where they can offer students on campus amenities, parking and food services.

The Fay Jones School is working on and exploring how to build affordable housing. Let’s use the University to our advantage instead of adversely affecting our neighborhood to solve the student housing problem. See Affordable Housing pdf attached.

On Sept. 12, 2024 listed on Zillow Fayetteville has 477 rentals available ranging from $600-3500 per month and 381 houses for sale ranging from $139k-4.7m. We do not have a housing crisis. We have an affordability problem.

This student apartment building is not the infill Fayetteville desperately needs. It’s student housing without the support of the University of Arkansas and University Police for busy traffic times like move in and move out, parent weekends, football games, parking violations, etc.

The developer is trying to maximize his dollar without taking into consideration the surrounding landowners of single family homes. **We are are being adversely affected.**

Please consider this property as part of our single family neighborhood. More density is expected but not to the detriment of our established neighborhood. It does not fit into the Downtown Master Plan nor the Walker Park Neighborhood plan. See attached Diversity of Housing pdf from the Walker Park Plan. This plan envisions owner occupied attached housing as a buffer between the commercial corridors and nodes and the predominately single-family nature of the interior of the neighborhood.

I ask if this project is approved as I asked before:

I ask the City do a traffic / parking study to the immediate 5 streets for the overflow parking and guest.

I ask the City to change the immediate 5 streets (Block, South, East, 4th and 5th) to no parking on one side for emergency vehicle access, mail delivery and trash pick up.

I ask the City to notify all residents of street cleaning days so cars can be moved so our drainage areas stay clear.

I ask the City to give all single family housing “Resident Reserve Parking” like was implemented in the Wilson Neighborhood, prior to street parking becoming a problem.

I ask the City to police the area for parking violations so the residents don’t have to be burdened by complaining to authorities.

I also ask the City evaluate our failing infrastructure, water lines and sewer for needed upgrades on all streets before allowing a huge development that will further tax our system.

In addition, with the increase in traffic I ask the city to provide safe school bus shelters within our neighborhood.

Thank you for not approving this project the first time.

Once again, thank you for your time.

Kelley Schwarting

Wonsower, Donna

From: Planning Shared
Sent: Wednesday, September 18, 2024 8:23 AM
To: Wonsower, Donna
Subject: FW: Urban University Lofts LSD2024011

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Schuyler Schwarting <schuylerschwarting@gmail.com>
Sent: Tuesday, September 17, 2024 7:41 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Urban University Lofts LSD2024011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Wonsower,

I live 1 block from this proposed Urban Lofts project and OBJECT to the size and density of it. The proposed 138 units on this small of a lot equates to 115 units per acre where all of the other lots in this great family oriented neighborhood are only 4 - 10 units/ acre.
With the possibility of 2 tenants to a unit, and potential of visiting friends and family, this development could add an additional 276 cars to our small neighborhood streets because the only entrances to this project is through our neighborhood.
We do not feel there is enough parking on this small lot to accommodate this many units. This will most definitely overflow to the neighboring streets.
There are only 36 Standard sized parking spots and 37 compact (non SUV)spaces. The rest are either ADA, motorcycle or On-Street spaces in which they would be taking the spaces in the street that are already being used by the existing homes in the neighborhood. By using the on-street

parking to try and satisfy the parking requirements, it would create a mad scramble for the existing homes to park close to their homes.
Our neighborhood is full of families with small children and very active residents, enjoying strolling and playing in their front yards and street. Adding this many cars would completely disrupt the quality of life and would work against what our neighborhood strives to be.

We do not want campus dorm sized residential apartments in our neighborhood. These units are as small as 318 SF, about the size of a hotel room. To put it into context, the smallest type of apartments according to apartments.com are about 500 - 600 SF. These are about half that size. Studio and efficiency apartments are usually located in very high-density downtown locations like New York City and LA not in a South Fayetteville neighborhood of single-family homes and families. You may also find this type of development where there is a successful mass transit system to rely on, for tenants who do not have cars. This does not fit.

I urge the Commission to reject this proposal again due to the fact:

1) the application does not comply with the Downtown Master Plan:

Master Plan Strategy #3 - create smart parking sustainable and efficient that enhances since of place.

Master Plan Strategy #4 - Develop smart rules that outperform current zoning & attract Desirable Development.

Master Plan Strategy #5 - create a series of interconnected special places.

Master Plan Strategy #6 - develop the experience-based economy of the downtown by expanding the focus on arts, culture and entertainment.

2) Does not meet the goals of the Walker Park Neighborhood Master Plan. We are already adding 1-4 units of infill to some empty lots but 111 units/acre is way too dense into our neighborhood. It would be different if it was only accessed from Nelson Hackett like what is being zoned up on N. College but this is only accessible through our neighborhood.

3) the site is not eligible for a parking discount due to the fact that it is greater than the required distance from a bus stop to qualify and over a 100’ elevation rise and only picks up once per hour.

4) it is not eligible for a parking space discount for adding bike racks inside the units. Also, bike racks are not allowed in the halls or under the stairs.

5) density of the buildable area, not enough required parking and compounding a dangerous traffic condition.

6) this neighborhood already has issues with our old leaking water mains and by adding so many units will only exasperate the water lines and adding to more leaks.

7) the site is removing a number of heritage trees (50) going from 48% tree canopy covered to 5%. You should not justify this massive removal by saying the development would have killed them anyway.

8) on-street parking on South St. is too close to the curve on the intersection of Nelson Hackett. Also, parking on Nelson Hackett at a dangerous curve is a site line issue.

9) the developers cover letter states that the current owners will benefit and no other landowners will be affected. This is not true. We will be adversely affected.

10) previous impervious cover was 19% and they are planning 79%. With the added street parking proposed, the streets will not be able to be adequately cleaned of leaves and debris which will cause more flooding potential.

11) with the change to Nelson Hackett and Rock St intersection, we now see more traffic traversing through the neighborhood and this will only make it worse.

The proposed development would create or compound a dangerous traffic condition in which the risks of accidents involving motor vehicles is significant due to the high traffic volume and nature of the traffic pattern.

We aim to preserve and protect the health, safety, and general welfare of our neighborhood, preserve and enhance the natural beauty of our streets, and create an attractive, environmentally sound and healthy landscape for our neighbors.

Please vote NO to this development.

Sincerely,
S. Schwarting
324 S. East Ave

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 4:12 PM
To: Wonsower, Donna
Subject: FW: Project at the corner of Block and South St.

Follow Up Flag: Follow up
Flag Status: Flagged

LSD-2024-0011

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Joann Southern <joannsouthern40@icloud.com>
Sent: Thursday, August 8, 2024 3:54 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Project at the corner of Block and South St.

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I do not want 163 units on block Street. The traffic is bad enough already without 163 more people and their vehicles! I'm 84 years old and have lived here most of my life. This is not the Fayetteville I grew up with.
Thank you
Joann Southern


Walk this way

NWA Democrat-Gazette/J.T. WAMPLER
Joann Southern of Fayetteville walks her dog, Annie, on Tuesday at Walker Park. Southern walks Annie every day at the park in south Fayetteville.

Wonsower, Donna

From: Alison Taylor <a.n.taylor838@gmail.com>
Sent: Wednesday, September 18, 2024 4:56 PM
To: Wonsower, Donna
Subject: Urban lofts project

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members,

I am a current resident of south Fayetteville living on South street. I'm writing out of concern for the proposed project to build hundreds of micro unit apartments at the end of our street. This project would not only increase traffic and street congestion on our already overcrowded neighborhood street, but would also make the neighborhood unsafe for pedestrians and children. There is already limited space due to few driveways and garages in our neighborhood forcing residents to utilize street parking and no where near the needed spots to account for the 100 extra cars trying to find parking on our streets because of inadequate parking by the developer. I fear for the safety of all the children playing outside with the increased traffic. What I love about this neighborhood is the walkability and connectedness we have as neighbors. Every day our kids are riding bikes and walking to the creek without fear of being hit by a car. This neighborhood was not designed to handle this much traffic and I plead you to consider the consequences of this large development in a small quaint neighborhood. I'm all for affordable housing, but not at the cost of creating a traffic and safety hazard for a very functional and thriving neighborhood.

Thanks for your time and consideration,

Alison Taylor
7 W South St

Wonsower, Donna

From: Courtney Thomas <clthomas07@gmail.com>
Sent: Wednesday, September 18, 2024 5:00 PM
To: Wonsower, Donna
Subject: comment on Urban Lofts development

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Donna,

My name is Courtney Thomas, and I live at 48 E. South Street in Fayetteville. I'm reaching out regarding the proposed Urban Lofts development at South x Nelson Hackett.

In short, I love living in this neighborhood for a number of reasons:
- its walkability to downtown Fayetteville (cafes, restaurants, etc) and open spaces (like Walker Park)
- There is a diversity of age ranges/life stages in our neighborhood -- older couples, younger couples, families, young professionals, etc. I know many of my neighbors and have positive relationships with them.
- The streets are relatively quiet, and I enjoy frequent walks through the neighborhood and feel safe doing so. I observe kids and families frequently riding bikes, playing basketball, and otherwise playing and enjoying time outside in the neighborhood. Plenty of folks walk their dogs and spend time riding bikes and walking in the neighborhood.

This neighborhood shines as a walkable, family-oriented neighborhood, and I would love to see it develop in a way that maintains this character as a place where folks who want to invest in the community and contribute to the character want to live. I have serious doubts that the currently proposed Urban Lofts development aligns with this character.

I also have serious traffic safety concerns caused by 100 or so cars that will have nowhere to park except on our old, narrow streets that were not designed for this. I also have concerns about traffic safety problems caused by an additional 800 or more vehicle trips per day throughout our neighborhood.

Thank you for your time.

Best,
Courtney

Courtney Thomas

Wonsower, Donna

From: Jan Townsley <jan.townsley@gmail.com>
Sent: Wednesday, September 18, 2024 1:42 PM
To: Wonsower, Donna
Subject: Urban Loft

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm writing to share my thoughts on the Urban Loft project being proposed between Nelson Hacket and the South Square neighborhood.

I'd like to thank the Planning Commission for denying the variances requested by the Urban Loft project and would like to reiterate a couple of the reasons why this is the wrong location for this development project. It all comes down to parking. If you haven't already, please take the opportunity to drive or take a walk through the adjacent neighborhood. The streets are narrow. Parking is already a challenge with driveways, mailboxes, and trash pick-up requirements. Urban Loft should not be permitted to rely on the neighborhood streets for their substantial overflow parking needs. It will cause a very significant problem that won't have any good solutions going forward. Public transportation, as it currently exists, shouldn't be counted on to take the place of a car. This continues to be either the wrong project or the wrong-size project for this piece of land.

This parcel can be developed without creating an unimaginable parking problem and this needs to remain a requirement. Thanks so much for your forward thinking on this project.

Appreciatively,

Jan Townsley
301 S. West Ave.

Wonsower, Donna

From: R Vendetti <rvendetti@hotmail.com>
Sent: Wednesday, September 18, 2024 3:10 PM
To: Wonsower, Donna
Subject: South St Apartments

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members,

As a resident of east South Street I wanted to express my concern over the number of units planned at the end of the street and the impact that this apartment complex will have on **(i) traffic, (ii) parking and (iii) street safety for our children, not stated in order of importance**. East South Street, when I moved here, had no children, but now, on this small street of 14 homes, has six kids under the age of 10...at times we have had 14 children living here! The increased volume of cars resulting from this development must be addressed in terms of street safety for the children and residents.

While traffic flow/volume is a concern, so is parking.

At present, the College and South Street intersection of east South Street receives upwards of *eight* overflow vehicles nightly just from residents and their visitors in just *two of the* small homes that are closest to the College and east South intersection. Although those homes were built with driveways, the private parking did not accurately account for the number of actual inhabitants, overnight guests, or out of town visitors. This overflow at the end of this small street results from just 2 single family "small homes". I cannot imagine what 150+ apartment unit will do to the street parking situation on these narrow roads already experiencing limited parking on evenings when there are Razorback games or finals. Additionally, we have small business on our street that receives up to 10 vehicles during hours of operation. Not to mention the occasional overflow from game days and Crisis Brewing.

The City likely has made assumptions about what percentage of no-vehicle households would occupy the apartment building at the end of east South Street, but based on observation alone, it is clear that students in off-campus housing, and non-student renters, have cars and quite honestly need them because there is no easy access to public transportation.

Neighbors discuss "parking is as if we live in Chicago or Brooklyn" yet we don't, we moved into a small residential street in a college town, we invested in this street and have often been overlooked (where were our street lights and where are our speed bumps?). We endured detour traffic and fast speeds down our narrow street without consideration of residential safety. No speed bumps were put down, cars raced to the end of the street, and the traffic noice and congestion was notable. Noting the small and narrow streets, how can the City accommodate a 150+- unit building with only ~75% parking spaces, when real-life in Fayetteville informs us that we will likely have, at least, an average of 300+ vehicles seeking parking between 2-car

residents and their visitors. *Permit a housing complex, clearly Fayetteville is growing, but then require that the complex accommodates for real life parking scenarios to include the fact that so many of these apartments, in spite of their size, will house more than 1 individual and will be more than 1 car households with family and friends visiting.*

Also, sincerely and seriously sit back and imagine 150 cars trying to find parking on your neighborhood street and honestly indicate if that causes undue and unfair stress. (And be sure to note as you imagine this, that our neighborhood is small and cramped, not nearly as expansive as some of the newer neighborhoods.) In recent years, the trend for "tiny homes" has hit our neighborhood and we have seen that just that little shift has impacted quality of life in the neighborhood. Imagining even 20 more cars on east South Street is stressful for me -I imagine a chaotic street zipping with cars, needing to be ever vigilant with opening car doors, and crossing the streets, and delays up and down the street because the street is too narrow to accommodate parked cars and vehicles traveling in both directions, walking a few blocks with groceries and children just to get from the place where we could park our car to the house. We also have elderly persons on the street - are they expected to walk blocks to their home because they couldn't find parking on the street near their home? The idea of building apartments and not accommodating for parking seems irresponsible and is beckoning an unsafe and chaotic environment in our small neighborhood. I also expect that it will impact our resale value as we become known as the neighborhood without convenient parking. It just seems as if the Planning Commission is not making the best decision for those of us who have made our homes here and need to maintain our homes here.

All of the above addresses concerns over parking, but there are also concerns over noise pollution, traffic flow, air pollution that 800 +/- one way drives up and down the street will have on our safety, health and quality of life.

Another concern, of course, is providing for the safety of our children and residents – not only in terms of traffic safety, but also the increased safety that growing our small street population **sixfold,** from 25 to 150+ people, will require!

Respectfully,
R Vendetti
Resident of E South Street

Wonsower, Donna

From: Wonsower, Donna
Sent: Friday, September 13, 2024 1:20 PM
To: Tony
Subject: RE: Urban Lofts Project

Good Evening,

The planning commission has only voted to reconsider the proposal at this point. The project was tabled at the August 26 Planning Commission in order to provide time for the applicant to re-notify the public for the September 23 Planning Commission meeting. I have reviewed the new notifications and have confirmed that the applicant has met all public notification requirements for the new meeting, The commissioners will re-discuss the proposal and any changes at that September 23 meeting.

I will save your email and ensure that it is included in the packet for their consideration at that meeting.

Best Regards,
Donna Wonsower, AICP
Planner, Development Services
479-575-8358
Website | Facebook | Twitter | Instagram | YouTube

The Fayetteville Planning department is currently short-staffed. Please allow a minimum of 3-5 days for staff review and response to emails.

From: Tony <twappel@gmail.com>
Sent: Friday, September 13, 2024 12:58 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: Urban Lofts Project

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

September 13, 2024

Dear Donna,

This email pertains to LSD 2024-11, the proposed Urban Lofts housing project at the intersection of Nelson Hackett Boulevard, Block Avenue, 4th Street, and South Street being re-visited by the Fayetteville Planning Commission. I continue to oppose this project as it now stands.

1. I understand this topic was brought up again in a previous planning commission meeting and many commissioners had a change of heart. Why weren't the neighbors advised of this meeting? There are most likely rules that allow this, but I believe that when something of this magnitude is discussed, the affected neighbors should be notified of such a meeting!

2. I understand that the developer provided the Planning Commission with slick marketing material showcasing their projects in Jonesboro, Conway and Russellville. They appear to be nice communities. However, after looking at street views online, none of the existing complexes appear to adjoin established neighborhoods. They appear to be communities in and of themselves.

3. I understand the developer has reduced the number of proposed units. However, this reduction will not address the serious parking inadequacies and will not eliminate the very dangerous parking and traffic problems on nearby streets. During the first planning commission meeting, one of the commissioners said she would not support this project until Fayetteville established a parking management program. Has one been enacted since the last meeting? If not, why the sudden change of heart?

4. I have lived on South Street since 1997 and have witnessed the awesome re-birth of this neighborhood! With this re-birth, there has become more and more traffic. I have considered installing a functional driveway on my property so that I could park my car off of the street. Unfortunately, when there were cars parked on the street, it was EXTREMELY DANGEROUS for me to pull onto the street because the parked cars blocked my view of oncoming traffic. Having even more cars parked on South Street because Urban Lofts will not provide adequate parking for its tenants will make this situation even more dangerous.

5. I do not oppose apartments at this location, as Fayette Village was a neighbor for many years and parking was never a problem. Yes Fayetteville could use more housing, BUT a project of this magnitude at this location is not the right fit.

6. Please suggest that the developer reduce the size of their project so that the number of units matches the number of ON-SITE parking spaces.

Thank you!

Tony Wappel
11 E South Street

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 9:14 AM
To: Wonsower, Donna
Subject: FW: LSD 2023-011 Project at 309 S Block

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Tony <twappel@gmail.com>
Sent: Thursday, August 8, 2024 9:09 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: LSD 2023-011 Project at 309 S Block

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Donna Wonsower
Fayetteville Planning Department

Good Morning Donna,

I hope this email finds you well.

This email pertains to the proposed large micro unit housing project proposed for the corner of Nelson Hackett Boulevard and South Street. I am opposed to the plan as it now stands.

There will be way too much traffic and too many parked cars on South Street. I have lived on South Street since 1997. As this street has many restored older homes that do not have driveways, we have had to park on the street. On at least 2 occasions since 1997, my car has been hit by oncoming traffic. I have tried parking off the street in an area of my yard that could be developed into a driveway, but when cars are parked on the street (most of the time even now), I cannot see oncoming traffic until I am off of my driveway space and in the street. This is an EXTREMELY DANGEROUS situation in which I feel like I could be hit anytime I pulled into the street. Having even more parked cars on South Street will make situations like this even more dangerous.

Also, since I have lived here, there have been 2 neighbors who have had heart attacks. One neighbor died and because of too many cars parked on the street, I could not get to my house for nearly an hour; the fire truck, ambulance, police, and coroner vehicles were blocking access, as they were parked in the middle of the street.

All of the excess cars that will have to park on an already busy South Street because there is no room at the nearby apartment complex parking lot will make it even more difficult for emergency vehicles to go down South Street.

One other concern related to excess traffic is that we have many more children living on the street.Too many cars parked on the street will obscure the view of these children.

There are many other issues with this proposed project, including very old water lines (that continue to break and flood our yards and houses) that will not support this project.

I do not oppose an apartment complex, as Fayette Village was our neighbor for many years and parking was never a problem. Yes, Fayetteville could use more housing, BUT a project of this magnitude at this location will prove to be a big mistake.

Please consider suggesting that the developer reduce the size of their project so that the number of units matches the number of ON-SITE parking spots.

Thank you.

Tony Wappel
11 E South Street

Sent from my iPhone

Wonsower, Donna

From: SALLY WATSON <sallymariewatson@gmail.com>
Sent: Wednesday, September 18, 2024 2:05 PM
To: Cabe, Matthew; Payne, Brad; marymcgetrick@fayetteville-ar.gov; Madden, Mary; Werner, Nick; Brink, Andrew; Gulley, Fred; Garlock, Jimm; Castin, Nick
Cc: Wonsower, Donna
Subject: Proposed Urban Lofts 72701

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members,

My name is Sally Watson and I live at 37 E South St, Fayetteville AR 72701. I moved to Fayetteville in 2016 and bought an old home in this cute neighborhood. Children play together all the time on these blocks, just like when I was a kid. We walk our dogs twice a day around the neighborhood and many others do the same.

There is a developer trying to put in a complex that will simply have too many people for the size of these roads. There will not even be a dedicated onsite parking space for each unit. That's insane, there will be at least one car per unit without a doubt. Myself and others in our neighborhood have legitimate concerns about the safety of this development plan.

1-Chaos and traffic safety problems caused by 100 or so cars that will have nowhere to park except on our old, narrow streets that were not designed for this level of traffic. Already it is difficult for city service vehicles and delivery vehicles to squeeze by if there are cars parked on both sides of our street. And my street is the widest in the neighborhood! Some streets you can only park on one side and that is very limited as you cannot block mailboxes or driveways.

2-Chaos and traffic safety problems caused by an additional 800 or more vehicle trips per day throughout our neighborhood. Like I stated above this is a very well lived neighborhood. Children play, people walk everyday. If we have 800 plus more trips through this neighborhood we will without a doubt put children at risk, cause delays in essential services, and congest tiny streets that cannot handle that level of traffic. It will without a doubt create a serious safety hazard.

Please take the concerns of myself and my nieghbors into account when considering this development. This neighborhood can handle modest infill, but the proposed level is insane. Whatever ends up being built needs to have at a minimum one on site parking spot per unit. Minimum. Our streets will still be filled with visitors and second cars for the units. But they can't build a giant complex without providing enough in site parking for the residents. I appreciate your time and attention.

Sincerely,
Sally Watson

Wonsower, Donna

From: Bruce Welsh <bwelsh01@gmail.com>
Sent: Thursday, August 8, 2024 12:23 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 309 S. Block Avenue LSD-2024-011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Wonsower:

I'm writing out of concern that the construction project at 309 S. Block Avenue will negatively impact emergency fire and ambulance services, trash/recycling pick-up, mail delivery, street cleaning/repair, water and sewer infrastructure, existing resident street parking, traffic flow, and overall traffic safety in the south Fayetteville neighborhood near the project. The project, for many reasons, appears to fall short of meeting the criteria of Fayetteville's Downtown Master Plan.

I expect to see the above-stated concerns addressed in detail by the City Planning Commission at the upcoming Monday meeting. Thank you.
Sincerely,
Bruce L. Welsh, DDS
50 East 5th Street
Fayetteville, AR 72701

Wonsower, Donna

From: Bruce Welsh <bwelsh01@gmail.com>
Sent: Wednesday, September 18, 2024 1:33 PM
To: Wonsower, Donna
Subject: Urban Lofts

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Wonsower:
I'm writing in regard to the Urban Lofts project in south Fayetteville.The developers want to build 163 very small studio apartments, but only provide about 60 on-site parking spaces. I'm concerned that the apartment complex will create at least two very serious traffic and safety hazards.

1- At least 100 cars will have no place to park except on already crowded narrow neighborhood streets.
2-There will be at least 800 additional vehicle trips per day (Federal transportation data) on these older, narrow streets that were never designed for that much traffic.

The apartments will have no vehicle access to Nelson Hackett, only to Block Avenue and Fourth Street, and both streets are old and narrow. The additional traffic flow will adversely impact traffic safety in this residential family-oriented neighborhood.

If 800 more vehicle trips per day are added to these already overcrowded streets, children, pets, pedestrians, bicyclists, and, of course, automobiles will all be in increased danger.

Through the Walker Park Neighborhood Master Plan, adopted in 2008, the city has been nurturing and protecting our neighborhood for at least 16 years now.
As they had hoped, our neighborhood has blossomed into a very desirable place to live.

Gentle density and the organic approach in the Walker Plan have allowed individual properties to develop over time, promoting the overall success of housing in our town. *All this success could be lost with the Urban Lofts project on this site in this neighborhood*.

I hope the commission will consider the negative impact of this project on the safety and health of one of Fayetteville's most desirable neighborhoods.

Sincerely,
Bruce L. Welsh, DDS
50 E. Fifth St.
Fayetteville, AR 72701

Wonsower, Donna

From: Planning Shared
Sent: Friday, August 9, 2024 8:17 AM
To: Wonsower, Donna
Subject: FW: 309 S Block Ave / LSD-2024-011 Project Meeting

LSD-2024-0011

From: Richard Berquist <berquist@mac.com>
Sent: Thursday, August 8, 2024 6:32 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Gina Berquist <ginaberquist@mac.com>; Marriah Berquist <marriahcorrinne08@gmail.com>
Subject: 309 S Block Ave / LSD-2024-011 Project Meeting

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planner Donna Wonsower ... this communication is in regard to the 163 unit Large Scale Development at 309 S Block, awaiting approval by the Planning Commission.

I was unable to attend the first meeting of the City Council about this project but I most definitely wish my comments to be heard.

We have owned the property at 33 E 4th Street since 1982. We are two blocks away from the development, on a street most certainly will become a thoroughfare to the 163 units. Our family has lived in that house since then and still does. My wife's parents retired their in the early nineties and have since passed on. My wife and I lived there with our first daughter. My wife's disabled brother lived there until his passing. Currently, our daughter and 3 young grandchildren live there. Their ages are 12, 8 and 6 years old.

This place has been a true neighborhood for my family and our many neighbors. This neighborhood includes a very diverse group of people of all ages; professionals, working class , students and retired citizens of Fayetteville, i.e., educators, artists, musicians, dance and martial art instructors, bankers, city employees, craftsman and tradesman, University of Arkansas staff etc.

We believe that this Large Scale Development , as described in the plans, in our neighborhood will not be an improvement or enhancement in any way. Quite the contrary, we believe it will introduce many unnecessary problems. The FIRST and PRIMARY problem my family has with this project is TRAFFIC SAFETY. The likelihood of an enormous increase in traffic puts my three granddaughters and their many friends at great risk. With 300-400 sq ft units, this 163 unit dormitory-like housing will most likely attract student tenants and their friends and acquaintances without benefit of University oversight.

The increase in traffic will be very threatening to the children in this neighborhood. They are accustomed and habituated to living with, traveling thru, playing in and accommodating a neighborhood with far fewer cars than will arrive with the construction of this 163 unit development... by a factor of at least 4. And the addition, to this neighborhood, of so many new young drivers will add another dimension of risk as well.

Also, Emergency, Fire and Ambulance services will be impacted gravely, as will other services like Trash Pick-up, Street Cleaning and Mail Delivery. And much additional street parking will be required to accommodate a doubling or tripling of street side parking. Then consider the increase in toilet / sewer services on a very old City Sewer system. That would be a tripling or more of sewer capacity. ...

In summary, I can not think of single benefit this dormitory-like project will bring to this neighborhood. But it is very clear to me and my other neighbors that GREAT TRAFFIC RISK will arrive in our neighborhood with the arrival of this 163 micro efficiency Large Scale Development.

Thank you for your consideration. I hope to see you on Monday.

Richard and Gina Berquist

Wonsower, Donna

From: Richard Berquist <berquist@mac.com>
Sent: Wednesday, September 18, 2024 2:12 PM
To: Wonsower, Donna
Subject: 309 S Block Ave / LSD-2024-011 Project Meeting

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members … this communication is in regard to the Large Scale Development proposal at 309 S Block Street which we are ABSOLUTELY OPPOSED to.

We have owned the property at 33 E 4th Street since 1982. We are two blocks away from the proposed development, on one of three streets that most certainly will become thoroughfares to this project. Our family has lived in that house since then and still does. My wife's parents retired their in the early nineties and have since passed on. My wife and I lived there with our first daughter. My wife's disabled brother lived there until his passing. Currently, our daughter and 3 young grandchildren live there. Their ages are now 13, 8 and 6 years old.

This 'South of the Square' part of the City has been a true neighborhood for my family and our many neighbors. This neighborhood includes a very diverse group of people; educators, artists, musicians, child care professionals, bankers, city employees, craftsman and tradesman, University of Arkansas staff etc.

We believe that this Large Scale Development in our neighborhood will NOT be an improvement or enhancement in any way whatsoever and will make NO CONTRIBUTION to the quality of life we enjoy. Quite the contrary, we believe it will introduce many unnecessary and dangerous problems. The FIRST and FORMOST problem my family has with this project is

TRAFFIC SAFETY. The likelihood of an ENORMOUS INCREASE IN TRAFFIC puts my three granddaughters and their many friends at great risk. This dormitory-like housing will certainly attract student tenants and their friends and acquaintances without benefit of University oversight. There are currently about 30 elementary age children and younger who reside here who have no familiarity with the kind of traffic this project most certainly will produce in their neighborhood. This will be absolutely overwhelming and dangerous to these children.

They are accustomed and habituated to living with, traveling thru, playing in and accommodating a neighborhood with far fewer cars than will arrive with the construction of this 163 bed development... by a factor of at least 8. And the addition, to this neighborhood, of so many new YOUNG COLLEGE AGE DRIVERS will add another dimension of risk as well.

Also, Emergency, Fire and Ambulance services will be impacted gravely, as will other services like Trash Pick-up, Street Cleaning and Mail Delivery as flood of street side parking occurs. Then consider the increase in toilet / sewer services on a very old City Sewer system. That would be a tripling or more of sewer capacity for this vintage neighborhood.

In summary, I can not think of single benefit this dormitory-like project will bring to this neighborhood. But it is very clear to me and my other neighbors that GREAT TRAFFIC RISK will arrive in our neighborhood with the arrival of this 163 bed Large Scale Development.

Thank you for your consideration in this matter. I hope to see you on Monday, Sept 23.

Richard and Gina Berquist

Wonsower, Donna

From: Bayard Blain <bayardguitars@gmail.com>
Sent: Wednesday, September 18, 2024 2:46 PM
To: Wonsower, Donna
Subject: Urban lofts development

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello planning commision members. My name is Bayard Blain, resident of 19 East 4th street Fayetteville, since 2011. I have 3 children who have growm up here and we've watched a rough neighborhood become a great place for kids and families. This development poses serious concerns with safety and parking and congestion in our neighborhood. The lack of proposed nessessary parking would compromise everything our neighborhood is valued for. 4th street is already problematic in that it's narrower than East and south streets so people have learned we only park on one side or emergency vehicles and mail trucks can't come on through, imagine adding a 100 cars trying to find parking as well. The proposed 800 vehicle trips a day don't factor in cars going in circles looking for parking and creating further problems. We know some kind of development will happen, but everyone in the neighborhood is against this, that I know of, except one person with financial ties. We who live here would like see a development that incorporates obvious parking needs for residents and doesn't try to maximize their profit margin by compromising the safety and flow of our neighborhood. This project would be a parasite on our neighborhood, taking everything like location and safety and downtown accessibility to later charge accordingly for that, while expecting the neighborhood to absorb their development excess. This project takes from us here and gives us back nothing. Lets please not let Fayetteville development be ruled by greedy parties looking to profit off the good name of our town.
Thanks
Bayard Blain
Owner operator of Bayard Guitars
19 E4th st
Fayetteville AR
72701
4792005074

I am expressing my concern with the development plans for the Urban Lofts apartment complex. While I did not submit comment the first time this issue went before the Planning Commission, I am moved to share my thoughts after hearing the developers will be allowed to have their proposal reconsidered. **I oppose this development and ask the Commission to again vote down the proposal.**

It is my opinion that this development, while scraping by the letter of the law via multiple variances, poses a threat to the neighborhood due to the traffic/parking problems generated by the extreme density and inadequate vehicular accommodation. We have already expressed a target of ~50 units (using the current single-bedroom model) is welcomed by the neighborhood, and could fully accommodate all parking.

Background

I am a resident at 24 E 5th St., along with my wife and 3-month-old child. My wife has lived in this neighborhood on-and-off since birth and has had such a pleasant experience that we chose to raise our family here. We know of at least once family with young children on (literally) every single street and know this because we walk the entirety, including past this development property, each week. It is highly likely we will run across at least a half dozen others walking on any given day – we feel safe walking our families day and night and are a connected community.

Existing Parking/Traffic Issues

There are *already* negative parking and traffic concerns that affect us daily.

- High speed traffic cuts across E/W South St, as those outside the neighborhood cut through. There is already spillover parking on E. South St from new developments on S. College Ave (see attachment 1). These small homes *have* parking (just as the Urban Lofts will, to a degree), but the residents instead choose to park in our neighborhood out of convenience.
- Periodic events at Crisis Brewing Co. results in parking on both sides of the street, covering the entire extent of South St, much of 4th St, and both Block Ave and East Ave all the way to 5th St.

Street Width and Concerns Regarding Emergency/Delivery Vehicles

Neighbors have expressed concern over emergency and delivery vehicles being restricted by parking. If the Urban Lofts cannot fully accommodate all vehicles, these concerns are likely to be recurring reality.

Today, I parked on W 4th St/S Block St and took a picture of my vehicle parked across another. A UPS driver was unable to pull his vehicle between, so got out to ask me to move. But what if I wasn't there? What if it was an ambulance or fire truck?

The street is 20 feet in width. I measured the two vehicles at 75" in width. This left only 90" between the vehicles- too small for large vehicles to pass between! (See attachments 2-4).

(For reference, the approximate widths of large vehicles that would be unable to traverse:

- Ambulance: 98" (common Braun Type I & III on Ford chassis)
- Fire Truck: range from 96"-120"
- UPS box truck: 95.5")

Developer's Letter

The developer has submitted a letter to the Commission stating three "compromises as a show of good faith in support of our earnest hope to be good neighbors." I feel their points lack merit and are intended only as an empty gesture that attempts to placate Commissioner and resident concerns:

- The developer claims "it's important to point out that we are proposing more affordable 1-bed units." However, their single-bedroom units at their Jonesboro and Russellville complexes range from ~$1,250 - $1,900 a month. Do you consider that "affordable?" There are numerous entire *houses* in the neighborhood with lower rents.
    - They make a point on flexibility of their 1-bed vs 2- and 4- bed unit types, but this is a **red herring**, distracting from the concerns stated by neighbors.
- Point 3 claims "a commitment to fully manage parking that encourages car-free renters," but provides no details. "Compromises" include:
    - "Providing a discount on monthly rent for renters who do not require a parking spot."
        i. Reality: This only encourages people to street park, instead of pay for garage use.
        ii. Indeed, savvy renters can simply get a discount on rent by claiming to not require a spot, and simply park on our streets for free, without enforcement.
    - "Clearly stating in our lease agreements that renters should not plan to use on-street parking in the area as an alternative to our on-site accommodations."

    i. Reality: They will ask renters to make a “scout’s honor” promise, which is entirely unenforceable.
- There is no accounting for Guest parking. I have not heard this mentioned, but it can be presumed any of the ~~163~~ 138 residents’ guests will street park.

The developer concludes *“we would like to further request that the item be tabled to the next meeting to allow us sufficient time to notify members of the public.”* As a member of the public and this neighborhood, I can definitively state I have *not* been notified by the developers of their request to re-hear the application, nor of this public meeting, counter to their claim of offering these “in good faith.”

In Conclusion:

We are a young family that currently rent and hope to buy a home but cannot yet afford it. Due to high prices in Fayetteville, we *support* infill, including in our neighborhood! It is already happening, with townhomes on small lots already replacing single family homes on larger lots. We are *not* opposed to a larger development on the lot in question, but feel the density is far too high and brings a host of problems.

As stated in the first meeting, reducing the development to a target density of ~50 units (assuming the same single-bedroom model) is our goal.

Sincerely,

Johnie M Cagle











Wonsower, Donna

From: Wonsower, Donna
Sent: Wednesday, August 7, 2024 2:53 PM
To: Roselyn Cicerone
Cc: Horton, Andrew; Boyd, Melissa
Subject: RE: Parking Examples (LSD-2024-0011)

Good Afternoon,

I recommend reaching out to engineering and/or the fire marshal's office for any questions specific to fire access or street turning (copied here). Both have reviewed the request for compliance with street standards and fire access and would be better equipped to discuss how the proposed development may impact adjacent streets. What I can say is that the development appears to be meeting ordinances and that, if approved, the plans will also go through a more detailed review by all departments with grading permit.

Best Regards,
Donna Wonsower, AICP
Planner, Development Services

479-575-8358
Website | Facebook | Twitter | Instagram | YouTube

From: Roselyn Cicerone <ciceroner@gmail.com>
Sent: Wednesday, August 7, 2024 2:47 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: Re: Parking Examples

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

None of these examples are as extreme as what you're proposing for this project. None of them are relying on narrow neighborhood streets for overflow. Your proposed fix for the streets doesn't actually add parking. As it is, it's questionab;e as to whether a fire truck could get through these streets without wiping out a parked car.

On Tue, Aug 6, 2024 at 5:17 PM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

Good Afternoon,

Please see below for some examples of other large multi-family developments. Please note that parking counts for multifamily dwellings are calculated by bedrooms, not the number of units. I have used that metric below for a more direct comparison. The proposed development on Nelson Hackett has 163 bedrooms on 1.3 acres, or roughly 125 bedrooms per acre.

Examples

- Atmosphere Apartments
  - 640 bedrooms on 3.41 acres (~188 bedrooms per acre)
  - 382 vehicle spaces + 42 motorcycle + 120 bike racks
- Cardinal Apartments
  - 480 bedrooms on 2.75 acres (~174 bedrooms per acre)
  - 391 parking spaces + 33 motorcycle spaces + 100 bike racks
- The Academy at Frisco Apartments
  - 673 Bedrooms on 2.96 acres (~227 bedrooms per acre)
  - 625 vehicle spaces + 72 motorcycle/scooter
  - Plus 8,800 square feet of commercial space

Each of these examples includes a parking garage, as does the proposed developmetn on Nelson Hackett. Please feel free to contact me with any questions.

Best Regards,

Donna Wonsower, AICP

Planner, Development Services

AICP CERTIFIED

479-575-8358

Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

Wonsower, Donna

From: Katherine Cloud <katherinecloud@gmail.com>
Sent: Wednesday, September 18, 2024 4:14 PM
To: Wonsower, Donna
Subject: Regarding Urban Lofts on Nelson Hackett

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members,

My name is Katherine Cloud and I live at 62 E. 5th St.

I have lived in this neighborhood since 2014. The best part of this neighborhood is that it is a safe neighborhood.

While I am in favor of increased housing and new builds in this neighborhood, I am extremely concerned about the proposed plans for the apartment complex in our neighborhood.

While I have a number of concerns, the most important is safety.

The streets in our neighborhood are narrow and can handle very few additional vehicles parking on the street. The streets are so narrow that only once side of the street can be used for parking. In the rare case that cars are parked on both sides it is dangerous for drivers and especially delivery and service vehicles to get through. The street parking is further limited by the driveways. If a car parks on the opposite side of the street from a driveway, the driveway is effectively blocked, as there is not enough space for the homeowner to back out of their driveway with someone parked across from the driveway. Additionally, space must be left between the corner stop signs and the cars parked, or it creates hazardous blind spots at the intersection, which can cause a traffic jam or accidents with only a few cars. The reason we are making it work now is that we know our neighbors and are considerate of these issues. There is very little space available for additional cars to park on the street due to the factors mentioned above. The proposal is about 100 parking spaces short. There are no places for these additional cars to park.

Additionally, this is a quiet residential neighborhood. The additional traffic of so many new vehicles including the residents and their visitors and guests will effectively make our narrow streets into busy thoroughfares. With the blind spots, and the street parking, service vehicles, and delivery trucks, this many additional cars will create safety issues.

While I support growth and new housing in this area, in this neighborhood, the scale of the project is poorly planned, with far too many units and a serious lack of parking.

Variances can and should be granted for reasonable requests. However these requested variances are not reasonable nor necessary. There are a number of reasonable plans that could be proposed for this property without the need for so many variances, without creating safety issues. There is no valid reason to grant these variances when the developers could simply propose a plan that fits within current city ordinances.

Please consider the safety of this historic neighborhood and vote against these variances.

Sincerely,

Katherine Cloud

Wonsower, Donna

From: Matthew B. Day <matthewd@uark.edu>
Sent: Wednesday, September 18, 2024 4:39 PM
To: Wonsower, Donna
Subject: Urban Lofts project on Nelson Hackett

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members,

Hi, I am Matthew Day. I live in the house that my wife and I own on South Block Avenue just north of MLK. I am writing because I am concerned about the planned Urban Lofts project at the corner where Nelson Hackett, South street, and Block Avenue come together. The parking and traffic on the street is already problematic and the planned development would make it worse. Often people park on both sides of the street, and visibility is not good, and there isn't enough room for two-way traffic. The planned development would make this worse. I commute by bicycle and on foot, and increased traffic on Block Ave would make this more dangerous (I was already in a back brace for three months this year due to an accident while commuting in the neighborhood). The sidewalks are overgrown and unreliable, so people often walk in the street here, and increased traffic would certainly result in injuries. I haven't heard about any plans from the city to improve the streets or sidewalks in this neighborhood, and if this development goes forward as is, this will be an urgent need. Don't allow these developers to dump a huge load of traffic and parking on a street system that can barely handle the current load.

Best regards,

Matt Day

(p.s. Hi Donna! I hope you are doing well.)

--
Matthew Day
Associate Professor
Department of Mathematical Sciences
University of Arkansas

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 8:33 AM
To: Wonsower, Donna
Subject: FW: Large scale apartment project on South Block street. LSD 2024-001.

Concerning LSD-2024-0011?

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Franklin Evarts <fevarts56@gmail.com>
Sent: Wednesday, August 7, 2024 9:34 PM
To: Planning Shared <planning@fayetteville-ar.gov>; Mayor <Mayor@fayetteville-ar.gov>
Subject: Large scale apartment project on South Block street. LSD 2024-001.

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City of Fayetteville Planning Commission,

My name is Franklin Evarts. My wife Louise and I have lived at 11, West South Street for nearly 40 years. In this time we have seen many changes, and quite a bit of new development and growth in our neighborhood, the majority of it being good and well thought out. Twenty years ago there were hardly any children around and a good percentage of the properties were rentals. Now there are many families buying properties because of the unique eclectic, friendly, diverse qualities of our little neighborhood. There are families walking with strollers and many kids playing in the streets. We are firstly concerned about safety, especially for the neighborhood children and then our own personal property. The apartment proposal is much too large as is. South street, which the development will border, was the main thoroughfare from Nelson Hackett and South College while all the traffic calming work was being done and there was so much traffic, and cars constantly were traveling way too fast. That was temporary. Many of the homes on South street have no driveways so street parking is our only choice; this makes the street even more narrow. When there are cars parked across from each other only one car can pass through at a time. I am very concerned about the safety of the pedestrians especially kids that are always on the street. There is a sidewalk on only one side of the street, and we are very concerned about such a large increase in traffic and potential overflow parking. We worry about the infrastructure of the neighborhood. The water main lines and sewage lines are repeatedly being repaired. The streets are too small and narrow to accommodate a large influx of new traffic. We understand that neighborhoods

change. The proposed development is much too large and will negatively change our and many of our neighbors lives dramatically. Louise and I want to go on record to say we are not against safe, thought out, practical development.

Please consider these concerns when making your decision.

Thank you very much for your time and work for the city.

Sincerely,
Franklin Evarts and Louise Rozier

Wonsower, Donna

From: darlene graf <grafhouse7@gmail.com>
Sent: Thursday, September 12, 2024 6:31 PM
To: Wonsower, Donna
Subject: Re: Nelson Hackett micro efficiency lofts

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My main concern about this project is it's "non-consolidated" housing--meaning each separate unit (of 163) has a separate impact on parking and traffic. As a neighbor right up the street on South, I don't think the logistics of this fare well. Very short sighted.

Sincerely,
Darlene Graf
7 E. South St., 72701

On Thu, Aug 8, 2024 at 9:32 AM Wonsower, Donna <dwonsower@fayetteville-ar.gov> wrote:

> Good Morning,
>
> I have saved your email to the project folder and will ensure that it is included in the Planning Commission packet for the commissioners' review.
>
> Best Regards,
>
> **Donna Wonsower, AICP**
>
> Planner, Development Services
>
> AICP CERTIFIED
>
> 479-575-8358

Wonsower, Donna

From: darlene graf <grafhouse7@gmail.com>
Sent: Wednesday, August 7, 2024 11:14 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Nelson Hackett micro efficiency lofts

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, I am writing in regards to this proposed project that borders Nelson Hackett, Block, 4th, and South St.

I live on South Street. I am concerned about the size of this project and the influx of traffic thereof and lack of consideration for adequate parking.

Where will that many residents (163 apartments) park their cars? The proposed plan for parking is minimal leaving the residents of these streets having to navigate the overspill of apartment parking. This will also affect the swift movement of emergency vehicles when needed and trash pick-up, postal delivery: cars blocking every available curb space.

I am also concerned about infrastructure: mainly water. Will the city be proactive in replacing the old pipes with newer ones that could sustain the stress of that much more added use?
The pipes in front of my house have broken twice in the last two years, flooding my crawlspace.

The size of this project, without measured thought into the logistics of parking and traffic safety, is very short sighted. This needs to be addressed or this addition will be detrimental to the function/saftey of our neighborhood.

Sincerely, Darlene Graf (7 E. South St.)

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 4:58 PM
To: Wonsower, Donna
Subject: FW: Property LSD-2024-011/Donna Wonsower

Follow Up Flag: Follow up
Flag Status: Flagged

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Deborah Griffin <marigoldpgtc@gmail.com>
Sent: Thursday, August 8, 2024 4:54 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Property LSD-2024-011/Donna Wonsower

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To: Fayetteville Arkansas Planning Commission Members

I am writing in reference to a proposed development (LSD 2024-011) in my neighborhood, located one block from my home. I am **strongly opposed** to this! This development offers only monetary gain for the property owner. It in no way fits into our neighborhood. 163 micro units, 106 parking spaces (not all for cars) in NO way fulfills the need for housing. It only services the University's students and does not benefit our neighborhood. In fact, it adversely affects our neighborhood and does not meet the Downtown Master Plan's objectives. This neighborhood is old…the infrastructure is old. We have narrow streets and when cars are parked on both sides of the street (which this development would necessitate) emergency vehicles, fire trucks and ambulances cannot pass, putting us all at risk. Our neighborhood has older people and children, lots pets….the increased traffic would pose a danger to us all! With all those cars parked in our streets, the residents would lose space for visitors, or an extra vehicle, and mail service, trash and recycling pick up, street cleaning would be next to impossible.

Our neighborhood needs homes for residents not just for students. I do not understand why the trend in development favors only students. There is a loss of quality, beauty and neighborliness in the

development trends in this town. The housing of University students is the University's issue if they are not going to cap enrollment each year. Please don't let this trend to provide student housing ruin our city. Older people who want to be in town and downsize and young families who have jobs here, and people with lower income levels have no where to go because the current building trends do not provide appropriate housing for them! The infrastructure needs to be updated and addressed to meet the city's increasing population....a population that does not just consist of students. Our city is greatly impacted by the increasing number of cars on our streets.

We do have rental houses in our neighborhood that are rented by students and they benefit by having a neighborhood where we know each other if only to wave because we recognize each other. It fosters good will and a positive quality of life for all. The proposed development would diminish our quality of life. There has already been a code change of a property to RI-U just a block or so from this proposed development. That is going to change things dramatically....we DO NOT NEED this 163 unit "dormitory" with no parking to further ruin our neighborhood. I ask you to please consider the people of this neighborhood. Please do not allow this development!

Thank you.

Sincerely,

Deborah Griffin, M.Ed., L.P.C.

Wonsower, Donna

From: Planning Shared
Sent: Friday, August 9, 2024 8:17 AM
To: Wonsower, Donna
Subject: FW: comments re: 309 S Block Avenue proposed project

LSD-2024-0011

From: Gwyn Hill <gahill7777@gmail.com>
Sent: Thursday, August 8, 2024 7:42 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: comments re: 309 S Block Avenue proposed project

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear planning committee,

I am a Fayetteville resident living near the proposed building at 309 S Block Ave and I am very concerned about the project. The proposal shows that there are 162 units but only 106 parking spaces, which means there aren't even enough spaces for all the people who live there, let alone any visitors they might have. I live only a block away, at 108 W 5th St., and my house doesn't have a driveway, so I have to rely on street parking. If residents from this new building don't have enough spaces for their cars in their parking lot, they will park in the street and I may not have a place to park my car in front of my own home if I get home late in the evening. The streets are also very narrow and I am worried about traffic safety and the safety of the neighborhood children. My next door neighbors both have kids who skateboard and play ball in the street because they are used to very little street traffic, and they aren't used to having so many cars around. Our street currently has very few cars that drive by and these kids have gotten used to being able to play in the street. I am worried that they will still go out there to play even with increased traffic because they have been able to do so for their whole lives and it's habit for them, but they won't be as safe anymore. There are also several places with lots of shrub overgrowth that grows right up to the edge of the street and creates blind corners and the increase in traffic with so many new residents will make these blind corners much more dangerous. This project should be scaled back so that there is room for more parking on site and there are at least as many parking spaces as there are units, if not more, to account for visitors to the building. This will also lead to less overflow parking and traffic into the neighboring streets.

Thank you for taking time to listen to my concerns!

Warmly,
Gwyn Hill
108 W 5th St.

Wonsower, Donna

From: Masters, Jessica
Sent: Monday, August 12, 2024 3:23 PM
To: Wonsower, Donna
Subject: FW: LSD 2024-011 Public Comment In Support

LSD-2024-0011. Can you please respond and file away in the project records?

Thank you!

Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
Website | Facebook | Twitter | Instagram | YouTube

-----Original Message-----
From: Casey Hoffman <cmbrewe@gmail.com>
Sent: Monday, August 12, 2024 3:18 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: LSD 2024-011 Public Comment In Support

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,
I'm a resident at 3 E 4th Street and am in favor of LSD 2024-011 scheduled for the Planning Commission meeting today, 8/12/24.

Our city is in desperate need for more non single-family housing types, especially within walking distance to services and goods. This site is an excellent location for multi-family housing as it is close to downtown and other civic resources such as the Fayetteville Public Library and Razorback Greenway trail system.

The number of units and parking ratio is not a concern for me. The surrounding streets have a lot of on-street parking already available and it would be encouraging to see more of the on-street parking utilized. It's become apparent that when cars are parked along the narrow streets of 4th and East, traffic speeds go down and the street is safer for kids to play (and they do!).

If during a declared housing crisis, we can't put apartments directly on highway 71B, inside of the downtown masterplan, where exactly can we put them?

I look forward to welcoming more neighbors to the Jennings Plus neighborhood, Casey Brewer Hoffman

Wonsower, Donna

From: ron@fayettevilledoordoctor.com
Sent: Tuesday, September 17, 2024 4:12 PM
To: Wonsower, Donna
Subject: Urban Lofts project on Nelson Hackett

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Wonsower,

As concerned residents of the South Square neighborhood we are asking you to require the developer to dramatically scale back the Urban Lofts project on Nelson Hackett!

The developers sent a letter saying that they have made changes to the project, **but please don't allow yourself to be fooled.**

None of the things mentioned in the letter will do anything to fix the multiple traffic safety issues that the project will create.

The developers say that they have reduced the number of units from 163 to 138, but a look at the recently resubmitted plans clearly shows that they have just combined some units together, but the number of bedrooms has only been reduced by a very few (8). Therefore, **the number of cars the residents will bring to the apartments are still almost the same.**

The recently resubmitted plans unfortunately show **no increase in on-site parking**. This means that there will still be at least **100 cars that will have nowhere to park** except on the narrow, older streets that already have cars parking on them. Current residents often have trouble finding parking that's not blocking driveways, trash carts, recycle bins, mailboxes, etc.

There will still be 155 bedrooms, but only about 60 on-site parking spaces!

Furthermore, there will still be at least **800 additional vehicle trips per day** (Federal transportation data) on these narrow, older streets that were never designed for that much traffic.

In their letter the developers say that they will commit some of their units to low-income residents. **This is meaningless and unenforceable.** At the 8/26 Planning Commission meeting the City Attorney clearly stated that this is illegal; she said that Arkansas state law will prevent this from being enforced.

In the letter the developers also say that they have a plan to manage parking. Except for the designated ride sharing drop-off zone, the other points are **also meaningless and unenforceable.**

Everyone in our neighborhood is very concerned about how this project is being forced upon us.

The project site is zoned Downtown General, but because of the site's steep slope and the curve on Nelson Hackett the apartments will face and adversely interact with the fragile neighborhood instead of facing the primary street as is best practice in Downtown General projects.

A careful look at the plans shows that **there is a 12' to 6' deep and 24' to 8' wide pit right next to the sidewalk** that is next to Nelson Hackett. **This is not only a dangerous traffic hazard but it's also ugly!** Moreover, this **excessively deep and wide pit** works against the city's future plans to make Nelson Hackett attractive, safe, and inviting.

The apartments will have no access to Nelson Hackett- only to Block Avenue and Fourth street, and both streets are old and narrow. And all the Urban Loft's residents on-street cars and traffic mean that residents, delivery vehicles, fire trucks, and ambulances will have difficulty getting through the streets which will further compound the traffic hazard.

It's just common sense that if you overpack the streets with parked cars and then add 800 more vehicle trips per day to these overcrowded streets children, pets, pedestrians, bicyclists, and of course car drivers will all be in danger.

Also, the South Square neighborhood is already doing its share to help with Fayetteville's housing shortage. As an older house is removed, it's being replaced with two, three, or four new houses (which puts additional parking and traffic pressure on the old, narrow streets.

The Urban Lofts apartments density will be much more than 100 units per acre and will be right next to our neighborhood that is almost exclusively no more than 10 units per acre. There is no buffer zone (as is best practice).

Most of the Urban Lofts residents will not stay there for very long. These apartments will be like an extended stay hotel and/or a student dormitory. **All the units are furnished and nearly all are hotel room size.**

The project needs to be dramatically scaled back to less than 60 units. This would allow a minimum of at least one full size on-site parking space for each bedroom of each unit.

The Urban Loft Company is a chain, they already have four similar complexes. Two in Jonesboro, one in Russellville, and one in Conway. **All four of their existing complexes are in settings completely different than the one that they have chosen in Fayetteville. They are all on flat land, all have plenty of room for all their residents to park on-site, and all are in nearly empty areas.**

Look at theurbanloftco.com to see what the developers want to force into our neighborhood. Check out Google Maps and look at where each project is and what is **(and isn't!)** around it. Google Street View will give an even better look.

The city has been nurturing and protecting our neighborhood for at least 16 years now (Walker Park Neighborhood Master Plan, adopted in 2008). **As they had hoped, our neighborhood has blossomed into a very desirable place to live!** Gentle density and an organic approach in the Walker Plan have allowed individual properties to develop over time promoting the overall success of housing in our town. **All this success will be lost with the Urban Lofts project on this site in this neighborhood.** We've got a lot to lose if these out-of-town developers are allowed to take advantage of us and force their project into our fragile neighborhood.

My wife and I have lived in and owned property in the South Square neighborhood for 30 years. Our daughter, son-in-law, and our granddaughter live in a house that we own at 24 E. Fifth Street. We have many friends in that neighborhood that have a lot invested there.

Please stand with the neighborhood and require the developer to dramatically scale back the Urban Lofts project on Nelson Hackett!

I would be glad to provide more information or answer any questions that you have. I really appreciate you taking the time to read this and would welcome an opportunity to speak or text with you. **I'd really like to meet you at the project site and show you why this special neighborhood deserves your support!**

Sincerely,
Ron Hollinghead
479-236-0842

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 5:27 PM
To: Wonsower, Donna
Subject: FW: Please take the time to reconsider the Urban Lofts apartments on Nelson Hackett!

LSD-2024-0011

From: ron@fayettevilledoordoctor.com <ron@fayettevilledoordoctor.com>
Sent: Thursday, August 8, 2024 4:59 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Please take the time to reconsider the Urban Lofts apartments on Nelson Hackett!

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi,
My name is Ron Hollingshead and I'm writing on behalf of my daughter, son-in-law, and their infant daughter who live in the house that we own at 24 E. Fifth Street. I'm also speaking on behalf of the many neighbors who are also concerned about this project.

Before it's too late, please take another (and much more careful look) at the plans for the Urban Lofts project on Nelson Hackett Boulevard before this Monday's Planning Commission meeting.

Be sure to consider the harmful effects that a project of this size will have on the surrounding fragile neighborhood.

The Fayetteville Planning Department, including Donna Wonsower, who is the planner for this project, needs to ask more questions and reconsider the approval of this LSD.

We request that for several safety and health reasons **the development needs to be scaled back or modified so that there is at least 1 on-site full-size parking space for each bedroom of each unit**. (This can't include compact parking spaces, motorcycle parking spaces, on street parking spaces, nor waivers for bicycle parking/racks, or for bus stops that are more than a quarter mile away)

Please look again at the plans- they contain many problems with parking.

Everyone who lives in that neighborhood knows this development would be a terrible mistake. We all agree that the city needs more affordable housing, but let's not sacrifice a functioning, cohesive, desirable, and affordable neighborhood in the process.

In its current form this project is certain to create serious ongoing safety, traffic, and health issues. The city and its residents will be forced to deal with these problems over and over.

<u>This is because the project is at least 100 parking spaces short of what it needs.</u>

The housing lots and streets in this old neighborhood were never designed for that much on street parking.

There isn't any way that the neighborhood can accommodate an additional 100 or more cars parking on the street.

It's already not easy to find on street parking in the neighborhood. This is because residents are already using a lot of the on-street parking spots, and there are so many driveways and other curb cuts that there aren't many additional on street spots left.

We ask that both the city staff and the Planning Commissioners put the project on hold until the neighborhood's concerns can be investigated and addressed.

We also ask that both the city staff and the Planning Commission go visit the neighborhood and see where these additional 100 plus vehicles parking on the street can fit without causing these problems:
***Safety- too many vehicles (especially newer pickups and SUV's) parked on both sides of narrow streets will make it impossible for our large fire trucks to get where they need to go.**
***Safety- ambulances may not be able to get where they need to go**
***Safety-driveways may often be blocked which prevents people from leaving home and may also contribute to accidents**
***Safety- streets clogged with cars will contribute to pedestrian, bicycle, and pet accidents**
***Safety-how will streets be cleaned?**
***Health-is the existing water and sewer infrastructure up to this new load?**
***Health- How will the garbage truck be able to reach its carts if most of them are blocked by parked cars?**
***Health- Collecting recycled materials will be much more difficult**
Also- mail carriers won't be able to reach the mailboxes

My wife, Martha and I have lived in and owned property in this neighborhood for 30 years now. My two children grew up there and now my baby granddaughter is growing up there. We've watched it change and improve into an affordable place where people are happy and eager to live.
Let's not risk ruining it with a development that isn't appropriate. I remember that many years ago one of the developers of this project got his start in that very neighborhood by building nice and appropriate housing there. That housing was helpful in getting this neighborhood onto the right path.
We're grateful for what he did then and are hoping that he can see that if this project is modified properly everyone can benefit.

Thanks for taking the time to consider this,
Ron Hollingshead
479-236-0842

Wonsower, Donna

From: Sandy Hubbard <sandyhub111@gmail.com>
Sent: Sunday, August 11, 2024 5:08 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Project number LSD-2024-011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To The Fayetteville Planning Committee:

I'm a fan of Fayetteville, including South Fayetteville... aka "Tin Cup" ... A special and unique area.

As a longtime homeowner, as well as a Graduate of the UofA, along with my three sons, I would request you vote against Project number LSD-2024-011. I go there often, and have several friends living and owning property in South Fayetteville.

Project number LSD-2024-011

is ill advised and inappropriate for this quiet and established neighborhood for those living there. Consider the impact on the infrastructure, traffic, parking and so much more...

The developer is trying to maximize his dollar without taking into consideration the huge change this will bring to surrounding landowners of single family homes in this quiet neighborhood.

Please reconsider where this type of housing for students should be built. **This project, placed in this neighborhood, is unfair and a bad idea.**

There are always solutions to be found.

Thank you for your time...

Sandra Hubbard

Sent from my iPhone
Sandra Hubbard
1923 N. Woodland Avenue
Fayetteville, AR 72703

UTube Channel... sandra hubbard
www.sandrahubbard.Utube.com
www.thelostyear.com

Wonsower, Donna

From: Jack, Ted
Sent: Monday, July 15, 2024 3:00 PM
To: Masters, Jessica
Cc: Boyd, Melissa; Wonsower, Donna
Subject: RE: Objection!

Follow Up Flag: Follow up
Flag Status: Completed

Ok. Note there is also a lot of vertical change.
Ted

From: Masters, Jessica <jmasters@fayetteville-ar.gov>
Sent: Monday, July 15, 2024 2:53 PM
To: Jack, Ted <tjack@fayetteville-ar.gov>
Cc: Boyd, Melissa <mboyd@fayetteville-ar.gov>; Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Subject: RE: Objection!

Ted,

Thank you for the input! I have copied Donna Wonsower and Melissa Boyd who are reviewing this project. I know there have been conversations regarding site lines at this location with respect to parallel parking. At the end of the day, if it is meeting Engineering standards, it is likely approvable.

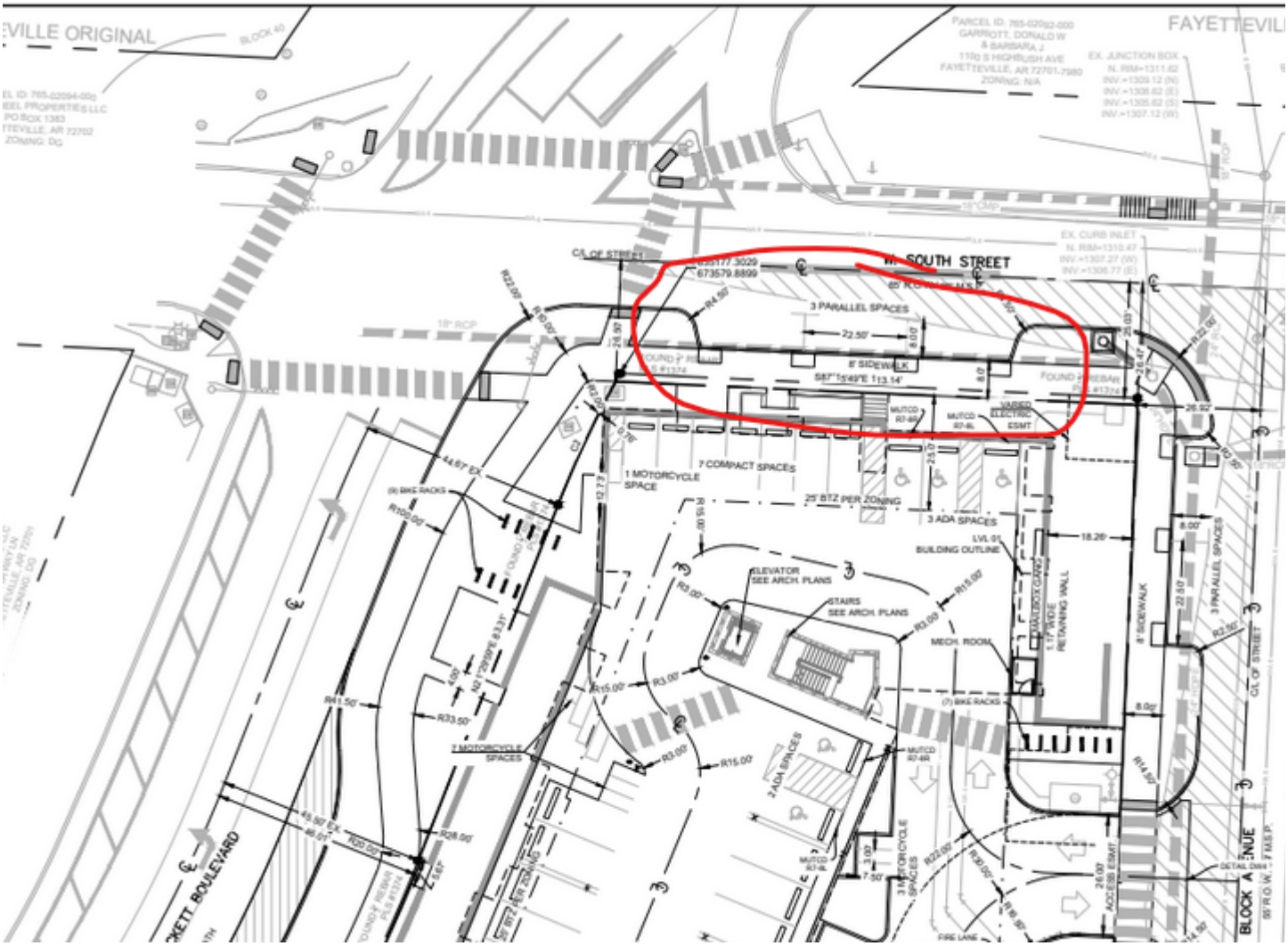
Jessie

Jessie Masters, AICP
Development Review Manager
City of Fayetteville, Arkansas
(479) 575-8239
www.fayetteville-ar.gov
Website | Facebook | Twitter | Instagram | YouTube



From: Jack, Ted <tjack@fayetteville-ar.gov>
Sent: Monday, July 15, 2024 2:51 PM
To: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: Objection!

Hi Jessie,
I was looking at the site plan for the lofts at Nelson Hacket. I go through that intersection frequently and think it is a bad idea to put the three parallel parking spaces where I indicate below. There is a lot going on at that intersection with drivers having to pay attention. Someone trying to park and then getting out of the car seems dangerous for all parties.
Thanks,
Ted


W. SOUTH STREET
3 PARALLEL SPACES
8' SIDEWALK
7 COMPACT SPACES
1 MOTORCYCLE SPACE
25' BTZ PER ZONING
3 ADA SPACES
LVL 01 BUILDING OUTLINE
ELEVATOR SEE ARCH. PLANS
STAIRS SEE ARCH. PLANS
MECH. ROOM
1.17' RISE RETAINING WALL
(6) BIKE RACKS
(7) BIKE RACKS
7 MOTORCYCLE SPACES
2 ADA SPACES
3 MOTORCYCLE SPACES
3 PARALLEL SPACES
8' SIDEWALK
BLOCK AVENUE
NELSON HACKETT BOULEVARD
FAYETTEVILLE ORIGINAL

Wonsower, Donna

From: Planning Shared
Sent: Friday, August 9, 2024 1:14 PM
To: Wonsower, Donna
Subject: FW: University Lofts. Opposition to the planned development on Nelson Hackett and Block stre

LSD-2024-0011

From: Molly R. Jensen <MJensen@walton.uark.edu>
Sent: Friday, August 9, 2024 12:10 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: University Lofts. Opposition to the planned development on Nelson Hackett and Block stre

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello planning commission

My name is Molly Jensen. I live at 312 S. Block Ave. directly across from the planned development named "University lofts." I am a long term resident of Fayetteville. In over 35 years I have always lived within walking distance of downtown.

I am writing today to let you know that I am an opposition to this development. There are huge traffic, safety, and health safety concerns that are not being addressed in the current plans and variances and approvals.

1-There are not enough parking spaces for every "loft" to have its own parking spot. Every apartment complex that I have viewed within a mile radius of this one has a single parking spot assigned for every bedroom. If you were to walk the neighborhood you would we have maybe 60 offstreet parking spots 20 to 30 of which are filled by current residence. That leaves approximately 30 spots for residence of the new development. This lack of parking will cause residents to have to cross Nelson Hackett Mlk and or college Street all of which have no on street parking. We are a very heavy neighborhood and this is an incredible safety issue. We don't have any stop signs nor speed bumps

2- according to the cities own plan, as you create wide sidewalks and bump outs you will cut that parking in half. I do not believe that anyone has taken this into account in the approvals.

3- what plans has the city taken to address the lack of infrastructure? How will trash and recycling be picked up with so much street parking. How will mail be delivered. I'm not sure anyone has walked through the neighborhood and noticed that block Street has no less than 10 patches where the Watermain breaks on a regular basis.

With 160+ tiny units you were going to literally quadruple the draw on the water and sewage in this neighborhood.

4. I am extremely concerned and would like to know or see the marketing research that was done concerning who the resident will be. This is clearly focused on college students or more importantly transient. Fayetteville residence I am truly disappointed in the short sightedness of staff and planning commission putting such an inappropriately dense housing, touching a fantastic and special neighbor .

5 - I think the neighborhood needs to have resident reserved parking.

I am not opposed to appropriate development, but I have yet to speak to anyone in the profession of planning architecture and housing that thinks 160 tiny unit efficiency apartment units would be appropriate for this location.

I urge Planning commission to table this and ask for a more appropriate development to be put forth for this downtown area.

Regards
M

Molly Jensen

Associate Professor

Marketing Department Sam M. Walton College of Business

University of Arkansas

575-5503

mjensen@uark.edu

Wonsower, Donna

From: Molly R. Jensen <MJensen@walton.uark.edu>
Sent: Wednesday, September 18, 2024 2:23 PM
To: Wonsower, Donna
Subject: Urban Lofts and South Square neighborhood development issues

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members:

My name is Molly Jensen, I live at 312 S Block. I have owned this property for 24 years and have lived here for 20 years following renovation. This neighborhood is very special. We bought our house so we could send our kids to Jefferson elementary school. When we bought our house and moved in with our 4-year-old son there were no other children in the neighborhood. Within just a few years there were several dozen children. Our neighborhood is so sought after as it is, I receive daily requests to purchase my house. Many days, like yesterday, I got two offers in the mail. We have all worked hard to maintain our houses and we are all very proud of our little hamlet. Our little neighborhood is so special and safe.

This will radically change if the Urban Lofts is approved. How will it change:

- Traffic safety and chaos. As one of the first neighborhoods built after the original town plat, our streets are very narrow and many of the properties here are so narrow they do not have driveways. Adding cars for over 100 apartments that will be dumped into our neighborhood would be irresponsible and cause many safety issues for the children in our neighborhood.
- Traffic safety issues are caused by all the cars that are not given appropriate parking within the complex. With over 100 apartments we are looking at up to 200 extra cars in the old neighborhood. This increased traffic will cause Health and Safety issues. How will our sewers handle the increase? Our water has failed at least twice this year already. how will our trash be picked up? How will emergency vehicles get through our streets?
- Traffic Safety - our little roads are not built for the number of cars traveling through our neighborhood each day. As a downtown general development, the apartment traffic should flow INTO DOWNTOWN GENERAL zoned areas. Not into our neighborhood conservation zoned neighborhood.
- Traffic safety and personal safety of new potential residents: There are easily 40 cars parked on our streets at night from current residents. As a consequence, Urban Loft residents (and current residents) will have to cross Highway 62, Nelson Hackett or College to find a parking spot outside our neighborhood increasing the chances of pedestrian/car accidents as well as personal safety concerns.

I am opposed to the current Urban Lofts design because it is INAPPROPRIATE for this site. Look at the other 4 projects this company has built - they are all on flat land WITH parking for all residents on site. This Fayetteville site calls for an appropriate project, something that would encourage neighborhood growth and interaction. One project will not solve our housing crisis, and our

neighborhood should not pay the price for Fayetteville trying to do so. Let's find a project that will enhance the neighborhood, increase everyone's property values, make the developers some money and be proud of their project.

With all the legal vicariances, they are trying to pour 10 gallons of sand into a 5-gallon bucket. An appropriate project would not require so much need to bend/break our current building standards. Please build on this site, just build something appropriate.

Regards,
M

Molly Jensen
Associate Professor
Marketing Department Sam M. Walton College of Business
University of Arkansas
575-5503
mjensen@uark.edu

Wonsower, Donna

From: cjmemphis@juno.com
Sent: Wednesday, September 18, 2024 3:16 PM
To: Wonsower, Donna
Subject: Fw: Urban Lofts at Nelson Hackett

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Ms. Wonsower -

Please find below an email I sent to the Planning Commission and the two Ward 1 council members yesterday.

Thank you!
Carole Jones

---------- Forwarded Message ----------

Dear Planning Commissioners:

I am writing to you regarding the proposed Urban Lofts at Nelson Hackett. I am a Ward 1 Fayetteville resident. I have lived in Ward 1 since 1998. I am opposed to the proposed development for the following reasons:

The density seems too dense for the surrounding area.

The expected traffic from the proposed density seems as if it would overwhelm the surrounding streets and neighborhood. It also seems as though there would be some potential safety concerns since the proposed project is located along the curve at Nelson Hackett Blvd. Has a traffic study been performed?

The site is rather steep, making drainage and runoff a concern.

The existing water and sewer infrastructure may not be adequate.

The proposed on-site parking is of particular concern. I feel as though the idea of less parking is a good concept; however, continuing to allow residential developments to utilize off-site parking is a bad idea. This is still Arkansas, and almost everybody has a car! Our public transportation system is unsafe and unreliable. The last time I rode the bus, I had a very unsettling experience. I ride a bicycle for at least 50% of the trips I make, which is far more than most people I know. Yet I still own a car and must use a car for many trips. I believe that less parking for most commercial developments makes sense. I just do not like the idea of existing, single-family neighborhoods having to subsidize and accommodate dense residential housing.

I realize there is a housing shortage in Fayetteville. I am not opposed to new development or dense development or infill. I just feel as though this is not an appropriate location for this type of development. Less density at this site may make more sense.

Thank you for your consideration of my concerns.

Best,
Carole Jones, PE
2203 S Emma Ave
Fayetteville 72701

September 18, 2024

Dear Planning Commission Members:

I am writing in regard to LSD-2024-0011 (Urban Lofts). My husband, Jared Pebworth, and I have lived at 105 W Fifth Street just shy of 25 years. We have raised two children there (and are still raising one), and we enjoy our yard where we have kicked the soccer ball, grown countless gardens, picked a few apples and pears from our trees, and listened to the catbirds.

Yet what has been a small, quiet neighborhood, largely for working- and middle-class families, finds itself in danger of being completely altered due to the proposed LSD-2024-0011. Our streets are narrow, some homes lack driveways, and over the years, we have witnessed several occasions where emergency and utility vehicles have not been able to pass, because cars were parked on both sides of the road. When we first moved to our home, there were very few children nearby. Now we can count close to two dozen within a couple of blocks. They ride bikes and scooters, play soccer and street hockey, walk their dogs. Some are just learning to walk in their yards and on the sidewalks.

The Urban Lofts project, even with its small reduction in units, would cause chaos and traffic safety problems, endangering residents and their children. Many of us chose this area in the first place for the increasingly rare experience of quiet roads, kind neighbors, walkability, and, in some places, a tree canopy. The hundred or so extra cars owned and driven by the revolving population of renters at Urban Lofts will flood our already crowded streets, causing up to an additional 800 or more vehicle trips per day. Our neighborhood is not the place for this type of large-scale development. Though there may indeed be areas of 71B that could benefit from "revitalization," as Urban Lofts states in its letter of August 22, 2024 to the Planning Commission, our neighborhood is the very definition of vital. We work, we raise families, we take care of our homes and our neighbors, we pay our water and gas bills, along with our property taxes. We **live** here.

Though additional "workforce units," again from said letter, may be a legitimate concern, a development of that design and scale is not appropriate for the proposed site. Many neighbors and supporters attended and spoke at the last meeting where this project was discussed at length and the Planning Commission unanimously voted the project down 7-0. In that moment, all of you agreed to protect the integrity of one of Fayetteville's oldest and most authentic neighborhoods. If you allow this development to be built among our homes, you will negatively impact our immediate environment and our quality of life. And our neighborhood will never be the same again.

Sincerely,

Cindy King and Jared Pebworth

Wonsower, Donna

From: Curth, Jonathan
Sent: Monday, September 16, 2024 9:11 AM
To: Wonsower, Donna
Subject: FW: Developers from Jonesboro

Donna,

Please see the below regarding LSD-2024-0011 and include it in the packet for next week's PC as appropriate.

Thanks,

Jonathan Curth, AICP
Development Services Director
Development Services Department
City of Fayetteville, Arkansas
jcurth@fayetteville-ar.gov
479.575.8308

Website l Facebook l Twitter l Youtube

From: Marian Kunetka <mk923514@icloud.com>
Sent: Sunday, September 15, 2024 6:57 PM
To: Mayor <Mayor@fayetteville-ar.gov>
Subject: Developers from Jonesboro

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please help save a Walker Park neighborhood with single family homes

Shared with Public

Developers from Jonesboro purchased an acre of land south of south st and east of Hackett road, location just north of MLK blvd. They want to build 167 apartments and only have parking for 100 cars, This is an old neighborhood with mostly old single family homes. We went to the last planning commission meeting, 35 residents testified regarding the narrow streets. Residents are concerned about heavy traffic which would happen with 67 cars parked on the narrow streets. There are many families living there with small children. The planning commission voted the project down. The developers have appealed their decision and will bring the project once again to the commission. I spoke with Fire Marshall Jeremy Ashley re what is required by the fire department for these small streets. Fire apparatus access roads cannot be less than 20 ft, exclusive of shoulders and curbs.
Marshal Ashley has seen the proposed plans and informed the developer that they would have to widen South st and 4th street in order for permission to on street parking. This would create hazards for the streets. The residents would accept the apartment complex but only if there is adequate parking on there grounds. I have not contacted water and sewer people as yet, which I intend to do. Any assistance you would be able to offer would be greatly appreciated, Marian Kunetka, 706 south College ave, Fay 72701 - phone 847-644-6510 (kunetka@uark.edu.

Wonsower, Donna

From: Marian E. Kunetka <kunetka@uark.edu>
Sent: Wednesday, September 18, 2024 1:13 PM
To: Wonsower, Donna
Subject: Loft Apartments / south of South st & east of Nelson Hackett

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I write regarding the Jonesboro developer who wants to build 167 loft apartments on property south of South street and east of Nelson Hackett blvd in the Walker Park neighborhood. He only plans to provide 100 parking places for this development and is requesting a code variance to allow on street parking for the remainder of the vehicles. I would imagine that there will be more than one resident per loft, which would add to the number of cars associated with this development.
This is an old established neighborhood, the majority of the homes are single family dwellings with many young children who play outside during good weather. On street parking for this many cars and trucks would be dangerous to to the current neighbors. This would not be required if the developer would provide adequate parking on the site. This could be accomplished by lowering the number of apartments to equal the parking spaces provided.
Please consider voting for established citizens and require on site parking.

Marian Kunetka
706 south college ave
fayetteville, AR 72701
847-644-6510

Wonsower, Donna

From: Rebecca LaTourette <berekki@gmail.com>
Sent: Monday, August 12, 2024 10:06 AM
To: Wonsower, Donna
Subject: Urban Lofts at Nelson Hackett LSD 2024-0011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Donna and planning staff,

I'm writing to express a few concerns and observations about this proposed project.
I have long been aware of which parcels are zoned DG and expected that large scale development would happen there. It is my hope that the planning commission be realistic about the actual traffic and parking impact that this development will have.
I manage rental property in this neighborhood and know that all but one of my tenants drive to work, school and grocery shopping. They walk for recreation. Similar developments in the area have resulted in an increased burden on neighborhood street parking. When the parking rent is seperate from the unit rent, some residents opt to save money by parking on the street.There is insufficient bus service to this area to ease the car burden.
The infrastructure for utilities is insufficient. Particularly stormwater runoff and sanitary sewer.
Parking on Nelson Hackett potentially creates a traffic hazard.
This neighborhood has many properties zoned NC but it seems they are easily converted to higher density. This creates insecurity and unpredictable growth patterns.
The other minor thing I noticed in the plans is that a parcel that I own across Nelson Hackett is incorrectly identified as being fully owned by the city of Fayetteville. They only own a tiny portion of that parcel #765-07125-000 which of course would be ideal for more parking or road expansion in the future.

Best regards,
Rebecca LaTourette
479-445-7294

Wonsower, Donna

From: Corey Lamb <corey.n.lamb@gmail.com>
Sent: Wednesday, September 18, 2024 5:30 PM
To: Wonsower, Donna

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commission Members,

I have heard a lot about the new development at the intersection of South & Nelson Hackett. It is very nearby my home at 7 E 5th St. I have mixed feelings about what I know. It seems to me there is to be 160 units with only 60 parking spaces. I hope this to not be true. I am very happy to support development in downtown and want to see a thriving city, but I do not like the parking disparity. I believe there needs to be a greater requirement on the builder to provide adaquete parking for this new development either by lowering the number of units or increasing the amount of parking. I think exploring a basement parking garage that could house 200+ cars would make the most sense if the development wants to maintain 160 units. I personally would also love to see retail/commercial property on the ground level to give us restaurants, bars, coffee shops, and similar businesses to help us grow and give value back to the community and neighborhood I live in.

I hope these thoughts reach you in time.

Corey Lamb - He/Him
501.802.0727
corey.n.lamb@gmail.com

Wonsower, Donna

From: Rebecca LaTourette <berekki@gmail.com>
Sent: Wednesday, September 18, 2024 3:32 PM
To: Wonsower, Donna
Subject: LSD -2024-0011, Nelson Hackett and E South St

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Donna and planning staff,

I'm contacting you to express my continuing concerns about the size of the proposed development and the inevitable huge increase in traffic, parking issues and pressure on insufficient infrastructure in the neighborhood. I own multiple lots, also zoned DG on the opposite side of Nelson Hackett Blvd. The trend that I am observing is increasing density without realistic planning for the cars and infrastructure in these areas. It also seems quite unfair to the folks on that side of the boulevard who bought into the concept of neighborhood conservation only to see many properties rezoned for infill which compounds the problems since everyone has at least one car.
Additionally, I ask that you consider the high probability of other denser uses of surrounding properties on the East side of Nelson Hackett. There are multiple properties zoned DG or for infill. Will they be turned down in the future because the area can't handle anymore density? Will you make Nelson Hackett 4 or 5 lanes to handle the traffic? Who pays for the new, wider streets, water and sewer upgrades for an entire neighborhood?
The increased traffic is the biggest concern. Most folks have at least one car and they like to drive.
As much as I would love to see my tenants walk to work, the store and school, they do not. It will take significant investment in public transportation to make some of the areas we have designated for high density have less vehicle impact on the historic old core of Fayetteville. It will also have to be economically painful to jump in a car to drive 3 to 5 blocks.
I will continue to watch as this town explodes with development. It's sad to think that the eventual economically best use of my property may be a giant, unattractive parking garage.

Best regards,
Rebecca LaTourette
479-445-7294

Wonsower, Donna

From: Ed Levi <edlevibees@gmail.com>
Sent: Wednesday, September 18, 2024 1:50 PM
To: Wonsower, Donna
Subject: Letter to planning commissioners against the Urban Loft variance

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Commissioners,

This is in relation to the proposed plan of the **Urban Loft Company** for their housing project at the corner of Nelson Hackett and South Street in the Walker Park area.

Although I understand there is a need for an increased supply of more residential possibilities in Fayetteville, what Urban Loft is considering will do more damage than good. As a nearby resident, I find that what they are proposing is totally contrary to the benefit of the immediate area and the city as a whole for several reasons.

But, first of all, I must say that all requested variances presented to your commission should be studied and looked at with fine tooth combs. Plans and ordinances were put in place because they were thought to be in accordance with the desires of the people to make Fayetteville the wonderful city it is. Asking for exceptions is exactly what Variances are asking; to change the earlier plans or ordinances that were deemed to be appropriate. Therefore, variances should be seen as inappropriate except in very special circumstances.

In this particular situation, there are several reasons to object to this proposal beside the fact that only marginal adjustments have been offered after the first and unanimous refusal. Here are just a couple that should be enough to decline this request for a variance:

1) The lack of the parking places for an additional 100 vehicles is going to more than become troublesome for the neighborhood and surrounding neighborhoods as well as for the proposed new residents. There's a reason for the ordinance that requires a ratio for parking places per bedrooms.

2) The proposed construction will necessitate the destruction of some beautiful trees that should be protected. Fayetteville loves its trees and cutting any big ones does more than adding to the heat sink cities have become. Trees do more than add shade and beauty but they also sequester carbon dioxide. Cutting them not only stops them from absorbing carbon dioxide but it causes them to release the CO2 they've absorbed. The regulations to replace old, stately trees with young ones will not make up the difference for decades. Clearly this is not the time to be adding to climate change.

I respectfully request that you vote to deny this request for a variance.

Ed Levi, resident of downtown Fayetteville

Sent from my iPhone

Wonsower, Donna

From: Shawn Morris <shdmorris@gmail.com>
Sent: Thursday, August 8, 2024 7:48 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 309 S Block Ave LSD-2024-011 Project Concern

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

My name is Shawn Morris, I live at 114 W 5th Street, Fayetteville, AR 72701. I'm reaching out to voice my concerns about the 309 S Block Ave LSD-2024-011 Project.

I love Fayetteville and my neighborhood and I'm excited to see all the new construction that is happening in the region. I believe we need to build more houses in greater density to keep up with demand and keep prices affordable. However, the decisions we make to achieve this need to be smart and thoughtful. The proposed project off of Nelson Hackett is neither.

The builders are trying to fit too many units on too small of a lot leading to my concerns about parking, traffic, and trash. Fayetteville is still a car-dependent city and that is not changing any time soon which means every resident will have a car and that will spill onto multiple streets in the neighborhood. Additionally, our neighborhood already has a rat/mouse problem and the amount of waste that would be generated on the plot will exacerbate the issue.

I would welcome a project that is downsized, but as it stands today it is too many units and will have a negative impact on the neighborhood. I'm excited to attend the planning commission meeting on this topic on 8/12.

Thanks

Shawn Morris

Wonsower, Donna

From: Planning Shared
Sent: Thursday, August 8, 2024 12:57 PM
To: Wonsower, Donna
Subject: FW: 309 S Block Ave LSD-2024-001 Project Meeting

Follow Up Flag: Follow up
Flag Status: Completed

Also for you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

-----Original Message-----
From: Karen Mueller <karen@karenmueller.net>
Sent: Thursday, August 8, 2024 12:14 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: 309 S Block Ave LSD-2024-001 Project Meeting

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm writing about the project planned at Block Street/Nelson Hackett/4th Street.

I live at 321 S. East Ave, one block west of Block Street. I bought my house almost 10 years ago. I'm a retired nurse and plan to live here until I die.

My neighborhood is a diverse, family-friendly place. I walk my dog at least 2 times a day and know many of the neighbors. People are frequently out and about walking dogs, jogging or walking. And there are a number of young children who play in the streets. There are two basketball hoops up and the children use them a lot.

I love this neighborhood and am horrified with the plan and how it will change the lives of everyone who lives here. I've spoken to many of the neighbors and none of them are in favor of this plan.

The number of units is shocking, knowing that traffic already is a big problem in our neighborhood. Cars racing up my street and Block Street frequently is very scary! I have to be careful with my dog, even though she is on a leash. And of course there are cats in the neighborhood that are at risk of being hit or run over.

Parking is also a problem. Some residents don't even have a driveway and need to park on the street. When Crisis Brewery has an event, every street is crowded and neighbors sometimes have no place to park. Adding 163 units (and people and probably cars) doesn't make sense!

I understand that there are only 106 total car parking spaces and overflow would be on our already busy streets. It sometimes is already a problem going down some streets where cars are parked on both sides. We have to think of safety - what if an ambulance needs to get through? And it will be harder for trash pickup and street cleaning.

Another problem is we have frequent water line breaks because of old pipes. Some of my neighbors have had flooding because of this. Right now there is a patch at the intersection of S. East Ave and 4th St. The patch has sunk, creating a fairly large hole that everyone has to drive around.

Because the planned units are so small, the population will probably be students or temporary people looking for something more appropriate and the turnover will be constant. I believe the units will degrade over time and this will affect or property values. Why not build fewer luxury apartments or small homes where folks will want to STAY and become part of our wonderful neighborhood? Or build fewer decent-sized apartments with retail underneath such as a coffee house, a wine bar, etc. that neighbors would enjoy going to?

Of course they will take down most of the old trees (we will miss that shade). I don't understand why this is not a priority when we are worried about climate change and everything that goes along with diverse nature.

All in all, I hope the planning folks take a better look at this and do what they would want in their OWN neighborhoods, which is a change in plan with fewer, larger apartments or small houses.

Thank you,
Karen Mueller

Wonsower, Donna

From: Karen Mueller <karen@karenmueller.net>
Sent: Wednesday, September 18, 2024 6:24 AM
To: Wonsower, Donna
Subject: Urban Lofts at Nelson Hackett

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Karen Mueller, and I'm writing to express my deep concerns (horror actually) about the proposed plan at South Street, Block Street and Nelson Hackett.

I live at 321 S. East Avenue, one block east of Block Avenue. I've lived in our neighborhood almost 10 years and it's the best neighborhood I've ever lived in. I'm 76 years old, a retired nurse, and plan to live in my house until I die.

The neighborhood is very diverse with folks of all ages. I know many of the neighbors because I usually walk my dog twice a day which enables me to meet and greet folks. I'm also a gardener so am outside frequently and can chat with folks who are walking by. We have many young children who play in the streets which is a joy.

I am very disturbed by the plan to build 163 units on the street behind me. That means **AT LEAST 163** more people on that **ONE BLOCK** behind me. It would entirely change the character and health of our neighborhood.

Traffic safety is already an issue. Cars frequently race up my street which is dangerous to people and pets.

Our streets are narrow and sometimes hard to get through. When Crisis Brewery has special events, cars fill the neighborhood, and some folks are unable to park in front of their homes during these events. Some residents don't even have a driveway.

Another problem is water pipe breaks which happen frequently. Some people have suffered flooding. I imagine with 163 more people, the water and sewer systems would be overloaded.

The loss of most of the trees on that block will devastate the park-like atmosphere and contribute to climate change.

I suggest that you please take a short 20-minute walk through the neighborhood and then imagine what it would be like for you if you lived here, with what is proposed.

I would rather have a reasonable number of homes or luxury apartments (perhaps above a coffee shop or wine bar or small store) with a bit of nature, places where people would want to stay instead of moving on.

I'm afraid that the proposed plan would devastate our wonderful neighborhood!

Thank you,

Karen Mueller

Wonsower, Donna

From: Phoebe Ostner <postner54@gmail.com>
Sent: Wednesday, September 18, 2024 2:21 PM
To: Wonsower, Donna

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear planning commission members,

My name is Phoebe Ostner and I live at 312 S. Block, directly across the street from the proposed apartment complex. I was raised in this neighborhood and deeply cherish its unique, homely, sense of place. The reason south Fayetteville is important is that it preserves the essence of old-town Fayetteville. It is not particularly affluent or picture perfect, but it is walkable, neighborly, quiet, and community oriented. I believe we are an example of what makes people want to move to Fayetteville in the first place. We must preserve our hometown in this way.

Being a part of the downtown, we are not equipped to host a hundred or more cars from these apartments that are left to park on our old, narrow streets. Similarly, the traffic associated with housing of this proposed magnitude (800+ vehicle trips daily) poses safety concerns for everyone in the neighborhood, especially our young children who feel safe in our streets as they are now.

Please consider my perspective and
thank you for your time.

Phoebe Ostner

Wonsower, Donna

From: Planning Shared
Sent: Friday, August 9, 2024 1:20 PM
To: Wonsower, Donna
Subject: FW: Urban Lofts on Nelson Hackett, LSD 2024-011

LSD-2024-0011

From: Alan Ostner <alan@drainagedoctornwa.com>
Sent: Friday, August 9, 2024 1:18 PM
To: Planning Shared <planning@fayetteville-ar.gov>; Alan Ostner <alan@drainagedoctornwa.com>
Cc: Mayor <Mayor@fayetteville-ar.gov>; Bob Stafford <robert.s@bluestarbiz.com>
Subject: Urban Lofts on Nelson Hackett, LSD 2024-011

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Planning Commissioners and Staff,
I am writing to voice disagreement over the proposed Urban Lofts, LSD 2024-011. I live nearby at 312 South Block. The traffic danger of putting 162 units on 1.3 acres is severe in this location. That comes to 124 units per acre! The neighborhood is functioning great at 10 units per acre, well double the 4 units per acre in the sprawl-prone suburbs. These are small, narrow, neighborhood streets that cannot handle that type of traffic. We currently have small children, elderly, pet walkers, and even folks from other neighborhoods safely and happily walking these streets. This is a neighborhood experiencing a rebirth of sorts. This scale of development will hamper and cause a detrimental effect to our quality of life and degrade the neighborhood. 162 units estimating 20% significant others or roommates (a common attribute anywhere) could equal 200 neighbors. Even with the Planning Staff's hopes and dreams of only 80% of them bringing cars, that comes to 160 vehicles trying to drive, park, go places, all the things we do. There will be around 80 parking spaces provided which means over 100 folks will be fanning out all over the surrounding city blocks to park on our already crowded streets. This neighborhood should be held up as a symbol of success! Not punished for being located close to a major roadway! My wife and I are more than happy to welcome a neighboring complex that might be 40 units per acre, 50, or even 60 units per acre. Do many other neighbors show up to the Planning Commission welcoming that density? I doubt it. This is a density of 124 units per acre!

Please: use your discretion as granted to you by the Ark. State Legislature on any Large Scale Development: vote to table this proposal out of traffic danger. Request that the development team come up with a compromise: a lower density proposal that will add to the neighborhood, not take away from it.

Best,

Alan Ostner, ASLA, PLA
DRAINAGE DOCTOR NWA, PLLC
Licensed Landscape Architect
Ark. LA License #5204
Ark. Contractor's Lic. #0428970724
BSA Scoutmaster

Member: Ark. Better Business Bureau
Member: Ark. Master Gardeners
Member: Ark. Native Plant Society Education Committee
C: 479.387.7900
W: www.drainagedoctornwa.com
E: alan@drainagedoctornwa.com
I reply to texts and emails from 7am-7pm M-F and 7am-noon Saturdays

Wonsower, Donna

From: Planning Shared
Sent: Friday, September 20, 2024 11:06 AM
To: Wonsower, Donna
Subject: FW: LSD-2024-0011 - Urban Lofts at Nelson Hackett
Attachments: Resized_20220628_084206.jpeg

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Scott Hill <razorbackscott@gmail.com>
Sent: Friday, September 20, 2024 10:49 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: LSD-2024-0011 - Urban Lofts at Nelson Hackett

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am writing to express my support for the modified plans submitted for the Urban Lofts at Nelson Hackett.

The city just created a new zoning category called Urban Corridor which will allow up to 8 stories of development along College Avenue and other side streets if those properties are re-zoned accordingly.

This project is very small and respectful of the neighborhood by comparison, with the maximum height being 4 stories, and stepping down to 2 stories across the street from single family homes. There is no such consideration currently being given to single family homes in the new UC zoning proposed for much of 71B.

The project also shows good design, high-quality materials being used, and will serve as a bridge between South Fayetteville and downtown.

Finally, the property had been used as multi-family for the prior 50 years. My oldest brother and his wife lived there in the mid 1990s while they were attending graduate school, and the apartments were in bad

Wonsower, Donna

From: Kevin Beasley <kbeasley@hmailnwa.com>
Sent: Monday, September 23, 2024 3:03 PM
To: Agenda Item Comment
Subject: Urban Lofts at Nelson Hackett

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am very much in favor of the project "Urban Lofts at Nelson Hackett".

I know the city has a valued interest in the re-vitalization efforts for the future, this project is vital within this corridor. This will be one of the first major projects for the re-vitalization efforts and one that is designed well for the future and its location!

Kevin Beasley
Chief Financial Officer
Trade Mark Homes
1st Star Construction
1st Star Realty
1st Star Exteriors
Cell: 479-841-4371
Email: kbeasley@hmailnwa.com



From: Thomas Brown <dog13gregg@aol.com>
Sent: Monday, September 23, 2024 7:25 AM
To: Garlock, Jimm <jimm.garlock@fayetteville-ar.gov>; Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>
Cc: Masters, Jessica <jmasters@fayetteville-ar.gov>; CityClerk <cityclerk@fayetteville-ar.gov>
Subject: LSD-2024-0011: Large Scale Development (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST/URBAN LOFTS AT NELSON HACKETT

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Planning Commissioners

Please approve LSD-2024-0011, determining:

- In favor of variance to §166.11(A), Conformance to Plans and Regulations.
- In favor of variance to §166.05(F), Access Management.
- In favor of variance to §166.21(E)(1), Dumpster Location.
- In favor of variance to §172.04(C)(4): Parking Lot Location Standards.
- In favor of recommended right-of-way dedication.
- In favor of recommended street improvements.
- In favor of all other conditions as recommended by staff.

This project is located within the Historic Downtown Grid and the 71B Corridor. The proposed project density of 127 Units per acre is appropriate for this Corridor location in the Core of our Downtown Tier 1 Center. The design of this Multi-family Project is architecturally dramatic, with it's tallest architectural elements oriented on the Corridor and facing the Downtown Square. More importantly, the Project is sensitively stepped down in height where it faces the existing residential neighborhood.

The Project will also help introduce more needed resident population within the Downtown and the Nelson Hackett Section of the Corridor. This section of the Corridor has recently received some public artwork and will see other future pedestrian-friendly enhancements.

Parking may become a challenge for the adjacent neighborhood, just like it has been for many other neighborhoods in the Downtown. Where these parking challenges have been addressed, the establishment and enforcement of a Parking District has turned out to be one of the important approaches to be used.

Finally, the development of this proposed project can represent a critical first effort to insure that, if the City can successfully attract it's growing residential population within the Growth Concept Map's 40 Tier Centers and three Urban Corridors, it will be able to accommodate it's projected 2040 Population. All in

a way that will help enhance the City's Transit Readiness, Housing Affordability, protection of ecologically valuable features within the City's Enduring Green Network and the preservation of existing neighborhoods located outside of the Cores of the Tier Centers and Urban Corridors.

Thomas Brown

Wonsower, Donna

From: Gwyn Hill <gahill7777@gmail.com>
Sent: Friday, September 20, 2024 5:04 PM
To: Wonsower, Donna
Subject: Comments re: The Urban Lofts apartment complex at Nelson Hackett and South Street intersection

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Donna Wonsower,

I am a Fayetteville resident living near the proposed building at Nelson Hackett and South Street and I am very concerned about the project. The proposal shows that there are 162 units but only 106 parking spaces, which means there aren't even enough spaces for all the people who live there, let alone any visitors they might have. I live only a block away, at 108 W 5th St., and my house doesn't have a driveway, so I have to rely on street parking. If residents from this new building don't have enough spaces for their cars in their parking lot, they will park in the street and I may not have a place to park my car in front of my own home if I get home late in the evening.

The streets are also very narrow and I am worried about traffic safety and the safety of the neighborhood children. My next door neighbors both have kids who skateboard and play ball in the street because they are used to very little street traffic, and they aren't used to having so much traffic. There are also several places with lots of shrub overgrowth that grows right up to the edge of the street and creates blind corners and the increase in traffic with so many new residents will make these blind corners much more dangerous. This development will compound an already dangerous traffic problem, as there are many areas where the narrow streets and cars parked on both sides of the road create problems. Just yesterday someone parked in front of my mailbox and the mailman couldn't deliver my mail.

I urge you to reject the building as it is currently proposed. This project should be scaled back so that there is room for more parking on site and there are at least as many parking spaces as there are units, if not more, to account for visitors to the building. Our streets cannot safely handle the 100 + cars that will not have designated parking spaces.

Thank you for taking time to listen to my concerns!

Warmly,
Gwyn Hill
108 W 5th St.

Wonsower, Donna

From: Casey Hoffman <cmbrewe@gmail.com>
Sent: Friday, September 20, 2024 5:13 PM
To: Wonsower, Donna
Subject: LSD 2024-0011 Public Comment

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,
I live in the Jenning's Plus neighborhood and am in favor of LSD #2024-0011.

I am constantly reminded how lucky I am to live and work in this neighborhood. Lots of people don't get that privilege but you're not likely to hear their voices.

I'm writing this email for the future neighbors who don't get a loud enough say on the matter.

One of the many things that makes this neighborhood great is the carless lifestyle it offers. Being only 4 blocks south of the Fayetteville Square provides access to services, including the Fayetteville Public Library, the Razorback Greenway, the Mill District, AND our beloved neighborhood pub – Crisis Brewing. Proximity to these neighborhood services not only reduces vehicle miles traveled for safer streets, but also strengthens our community engagement.

This project's site is a textbook example of infill. The project's use unit perfectly aligns with the 71B's rezoning mission to provide Fayetteville residents with more housing in our downtown areas. The project's density is at an appropriate scale for the edges it serves and provides a diverse housing option we need.

Please consider voting in favor for more neighbors in Fayetteville without more sprawl, Casey B. Hoffman

Wonsower, Donna

From: Planning Shared
Sent: Monday, September 23, 2024 1:37 PM
To: Wonsower, Donna
Subject: FW: LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: KTK <kathykisida@gmail.com>
Sent: Monday, September 23, 2024 1:36 PM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT)

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I am writing to oppose LSD-2024-0011 (URBAN LOFTS AT NELSON HACKETT), as it still is going to be a problem with parking for residents on the side streets that have nowhere else to park except off-street parking. The streets surrounding the proposed development are narrow and are already a problem for residents. I live in S Fayetteville and often visit my friends on Block. It's already hard to find a safe parking spot, meaning the streets are narrow.
I think there are lots of other options the developer should think about. I know they reduced the units, but it is still too large for this spot considering the surrounding neighborhood and the problems with parking on Nelson Hackett expansion of a cut in for parking. Let's not ruin the newly designed Nelson Hackett RD.
Please do not approve this development.

Kathy Kisida

Wonsower, Donna

From: Planning Shared
Sent: Monday, September 23, 2024 10:59 AM
To: Wonsower, Donna
Subject: FW: Support for Nelson Hackett Project

For you

Thank you

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: SMITH, KEATON W. <keaton.smith@firsthorizon.com>
Sent: Monday, September 23, 2024 10:55 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Subject: Support for Nelson Hackett Project

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

PC members and staff,

I live at 88 E 4th St, in the neighborhood of the proposed project on Nelson Hackett. I am in support of the project as proposed.

I appreciate the developer's efforts to structure their leases to encourage car-free living by charging more for units with a parking space, and would encourage the Planning Commission through their Long-Range Planning Committee to develop a standardized process for creating and enforcing a neighborhood parking district. This would provide the neighborhood a tool to utilize if the developer's parking projections and strategies do not result in a desirable outcome for the neighborhood.

Keaton Smith
Vice President
479-878-6381 office | 479-879-7922 cell
3430 W Wedington Dr
Fayetteville, AR 72704

CANDACE HOGGATT
Assistant
479-878-6431 office candace.hoggatt@firsthorizon.com



Award-winning service

Confidentiality notice:
This e-mail message, including any attachments, may contain legally privileged and/or confidential information. If you are not the intended recipient(s), or the employee or agent responsible for delivery of this message to the intended recipient(s), you are hereby notified that any dissemination, distribution, or copying of this e-mail message is strictly prohibited. If you have received this message in error, please immediately notify the sender and delete this e-mail message from your computer.

Wonsower, Donna

From: Harrison, Gretchen
Sent: Monday, September 23, 2024 4:59 PM
To: Wonsower, Donna
Subject: Fw: PLEASE VOTE NO on Nelson Hackett LSD

See below for more comment on LSD-2024-0011. Not sure if you've received this one yet, so forwarding it just in case.

Thank you Donna for all of your hard work on this project!

Gretchen Harrison
Senior Planner
City of Fayetteville, Arkansas
(479) 575-8263
Website | Facebook | Twitter | Instagram | YouTube

CITY OF FAYETTEVILLE ARKANSAS

From: Stafford, Bob <bob.stafford@fayetteville-ar.gov>
Sent: Monday, September 23, 2024 4:57 PM
To: Harrison, Gretchen <gharrison@fayetteville-ar.gov>
Subject: Fw: PLEASE VOTE NO on Nelson Hackett LSD

Robert B. Stafford
Fayetteville City Council
Ward 1, Position 1
479.879.6802

From: Stafford, Bob
Sent: Monday, September 23, 2024 4:53 PM
To: Brink, Andrew <andrew.brink@fayetteville-ar.gov>; Payne, Brad <brad.payne@fayetteville-ar.gov>; Gulley, Fred <fred.gulley@fayetteville-ar.gov>; Garlock, Jimm <jimm.garlock@fayetteville-ar.gov>; Cabe, Matthew <matthew.cabe@fayetteville-ar.gov>; Madden, Mary <mary.madden@fayetteville-ar.gov>; McGetrick, Mary <mary.mcgetrick@fayetteville-ar.gov>; Castin, Nick <nick.castin@fayetteville-ar.gov>; Werner, Nick <nick.werner@fayetteville-ar.gov>
Subject: PLEASE VOTE NO on Nelson Hackett LSD

Dear Planning Commissioners,

You've done it once, you can do it again. Vote no on this misguided project. If you know me, you know I'm all for density and infill as we go from being a town into being a city. But this project is trying to put 10 gallons in a 5 gallon bucket.

A block or two to the South and I would have no issues, but it doesn't take a traffic engineer or an expensive study to see that the scale of this project and it's limited access directly onto Nelson Hackett will overwhelm the surrounding small neighborhood streets, both with parking and traffic.

I understand you are under a lot of pressure to approve this, but please understand that this is YOUR decision and the idea that you must approve variances, or that it's on you to prove the traffic issue just seems wrong to me. If we are forced to hand out variances then why have them, what's the point. If someone can just say you must give me a variance then why are we even here? Why vote at all? It should be on the applicant to prove that this won't cause an issue not the other way around. And if it is required that we do a traffic study, then well, let's do one. Let's do this right. Let's not be cowed and pressured into decisions we know are not in the best interest of the city.

Thanks for all the hard work you do. These growing pains and related decisions are never easy. But sometimes the hardest decisions are the best ones.

Thanks and see you on the other side, Bob Stafford

Robert B. Stafford
Fayetteville City Council
Ward 1, Position 1
479.879.6802

shape then. I've attached a picture I took last year of the condition of the property as I drove through. I took this picture to send to my brother to show him what happened to where he used to live.

If this were proposed in my neighborhood, I would support it whole-heartedly and encourage my neighbors to do the same. Four stories with a step-down to two stories is a thoughtful way to address infill along 71 B where it is located near existing neighborhoods.

Thank you,



166.21 - Downtown Design Overlay District

(A) *Purpose.* The intent of this ordinance is to encourage good architectural form through the use of quality design and materials. The goal of the code is to promote functional architecture that creates attractive and usable space. Downtown Fayetteville has a rich architectural history spanning many decades and styles; therefore, architecture should be respectful of the existing built environment and should strive to enhance the public realm. A strong emphasis shall be placed upon designing and implementing sustainable and green architecture practices.

The Pit at Urban Lofts is not quality design nor usable space

(B) *Applicability.* The Downtown Design Overlay District applies to parcels of land located within the boundaries of the Downtown Design Overlay District. The Downtown Design Overlay District Architecture Standards are applicable in the following instances:

(1) If a conflict occurs between different standards, these standards shall supersede the City's Nonresidential Design Standards; Office, and Mixed Use Design and Development Standards in the Downtown Design Overlay District and College Avenue Overlay District.

(2) All new construction, additions or renovations shall comply with these standards regardless of whether the improvements require a permit; ordinary repairs and maintenance are not subject to these standards. Specifically, only the new construction or portions of the building that are being renovated shall comply with these standards.

(3) Building designs that strictly comply with these standards are to be considered approved for matters of aesthetics and shall not require further discretionary review for architectural character or

Executive Summary

Why a plan?

Towns are created step by step by many people. It is only possible to coordinate public and private effort in a great townmaking enterprise with some idea of *what the whole is meant to become* as it evolves. Fayetteville will build upon the proud legacy of its founders, and grow a more beautiful, more sustainable Downtown, with this plan.

The purpose of this document is to focus resources on things that will really make a difference. The Downtown Master Plan crystallizes the desires of Fayetteville's citizenry into buildable, functional visions, and provides do-able instructions for government and private investors. Intensive public involvement was used to create this blueprint for Downtown's next distinguished century.

Balance, above all, is the theme

The many authors of this plan have struggled to find equilibrium between equally important goals. They have demanded a balancing between predictability and flexibility in regulations. They have insisted on balancing automotive mobility and convenience with pedestrian comfort and achieving the desired urban image for the heart of the community. They sought a balance between preservation of the historic character and a spirit of new-ness, and allowed no trade-off between productive real estate and environmental sensibility. With this plan Fayetteville can have all these.

Building on History

Fayetteville has a great downtown to start with. The goal of this plan is to show how to add to what's been accomplished with new generations of timely upgrades. This is not a handbook for the slash-and-burn, slum-clearance / urban renewal plan of the kind that disassembled central cities a generation ago; this one's about *putting the traditional city back together.*

Basic Principles

Six fundamental strategies are established by the plan.

First, a *superbly walkable environment* should be produced and showcased as Downtown's hallmark. Second, it must be made a priority to get more people, including households of moderate and upper income, *living Downtown.* Third, Fayetteville needs to get *smart about parking*, so the need can be efficiently and sustainably met but the sense of place is enhanced, not weakened, in the process. Fourth, *smart rules* that outperform the existing zoning should be put in place to attract and secure a caliber of development worthy of Downtown. Fifth, an interconnected series of *special places* should be nurtured and celebrated as Downtown's signature public spaces and best addresses. Sixth, Fayetteville must recognize in all its actions that this part of the City has an *experience-based economy*, and thus continue to expand the focus on arts, culture and entertainment experiences as Downtown's drawing card.

Teamwork & Patience

The vision is compelling, but no one developer, group of elected officials, or agency can pull it off alone. This plan is assembled around the idea that *many coordinated actions* (large and small) by the City government, businesses, developers, neighbors, the University, and cultural organizations will gradually grow the Downtown the citizens want.

April 30, 2004

The plan looks both short term and long term. While the Illustrative Master Plan focuses on the long-term vision for the future of Downtown as a whole, and foretells a series of changes and initiatives that will be decades in the making, there are specific sites identified in the plan that are prime locations for initial projects in the very near future. Examples of projects & initiatives in the plan meant to be undertaken soon or in our generation are the infill of vacant and underutilized sites on Dickson Street, Block Avenue and West Avenue, enabled by a first generation of community parking facilities; redevelopment of the Mountain Inn property; creation of a sizable Downtown Park; and a "road diet" narrowing the bloated College Avenue / Archibald Yell Boulevard corridor into a tree-lined grand avenue. Longer term prospects in the plan include the framing of that 71-B corridor with substantial redevelopment of blighted properties along the reclaimed avenue; redevelopment of the Fayetteville City Hospital and Hillcrest Towers parcels; and completion of more shared parking facilities timed to match private infill development.

Implementation

The plan includes an interlocking series of implementation measures. There is an entire chapter devoted exclusively to implementation. In addition, throughout the key chapters there are green boxes entitled "Getting There" that provide detailed action steps at the end of each major section.

The primary official implementation steps are to:

A. Adopt a new set of land development regulations, a form-based code for the Downtown district, replacing the existing zoning.
B. Establish a tax-increment financing mechanism that will be used, among other things, to produce shared parking and enable public-private redevelopment partnerships.
C. Transform DDEP into a Business Improvement District.
D. Undertake a series of improvements to improve walkability and viability for business and housing, including returning certain key streets to two-way traffic.
E. Catalyze a shift from individual, inefficient surface parking lots to shared parking, parking structures, and to foster a park-once environment.

Stay the Course

Diligence and persistence in implementing this plan will reward Fayetteville with an inspiring Downtown scene, an ever higher quality of life, and continued economic prosperity.

Victor Dover, Principal-in-Charge
Margaret Marshall, Senior Project Director

Dover, Kohl & Partners, Town Planning
April 30, 2004

FAYETTEVILLE DOWNTOWN MASTER PLAN



Stage 3:
Buildings are built on both sides of the street, forming an urban relationship and transforming College Avenue into a spatially defined "urban room."

CAFE CONNECTION: SIDEWALK TOUCHING BUILDINGS



Stage 4:
The supermarket is improved by constructing a multi-story, mixed-use neighborhood grocery prototype. This picture depicts a traffic signal located at the intersection of College Avenue and Lafayette Street.



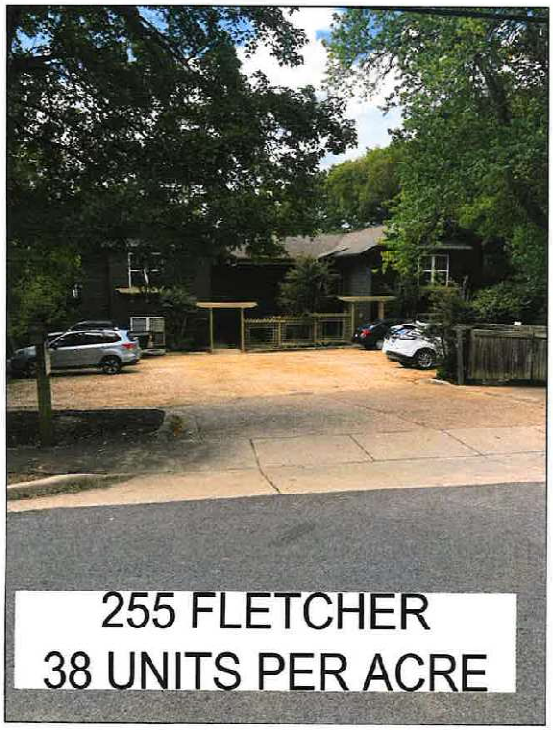
Stage 4 Alternative:
A roundabout, replacing the traffic signal, is introduced to tame traffic. The roundabout serves as a reminder that you have arrived in town and need to drive more slowly. A highly visible feature, such as public art, should be placed in the center of the roundabout and should be lit at night.

THERE IS NO PIT ALONG THE SIDEWALK IN THE FAYETTEVILLE MASTER PLAN; ONLY COMMERCE AND HOMES ADJACENT TO THE SIDEWALK

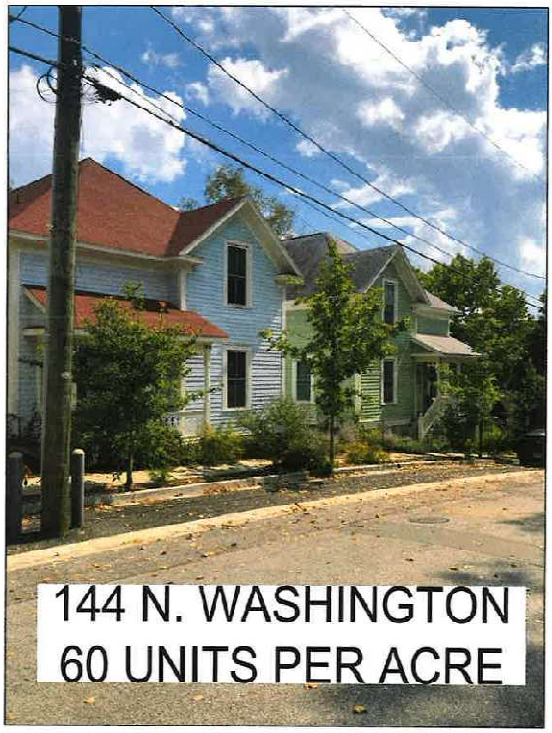


THE PIT MUST QUIT

WHY NOT THIS?



255 FLETCHER
38 UNITS PER ACRE



144 N. WASHINGTON
60 UNITS PER ACRE

EXAMPLES OF NEARBY MISSING MIDDLE HOUSING
DESIGNED FOR SITE- MINIMIZES EXPENSE
ALL PARKING ON-SITE: NO TRAFFIC DANGER
ADDS TO NEIGHBORHOOD VALUE



734 S. LOCUST
75 UNITS PER ACRE



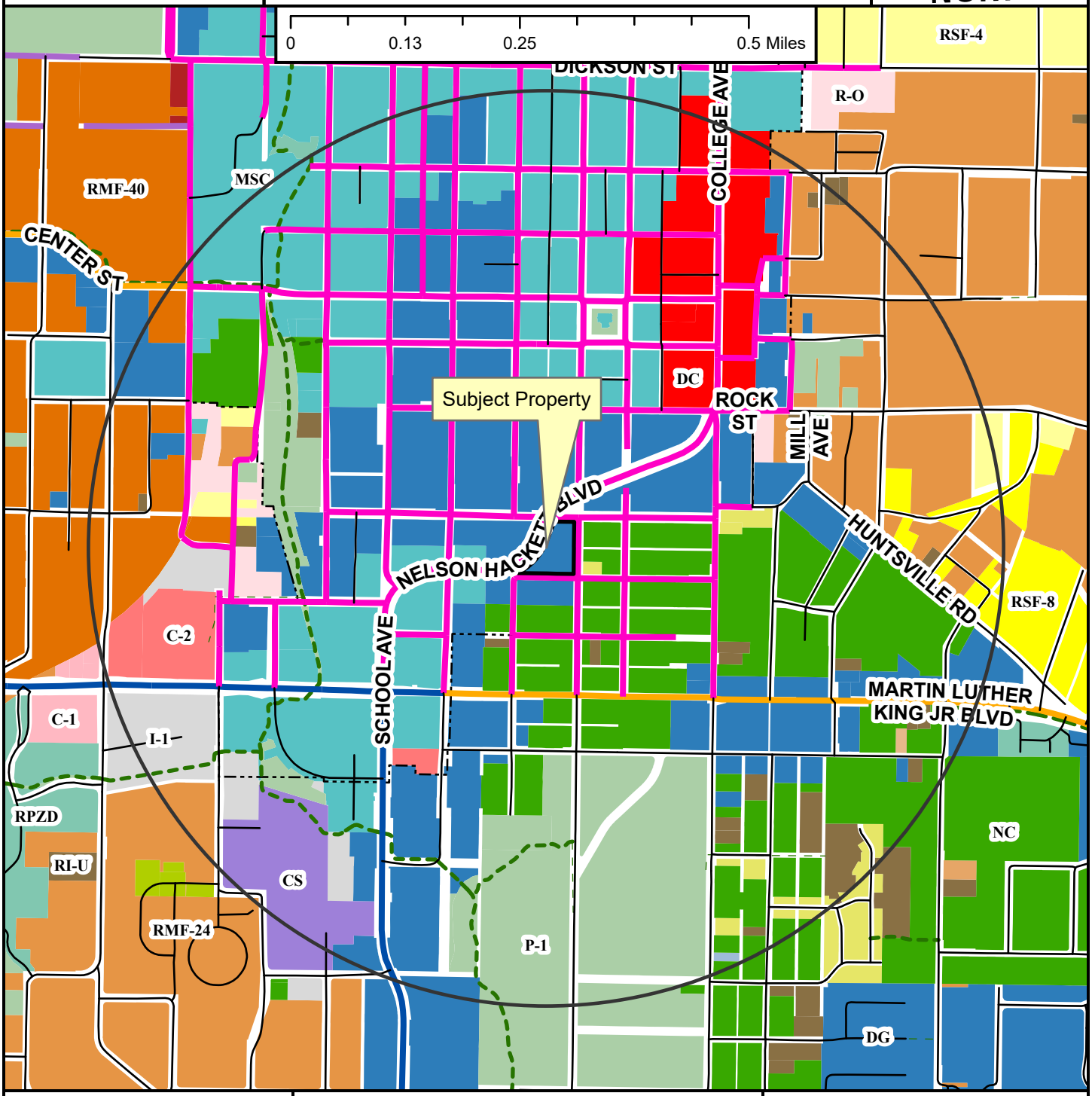
769 S. WASHINGTON
30 UNITS PER ACRE

LSD-2024-0011

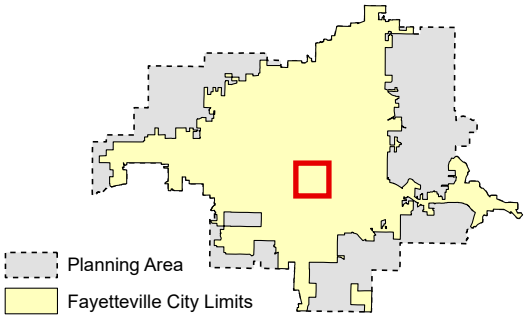
One Mile View

S. NELSON HACKETT BLVD & W. 4TH ST

NORTH



- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-18
RMF-24
RMF-40

INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial

EXTRACTION
E-1

COMMERCIAL
Residential-Office
C-1
C-2
C-3

FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
Main Street Center
Downtown General
Community Services
Neighborhood Services
Neighborhood Conservation

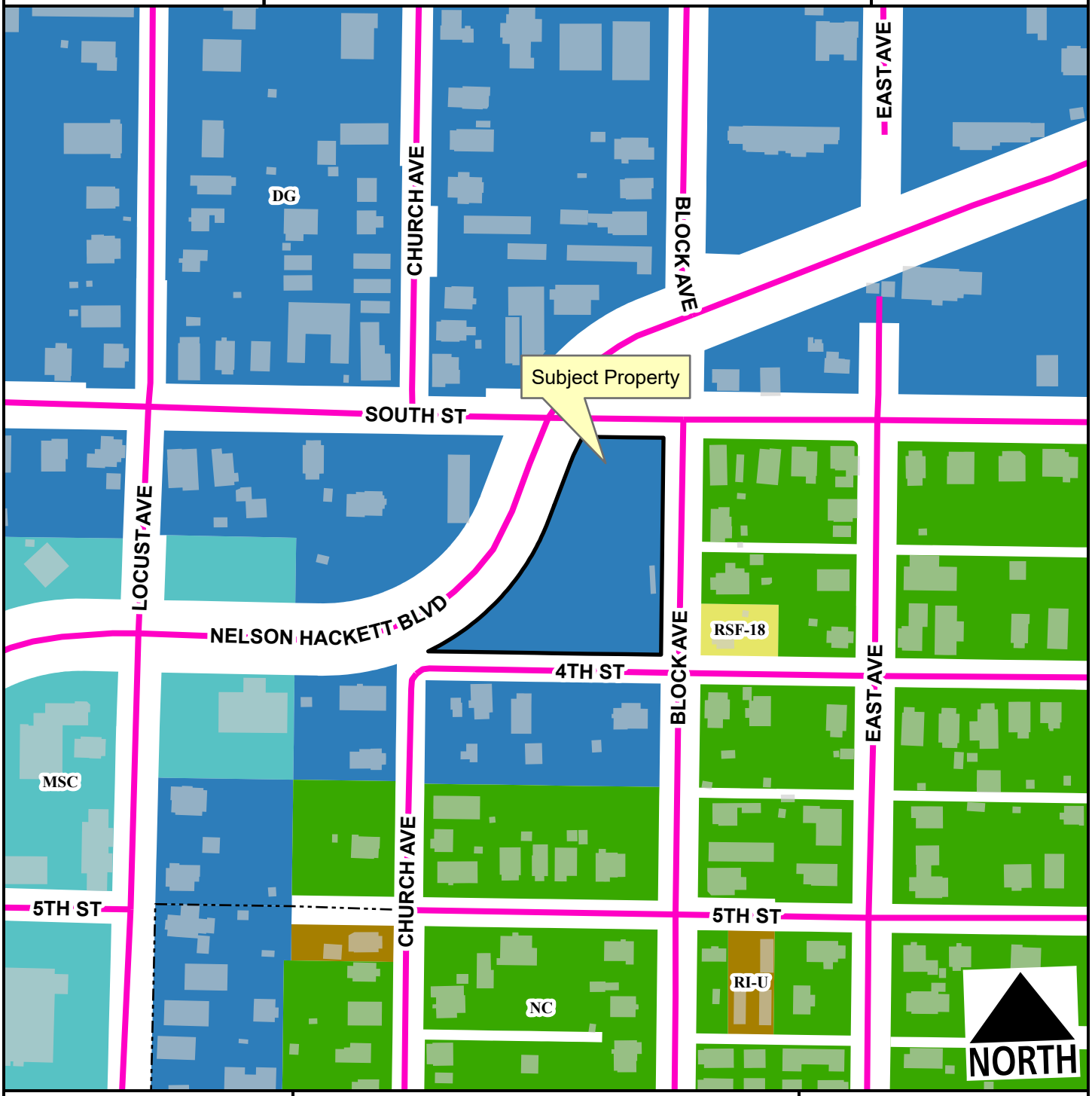
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

LSD-2024-0011

Close Up View

S. NELSON HACKETT BLVD & W. 4TH ST



Urban Center
Planning Area
Fayetteville City Limits
Design Overlay District

Feet
0 75 150 300 450 600
1:2,400

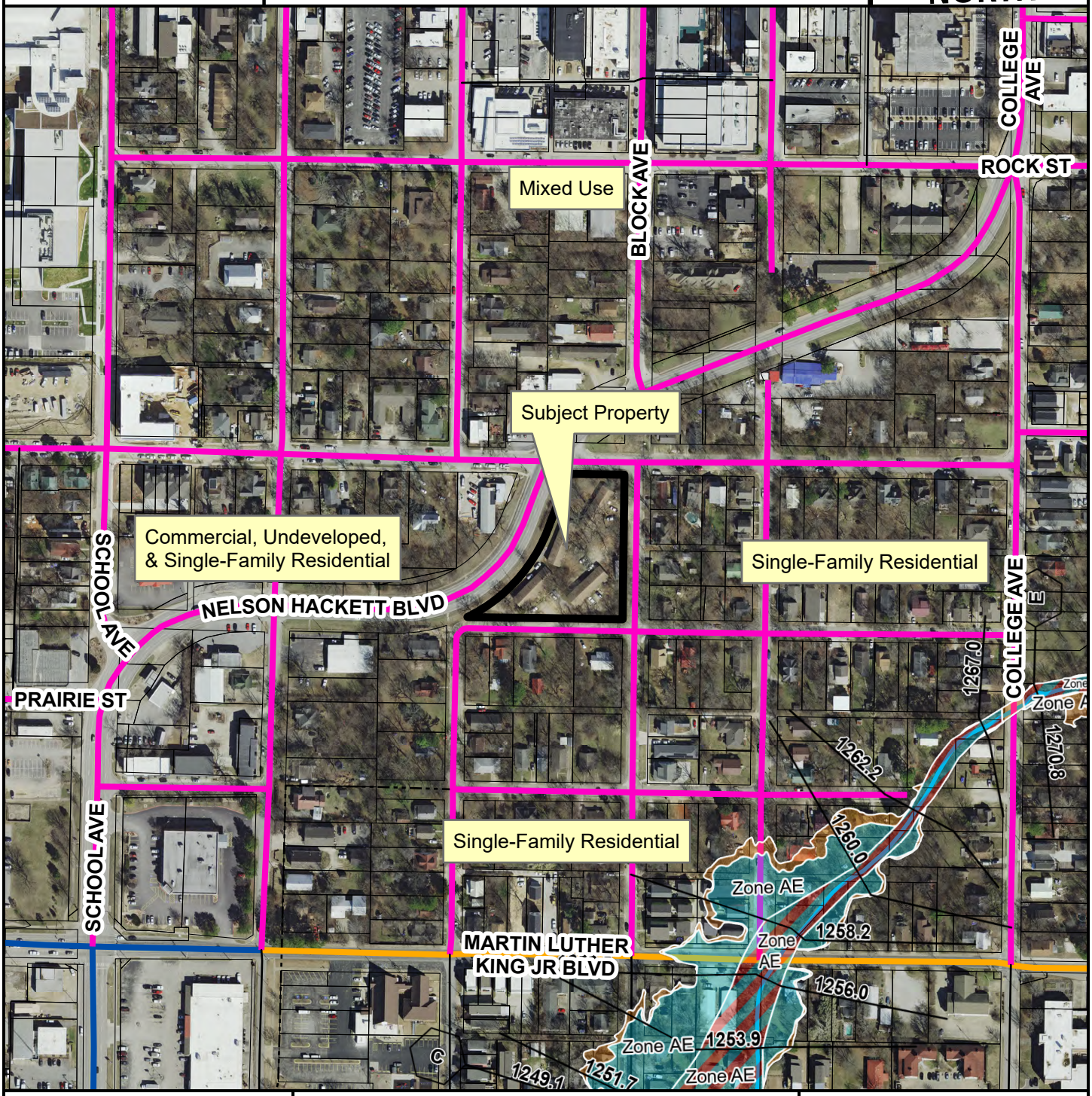
RSF-18
RI-U
Main Street Center
Downtown General
Neighborhood Conservation

LSD-2024-0011

Current Land Use

S. NELSON HACKETT BLVD & W. 4TH ST

NORTH



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor Jordan**
City Council
Kara Paxton, City Clerk/Treasurer

CC: **Susan Norton,** Chief of Staff
Jonathan Curth, Development Services Director

FROM: **Kit Williams,** City Attorney

DATE: **October 3, 2024**

RE: **Council appeal of Planning Commission's Approval of Large-Scale Development on the corner of Nelson Hacket and South Street**

Three City Council Members have informed City Clerk Kara Paxton and my office that they wish to appeal the Planning Commission's approval of a proposed apartment complex (a Large-Scale Development) along Nelson Hacket Boulevard, South Street, and two other city streets. Only a single Council Member is necessary for such an appeal on behalf of a resident. Since D'Andre Jones was first to expressly agree to sponsor such appeal, he became the official sponsor. However, the attached email shows that both Council Member Turk and Council Member Stafford wish to be co-sponsors of this appeal. City Council sponsors of an appeal to the City Council are not legally required to vote in favor of the appeal at the City Council meeting.

The Planning Department will now need to prepare the record of the approval of this project at the Planning Commission and submit this information into Civic Clerk for the City Council's information. This appeal will most likely be heard at the November 7, 2024 City Council meeting.

Williams, Kit

From: Stafford, Bob
Sent: Wednesday, October 2, 2024 4:35 PM
To: Turk, Teresa; Williams, Kit; Paxton, Kara
Cc: Shelton, Jackson; D'Andre Jones
Subject: Re: Request to appeal

I will also like to co-sponsor

Thanks, Bob

Get Outlook for iOS

From: Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Sent: Wednesday, October 2, 2024 4:33 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Paxton, Kara <kapaxton@fayetteville-ar.gov>
Cc: Shelton, Jackson <jshelton@fayetteville-ar.gov>; D'Andre Jones <dre91732000@gmail.com>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>
Subject: Re: Request to appeal

Kara,
I would like to co-sponsor the appeal.

Teresa

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Sent: Wednesday, October 2, 2024 9:49 AM
To: Paxton, Kara <kapaxton@fayetteville-ar.gov>
Cc: Shelton, Jackson <jshelton@fayetteville-ar.gov>; D'Andre Jones <dre91732000@gmail.com>; Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Stafford, Bob <bob.stafford@fayetteville-ar.gov>
Subject: FW: Request to appeal

Kara,

Reading this entire list of emails below, I conclude that Council Member D'Andre Jones has properly appealed the Planning Commission's decision to approve the Large Scale Development on the corner of Nelson Hackett boulevard and South Street on behalf of resident Louise Gamache upon my forwarding of this email to you. Council Member Jones properly referenced the proper code listing approval/rejection criteria for an LSD and his concern about traffic safety.

Kit

From: D'Andre Jones <dre91732000@gmail.com>
Sent: Tuesday, October 1, 2024 7:34 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Alan@drainagedoctornwa.com; esyule@yahoo.com
Subject: Re: Request to appeal

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kit I an appealing the planning commission's decision referencing Section 166.02 (C)(2)(a) The proposed development could pose dangerous traffic issues and impact the neighborhoods quality of life. I have included Alan Ostner and Louise Gamache of the neighborhood in this email.
Sent from my iPhone

On Oct 1, 2024, at 9:44 AM, Williams, Kit <kwilliams@fayetteville-ar.gov> wrote:

D'Andre,

Teresa was also asking about appealing this decision. Please see below what is required and the code sections which are attached.

Kit

From: Williams, Kit
Sent: Tuesday, October 1, 2024 9:04 AM
To: Turk, Teresa <teresa.turk@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: RE: Request to appeal

Teresa,

You may appeal this decision for a resident by emailing your appeal for the resident to the City Clerk's Office. The appeal must be accomplished by next Monday (ten business days from the Planning Commission's decision). You need to reference Section 166.02 (C)(2)(a) and discuss a possible violation of subsection (iv) "The proposed development would create or compound a dangerous traffic condition." I have attached copies of the relevant Code sections for your information. If you have further questions, please call me.

Kit

From: Turk, Teresa <teresa.turk@fayetteville-ar.gov>
Sent: Monday, September 30, 2024 8:05 PM
To: Williams, Kit <kwilliams@fayetteville-ar.gov>; Pennington, Blake <bpennington@fayetteville-ar.gov>
Subject: Fwd: Request to appeal

What is required to sponsor this appeal on behalf of this resident? What is the deadline to appeal this decision?

Thanks in advance,
Teresa
Sent from my iPhone

Begin forwarded message:

From: Esyule <esyule@yahoo.com>
Date: September 30, 2024 at 8:02:53 PM CDT
To: "Turk, Teresa" <teresa.turk@fayetteville-ar.gov>
Subject: Request to appeal

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Esyule <esyule@yahoo.com

Subject: Lot at 4th St and South St, bordering on Nelson Hackett Blvd, plans and approval Sept. 23rd LSD-2024-0011

Dear Teresa: As a property owner and resident in Ward One on the south side, I am appalled by the approval to build on over 130 unit apartment complex with a parking lot to hold 72 cars on this lot which is just over an acre, on a hill off a busy road as well as building in parallel parking on Nelson Hackett Blvd. The residents and nearby residents spoke eloquently against this and I concur. It is a devastating money grab which will harm the existing neighborhood, pose dangerous traffic issues, congest a fragile historic area and harm the essential nature of this city. I ask that you appeal this decision on LSD-2024-0011 by the City Planning Board to allow the build yo proceed. If I and other concerned citizens of Fayetteville need to do more to stop this build, please let me know. Thank you.

Louise Gamache
311 East Huntsville Rd
479-601-4519
esyule@yahoo.com

Sent from my iPhone

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **D'Andre Jones,** Council Member
Bob Stafford, Council Member

CC: **City Council**
Kara Paxton, City Clerk-Treasurer

FROM: **Kit Williams**, City Attorney

DATE: **November 25, 2024**

RE: **Request for Legal Opinion**

Schuyler Schwarting emailed City Council Members an argument that the Large Scale Development for the Lofts that was approved by the Planning Commission should be denied by the City Council. This argument was confined to an argument that the proposed Loft's construction "would create or compound a dangerous traffic condition." Council Members Jones and Stafford asked me to review Schwarting's argument in a legal memo to the City Council. The following is my analysis as requested.

Schwarting's first argument is directed at the proposed parking on Nelson Hackett Avenue. The Planning Commission was also concerned about unprotected parking along Nelson Hackett with its substantial traffic and very curvy design. The Planning Commission then granted a variance to allow the road to be widened in front of the Lofts to add a buffer or slip lane so that drivers of parallel parked vehicles along the Lofts would not have to open their doors onto a traffic lane and also would have this slip lane to make parallel parking maneuvers safer.

If the variance is denied by the City Council so the slip or buffer lane is not allowed, parallel parking along Nelson Hackett would appear to create a dangerous traffic condition. These parking spots would then no longer be available to the Lofts. However, removing these parking spaces would not prevent the construction of the Lofts unless it lowered the required parking below the minimum required which I do not believe it would. Both the Planning

Commission and City Council (sitting with the same powers of the Planning Commission during an appeal) have great discretion when determining whether or not to grant a variance. This is especially true for the proposed parking along Nelson Hackett.

Traffic studies are not normally required for a Large Scale Development but was appropriate for this proposed project. The length of time and area considered in a required traffic study can vary depending on the proposed project. I leave this determination to our City's Planning and Engineering Departments.

I drive on South Street every workday to reach the Block Avenue in order to access the Town Center's parking deck. I am not certain that I know where the "pit adjacent to Nelson Hackett" that Schwarting refers to is located. If it is the area where South Street rises to intersect with Nelson Hackett, I know that this intersection has become much safer with the recent addition of a traffic signal. A traffic study for this intersection could provide data relevant to whether this is or would likely become a dangerous traffic condition sufficient to deny approval of a Large Scale Development. Any such determination of danger needs to be supported with factual data rather than merely conclusory arguments.

Any issue regarding fire access for this project is the responsibility of the Fayetteville Fire Department. Unless the Fire Department objects to the project's available fire access, this is not a proper objection that the City Council could consider.

Schwarting's objection that tenants would have "to travel through neighborhood streets to access the proposed development" is not an unusual situation for many Large Scale Developments in Fayetteville. It is also not a proper consideration in Schwarting's claim that the Lofts creates or compounds a dangerous traffic situation. Although the fact that existing residents may have to drive around the neighborhood looking for empty parking spaces can be quite aggravating, I do not believe such increased congestion without further proof can rise to level sufficient to meet the "create or compound a dangerous traffic condition" required to deny a Large Scale Development. The fact that some of these residential streets may have "unprotected turns" at their intersections is also insufficient grounds to justify reversal of the Planning Commission approval of the LSD. Facts, not conjectures, are required to deny the Large Scale Development approved by the Planning Department.

The City Council's approved redesign of the Rock Street intersection with College Avenue enforced with curbing the previous "no left turn" signs from Rock Street left onto Nelson Hackett. Most drivers heading up the hill on Rock

Street have long turned right toward North College or the Square. No Rock Street driver has legally turned left toward the Block Street intersection with Nelson Hacket for a long time. The new traffic signal at South Street and Nelson Hackett have encouraged more drivers seeking to go South or West to use the traffic signal at South Street for better protected access.

The occupation of the Lofts apartment building will certainly cause increased parking issues for existing residents. It also likely that the signalized intersection at South and Nelson Hackett will get more traffic than it currently handles. This is not really a problem caused by the Lofts project, but by the City Council approved *Code* sections that gives automatic reductions to developers to supply less than "one parking space per bedroom" for bike racks and bus stops at fairly distant locations. The Council may wish to make those variances to reduce required parking spaces below one per bedroom something that the Planning Department, Planning Commission, and City Council could grant rather than what a developer has unfettered discretion to use in order to reduce required parking spaces for a project's tenants. That reduction cannot be changed for the Lofts, but only for future developments if the City *Code* is amended.

CONCLUSION

(1) The variance granted by the Planning Commission for parallel parking on Nelson Hackett is within the City Council's power and discretion to approve or reject. Rejecting this provision will remove about eight parking places from the project's tenants who then will have to park somewhere else in the adjoining neighborhood.

(2) The other variances would also result in other lost tenant parking spaces. Again, this would cause more congestion and force more tenants to park on neighborhood streets.

(3) I believe that the Planning Department has stated that removing these variances will not support the rejection or disapproval of the Large Scale Development which can be constructed even if all approved variances were to be overturned by the City Council.

(4) Schuyler Schwarting has presented some well written and thoughtful arguments against the Planning Commission's decision to approve the Lofts' LSD project. However, I believe that there is currently insufficient facts and data to overturn the Planning Commission's approval of this Large Scale Development. Please remember my

cautions and the Arkansas Supreme Court's ruling that I have repeatedly warned previous City Councils about since 2002:

"If a proposed Large Scale Development meets the minimum standards of the Unified Development Ordinance, it must be approved even if every Alderman believes it is a terrible development unanimously opposed by the neighbors.

'When a subdivision ordinance specifies minimum standards to which a preliminary plat must conform, it is arbitrary as a matter of law to deny approval of a plat that meets those standards.' Richardson v. City of Little Rock Planning Commission, 295 Ark. 189, 747 S.W. 2d 116, 117 (1988).

If a denial is 'arbitrary as a matter of law', the City would be overturned in Court . . . ."

Received From: Kit Williams 12/04/2024 9:18 A.M.

BILL OF ASSURANCE

This Bill of Assurance is hereby voluntarily made, entered into and effective as of this ____ day of December, 2024, by Dallas Collection LLC in favor of the City of Fayetteville, Arkansas, the residents of the City of Fayetteville, Arkansas and, most particularly, the residents of South Square Neighborhood, for the express purposes of protecting the property rights of all residents in South Square Neighborhood, and for protecting the parking rights and on-street parking access for the residents of South Square Neighborhood, such that Dallas Collection LLC specifically agrees, binds itself and assures, as follows:

WHEREAS, Dallas Collection, LLC is the owner of certain property located in the City of Fayetteville, Washington County, Arkansas more specifically described as Parcel # 765-07087-000 (the "Urban Lofts Property"), and which is fully described in the legal description of said property which is attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, Dallas Collection LLC plans and intends to develop said Urban Lofts Property into a multi-family residence with approximately 138 total living units; and

WHEREAS, the current design plans for the Urban Lofts Property include on-site parking spaces for 77 automobiles, on-site spaces for 13 scooters, and 28 off-site/on-street automobile spaces (the "Parking Allotment"); and

WHEREAS, the residents of South Square Neighborhood have and require on-street parking for their vehicles and have utilized said on-street parking in the South Square Neighborhood for decades prior to the planned development of the Urban Lofts Property, and homes in this neighborhood frequently redevelop from one home to two or three or more homes which requires future on-street parking; and

WHEREAS, notwithstanding the Parking Allotment provided for in the current design plans, Dallas Collection LLC represents and, by this Bill of Assurance provides formal assurances, that it will not require or utilize any on-street parking spaces in the South Square Neighborhood beyond those twenty-eight (28) spaces which are contiguous with the Urban Lofts Property and which are included in the development plan Parking Allotment;

NOW, THEREFORE, to ensure that the residents of South Square Neighborhood continue to have access to and utilization of sufficient on-street parking for their respective residences, and to confirm that Dallas Collection, LLC does not intend to interfere with those on-street parking rights and access of the South Square Neighborhood residents as a result of the Urban Lofts Property development, Dallas Collection, LLC specifically agrees and by the Bill of Assurance formally assures each of the following:

1. Dallas Collection, LLC has previously developed and produced the "Urban Lofts Parking Strategy: Comprehensive 5-Point Plan" ("Comprehensive Parking Plan") which addresses and details the parking plan for the Lofts Property post-development. The Comprehensive Parking Plan is fully and completely incorporated into this Bill of Assurance as if set forth word for word herein, and is attached to this Bill of Assurance as Exhibit "B." Urban Lofts agrees, confirms and assures that it will strictly abide by said Comprehensive Parking Plan during and after development of the Lofts Property, and will strictly enforce said Comprehensive Parking Plan with all of its residents, tenants, owners, lessees and all others utilizing the Lofts Property, and agrees that the Comprehensive Parking Plan will bind all of its heirs, successors and assigns of said Lofts Property.

2. Dallas Collection, LLC specifically agrees, confirms and assures that it will not request, will not seek, and will not be entitled to passes/stickers/access for any more than twenty-eight (28) vehicles in any future adjoining, adjacent or nearby Fayetteville Parking Management District(s) implemented by the City of Fayetteville in and around South Square Neighborhood. Dallas Collection, LLC acknowledges that its twenty-eight (28) vehicle maximum limit equals the total number of on-street parking spaces currently adjoining the Urban Lofts Property and which are accounted for in its Parking Allotment and, as such, agrees and assures that its membership (for its owners, agents, tenants, lessees, employees, etc.) in any future Parking Management District(s) will be expressly limited to a maximum of twenty-eight (28) vehicles, and it shall not seek, request or otherwise attempt to secure any additional parking passes or spaces in any Parking Management District(s).

3. Dallas Collection, LLC expressly grants to the City of Fayetteville, Arkansas and to all property owners in the South Square Neighborhood the right to enforce any and all of the terms of this Bill of Assurance in the Circuit Court of Washington County, Arkansas, and Dallas Collection, LLC agrees that if it, its owners, agents, heirs, successors in interest, or assigns violates any term of this Bill of Assurance, substantial irreparable damage justifying injunctive relief has been done to the citizens and City of Fayetteville, Arkansas and to the residents of the South Square Neighborhood. Dallas Collection, LLC acknowledges that the Fayetteville City Council will reasonably rely upon all of the terms and conditions within this Bill of Assurance in considering whether to approve Dallas Collection, LLC's Large Scale Development Plan and, if approved, will require strict compliance and adherence with said Bill of Assurance.

4. Urban Lofts Property specifically agrees that all such terms, restrictions and assurances contained herein shall run with the land and shall bind all future owners of said Urban Lofts Property, including any and all tenants, lessees or other residents on said Urban Lofts Property. This Bill of Assurance shall be filed of record in the Washington County Circuit

Clerk's Office, formally binding the Dallas Collection LLC and the Urban Lofts Property, including all successors in interest of the property, to this Bill of Assurance. This Bill of Assurance shall be noted on any Final Plat, Large Scale Development, or other development approval which includes some or all of the Urban Lofts Property.

IN WITNESS WHEREOF and in agreement with all the terms and conditions stated above, I, _____, as the authorized agent of Dallas Collection, LLC, voluntarily agree and offer all such assurances set forth herein and sign my name below.

_____ _____
Printed Name of Authorized Agent Position or Title of Authorized Agent

_____ _____
Signature Date

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

On this, the _____ day of December, 2024, before me, the undersigned notary, personally appeared _____, known to me (or satisfactorily proven) to be the person(s) whose name is/are subscribed to the above and, after being placed upon their oath, swore or affirmed that they were authorized to sign the above Bill of Assurance, agreed with the terms of the Bill of Assurance, and executed the Bill of Assurance for the reasons set forth herein.

_____
NOTARY PUBLIC

My Commission Expires:

_____

Type: REAL ESTATE
Kind: WARRANTY DEED
Recorded: 6/12/2024 10:57:23 AM
Fee Amt: $35.00 Page 1 of 5
Washington County, AR
Kyle Sylvester Circuit Clerk

File# 2024-00014488

Exhibit "A": Property Legal Description

Prepared under the supervision of:
Blake Hanby, Attorney
3790 N. Bellafont Blvd, Suite 3
Fayetteville, AR 72703

WARRANTY DEED

File # 23-6289

KNOW ALL MEN BY THESE PRESENTS:

That we, **Andrew Berner, a married person, and Osment Investments, LLC, an Arkansas limited liability company,** hereinafter called Grantors, for and in consideration of the sum of One and No/100-----Dollars---($1.00) and other good and valuable consideration in hand paid by **The Dallas Collection, LLC, an Arkansas limited liability company,** hereinafter called Grantee, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto said Grantee and unto its successors and assigns, forever, the following described land, situated and being in the County of Washington, State of Arkansas, to-wit:

PART OF LOTS 4 AND 5, AND ALL OF LOTS 6 AND 7, BLOCK 17, AND PART OF LOTS 1, 2 AND 3, AND ALL OF LOTS 4, 5, 6 AND 7, BLOCK 18, JENNINGS ADDITION TO THE CITY OF FAYETTEVILLE, AS DESIGNATED UPON THE RECORDED PLAT OF SAID ADDITION, BEING ALL OF SAID LOTS IN SAID BLOCKS LYING SOUTH AND EAST OF ARCHIBALD YELL DRIVE (US HIGHWAY NO. 71) SITUATED IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

Subject to easements, right-of-ways, and protective covenants of record, if any.
Subject to all prior mineral reservations and oil and gas leases, if any.

RECITAL: No revenue stamps are due on this conveyance.

TO HAVE AND TO HOLD the same unto said Grantee and unto its successors and assigns, forever, with all appurtenances thereunto belonging. And we hereby covenant with said Grantee that we will forever warrant and defend the title to the said lands against all claims whatsoever. And we, Andrew Berner and Christina Berner, a married couple, for and in consideration of said sum of money, do hereby release and relinquish unto said Grantee all our rights of curtesy, dower and homestead in and to the said lands.

Signature page to follow

Executed and Delivered to be Effective as of the 11th day of June, ,2024.

Andrew Berner and Christina Berner, a married couple

By: _____
Andrew Berner

By: _____
Christina Berner

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) **SS**
COUNTY OF)
Craighead

On this day before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named **Andrew Berner and Christina Berner, a married couple,** known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they have executed the same for the consideration, uses and purposes therein set forth.

In Testimony Whereof, I have hereunto set my hand and official seal this 11th day of June, 2024.

_____
Notary Public

My Commission Expires: 02/12/32

KAREN JOHNSTON NOTARY PUBLIC #12717404 Expires 02/12/32 CRAIGHEAD COUNTY, ARKANSAS

Osment Investments, LLC, an Arkansas limited liability company

By: _____
Ray Osment, Manager

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) **SS**
COUNTY OF)
Craighead

On this day before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named **Ray Osment,** known to me (or satisfactorily proven) to be the person who executed the foregoing instrument, who stated and acknowledged that he is the duly authorized Manager of Osment Investments, LLC, an Arkansas limited liability company, and who further stated and acknowledged that he, being duly authorized in said capacity, has executed the same for the consideration, uses and purposes therein set forth.

In Testimony Whereof, I have hereunto set my hand and official seal this 11th day of June, 2024.

Natasha Wheeler
Notary Public

NATASHA WHEELER
NOTARY PUBLIC-STATE OF ARKANSAS
RANDOLPH COUNTY
My Commission Expires 11-17-2026
Commission # 12699195

My Commission Expires: 11-17-2026

EXHIBIT "A"

Description of Property

PART OF LOTS 4 AND 5, AND ALL OF LOTS 6 AND 7, BLOCK 17, AND PART OF LOTS 1, 2 AND 3, AND ALL OF LOTS 4, 5, 6 AND 7, BLOCK 18, JENNINGS ADDITION TO THE CITY OF FAYETTEVILLE, AS DESIGNATED UPON THE RECORDED PLAT OF SAID ADDITION, BEING ALL OF SAID LOTS IN SAID BLOCKS LYING SOUTH AND EAST OF ARCHIBALD YELL DRIVE (US HIGHWAY NO. 71) SITUATED IN THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

Subject to easements, restrictions, reservations, covenants and rights of way of record. Subject to all prior mineral reservations and oil and gas leases, if any.

ARKANSAS DEPARTMENT OF FINANCE AND ADMINISTRATION

Real Property Transfer Tax Affidavit of Compliance Form

Grantee (Purchaser) Name			Grantor (Seller) Name		
The Dallas Collection, LLC			Andrew Berner; Osment Investments, LLC		
Address			Address		
2228 Cottondale Lane, Suite 220			2228 Cottondale Lane, Suite 220		
City	State	Zip Code	City	State	Zip Code
Little Rock	AR	72202	Little Rock	AR	72202

Date of real property transfer (as reflected on the transfer instrument): 6/11/2024

Name of the county where the property is located: Washington

Amount of the full consideration for the transaction: 0.00

Please select the appropriate exemption below:

- ◯ A transfer to or from the United States, the State of Arkansas, or any of the instrumentalities, agencies, or political subdivisions of the United States or the State of Arkansas.
- ◯ Any instrument or writing given solely to secure a debt.
- ◯ Any instrument solely for the purpose of correcting or replacing an instrument that has been previously recorded with full payment of the tax having been paid at the time of the previous recordation.
- ◯ An instrument conveying land sold for delinquent taxes.
- ◯ An instrument conveying leasehold interest in land only.
- ◯ An instrument, including a timber deed, that conveys or grants the right to remove timber from land if the instrument grants or conveys the right to remove timber for a period of not to exceed twenty-four (24) months.
- ◯ An instrument given by one (1) party in a divorce action to other party to the divorce action as a division of marital property whether by agreement or order of the court.
- ◯ An instrument given in any judicial proceeding to enforce any security interest in real estate when the instrument transfers the property to the same person who is seeking to enforce the security interest.
- ◯ An instrument given to a secured party in lieu of or to avoid a judicial proceeding to enforce a security interest in real estate.
- ◯ An instrument conveying a home financed by the Federal Housing Administration, the United States Department of Veterans Affairs, or the United States Department of Agriculture Rural Development, if the sale price of the home is sixty thousand dollars ($60,000) or less and the seller files with the county recorder of deeds a sworn statement by the buyer stating that neither the buyer nor the spouse of the buyer has owned a home within three (3) years of the date of closing and also stating the sale price of the home.
- ◯ An instrument conveying land between corporations, partnerships, limited liability companies, or other business entities or between a business entity and its shareholder, partner or member incident to the organization, reorganization, merger,consolidation, capitalization, asset distribution, or liquidation of a corporation, partnership, limited liability company, or other business entity.
- ◯ A beneficiary deed under ACA 18-12-608.
- ◯ Consideration of $100 or less
- ◯ Other (Explain): _____

Washington County, AR
I certify this instrument was filed on
6/12/2024 10:57:23 AM
and recorded in REAL ESTATE

File# 2024-00014488
Kyle Sylvester - Circuit Clerk

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument.

Andrew Berner, Manager		6/11/2024
(Print Name)	(Signature of Requestor)	(Date)

Real Property Tax Affidavit of Compliance Form (R 10/08/13)

Exhibit "B": Parking Strategy

Urban Lofts Parking Strategy: Comprehensive 5-Point Plan

1. Encouraging Car-Free Living

The project is designed to prioritize a car-free lifestyle through thoughtfully planned infrastructure, supportive amenities, and strategic partnerships that provide a range of convenient transportation options. We anticipate that vehicle demand will be lower at this location based on the comprehensive alternatives provided to residents, including bike infrastructure, public transit access, and incentives for reducing vehicle ownership.

Key elements include:

- **Rent Reduction Incentives**
  As part of our commitment to sustainable urban living, we're offering a **$100 monthly rent reduction** in the all-inclusive package for residents who choose not to bring a vehicle. This financial benefit not only rewards those opting for a car-free lifestyle but also helps foster a community focused on reducing vehicle dependency. By choosing to forego a personal vehicle, residents can save significantly on monthly expenses while accessing the variety of transit options and alternative transportation solutions provided by The Urban Lofts.
- **Bike and Micro-Mobility Support**
  Secure bike storage will be provided, along with strategically placed bike racks, to promote cycling as a primary mode of transportation. A conveniently located **bike wash station** will create a unique amenity for bikers, supporting a community of active commuters.
- **Public Transit Integration**
  The building is located **just a few blocks away** from several Ozark Regional Transit (ORT) stops with on-demand pickups available, making public transit an accessible and convenient option. We will enhance this by providing **posted signage** in key pickup and common areas to support and educate residents on utilizing public transit. To further encourage public transit use, The Urban Lofts will **reimburse residents for a "10 Trips" Bus Pass once a month**, reducing the cost barrier for choosing public transportation. Our long-term goal is to develop our relationship with ORT, building enough resident demand to support a **full-time ORT stop directly at our building**.
- **Rideshare and Delivery Zones**
  Designated zones for Uber, Lyft, and delivery services will streamline pickups and drop-offs, making shared and on-demand mobility options easy and convenient for residents and visitors alike.

By integrating these strategies and incentives, we position the project as a leader in sustainable, urban living that actively minimizes the need for car ownership while enhancing quality of life for our residents.

---

2. Preserving Neighborhood Integrity

Addressing concerns about potential parking spillover into adjacent neighborhoods is a top priority for the project. To prevent any disruption to the surrounding community, we will implement **strict parking policies** within lease agreements that prohibit residents from parking in neighboring streets. We will enforce this through a combination of clear resident education, monitoring, and strategic partnerships.

Key elements include:

- **Vehicle Registration and Permit Requirements**
  Each resident at The Urban Loft Co. will be required to **register their vehicles with us prior to leasing** and display **branded parking permits** at all times. This measure ensures that only authorized vehicles are parked on-site, making it easier to identify non-compliant vehicles. If a resident owns a car, they must rent a spot either in the on-site lot or at the Town Center Parking Deck, ensuring all resident vehicles remain in designated areas.
- **Resident Education and Communication**
  All residents will be informed about the parking policies and restrictions during the leasing process and through ongoing communications. Educational materials will include detailed maps, guidelines, and information about additional parking options at the Town Center Parking Deck to ensure residents understand and comply with the policies.
- **Active Monitoring and Enforcement**
  We will work closely with local authorities and neighborhood associations to monitor parking behavior around the property. Residents found repeatedly violating parking restrictions will be subject to fines, lease penalties, or termination.
- **Proactive Community Engagement**
  Our team will maintain an open line of communication with neighborhood stakeholders, attending community meetings and being responsive to feedback and concerns. This proactive approach helps build trust and demonstrates our commitment to being good neighbors.

By taking these steps, we aim to respect the integrity of the surrounding neighborhoods and maintain a positive relationship with the local community.

---

3. Access to Additional Parking Resources

To further ensure there is zero added parking stress to nearby neighborhoods, we have secured additional parking at the **Town Center Parking Deck**, located **just a few blocks away**. Urban Lofts will **purchase permits directly from the city** and make them available to residents on a rental basis. This arrangement is intended to serve as a **contingency solution for additional parking**, ensuring that vehicle storage needs can be addressed without impacting the on-site parking ratios. Additionally, **Justin Clay, Fayetteville's Parking Manager, has encouraged the use of these additional permits** to help fill vacancies at the Town Center Parking Deck, creating a mutually beneficial solution.

Key components of this structure include:

- **Centralized Permit Management**
  By purchasing permits directly from the city, Urban Lofts retains control over the allocation and management of these spaces, ensuring that they are only utilized when necessary. This approach prevents unauthorized use and allows for efficient permit tracking.
- **Resident Rental of Designated Spots**
  Residents who require a vehicle storage solution can rent these spots from Urban Lofts, ensuring a structured and controlled parking process. This will also require residents to display **visible parking permits** in their vehicles, making it easy to identify authorized vehicles and maintain compliance.
- **Additional Parking Solution**
  The primary intent is to have these permits available as a **reserve option** for residents who have unanticipated or temporary parking needs. By managing these spots in-house, we can limit dependency on long-term vehicle ownership and maintain the project's focus on car-free living.

This structured arrangement not only provides flexibility for vehicle owners but also ensures that additional parking remains organized, with clear guidelines for use and visibility.

---

4. Visitor Parking Allocation

Understanding the importance of accommodating guests, we will allocate a specific number of on-site parking spaces for **visitor use**. This allocation is based on the expectation that resident parking demand will be underutilized, allowing us to repurpose a portion of the available spaces without compromising on-site parking needs for residents.

Key elements include:

- **Designated Visitor Spots**
  Clearly marked parking spots will be designated for visitors and located near building entrances to provide easy access. These spots will be distinguished from resident parking to avoid confusion and promote orderly parking management.
- **Visitor Permits and Time Limits**
  Visitor parking will operate on a **digital permit basis** through Parking Boss. Residents will be able to request **temporary digital visitor permits** using the Parking Boss portal, which will generate a unique pass that can be displayed digitally on a smartphone or printed out. Time limits can be set to encourage turnover and maintain availability for incoming guests.
- **Real-Time Monitoring and Oversight**
  Parking Boss will allow us to actively monitor the use of visitor spaces, track permit issuance, and identify any unauthorized vehicles. This real-time visibility will ensure that the designated visitor parking is used effectively and consistently. Adjustments can be made as needed based on visitor patterns and resident feedback.

By offering a streamlined digital permit system and dedicated visitor parking, we create a welcoming environment for guests while maintaining efficient use of on-site parking resources.

---

5. Dynamic Parking Allocation

Given the unique focus on car-free living and anticipated underutilization of traditional parking spaces, our approach will include **flexible parking allocation** that evolves based on real-time data and resident needs. This strategy allows us to adapt to changing transportation preferences, ensuring that the on-site parking remains efficient and responsive.

Key elements include:

- **Quarterly Parking Surveys**
  We will conduct quarterly parking surveys to track usage patterns, resident feedback, and parking demands. This data will be used to identify areas where adjustments are needed and to ensure that the designated parking resources are being used optimally.
- **Reassignment of Parking Spaces**
  As resident needs evolve, we will have the ability to reassign underutilized resident

spaces to better serve micro-mobility, visitor parking, or shared mobility options. This flexibility allows us to respond to demand shifts without needing to add new spaces, maintaining the project's commitment to reducing vehicle dependency.

- **Transparent Communication with Residents**
  Residents will be informed of any changes in parking allocations through regular updates, ensuring clarity and minimizing disruptions. Clear signage and digital communication will be used to guide residents through any new designations or policy adjustments.

By prioritizing a dynamic and data-driven approach, we can optimize parking resources to align with the project's core goals of promoting alternative transportation and minimizing vehicle use.

From: Alan Ostner
To: Alan Ostner; CityClerk
Cc: Williams, Kit
Subject: Fwd: Bill of Assurance-Urban Lofts
Date: Wednesday, December 4, 2024 7:51:31 AM
Attachments: Bill of Assurance - Urban Lofts.pdf

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Fayetteville City Council,
The neighborhood executive committee met with the Urban Lofts developers a few weeks ago. It was a productive meeting. We agreed that the apartment dwellers should not park on the neighborhood streets. The attached Bill of Assurance simply restates the agreements the developer has talked about for the past few months: limit the number of cars that the apartment unit will have in the possible future South Square Parking Management District. The neighbors hope to see this voluntary Bill of Assurance signed by the property owner tonight at the Council hearing on Urban Lofts. It simply takes the statements the developer has agreed to and puts them into an agreement to run with the land in the future.

Best,
Alan Ostner, ASLA, PLA
DRAINAGE DOCTOR NWA, PLLC
Licensed Landscape Architect
Ark. LA License #5204
Ark. Contractor's Lic. #0428970724
BSA Scoutmaster
Member: Ark. Better Business Bureau
Member: Ark. Native Plant Society Education Committee
C: 479.387.7900
W: www.drainagedoctornwa.com
E: alan@drainagedoctornwa.com
I reply to texts and emails from 8am-6pm M-F

---------- Forwarded message ---------
From: **Alan Ostner** <alan@drainagedoctornwa.com>
Date: Tue, Dec 3, 2024 at 7:00 AM
Subject: Bill of Assurance-Urban Lofts
To: Tim Redden <tredden@jettoncon.com>, Parker Sitton <psitton@theurbanloftco.com>, Alan Ostner <alan@drainagedoctornwa.com>

Hi Tim and Parker,
Attached please find the Bill of Assurance the neighbors are interested in. If we could see this signed, handed to the city attorney before the vote, to be later filed with the plat at the county courthouse, we would most likely drop our opposition to the project. Let me know if you have any questions.

Best,
Alan Ostner, ASLA, PLA

D R A I N A G E D O C T O R N W A, P L L C
Licensed Landscape Architect
Ark. LA License #5204
Ark. Contractor's Lic. #0428970724
BSA Scoutmaster
Member: Ark. Better Business Bureau
Member: Ark. Master Gardeners
Member: Ark. Native Plant Society Education Committee
C: 479.387.7900
W: www.drainagedoctornwa.com
E: alan@drainagedoctornwa.com
I reply to texts and emails from 8am-6pm M-F

From: Williams, Kit
To: Alan Ostner; CityClerk
Cc: Curth, Jonathan; Norton, Susan; Pennington, Blake
Subject: RE: Bill of Assurance-Urban Lofts
Date: Wednesday, December 4, 2024 9:17:40 AM
Attachments: Blank Bill of Assurance - revised 7.11.24.docx

Alan,

All bills of assurance voluntarily offered by a zoning applicant must follow the form I designed to ensure it would be enforceable. Attached is that form. This appeal is from a development approval of a Large Scale Development for a build by right. The applicant could request that the appeal be granted to slightly amend the Large Scale Development's conditions to refrain from requesting any property owner's privileges to park in a designated parking district beyond the on street parking spaces currently shown on the project plan. Any such agreement would be with and enforced by the City, not any neighborhood group. I cannot recommend that the City council approve your document. I have heard no actual decision by the City Council to establish and enforce any new parking district.

Kit

From: Alan Ostner <alan@drainagedoctornwa.com>
Sent: Wednesday, December 4, 2024 7:51 AM
To: Alan Ostner <alan@drainagedoctornwa.com>; CityClerk <cityclerk@fayetteville-ar.gov>
Cc: Williams, Kit <kwilliams@fayetteville-ar.gov>
Subject: Fwd: Bill of Assurance-Urban Lofts

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Fayetteville City Council,
The neighborhood executive committee met with the Urban Lofts developers a few weeks ago. It was a productive meeting. We agreed that the apartment dwellers should not park on the neighborhood streets. The attached Bill of Assurance simply restates the agreements the developer has talked about for the past few months: limit the number of cars that the apartment unit will have in the possible future South Square Parking Management District. The neighbors hope to see this voluntary Bill of Assurance signed by the property owner tonight at the Council hearing on Urban Lofts. It simply takes the statements the developer has agreed to and puts them into an agreement to run with the land in the future.

Best,

Alan Ostner, ASLA, PLA
DRAINAGE DOCTOR NWA, PLLC
Licensed Landscape Architect
Ark. LA License #5204
Ark. Contractor's Lic. #0428970724
BSA Scoutmaster
Member: Ark. Better Business Bureau
Member: Ark. Native Plant Society Education Committee
C: 479.387.7900
W: www.drainagedoctornwa.com
E: alan@drainagedoctornwa.com
I reply to texts and emails from 8am-6pm M-F

---------- Forwarded message ---------
From: **Alan Ostner** <alan@drainagedoctornwa.com>
Date: Tue, Dec 3, 2024 at 7:00 AM
Subject: Bill of Assurance-Urban Lofts
To: Tim Redden <tredden@jettoncon.com>, Parker Sitton <psitton@theurbanloftco.com>, Alan Ostner <alan@drainagedoctornwa.com>

Hi Tim and Parker,
Attached please find the Bill of Assurance the neighbors are interested in. If we could see this signed, handed to the city attorney before the vote, to be later filed with the plat at the county courthouse, we would most likely drop our opposition to the project. Let me know if you have any questions.

Best,
Alan Ostner, ASLA, PLA
DRAINAGE DOCTOR NWA, PLLC
Licensed Landscape Architect
Ark. LA License #5204
Ark. Contractor's Lic. #0428970724
BSA Scoutmaster
Member: Ark. Better Business Bureau
Member: Ark. Master Gardeners
Member: Ark. Native Plant Society Education Committee
C: 479.387.7900
W: www.drainagedoctornwa.com
E: alan@drainagedoctornwa.com
I reply to texts and emails from 8am-6pm M-F

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-662

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Paul Becker, Chief Financial Officer

FROM: Kevin Springer, Budget Director

SUBJECT: **2025 ANNUAL BUDGET AND WORK PROGRAM**

RECOMMENDATION:
Consider the Proposed 2025 Annual Budget & Work Program for adoption at the November 19, 2024 City Council meeting.

BACKGROUND:
Per section 14-58-201 of Arkansas code, on or before December 1 of each year, the mayor of all cities and incorporated towns having the mayor-council form of government shall submit to the governing body of the city or town, for its approval or disapproval, a proposed budget for operation of the city or town from January 1 to December 31 of the forthcoming year.

DISCUSSION:
The Proposed 2025 Annual Budget & Work Program will be distributed to City Council on Friday, November 1, 2024. Listed below is a schedule of hearing dates for the Proposed 2025 Annual Budget & Work Program.

Date	**Budget Meeting / Location**
Friday, November 8, 2024	Budget Discussion Meeting, Room 219 / Zoom
Tuesday, November 12, 2024	City Council Agenda Session, Room 219 / Zoom
Tuesday, November 19, 2024	City Council Meeting, Room 219 / Zoom
**Additional meetings to be scheduled if needed.*	

BUDGET/STAFF IMPACT:

ATTACHMENTS: SRF (#3), 2025 PROPOSED BUDGET AND WORK PROGRAM (#4)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-662

2025 ANNUAL BUDGET AND WORK PROGRAM

A RESOLUTION TO ADOPT THE 2025 ANNUAL BUDGET AND WORK PROGRAM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby adopts the 2025 Annual Budget and Work Program, a copy of which is attached to this Resolution and made a part hereof.

City of Fayetteville Staff Review Form

2024-662

Item ID

11/19/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Kevin Springer	10/30/2024	BUDGET & INFORMATION MGMT (133)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

A RESOLUTION TO ADOPT THE 2025 ANNUAL BUDGET AND WORK PROGRAM

Budget Impact:

Citywide	Citywide
Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

City of Fayetteville, Arkansas

2025
Proposed Annual Budget & Work Program

CITY OF
FAYETTEVILLE
ARKANSAS

(Page Left Blank Intentionally)

City of Fayetteville, Arkansas

2025 Annual Budget
and
Work Program

City Council and Other Elected Officials

Bob Stafford	Ward 1, Position 1
D'Andre Jones	Ward 1, Position 2
Sarah Moore	Ward 2, Position 1
Mike Wiederkehr	Ward 2, Position 2
Scott Berna	Ward 3, Position 1
Sarah Bunch	Ward 3, Position 2
Teresa Turk	Ward 4, Position 1
Holly Hertzberg	Ward 4, Position 2
Kit Williams	City Attorney
Kara Paxton	City Clerk / Treasurer
Clinton "Casey" Jones	District Judge

Submitted by

Lioneld Jordan	Mayor
Susan Norton	Chief of Staff
Paul A. Becker	Chief Financial Officer
Michael Reynolds	Police Chief
Brad Hardin	Fire Chief

Prepared by

Kevin Springer	Budget Director
Holly Black	Budget Operations Manager
April Melton	Financial Analyst

CITY OF
FAYETTEVILLE
ARKANSAS

VISION STATEMENT

To keep Fayetteville a vibrant and welcoming city that encourages diversity, creativity, and innovation while providing our citizens the opportunity to thrive.

City of Fayetteville, Arkansas
Table of Contents

Budget Message:
- Transmittal Memo from the Mayor to Council.....I
- Budget Executive Summary.....III
- Distinguished Budget Presentation Award (GFOA).....XII
- Budget Resolution.....XIII
- Community Overview.....XIV
- Management Agenda.....XXI

Budget Process and Policies:
- Budget Process.....1
- Budget Flowchart.....3
- Financial Policies:
  - Revenue Policy.....4
  - Expenditure Policy.....4
  - Debt Policy.....5
  - Reserve Policy.....5
  - Investment and Cash Management Policy.....5
  - Capital Improvement Policy.....5
  - Financial Reporting Policy.....6
- Administrative Procedures to Adjust the Approved Budget.....7
- Budget Organizational Structure.....9
- Consolidated Fund - Department - Program Structure.....11

Fund Summaries:
- Chart of Fund Types - Governmental.....13
- Chart of Fund Types - Proprietary & Fiduciary.....14
- Sources and Uses of Funds.....15
- Multi-Year Comparison - Adopted Budget Expenditures.....16

- Governmental Funds:
  - General Fund (1010):
    - Fund Description.....17
    - Fund Summary.....26
    - Category Summary.....27
- Special Revenue Funds:
  - Street Fund (2100):
    - Fund Description.....37
    - Fund Summary.....39
    - Category Summary.....40
  - Parking Fund (2130):
    - Fund Description.....43
    - Fund Summary.....44
    - Category Summary.....45
  - Residential District Parking Fund (2134):
    - Fund Description.....47
    - Fund Summary.....48
    - Category Summary.....49
  - Community Development Block Grant Fund (2180):
    - Fund Description.....51
    - Fund Summary.....52
    - Category Summary.....53

Special Grants Fund (2230):
Fund Description....55
Fund Summary....56
Category Summary....57
American Rescue Plan Act Fund (2246):
Fund Description....59
Fund Summary....60
Category Summary....61
Parks Development Fund (2250):
Fund Description....63
Fund Summary....64
Category Summary....65
Impact Fee Fund (2300):
Fund Description....67
Fund Summary....68
Category Summary....69
Fire Pension Special Fund (2810):
Fund Description....71
Fund Summary....72
Category Summary....73
Drug Law Enforcement Fund (2930):
Fund Description....75
Fund Summary....76
Category Summary....77
Debt Service Funds:
TIF Bond Fund (3370):
Fund Description....79
Fund Summary....80
Category Summary....81
Parking Deck Bonds Fund (3380):
Fund Description....83
Fund Summary....84
Category Summary....85
HMR Tax Bonds 2014 Debt Service Fund (3390):
Fund Description....87
Fund Summary....88
Category Summary....89
Sales Tax Bond Fund (3440):
Fund Description....91
Fund Summary....92
Category Summary....93
Library Expansion Bond Fund (3450):
Fund Description....95
Fund Summary....96
Category Summary....97
Capital Projects Funds:
Replacement & Disaster Recovery Fund (4270):
Fund Description....99
Fund Summary....100
Category Summary....101

City of Fayetteville, Arkansas
Table of Contents

Sales Tax Capital Improvements Fund (4470):
Fund Description....103
Fund Summary....104
Category Summary....105
2019 Bonds Program Grant Matching Fund (4601):
Fund Description....109
Fund Summary....110
Category Summary....111
Streets Project 2019 Bonds Fund (4602):
Fund Description....113
Fund Summary....114
Category Summary....115
Trail Projects 2019 Bonds Fund (4603):
Fund Description....117
Fund Summary....118
Category Summary....119
Drainage Projects 2019 Bonds Fund (4604):
Fund Description....121
Fund Summary....122
Category Summary....123
Park Projects 2019 Bonds Fund (4605):
Fund Description....125
Fund Summary....126
Category Summary....127
Economic Development 2019 Bonds Fund (4606):
Fund Description....129
Fund Summary....130
Category Summary....131
City Facilities 2019 Bonds Fund (4607):
Fund Description....133
Fund Summary....134
Category Summary....135
Arts Corridor 2019 Bonds Fund (4608):
Fund Description....137
Fund Summary....138
Category Summary....139
Police Projects 2019 Bonds Fund (4609):
Fund Description....141
Fund Summary....142
Category Summary....143
Fire Projects 2019 Bonds Fund (4610):
Fund Description....145
Fund Summary....146
Category Summary....147
Streets Project 2019 Bonds Fund (4702):
Fund Description....149
Fund Summary....150
Category Summary....151
Trail Projects 2019 Bonds Fund (4703):
Fund Description....153
Fund Summary....154
Category Summary....155

Drainage Projects 2019 Bonds Fund (4704):
Fund Description.....157
Fund Summary.....158
Category Summary.....159
Park Projects 2019 Bonds Fund (4705):
Fund Description.....161
Fund Summary.....162
Category Summary.....163
City Facilities 2019 Bonds Fund (4707):
Fund Description.....165
Fund Summary.....166
Category Summary.....167
Arts Corridor 2019 Bonds Fund (4708):
Fund Description.....169
Fund Summary.....170
Category Summary.....171
Fire Projects 2019 Bonds Fund (4710):
Fund Description.....173
Fund Summary.....174
Category Summary.....175
Enterprise Funds:
Water & Sewer Fund (5400):
Fund Description.....177
Operating Budget.....180
Category Summary.....182
Recycling & Trash Collection Fund (5500):
Fund Description.....187
Operating Budget.....189
Category Summary.....191
Airport Fund (5550):
Fund Description.....193
Operating Budget.....195
Category Summary.....197
Trust Funds:
Police Pension Fund (6800):
Fund Description.....199
Operating Budget.....200
Category Summary.....201
Fire Pension Fund (6810):
Fund Description.....203
Operating Budget.....204
Category Summary.....205
Internal Service Funds:
Shop Fund (9700):
Fund Description.....207
Operating Budget.....208
Category Summary.....210

City of Fayetteville, Arkansas
Table of Contents

Personnel Summary:
Personnel Summary by Organization Chart.....211
Personnel Summary by Funding Source (FTE).....212
Personnel Variation Summary 213
Personnel History by Funding Source.....216
Personnel Summary by Funding Source (Program).....217
Personnel Summary by Activity (FTE).....220
Personnel History by Activity 221
Personnel Detail by Activity & Division.....222

Capital & Debt:
Capital Improvements Program Directional Information.....237
Capital Improvements Program Comparison.....240
Capital Projects Summary by Project Category.....246
Capital Improvements Program Project Summary.....247
Capital Budget Project Descriptions.....251
Capital Improvements Program Operating Impacts.....263
Debt Position.....270
Description of Outstanding Bonds.....271
Schedule of Bonds Outstanding.....273
Debt Service Payment Schedule.....274
Legal Debt Margin Computation.....275
Debt to Maturity Schedule.....276

Division Overviews and Performance Measures:
General Government & Miscellaneous Activity.....277
Finance & Internal Services Activity.....284
Police Activity.....289
Fire Activity.....291
Community Planning & Engineering Activity.....292
Transportation Activity.....300
Parks, Nat Res & Cultural Affairs Activity.....303
Business-Type Activity.....304

Appendix:
Organizational Chart.....309
List of Elected Officials, Administrative Officials, & Management Staff.....310
Outside Agency Funding.....311
Acronyms.....312
Glossary.....315

Index:
Index.....321

(Page Left Blank Intentionally)

November 19, 2024

Members of the City Council and Citizens of Fayetteville:

I am pleased to submit the 2025 Annual Budget and Work Program for the City of Fayetteville. This budget has been prepared in accordance with the Arkansas Statutes and City Ordinances that require the Mayor, under the mayor-council form of government, to submit to the City Council the annual budget for approval. This budget allocates necessary funding for all municipal operations, as well as necessary adjustments to the Capital Improvements Program for 2025. Salary increases in 2025 will be considered in the first quarter of 2025 based on the completion and approval of a salary survey for uniformed personnel. The General Fund budget does, however, include a contingency amount for possible increases for salaries in that fund.

Once again, the current budget was formulated in the context of my primary budget goals considering current economic conditions.

2025 Budgetary Goals

My primary goals for 2025 continue to be:

- *To provide the same or increased levels of service to the citizens as previously delivered*
- *To pay City employees a competitive wage based on salary surveys*
- *To present a budget with necessary program requests and which includes other divisional increases required for personnel needs and inflationary cost increases*
- *To continue to provide services to the citizens in the most efficient and effective manner possible*
- *To fund necessary Capital Improvements as can be afforded*

Financial Environment

Although economic activities were comparably soft during 2024, sales taxes increased modestly compared to 2023, and building permit revenue has remained strong. HMR taxes also showed increases. The General Fund revenues for 2024 are estimated to be under budgeted amounts. We expect revenues to remain steady for 2025. Unemployment for the Fayetteville-Springdale-Rogers area is at 3.0% for July 2024, which compares favorably to the rest of the state and nation.

Conclusion

I believe that this budget is based on realistic revenue and expenditure estimates. This budget continues to provide for the best possible level of services while still providing sufficient reserves to meet a downturn, if experienced.

2024 has continued to be an extremely busy year for the City as many infrastructure projects continued. I am confident that with the Council's support, we will accomplish many additional improvements in 2025. The combined efforts of this Administration and City Council's continued support will allow us to again meet the challenges facing the City of Fayetteville in 2025 and to achieve continued growth into the future.



CITY OF
FAYETTEVILLE
ARKANSAS

November 19, 2024

Mayor Lioneld Jordan, Members of the City Council and Citizens of Fayetteville:

The budget being presented is the 2025 operating budget. It does not include re-budgets that represent programs approved and appropriated in prior years which, as of the end of fiscal 2024, remain uncompleted. Re-budgets also include amounts generated by previous bond issues in the Capital Project Funds which remain unspent as of December 31, 2024. Total re-budgets could be up to $200,000,000. These re-budgets will be presented for addition to the 2025 operating budget early in the first quarter of 2025.

The economy in Fayetteville has provided challenges due to inflationary cost increases and supply chain issues; however, the City has performed well in view of these issues. Estimates for 2024 General Fund revenue show increases over 2023 actuals from sales tax collections, property taxes, franchise fees and building permits. HMR, Parking and Airport revenues also displayed strength, and other funds have continued to perform well. Forecasted 2025 sales taxes are expected to be 3% more than the 2024 estimated amount, and residential and commercial building starts have increased in 2024. It is anticipated that permits for construction will remain steady in 2025. Total General Fund revenues are projected to remain flat compared to 2024 estimates as overall economic conditions for 2025 have the potential to be very volatile. Water and Sewer revenue collections have increased in fiscal 2024 and are expected to increase in 2025 as well. Fuel sales at the Airport are estimated to increase 2.7% in 2024 compared to 2023 and are expected to increase further in 2025 over 2024 estimates. Revenues for 2024 HMR tax collections are estimated to be approximately 2.8% over 2023, and revenues for 2025 are expected to be 2% more than 2024 collections. Franchise fees are currently estimated to increase 4% compared to 2023 and are expected to have a 1% increase in 2025. Most of these increases are expected to be due to inflation.

The 2025 General Fund budget represents a net expenditure increase of approximately $4 million from the 2024 adopted budget (see page VII for details). Personnel expenses account for the majority of the increase.

2025 ANNUAL BUDGET & WORK PROGRAM EXECUTIVE SUMMARY

This budget is formulated with the Enterprise Funds being budgeted on an accrual basis except for depreciation, which is not included in the budget, and both capital expenditures and bond principal payments, which are included in the expenditure budgets.

Governmental funds are budgeted on the modified accrual basis.

The total budget allocated by expenditure category is displayed in the following table.

Summary of Fund Expenditures by Category (In Dollars)

Category	Adopted 2024	Proposed 2025	Change In Dollars	2025 % of Total Budget
Personnel Services	$ 85,191,863	$ 90,554,018	$ 5,362,155	35.5%
Services & Charges	32,479,225	34,991,977	2,512,752	13.8%
WWTP Operations	13,298,046	14,110,846	812,800	5.6%
Purchased Water	13,000,000	16,096,900	3,096,900	6.3%
Internal Charges	9,241,522	10,741,191	1,499,669	4.2%
Fuel	9,034,786	8,059,595	(975,191)	3.2%
Materials & Supplies	7,984,122	8,840,607	856,485	3.5%
Maintenance	6,558,595	7,034,460	475,865	2.8%
Total Operating Expenses	176,788,159	190,429,594	13,641,435	74.9%
Debt Service	38,986,562	38,021,096	(965,466)	15.0%
Capital	23,026,769	21,535,659	(1,491,110)	8.5%
Transfers Out	2,875,510	4,129,651	1,254,141	1.6%
Total Expenses	$ 241,677,000	$ 254,116,000	$ 12,439,000	100.0%

The 2025 Budget is $254,116,000. This is an increase of 5% when compared to 2024, or approximately $12.4 million. The largest component of this increase is $5.36 million in Personnel Services, which is due to salary increases given in 2024 and new personnel added in 2024 and 2025.

The following table indicates the percentage of total budget allocated by funds.

Fund Totals as Percent of Total Operating Budget

	Adopted 2024		Proposed 2025		
	Budget	% of Total	Budget	% of Total	Difference
Funding Source					
General	$ 73,353,000	30.3%	$ 77,360,000	30.5%	$ 4,007,000
Water & Sewer	55,755,000	23.1%	61,778,000	24.3%	6,023,000
Sales Tax Bond	34,555,000	14.3%	33,077,000	13.0%	(1,478,000)
Recycling & Trash Collections	17,718,000	7.3%	18,728,000	7.4%	1,010,000
Sales Tax Capital Improvements	14,061,000	5.8%	14,037,000	5.5%	(24,000)
Shop	11,275,000	4.7%	12,807,000	5.0%	1,532,000
Street	10,344,000	4.3%	11,862,000	4.7%	1,518,000
Airport	5,516,000	2.3%	5,763,000	2.3%	247,000
Parks Development	5,127,000	2.1%	5,557,000	2.2%	430,000
Library Bonds 2017	2,809,000	1.2%	2,887,000	1.1%	78,000
Parking	2,183,000	0.9%	2,333,000	0.9%	150,000
Community Development Block Grant	1,639,000	0.7%	1,493,000	0.6%	(146,000)
Police Pension	1,470,000	0.6%	1,470,000	0.6%	0
Fire Pension Special	0	0.0%	1,462,000	0.6%	1,462,000
Fire Pension	1,445,000	0.6%	0	0.0%	(1,445,000)
Impact Fee	1,943,000	0.8%	922,000	0.4%	(1,021,000)
Drug Law Enforcement	815,000	0.3%	837,000	0.3%	22,000
HMR Tax Bonds 2014	707,000	0.3%	706,000	0.3%	(1,000)
TIF Bond	527,000	0.2%	606,000	0.2%	79,000
Parking Deck Bonds	384,000	0.2%	381,000	0.1%	(3,000)
Replacement & Disaster Recovery	40,000	0.0%	38,000	0.0%	(2,000)
Residential District Parking	11,000	0.0%	12,000	0.0%	1,000
	$ 241,677,000	100.0%	$ 254,116,000	100.0%	$ 12,439,000

An examination of the overall budget indicates that the General Fund is the largest fund being 30.5% of the total. The Water & Sewer Fund is second at 24.3% of the total. The combination of these funds is 54.8% of the total budget. The Sales Tax Bond Fund (budget to repay outstanding bonds) is 13% of the budget. Thus, the three largest funds represent over two-thirds of the total operating budget for the City.

An important part of this budget document is the City's Financial Policies delineated in pages 4 through 8 which are incorporated as a part of the budget. These policies include the following:

Revenue Policy
Expenditure Policy
Debt Policy
Reserve Policy
Investment & Cash Management Policy
Capital Improvement Policy
Financial Reporting Policy
Administrative Procedures to Adjust the Approved Budget

Overview of City's Major Funds:

General Fund is the major operating fund in the Governmental Fund category and is comprised of activities not accounted for specifically in other funds.

The traditional functions of government are included in the General Fund which include the following: general government services (Mayor's Administration, District Court, City Clerk and City Attorney), fire, police, finance, facilities management, animal services, telecommunications, parks and recreation, media services, library funding, engineering, planning, building safety, and information technology.

General Fund Revenue:

The General Fund revenue budget was based on the following assumptions:

- County Sales Tax is projected to increase at a rate of 3% over 2024 final estimates.
- City Sales Tax is projected to increase at a rate of 3% over 2024 final estimates.
- Property Taxes are projected to increase 10% over 2024 estimates based on current assessed valuation forecasted.
- Franchise Fees are projected to be 1% more than estimated collections for 2024.
- The All Other Revenues category is projected to decrease 28% compared to 2024 estimated collections. This is mainly due to grant revenue not being budgeted until the grant is awarded, which is normally mid-year.
- The revenue split for City Sales Tax remains at approximately 60% to General Fund operations and 40% to the Sales Tax Capital Fund.

Based on these revenue assumptions, the major revenue sources for the General Fund in 2025 are projected to be as follows:

City's Share of County Sales Tax		$25.87	million
City Sales Tax		19.85	million
Franchise Fees		7.85	million
Property Tax Millage		6.07	million
Intergovernmental Income		3.76	million
Charges for Services		4.03	million
Licenses & Permits		3.15	million
Fines & Forfeitures		1.12	million
Alcoholic Beverage Taxes		1.27	million
Investment Earnings		1.01	million
Other		0.34	million
	Total	$74.32	million

General Fund Expenditures:

The $4.2 million increase in the General Fund is due to 2024 salary, pension and insurance increases. Potential salary increases have been estimated and included in salary contingencies in this budget. This will be evaluated in the first quarter of fiscal 2025 based on the results of a salary survey for uniformed personnel. The administration is only requesting 6.60 new positions in this fund for 2025 at an annual cost of $538,476.

Budgeted payroll expenditures are based on full employment.

The significant changes in General Fund for 2025 compared to 2024 are as follows:

2024 General Fund Budget - Adopted	**$**	**73,353,000**
Additions:		
Personnel & Personnel Benefits		3,281,680
Software Maintenance/Lease		243,991
Motorpool		224,858
Fayetteville Public Library		178,000
Utilities & Telephone		99,794
Insurance - Vehicles & Property		83,656
Uniforms/Personal Equipment		65,832
Professional/Contract Services		40,820
Outside Agencies		44,071
Travel & Training		19,316
Building & Grounds Maintenance		14,239
		4,296,257
Reductions:		
Transfers		(79,359)
Materials & Supplies		(84,053)
Services & Charges		(39,414)
Equipment Maintenance/Fixed Assets		(86,431)
		(289,257)
2025 General Fund Budget - Proposed	**$**	**77,360,000**

Major budgetary challenges to be considered for General Fund in the future include:

- A consistent long-term method to incorporate annual wage increases in the adopted operation budget based on salary survey indications.
- A continued examination of the City's overall long-term revenue stream to match required maintenance expenditures and for needed capital expansion amounts.
- A plan to meet cost escalations caused by inflation if it continues to increase at rates higher than traditional norms.

The **Street Fund** is primarily financed by turnback revenues received from the State of Arkansas and turnback monies received from the County Road Millage Tax. State turnback is received from a half-cent sales tax levied by the State for State highways and bridges. State turnback also comes from motor fuel taxes collected by the State and returned to the City on a per capita basis. These monies are utilized to maintain and repair City streets, rights-of-way, drainage, traffic control and maintenance, and City owned sidewalks. Amounts are also allocated for public transit to Razorback and Ozark Transit systems from this fund.

State turnback, including the half cent transportation tax passed by statewide referendum, is projected at approximately $7.7 million for 2025. The City also receives 80% of the road millage levied by the Quorum Court on real and personal property located within the City. This should generate approximately $1.8 million. Administration is requesting 5.0 new positions in this fund for 2025.

The **Parking Fund** has been established to account for the revenue and expenses associated with the paid parking program. A revenue bond issue for the construction of a parking facility was issued in December of 2012. In addition to operating expenses, net revenue from this fund is pledged for payment of that bond issue. Revenues are being projected to remain flat compared to 2024 estimated collections.

The **Parks Development Fund** accounts for the revenue and expenditures of the Parks HMR tax approved by the voters in 1995 as modified by the 2010 referendum. The $5.5 million in planned expenditures for 2025 includes $1 million in capital improvements. The fund will have a balanced budget for 2025.

The **Impact Fee Fund** accounts for the revenues and expenditures related to the collection of water, wastewater, police, and fire impact fees. The collection of these fees is expected to be flat compared to 2024 estimated collections. These fees can only be used to address capital needs resulting from increased development.

The **Sales Tax Capital Improvements Fund** accounts for the revenue and expenditures of the City's sales and use taxes which are used for acquisition and improvement projects as well as equipment additions and replacements that are included in the City's five-year capital improvements program as adjusted. A total of 40% of City sales taxes provide the revenue base of this fund.

The **Water & Sewer Fund** accounts for the revenue sources as well as the operation and maintenance expenses of the City's water and sewer system. This includes water purchases from Beaver Water District, all water and sewer functions, the operation of the wastewater treatment plants, meter and backflow operations, and utilities financial services. The capital expenditure portion of this fund will be $8.6 million in 2025 as a backlog of capital improvement projects will be addressed in the coming year.

For 2025, the Water & Sewer Fund is projected to have an operating gain of $1.6 million, excluding depreciation expense and before capital expenditures. The water purchases for 2025 are budgeted at $16 million, which represents approximately 30.8% of total operating expenditures. The wastewater treatment plant operations represent the second largest expenditure for operations in the fund at $14.3 million, which represents 27.5% of the total operating expenses. This fund has a $7.9 million loss for 2025 after capital expenditures and debt service. Administration is requesting 8.0 new positions in this fund for 2025.

The **Recycling & Trash Collection Fund** is responsible for the operation of the City's solid waste collection and disposal, recycling program, and composting program. Revenues for the fund are obtained from fees levied for trash collection, recycling revenue, and container sales or leases. Recycled items also generate revenue for the system. For 2025, the Recycling & Trash Collection Fund is projected to have a gain of $28,000 before capital expenditures of $900,000. Administration is requesting 1.0 new position in this fund for 2025.

The **Airport Fund** provides for the operation and maintenance of the City's municipal airport. The Airport Fund's revenue is generated from fuel sales and rents and leases. Major capital improvements have traditionally been funded by state and federal grant programs. For 2025, the Airport Fund is projected to have a balanced budget before depreciation and capital expenditures of $283,000. Administration is requesting 1.0 new position in this fund for 2025.

The **Shop Fund** is an internal service fund that provides for the acquisition, maintenance, and replacement of equipment and vehicles utilized by the City's operating divisions. The Shop Fund's source of revenue is from charges to other City operating funds based on usage and replacement needs. The Shop Fund has a budgeted surplus of $6 million for 2025 after capital expenditures of $2.1 million. This surplus is needed for and restricted to future replacements of vehicles and equipment.

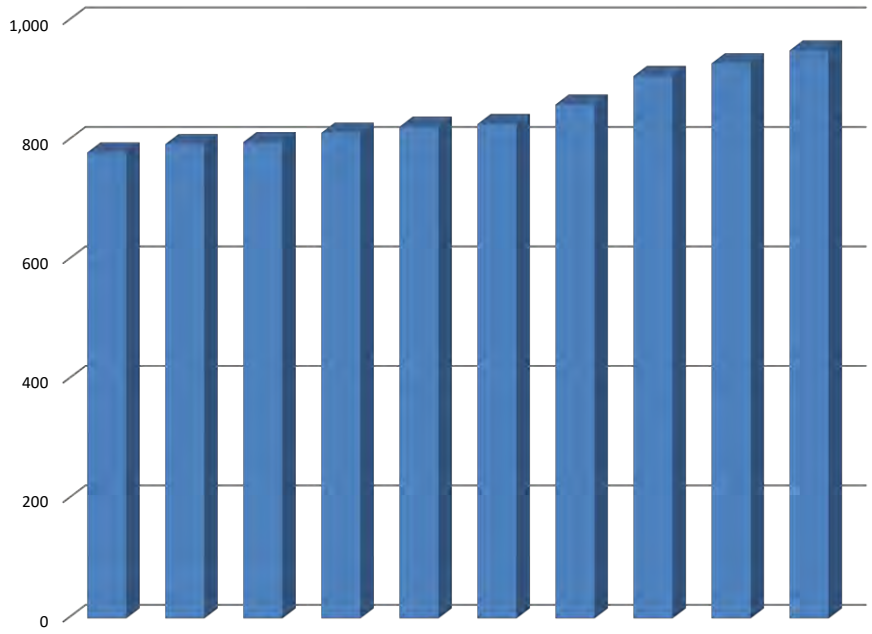
2025 Capital Budget

This plan contains a total of $31,416,500 for capital projects and capital related expenditures in 2025. A detailed listing of the projects planned for 2025 is included under the Capital and Debt section.

Position Control

During the 2024 fiscal year, 3.0 FTEs were added. For the 2025 budget, 21.60 FTEs are being requested.

Below is a 10 year history of total authorized positions by activity.

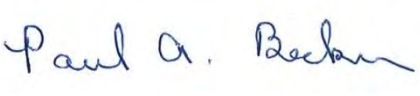


Fund	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Change from Prior Year
General	478.90	486.40	489.50	495.25	498.25	501.25	524.55	568.25	579.45	586.05	6.60
Street	69.50	69.50	69.50	69.50	70.50	70.50	73.50	73.50	73.50	78.50	5.00
Parking	9.80	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	-
Community Development Block Grant	5.60	6.60	6.85	6.85	6.85	6.85	6.85	6.85	6.85	6.85	-
Parks Development	30.15	31.40	31.55	31.40	32.40	34.40	36.40	37.40	40.90	40.90	-
Drug Law Enforcement	5.00	5.00	5.00	5.00	3.00	3.00	3.00	3.00	4.00	4.00	-
Water & Sewer	93.50	94.50	94.50	98.50	103.50	103.00	105.00	107.00	109.00	117.00	8.00
Recycling & Trash Collection	57.00	59.00	59.00	64.00	66.00	66.00	67.00	68.00	69.50	70.50	1.00
Airport	11.60	11.60	11.60	11.60	11.60	11.60	13.00	13.00	13.00	14.00	1.00
Shop	18.50	18.50	18.50	19.50	19.50	19.50	19.50	19.50	21.50	21.50	-
Total	779.55	793.50	797.00	812.60	822.60	827.10	859.80	907.50	928.70	950.30	21.60
Change from Prior Year	13.00	13.95	3.50	15.60	10.00	4.50	32.70	47.70	21.20	21.60	

CLOSING

The appropriations requested in this budget are the result of a collaborative effort among all City Division Heads, Department Directors, and City Budget Staff members. It is built on the policies, goals, and objectives outlined by the Mayor and City Council. It represents the financial and operational plan for the City of Fayetteville for 2025. The appropriations contained in this budget will provide for quality municipal services that meet the needs of the Citizens of Fayetteville and it is, hereby, submitted by the Mayor to the City Council for consideration and adoption.

Respectfully submitted,



Paul A. Becker
Chief Financial Officer

Respectfully submitted,



Kevin Springer
Budget Director

GOVERNMENT FINANCE OFFICERS ASSOCIATION

Distinguished Budget Presentation Award

PRESENTED TO

City of Fayetteville
Arkansas

For the Fiscal Year Beginning

January 01, 2024



Executive Director

113 West Mountain Street
Fayetteville, AR 72701
(479) 575- 8323

Resolution: xxx-24

File Number: 2024-662

PROPOSED 2025 ANNUAL BUDGET & WORK PROGRAM (RESOLUTION):

A RESOLUTION TO ADOPT THE 2025 ANNUAL BUDGET AND WORK PROGRAM

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby adopts the 2025 Annual Budget and Work Program. A copy of the Budget is attached to this Resolution and made a part hereof.

PASSED and APPROVED on

Approved: **Attest:**

_____ _____

Lioneld Jordan, Mayor Kara Paxton, City Clerk Treasurer

FAYETTEVILLE ARKANSAS



Located in one of the fastest growing regions in the country, the City of Fayetteville is a progressive, business-friendly community at the cultural epicenter of Northwest Arkansas. Fayetteville is home to over 100,000 people, and is the second largest city in Arkansas.



With a median age of 28 years old, the City has attracted millennials and Gen-Xers alike from across the country.

These factors, plus the City's commitment to improving quality of life, make Fayetteville a prime location for retail and accommodation sector growth.

CITY OF
FAYETTEVILLE
ARKANSAS

Awards and Recognition

- Top 100 Best Places to Live, Livability, 2024
- 10 Best Bike Towns in America, *Outside Magazine,* 2024
- 3rd in US, Most Bike-friendly Businesses, League of American Bicyclists, 2024
- Trendsetter City, Tourism Development/Creative Culture Category, *Arkansas Business*, 2023
- Tree City USA (29 years in a row), Arbor Day Foundation, 2023
- Volunteer Community of the Year, Arkansas Municipal League, 2023
- Bike City Designation (1st US City to receive this honor), Union Cycliste Internatiocionale, 2023



The University of Arkansas

Established in 1871, the University of Arkansas at Fayetteville is the flagship campus of the University of Arkansas system. With **over 33,000 students** enrolled, the university attracts a diverse student population.

The campus has a strong student population stemming from the Dallas/Fort Worth metroplex. Fayetteville has a robust consumer base and is an ideal place for businesses to tap into a young market.

CENTRAL U.S. LOCATION IN A DYNAMIC BUSINESS REGION

Fayetteville's location in NW Arkansas in the heart of the U.S. is home to corporate giants Walmart, Tyson Foods, and J.B. Hunt. Interstate 49 provides an expansive transportation foundation for manufacturing.

50.7%

OF FAYETTEVILLE RESIDENTS AGE 25 & OLDER HOLD A **BACHELOR'S DEGREE** OR HIGHER

#21: BEST PLACES TO LIVE IN THE US

US News and World Report, 2024

$73,364 MSA MEDIAN HOUSEHOLD INCOME

58 PARKS

FEATURING MORE THAN 4,200 ACRES OF PARK LAND AND LAKES, & MORE THAN 115 MILES OF PAVED AND NATURAL-SURFACE TRAILS

FAYETTEVILLE WAS AWARDED LEED GOLD CERTIFICATION BY THE US GREEN BUILDING COUNCIL - THE FIRST CITY IN ARKANSAS TO BE DESIGNATED A LEED FOR CITIES GOLD COMMUNITY

City of Fayetteville

Community Overview and Statistics

HISTORY

- Fayetteville's earliest recorded history was written by Frank Pierce in about 1819.
- By 1828, several families settled around Fayetteville.
- In 1870, Fayetteville became an incorporated city.
- In 1872, the University of Arkansas opened in Fayetteville.

LOCATION

- Fayetteville is the county seat of Washington County.
- It is 30 miles east of Oklahoma and 50 miles south of Missouri.
- Fayetteville is located near the tallest mountains in the Ozark Mountain Range.
- The City encompasses 56.12 square miles.

POPULATION / SIZE

- Current population estimate: 101,680 (US Census Bureau, July 1, 2023)[1]
- Fayetteville is the second largest city in the State of Arkansas.
- Fayetteville's median age is 28.5 years (2022 ACS 5-Year Estimate)[2]

REGIONAL MSA STATISTICS

- Population: 590,337 (2023)[3]
- Average Annual Unemployment Rate: 2.8% (June 2024)[4]
- Average annual wages: $53,810 (2022)[5]
- Median Household income: $73,364 (2022)[5]
- Poverty Rate: 10.9% (2022)[5]
- Business Establishments: 15,050 (2022)[5]

ECONOMIC OVERVIEW AND QUALITY OF LIFE

Located in one of the fastest growing regions in the country, the City of Fayetteville is the cultural epicenter of Northwest Arkansas. Fayetteville attracts millennials and adults alike from across the country. The quality-of-life Fayetteville offers plays a large role in its ever-growing population base. Northwest Arkansas is home to the headquarters for three of the state's top employers: Walmart, Tyson Foods and J.B. Hunt. The rapid growth of population and businesses is a product of the economic landscape that has produced a thriving business climate for the region.

PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS

- There are 75 Park properties maintained and 4,226 acres of park land and lakes.
- 116 miles of trails (numbers are rounded):
    - Hard-surface trails – 58 miles
    - Natural trails – 58 miles
- The Outdoor Fayetteville program was named the 2023 Natural Resources Program of the Year by the Arkansas Recreation and Parks Association. This experiential-based program is designed to offer outdoor recreation opportunities to individuals and families who may not have the equipment or experience needed to enjoy the outdoors.

City of Fayetteville
Community Overview and Statistics

INFRASTRUCTURE, TRANSPORTATION, and GROWTH

- Fayetteville is conveniently located for travel north and south by Interstate 49, which connects to Interstate 40 in Ft. Smith to the south and to Highway 412 to the north, which connects to Interstate 44 in Joplin. Both Interstate 40 and Interstate 44 are major east/west interstate highways.
- Fayetteville has an airport used primarily by private owners of airplanes. The City also has an easy commute to NWA Regional Airport, which provides nationwide commercial transportation.
- Through June 30, 2024, the City constructed 3.45 paving miles and 1,182 feet of sidewalk.
- The Utilities Department installed 1,277 new meters from July 2023 to July 2024.
- Through the second quarter of 2024, the City installed or acquired 25 miles of water and sewer pipe.

MEDICAL RESOURCES

- Washington Regional Medical Center
- University of Arkansas for Medical Sciences-Northwest Campus
- Veterans' Health Care System of the Ozarks
- Fayetteville Family Medical Center
- Northwest Health Physicians' Specialty Hospital
- Springwoods Behavioral Health Center
- Vantage Point Behavioral Health Hospital
- Neurosurgery Spine Center
- Encompass Health Rehabilitation Hospital
- Walker Heart Institute
- Willow Creek Women's Hospital

CONCLUSION

The City of Fayetteville is experiencing a vibrant and healthy economic climate, demonstrating steady growth over the past few years in all measurable indicators – from record increases in sales tax, building permits, and population growth to infrastructure development that provides building blocks for the future and sustains and enhances quality of life. Fayetteville is a progressive, business-friendly community and understands that it takes the partnership of the entire community to move its economic engine forward.

2024 ADDITIONAL STATISTICAL DATA

Date of Incorporation – August 23, 1870
Form of Government – Mayor/Council
Area (Sq. Miles) – 56.12

Fire Protection

Stations	9
Uniformed Employees	133
Civilian Employees	7

Police Protection

Station	1
Sworn Full-time Employees	156
Civilian Employees	55

Parks, Natural Resources and Cultural Affairs

Park properties maintained	75
Parks	58
Trails	17
Playgrounds	25
Tennis courts	6
Pickleball courts	8
Basketball goals	22
Baseball fields	18
Softball fields	8
Community centers	1
Swimming pools	1
Soccer fields	15
Volleyball courts	6
Acres: Parks, Natural Area, Trails	4,226
Trails (miles)	115.6
Paved	58.04
Unpaved	57.56

Streets

Surface Type Maintained by City:	
Miles Unpaved	4.3
Miles Paved	424.3

Water

Water Meters	49,575
Miles of Water Pipe	851.36
Beaver Water District Pumping Capacity (Gallons)	140,000,000
Pumping Capacity to Fayetteville (Gallons per Day)	41,000,000
Average Daily Consumption (Gallons)	22,120,000
Fire Hydrants	5,426

Sewer

Miles of Sanitary Sewers	588.04
Average Daily Treatment (Gallons)	14,610,000

Public Education

Elementary School	9
Middle School	3
Jr. High School	2
High School	1
Certified Employees[6]	752
Registered Students (2023-24)[6]	10,164

Building Permits

Year	Number	Value ($)
2012	881	328,676,401
2013	871	192,963,129
2014	1,006	267,935,074
2015	895	318,777,132
2016	1,107	342,983,693
2017	958	254,429,313
2018	914	357,787,294
2019	1,248	405,668,134
2020	1,294	364,449,414
2021	1,557	569,571,262
2022	1,827	595,529,288
2023	1,443	428,601,102

Unemployment Rate (%)

Year	Rate
2014	4.5
2015	3.7
2016	2.9
2017	2.8
2018	2.8
2019	2.6
2020*	4.6
2021	2.9
2022	2.3
2023	2.4
2024 (as of 6/2024)	2.6%

*Unemployment increase due to COVID-19 pandemic

US Census 2023 QuickFacts – General Demographic Characteristics

Population Estimates, July 1, 2023 (V2023). Sources: U.S. Census Bureau, Population Estimates Program (PEP), updated annually. Fayetteville, AR QuickFacts

Subject	
POPULATION	
Population estimates, July 1 2023 (V2023)	101,680
Population estimates base, Census, April 1, 2020 (V2022)	94,312
AGE AND SEX	
Persons under 5 years, percent	5.3%
Persons under 18 years, percent	17.5%
Persons 65 years and over, percent	9.4%
Female persons, percent	50.0%
POPULATION CHARACTERISTICS	
Veterans	4,541
Foreign born persons, percent, 2016-2020	5.9%
RACE AND HISPANIC ORIGIN (PERCENT)	
White alone	78.5%
Black or African American alone[A]	5.4%
American Indian and Alaska Native alone[A]	0.8%
Asian alone[A]	2.9%
Native Hawaiian and Other Pacific Islander alone[A]	0.2%
Two or More Races	9.2%
Hispanic or Latino[B]	7.6%
White alone, not Hispanic or Latino	76.2%
HOUSING (2018-2022)	
Owner-occupied housing unit rate	40.2%
Median value of owner-occupied housing units	$291,300
Median gross rent	$944
FAMILIES AND LIVING ARRANGEMENTS (2018-2022)	
Households	39,763
Persons per house	2.21
Living in same house 1 year ago, percent of persons age 1 year+	74.5%
Language other than English spoken at home, percent of persons age 5 years+	8.0%
EDUCATION (PERCENT)	
High school graduate or higher, 25 years+	95.2%
Bachelor's degree or higher, 25 years+	50.7%

Table Value Notes[1]

Methodology differences may exist between data sources, and so estimates from different sources are not comparable.

Some estimates presented here come from sample data, and thus have sampling errors that may render some apparent differences between geographies statistically indistinguishable. Click the Quick Info ⍰ icon to the left of each row in TABLE view to learn about sampling error.

The vintage year (e.g., V2023) refers to the final year of the series (2020 thru 2023). Different vintage years of estimates are not comparable.

Users should exercise caution when comparing 2018-2022 ACS 5-year estimates to other ACS estimates.

Table Fact Notes

- [A]Includes persons reporting only one race
- [B]Hispanics may be of any race, so also are included in applicable race categories

QuickFacts data are derived from: Population Estimates, American Community Survey, Census of Population and Housing, Current Population Survey, Small Area Health Insurance Estimates, Small Area Income and Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits.

Citations

[1]https://www.census.gov/quickfacts/fact/table/fayettevillecityarkansas/PST045222

[2]https://data.census.gov/table/ACSST5Y2022.S0101?g=160XX00US0523290

[3]https://fred.stlouisfed.org/series/FASPOP

[4]https://www.bls.gov/regions/southwest/summary/blssummary_fayetteville_ar_mo.pdf (Updated Aug 1, 2024)

[5]https://talkbusiness.net/wp-content/uploads/2023/10/NWASOTR2023.pdf

[6]https://district.fayar.net/page/annual-report-to-our-patrons

City of Fayetteville
Management Agenda Based on City Council Strategic Goals

Recommendations from the City Council's Fayetteville Vision 2050 strategic plan guide the City's future policy, actions and operations. The City Management Team aligned major project areas with each of the following goals in development of the 2025 budget. As in previous years, many 2025 goals are a result of the voter-approved $226 million infrastructure improvement bonds passed in April 2019. The City Management Team has thoughtfully developed the 2025 work plan to deliver the most value, benefit and service to Fayetteville residents and businesses.

Financially Sustainable Government

Revenues have been relatively soft in 2024 compared to budget, however, fiscal year 2024 is estimated to have an increase in sales taxes of approximately 1% for the City and 2.8% for the City's share of County sales taxes. In 2025, sales taxes are expected to have a 3% increase over 2024 collections. Hotel-motel-restaurant (HMR) tax collections are up approximately 2% compared to 2023 through August 2024, and building permits are up 8.8% for the same time period. Revenues in the enterprise funds have shown moderate increases in 2024 when compared to 2023, and we believe this will continue in 2025. Inflationary cost increases and supply chain issues have continued to bring unique challenges to the City. Revenue streams also tend to be volatile, and the short-term economic impact of these conditions remains uncertain.

Salary increases were approved in 2024 and are anticipated in 2025. This budget, therefore, demonstrates the City's commitment to recruit and retain a highly valued and productive work force. A salary survey will be completed for uniformed personnel in early 2025.

Although 2025 may continue to be economically volatile, the City has accumulated sufficient reserves to expand personnel increases necessitated by infrastructure expansion and population growth. The City of Fayetteville will continue to provide efficient and effective services to its residents through good money management.

Economic Vitality: Implementation of the City's new Economic Vitality Master Plan will begin in 2025, following three years of collaboration with Fayetteville residents, non-profit organizations and business owners. The plan outlines a range of goals, strategies and action items focused on three key areas: Small Business Entrepreneurship and Industry; Workforce Development, Employment and Economic Mobility; and Community Development.

Rooted in the plan's foundation of economic equity and inclusion, small business support services will be expanded to include specific programming, consulting and education for historically disadvantaged residents and members of the creative economy. Events and programming centered on small business support, retention and expansion are planned throughout the year.

A childcare-focused needs assessment will be conducted in early 2025, in recognition of stable care networks as critical infrastructure for Fayetteville's economic health.

Economic Vitality staff efforts in 2025 include deploying HUD HOME funding for quality, affordable housing projects. Proactive housing recruitment along 71B also will be a focal point.

Long Range Planning, Development Review and Permitting: After a record-breaking year, as measured by permit fee collections, Development Services and its constituent divisions anticipate ongoing development pressure in terms of applications, construction and inspections.

2025 will afford staff the opportunity to assess the impacts of sweeping ordinance changes made in previous years to the Unified Development Code. These include a clarification to the appeals process, ensuring fees are collected for projects that impact our Parks system, extending tree preservation standards to projects with potentially outsized canopy impacts and creating a non-discretionary review process to address unforeseen delays at permitting. Development Review's support of Long-Range Planning activities is intended to continue.

In 2025, Long Range Planning is anticipated to increasingly shift from its role from process improvement to plan implementation. This will focus most prominently on a Downtown Master Plan, but also will include elements of the 71B Plan, City Plan 2040 and Fayetteville's Heritage and Historic Preservation Plan. Given the persistence of the challenge, Long Range Planning anticipates continued investigation and data collection on housing needs to support the Administration, Planning Commission, City Council and the Mayor's Housing Crisis Task Force. Community expectations for plan implementation continue to focus on prioritizing goals related to housing production gaps.

In Building Safety, recently approved positions are anticipated to afford the division new opportunities for proactive outreach, public education, reduced review times and faster responses, with its focus remaining on permit review and inspections.

Planning and Development: National and international trends continue pointing to the expansion of Artificial Intelligence, worsening climate change and a persistent lack of housing affordability as some of the biggest challenges currently facing planners and policymakers. By prioritizing infill development and the creation of compact, complete and connected neighborhoods, planners balance development pressure on the region by placing a higher priority on developing the City's center, where infrastructures and services already exist.

Following larger site rezoning initiatives and ordinance changes completed in 2024, planners will continue to focus on housing needs through 2025 by implementing those plans and ordinances adopted by City Council. After reaching an amended cap in short-term rentals in the city, planners anticipate that 2025 may see more in terms of housing development geared toward students, longer-term tenants and university-affiliated needs. Parking standards and other development regulations that impact housing also will rise to prominence, particularly in central areas of the city. Tools such as the infill matrix continue to inform discretionary land use approvals, such as rezonings and conditional use permits.

Communications and Marketing: Increasing awareness and engagement around improvement projects, community events and enrichment opportunities continues to be a focus for Communications and Marketing staff in 2025. A key priority this year will be working with a cross-departmental team to understand and apply changes to the City's website and other digital properties to meet new federal requirements for website accessibility, which takes effect in 2026. Additionally, because of renovations in City Hall and the new City Hall Annex, Media Services staff are working to procure and install audio/video and recording equipment in two new public meeting spaces, as well as in City Council chambers.

Human Resources: In 2025, Human Resources (HR) will coordinate supervisory/managerial training and development by hosting two sessions of Leadership Lab, a 12- module managerial competency program for City supervisors and managers.

Performance management, specifically updating the performance evaluation process for merit-based staff, will be a focus in 2025. The HR team will work with an interdepartmental project team to streamline the performance evaluation processes and procedures.

Naturally Beautiful City, and a Fun and Safe City in Which to Live

The Fayetteville community is proud of its character and sense of place that has been nurtured and cultivated over many decades. It is used to promote tourism, lure businesses and industries, recruit students, faculty and researchers to the university and showcase what makes Fayetteville special. The community has been given a valuable opportunity through the Cultural Arts Corridor bond to create entirely new public spaces that enhance and celebrate Fayetteville's increasingly diverse and unique sense of place.

In 2025, The Ramble project continues with construction on the civic plaza and two buildings anchoring the plaza's north and south ends within the Upper Ramble. As this work progresses, Fayetteville residents can enjoy The Ramble's natural areas, improved pedestrian connections, trails and community events that showcase Fayetteville's artistic, cultural and environmental assets.

The City will adopt and begin implementation of the local cultural arts master plan in 2025. Fayetteville's first Arts and Culture Plan will showcase the city as a premier destination for the arts, with the goal of encouraging additional public support and cultural tourism. The plan will codify existing practices and prioritize the community's vision for the integration of art in our community.

Additionally, pilot projects will continue around community partnerships and art commissions throughout the city and its parks system, enriching and enlivening the quality of life for Fayetteville residents through gathering and placemaking.

Historic Preservation: Fayetteville's historic preservation is expected to continue strong progress forward in 2025 with the completion of the City's second historic context statement, for the Spout Spring neighborhood, which was funded in part by a grant from the Arkansas Historic Preservation Program (AHPP). The grant also is funding a Multiple Property Documentation Form and individual property nomination to the National Register of Historic Places for the University Heights and Haskell Heights neighborhood, which will be reviewed by the Arkansas State Review Board as a follow-up to the 2024 historic context statement completed for those neighborhoods. The City has successfully applied for an annual grant from AHPP every year since 2022 and will be looking to use that resource in 2025 to continue implementation of the Heritage and Historic Preservation Plan.

With the restoration work on the Woolsey Farmstead site and the Vernon & McIlroy-Moore Produce Warehouse (locally known as the Porter Produce Warehouse) demonstrating good stewardship of Fayetteville's historic places, attention on historic places continues to build with an increasing interest in knowing the stories and people behind the buildings being preserved today. Long Range Planning staff, the Black Heritage Preservation Commission and the Historic District Commission are engaging with community members to capture and document the stories of historic places, not only as individual

structures and sites, but also as collections of work associated with a particular neighborhood development or well-known Fayetteville architects. Historic markers, signs and website development are helping tell the story of Fayetteville to residents and visitors alike.

Parks, Natural Resources and Cultural Affairs: Construction of improvements to Walker Park and Bryce Davis Park, as well as construction of the first phase of Underwood Park, will begin in 2025. Construction on the Yvonne Richardson Community Center will be completed this year; this expansion will bring additional program opportunities at YRCC. Improvements to Buddy Hayes Park will come alongside the YRCC expansion and be completed in 2025.

Design plans will continue for Combs Park, Fayetteville's first river access park, with the first phase of construction anticipated in late 2025. Design work for Gulley Park improvements, including pickleball/tennis courts and a dog park, will begin in 2025.

Adult and youth sports leagues continue to be high-quality recreational offerings for the community. City-hosted running events, such as the Dickson Street Mile, continue growing in popularity. Tennis and pickleball programming will be expanded in 2025 with the completion of new courts at Wilson Park.

After more than 25 years, the City continues to partner with Fayetteville Public Schools to combine funding and share resources to jointly provide facilities that benefit all our residents for a variety of uses. Parks, Natural Resources and Cultural Affairs also has a long-standing partnership with the Fayetteville Boys & Girls Club and Walker Park Senior Activity and Wellness Center to provide recreational opportunities for residents of all ages.

Work will begin in 2025 to implement the Urban Forestry Master Plan.

The Parks Operations division continues to provide operations and facility improvements. Specific projects in 2025 will include:

- Coordinating with Osprey Initiative, LLC to perform stream cleanups and monitoring on 10 stream segments in town affected by unsanctioned camps and other waste and debris.
- Maintaining horticulture in the Upper Ramble as construction is completed.
- Improving the fishing pier and boat ramp areas at Lake Fayetteville.
- Restoring and improving natural habitat at properties located at Mt. Sequoyah Woods, Lake Fayetteville (Veteran's Park and Callie's Prairie), Scull Creek Trail, Lake Wilson and Lower Ramble to include invasive plant removal and control, prescribed burns and native plant establishment.
- Replacing fencing at Lewis and White River parks.
- Improving field drainage and turf at Kessler Mountain Regional Park soccer fields.
- Coordinating new tree plantings and tree replacements with Urban Forestry, Transportation and Engineering

Public Safety: The 2025 budget addresses public safety operations for Police, Fire and 911 Services, allowing each to provide essential emergency services to our growing community.

Community outreach, engagement and safety are paramount to the success of the Fayetteville Police Department (FPD). In 2025, FPD plans to establish the Community Response Unit, with the goal of

reducing violent and property crimes through increased community engagement. An expansion of the Crisis Intervention Response Team will allow for expanded outreach and response to persons experiencing crises. In partnership with Fayetteville Public Schools, two additional school resource officers (SROs) will be added to support the City Council's resolution of expanding SROs to every campus.

Capital needs in 2025 include allocations for police mobile computers and electronic ticketing printer replacements in all patrol vehicles. A multi-year project will begin in 2025 to replace police and fire radios that are no longer supported and serviced by the vendor. These critical technology improvements for public safety are vital to communications, operations and interoperability. Likewise, the purchase of unlimited cloud-based electronic storage for all digital evidence is critical for efficiency and accessibility, chain-of-custody documentation, transparency, security and disaster recovery. Other important capital needs include ballistic protection replacements for officers and a scheduled replacement of weapons.

Priority projects in 2025 include: hosting regional and statewide law enforcement training programs for both internal FPD personnel and our law enforcement partners; expanding recruitment and retention efforts to hire highly qualified employees; and replacing end-of-life computer equipment in patrol vehicles. To ensure continued excellence in public safety, leadership training for succession planning within the Fayetteville Police Department will be an area of focus. This investment is critical for developing future leaders who can uphold the department's values and effectively manage the evolving challenges of law enforcement.

Priorities for Fayetteville Fire Department in 2025 include ensuring adequate staffing levels to best distribute workload and continuing to improve the level of training provided to firefighters.

Fayetteville Fire Department capital needs for 2025 include allocations for fire technology equipment replacements, mobile radios, facility maintenance, firefighter safety equipment and fire apparatus replacements. This funding will aid in providing the department with needed information technology and radio communications necessary for daily operations. The relocation of Fire Station 2, a 2019 bond project, will be fully implemented in 2025, with heavy rescue, urban search and rescue and hazmat apparatus being moved to this location.

Greater Ease of Mobility with Effective Transportation Systems

Throughout 2025, implementation of the Mobility Plan will include the following:

- Expanding and maintaining the City's trail system, sidewalk network and roadways
- Expanding mobility options throughout downtown
- Funding of Ozark Regional Transit and University of Arkansas bus systems
- Improving intersections to increase capacity and movement of vehicles
- Implementing traffic-calming projects and evaluating implementations for effectiveness
- Upgrading signals at all intersections and standardizing to the latest technologies to allow more flexibility and functionality
- Continuing to refine the pavement maintenance workplan using the pavement inventory and condition assessment
- Exploring feasibility of additional parking districts near University of Arkansas campus and existing downtown border

- Updating lighting in and around surface parking lots
- Continuing to improve the balance of parking supply and demand by adjusting rates and regulations, where warranted
- Pursuing shared parking agreements with private parking facility owners
- Participating in the Downtown Fayetteville Coalition Board

Work will continue in 2025 on several transportation and mobility initiatives from the 2019 Street Improvement bond, including:

- Construction on the 71B Corridor – North St. to Sycamore St.
- Improvements to Millsap Rd./N. College Ave.
- Pedestrian improvements along West Ave., Prairie St. and other locations
- Design and right-of-way acquisition along Rolling Hills Dr./E. Appleby Rd./Plainview Dr.
- Coordination with developments on property adjacent to railroad crossings at Futrall Dr. and Shiloh Dr.
- Study and design work for the Stephen Carr Memorial Blvd. interchange
- Work on all projects included in the $25M Safe Streets and Roads for All Grant Program:
    - Maple St. Cycle Track
    - College Ave. – Sycamore to Township
    - School Ave. – MLK to 15th St.
    - Gregg Ave. – North St. to Fulbright Expy.
    - Joyce Blvd. – College Ave. to Crossover Rd.

Trail improvements planned for 2025 include:

- Mission Blvd. Trail (1 mile) – N. Rush Dr. to E. Viewpoint Dr.
- Midtown Trail Corridor (2 miles) – Steven Carr Memorial Blvd. to Woodland Ave.
- Drake St. (0.8 miles) – Protected bike lane and trail connection to the Razorback Greenway at Gordon Long Park – 1 million in federal funding for this project
- St. Paul Trail Improvements design to connect to the planned paddle park and areas east of the White River to the Razorback Greenway, partially funded by the multi-agency CPRG Grant through the EPA

Ecosystem Preservation

The City's ecosystem preservation goals focus on climate action planning, maintenance and preservation of our natural ecosystems and resources, pollution reduction initiatives and environmental protection policies, programs and projects.

Work in 2025 is structured around the recently adopted Climate Action Plan, which has two focus areas: Greenhouse Gas Emission Reduction and Nature-Based Solutions. The Sustainability team is focused on actions identified in the plan to further policies, programs and projects that reduce emissions and work to preserve and enhance our natural ecosystems and resources.

Ongoing work includes the implementation of an energy savings performance contract to improve the energy efficiency of the City's buildings and assets, as well as to add clean energy generation at City

facilities to complement the 10 MW solar energy production arrays at both wastewater treatment plants. Also underway is the development of another 3.7 MW of solar in continuation of efforts to achieve 100% clean electricity for City operations.

Staff continues to facilitate the installation of public electric vehicle charging stations around downtown and work with Fleet to support the transition to an electric fleet in the coming years.

Other areas of focus on ecosystem preservation and sustainability include:

- Reducing litter and improving waste diversion
- Expanding a voluntary food-waste recovery program
- Creating and providing technical assistance materials for businesses that participate in organics composting and the improvement of universal commercial organics recovery
- Restoring and maintaining streams
- Preserving and enhancing the water quality of City streams through stormwater and low-impact development infrastructure installation and maintenance
- Removing contaminants from the stormwater system using a sweeper program
- Executing urban forestry initiatives and habitat improvements through tree and native plantings and invasive plant removal
- Decommissioning and environmental cleanup of the old Fayetteville Police Department shooting range

Sustainability and Resilience has documented these and other citywide sustainability efforts through the U.S. Green Building Council's LEED for Cities initiative.

Well-Maintained Infrastructure and Facilities

City assets, such as buildings, roads, sidewalks, parks, trails and digital infrastructure, are important components of having well-maintained infrastructure and facilities. Several ongoing projects throughout 2025 will continue a focus on maintaining current infrastructure, including: building renovations, public meeting room technology, street repair (rehabilitation and construction), improved sidewalks for overall city walkability, improved parks and trail infrastructure, and long-term planning to improve efficiency and upkeep of all City facilities.

2025 Infrastructure Maintenance for Streets, Trails and Sidewalk development include:

- Coordinated deployment of smart city infrastructure in conjunction with ongoing City capital improvement projects
- Continuous pavement and sidewalk condition inventory assessment to develop multi-year pavement preservation and sidewalk improvement programs
- Design and construction of several major drainage projects in the Drainage Improvement bond
- Use of ultra-thin asphalt overlays where appropriate to extend pavement life and reduce lane-mile costs
- Recycling asphalt milling to reduce the need for new materials and the overall cost of asphalt purchased
- Facility improvements to provide additional space for the Traffic and Signal Operations group, Fleet Division and Parks Maintenance and Operations
- Enhanced sidewalks and crosswalk safety improvements near schools

- Expansion of street lighting throughout the city
- Electric vehicle charging station installation in various parking facilities
- Completion of the master plan update for the Fayetteville Executive Airport
- Door rehabilitation on airport T-hangars

2025 Drainage Maintenance projects to be funded from the Drainage Improvement bond include:

- Sunbridge Dr./College Ave.: This project will be constructed in two phases, with the first phase being from the outlet near N. Sawgrass Dr. to just upstream of N. Villa Blvd. Construction is underway and expected to continue until late 2025. This portion of the project is estimated to cost $5.8 million. The second phase of the project will include improvements to N. College Ave. and will be constructed when funding is identified.
- Fairlane St./Elmhurst Ave./McClinton St.: This project will be constructed in two phases, with the first phase being detention and low impact development features near the intersection of W. Martin Luther King Jr. Blvd. and E Huntsville Ave. Construction on the first phase is underway and will continue through the second quarter of 2025. This portion of the project is estimated to cost $600,000. The second phase will include culverts and other drainage improvements along S. Elmhurst Dr. and E. McClinton St. and will be constructed when funding is identified.
- Stream Restoration: This project includes the analysis and restoration of stream banks within the Clear Creek/Illinois River Watershed. A $300,000 grant for restoration efforts was awarded in August 2020 by the EPA. The first location planned for restoration is Niokaska Creek downstream of N. Azalea Terr. A second location on Scull Creek downstream of the Fulbright Expy. will be constructed if funding allows. The current bond allocates $100,000 as matching funds for the grant. Construction on Niokaska Creek is underway and will continue through early 2025.

2025 Water and Sewer Maintenance and Wastewater Treatment projects include:

- Repairing a 24-inch water transmission line from S. Futrall Dr. to S. School Ave.
- Beginning construction on the East Fayetteville Water Service Area Improvements project
- Beginning construction for the 11.5 mile, 48-inch West Transmission Main
- Completing the Greater Clabber Creek Area pressure management project
- Completing the water and sewer relocations for ARDOT highway improvements (Hwy 112, Hwy 16 and MLK Interchange)
- Completing design of the S. School Ave. waterline bottleneck correction
- Replacing the N. College Ave. water main from North St. to Sycamore St.
- Continuing work on Lake Fayetteville Spillway design
- Completing the Noland Wastewater Treatment Plant facility master plan
- Continuing the Advanced Metering Infrastructure program
- Replacing known, inferior plastic service lines throughout the service area
- Beginning and completing a water and sewer rate study
- Performing in-house replacement of aging infrastructure

2025 Recycling and Trash Collections focus areas include:

- Education on recycling, composting and other waste reduction/minimization
- Expanding commercial and multi-family residential recycling collection programs
- Refining and expanding food-waste collection and composting programs

- Completing a comprehensive waste audit of City-generated waste
- Continuing improvements to transfer station operations and recycling processing facility
- Implementing collection route optimization initiatives
- Completing a comprehensive rate study
- Decommissioning and environmental cleanup of the old Fayetteville Police Department shooting range
- Improving community access to household hazardous waste and electronic waste recycling services
- Exploring construction and demolition waste recycling partnerships

2025 Information Technology projects include:

- Providing technology support for all departments, including continual review of technology opportunities to improve operations and expansion of online services that increase access to City services
- Supporting current and future “Smart City” technology needs, including fiber conduit installations, public Wi-Fi and related technology infrastructure
- Streamlining login and registration process for public access to Development Services planning, permitting and inspection software
- Expanding the Laserfiche document imaging system to automate internal and external form submissions, including digital signatures, to reduce paper and decrease administrative time
- Managing the cybersecurity program to protect City assets and serving as a regional cybersecurity training hub to promote the collective defense of local government agencies
- Leveraging GIS as a spatial analysis tool for optimizing public safety resource allocation, supporting planning initiatives and assisting with disaster readiness
- Collaborating with state and regional 911 partners to implement Next Generation 911 technology within Central Dispatch
- Implementing a new volunteer management system
- Implementing a new time and attendance software
- Completing a Fire Station network upgrade to reduce monthly costs and improve performance
- Completing the initial phase of migrating key traffic signals from a wireless network to a fiber network for improved day-to-day and event-specific traffic management

2025 City Facilities Maintenance/Renovations/Improvements include:

- Replacing HVAC and systems for City facilities, such as the Fayetteville Town Center, Arkansas Air & Military Museum, Fayetteville Executive Airport, Parks Maintenance and the Walker Park Senior Activity & Wellness Center
- Completing the Yvonne Richardson Community Center addition
- Completing the Woolsey Farmstead restoration project and reconstruction of the potato smokehouse
- Completing City Hall renovations for offices and meeting rooms
- Removing and replacing the HVAC system in City Hall
- Completing the Fire Training Facility addition
- Completing the Porter Warehouse Stabilization project

- Continuing an accessibility survey project throughout City owned buildings, with analysis of Rock Street Annex, Yvonne Richardson Community Center, Animal Services, Courts Building, Sustainability and Parking Division offices
- Engaging a consultant to evaluate opportunities to include the White Hangar on the National List of Historic Places
- Working with Seven Hills Walker Family Residential Center to identify capital improvement project needs
- Renovating and reorganizing recently vacated space in the Development Services office area

Overall City Operations

The quality of overall operations is fundamental to the City's ability to successfully and efficiently serve the people of Fayetteville. The region's rapidly growing population generates ever-increasing demands on all areas of City services. Divisions will continue collaborating to explore staffing and operational efficiencies to meet these growing demands through cost-effective approaches that consider long-term goals and impacts. Communication between department heads to address cross-divisional projects, streamline processes, reduce red tape and barriers to service, and eliminate silo operations will continue to be key goals for ongoing organizational effectiveness at the City.

CITY OF FAYETTEVILLE, ARKANSAS
THE BUDGET PROCESS

The budgets of governmental funds (for example General Fund, Street Fund, and Parks Development Fund) are prepared on the modified accrual basis for revenues and expenditures. Under the modified accrual basis of accounting, revenues are recognized when they become both measurable and available. Expenditures are recorded when the related fund liability is incurred. The proprietary and trust fund types (Water & Sewer Fund, Recycling & Trash Collection Fund, and Airport Fund) are budgeted on a full accrual basis except for depreciation which is excluded and both capital purchases and bond principal payments which are included as expenditures. Not only are expenditures recognized when the liability is incurred but revenues are recognized when they are due and owing to the City (for example, water user fees are recognized as revenue when bills are produced). Agency funds are not budgeted since they are custodial in nature and do not involve measurement of results of operations.

The Comprehensive Annual Financial Report shows the status of the City's finances on the basis of "Generally Accepted Accounting Principles" (GAAP). This conforms to the way the City prepares its budget. Formal budgets exist for all funds and fund types, except agency funds, but the budget-to-actual comparison reports are prepared only for the governmental fund types (General, Special Revenue, and Capital Projects).

The Annual Budget and Work Program is a fiscal plan which presents the services which will be provided to the community and the funds needed to perform these services. The type and level of service is defined by the use of program objectives, which are further defined by performance measures. The Mayor is responsible for formulating the fiscal plan and presenting it to the City Council for approval and adoption. The key steps and dates in this process are described below:

1. **Budget Preparation, July**
   The budget is prepared using the City's financial software. Staff from the departments and divisions attend training for security access and instructions for the budget maintenance module. Target budgets are set for each fund and/or program. The target budget excludes service expansion requests and new personnel requests. These items are considered separately.

2. **Capital Requests, April - August**
   Five Year Capital Improvements modification requests are submitted for review and prioritization. Approval of the requests are based on a review of prioritized lists by the Chief Financial Officer and Budget staff to see if original cost and continuing costs are within the available funding range. Capital items with a cost greater than $5,000 should appear in the Five-Year Capital Improvements Programs.

3. **Budget Requests Submitted by Department/Division Heads, August**
   The Department/Division heads email notification to the budget staff after completing budget submissions requesting funding for their divisions. The budget staff then verifies that budget submissions are correct and within specified targets.

4. **Analysis of Each Proposed Program Budget, August to September**
   During this period, meetings, as needed, are conducted with each Department Director. At these meetings, the submitted program budgets are evaluated in their entirety and additions and cuts are made to balance the funds with the service requirements. The Proposed Budget and Work Program is the result of this process.

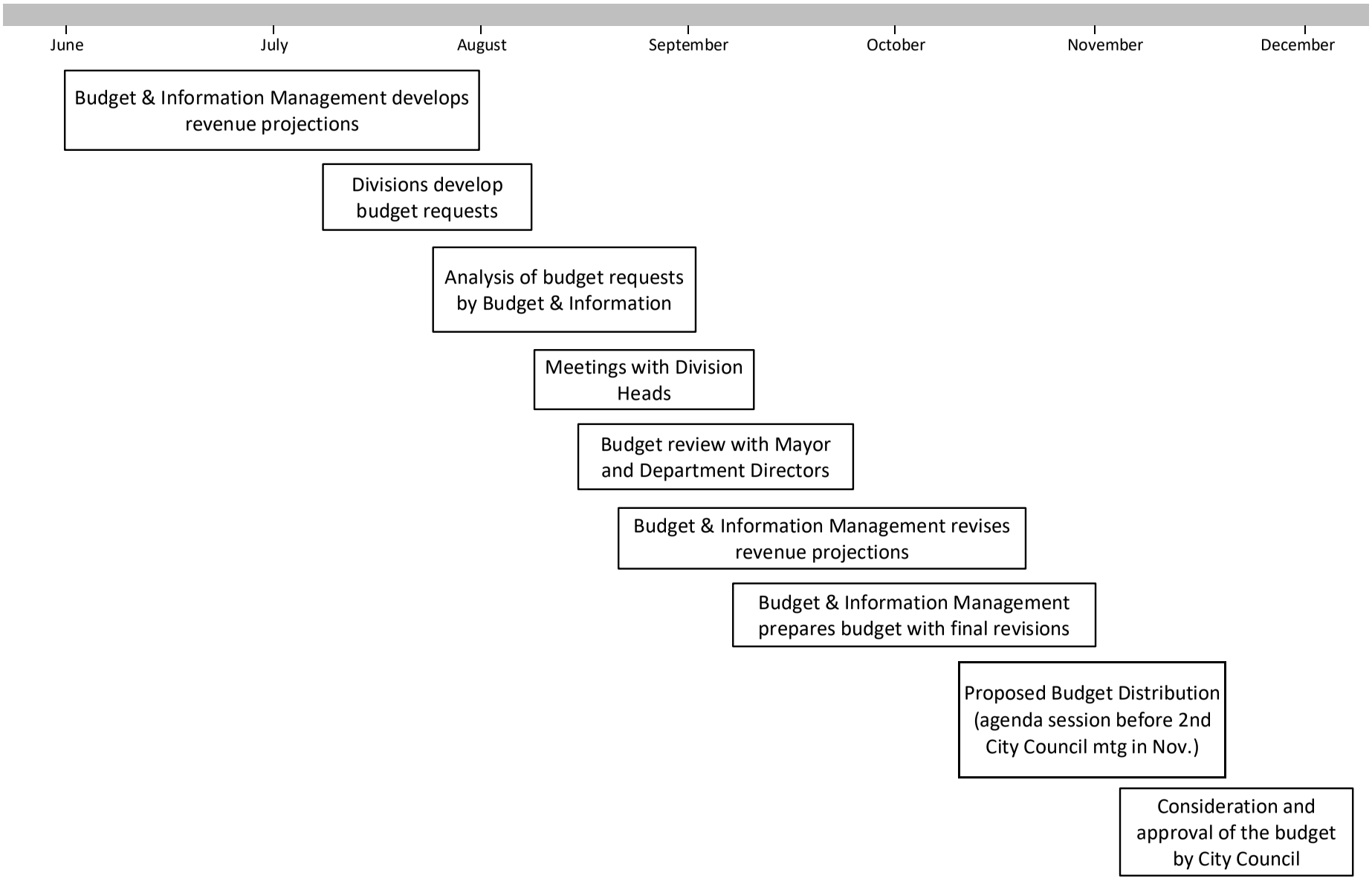
5. **Consideration and Approval of the Budget, November - December**
   The proposed budget is discussed with the Mayor beginning in August and through November. The Mayor presents the comprehensive Proposed Annual Budget and Work Program to the City Council in November. Public discussions on the budget are conducted at agenda sessions and City Council meetings beginning in November, and a special meeting is held before the second City Council meeting in November.

6. **Implementing the Budget, January**
   Using the Enterprise Resource Planning system, budget amounts are split into the projected funding level needed for each month. These work papers are input into the computer system to assist in the control of the adopted budget throughout the budget year.

7. **Adjusting the Budget, January - December**
   The budget may be adjusted throughout the budget year. Depending on the amount of the adjustment, approval may come from the Budget Director, Chief Financial Officer, Mayor or the City Council. A detailed explanation of the Budget Adjustment Policy is listed on pages 7 and 8.

The public meetings throughout the budget process are considered to be an essential part of the budget process as they are designed to solicit feedback from the City Council on the City's operations and services. In accord with continuing efforts to apprise the public of City activities, the Annual Budget and Work Program is made available for review by all interested persons at the Fayetteville Public Library and the City Clerk's Office. In addition, a downloadable version of the budget is found on the City's web site: http://www.fayetteville-ar.gov. Public notification of this information is made in a local newspaper and on the Fayetteville Government Channel. As always, the public is invited to attend all meetings, retreats, and hearings regarding consideration of the budget.

CITY OF FAYETTEVILLE, ARKANSAS
THE BUDGET PROCESS



CITY OF FAYETTEVILLE, ARKANSAS
FINANCIAL POLICIES

The purpose of this section is to present the policies that the City follows in managing its financial and budgetary affairs. These are general statements of policies, which represent long-standing principles, traditions, and practices that have guided the City in maintaining financial stability.

REVENUE POLICY

- The City will strive to maintain a broad and diversified revenue base that will equitably distribute the burden of supporting City services and will protect the City from short-term fluctuations in any one revenue source.
- The City will actively support economic and industrial development recruitment and retention efforts to provide for a solid revenue base.
- The City will maintain timely collection systems and implement necessary enforcement strategies to collect revenues from available sources.
- The City will establish user fees and charges for services, when feasible, at levels related to the cost of providing the services. The City will review the fees and charges on a periodic basis to determine the modifications needed to keep pace with the cost of providing the services.
- The City will establish, when feasible, self-supporting enterprise funds and internal service funds in which a relationship between revenues and expenditures clearly exists.
- The City will project revenues on a conservative basis so that actual revenues will consistently meet or exceed budgeted revenues.
- The City will maintain a budgetary control system and will prepare reports that compare actual revenues to budgeted amounts.
- The City will review annually and revise, where necessary, its cost allocation formula.
- The City will limit the designation of General Fund revenues for specified purposes to maximize flexibility in budgeting and revenue utilization.

EXPENDITURE POLICY

- Basic and essential services provided by the City will receive first priority for funding.
- The City will establish performance measurements for all program areas, when feasible. These measures will reflect the demand, workload capability, and projected outcomes for the program to accomplish its objectives.
- The City will strive to adopt a balanced budget, by fund, for all funds maintained by the City, in which total anticipated revenues must equal or exceed the budgeted expenditures for each fund. However, if this cannot be attained, the City will utilize unallocated fund reserves, which have been carried forward from prior years.
- The City will maintain a budgetary control system to ensure adherence to the adopted budget and will prepare reports that compare actual expenditures to budgeted amounts.
- The City will attempt to refrain from budgeting non-recurring or one-time revenue for ongoing expenses.
- The City will provide access to medical, dental, life, and long-term disability insurance for its employees. The cost for these benefits will be a shared responsibility between the City and its employees.
- The City will provide access to appropriate retirement plans for its employees. The City will make contributions for eligible employees at the percentage defined for each of the respective retirement plans.

DEBT POLICY

- The City will maintain a policy of full disclosure on financial reports and bond prospectus.

- The City will maintain communications with bond rating agencies and continue to strive for improvements in the City's bond rating.

- The City will pay for all capital projects and capital improvements on a pay-as-you-go basis using current revenues whenever possible. If a project or improvement cannot be financed with current revenues, long-term or short-term debt or capital leases will be recommended.

- The City will refrain from issuing long-term debt for a period in excess of the expected useful life of the capital project.

- The City will use special assessment revenue or other self-supporting bonds instead of general obligation bonds, when feasible.

- The City will seek refinancing of outstanding debt if it is determined that the City will benefit by reduced interest expense over the remaining life of the bonds of at least 3% of the principal being refunded.

- The City will require that General Fund and Street Fund debt service shall not exceed 10% of annual general and road tax revenues and the principal amount of General and Street Fund debt shall not exceed 5% of the assessed taxable property.

- Outstanding short-term debt and Amendment 78 debt obligations combined shall not exceed 5% of the City's taxable real property.

RESERVE POLICY

- The City will maintain a minimum reserve of sixty (60) days of annual regular general fund operating expenditures for the General Fund in Undesignated Fund Balance. The minimum unreserved General Fund Balance cannot be reduced without specific City Council Resolution.

- The City will maintain a minimum reserve of at least 10% of current year operating expenditures for the Street Fund in Undesignated Fund Balance. If existing reserves exceed the required level, such funds may be used to provide for non-recurring expenditures. The City will use monies in the 10% reserve only in times of emergency or fiscal and economic hardship.

- The City will attempt to maintain a cash and investments balance of not less than 10% of current year operating expenditures for all Enterprise Funds.

- The City will maintain a Shop Fund reserve necessary to fund the replacement and expansion of the City's vehicles and equipment.

INVESTMENT AND CASH MANAGEMENT POLICY

- The City will deposit all receipts on a timely basis.

- The City will strive to maximize the return on its investment portfolio without jeopardizing principal amounts.

- The City will limit its investments to the types of securities provided for by Arkansas statutes.

- The City will diversify its investments by maturity date to protect against market fluctuations.

- The City will purchase securities from qualified institutions based on competitive bids in an effort to obtain the highest available rates.

CAPITAL IMPROVEMENT POLICY

- The City will prepare and update, as needed, a five-year Capital Improvements Program (CIP), which will provide for the orderly maintenance, replacement, and expansion of capital assets.

- The CIP will identify long-range capital projects and capital improvements of all types, which will be coordinated with the annual operating budget to maintain full utilization of available revenue sources.

- When preparing the CIP, the City will seek to identify all viable capital projects and capital improvements required during the subsequent five-year period. These projects and improvements will be prioritized by year and by funding source. Every attempt will be made to match projects and improvements with available funding sources. Future operating costs

associated with a project or an improvement will also be given consideration in the establishment of priorities.

- The City will seek Federal, State, and other funding to assist in financing capital projects and capital improvements.

- The City will seek input from the public by holding public hearings in relation to the establishment of major projects and major project priorities.

- The City will incorporate the reasonable findings and recommendations of other City Boards, Commissions, Committees, and Citizen task forces, as they relate to capital projects and improvements.

FINANCIAL REPORTING POLICY

- The City's accounting system will maintain records in accordance with accounting standards and principles outlined by the Governmental Accounting Standards Board (GASB), Financial Accounting Standards Board (FASB), and the State of Arkansas.

- The City will employ an independent accounting firm to perform an annual audit of the City's finances and make the annual audit available to all required and interested parties. The audit shall be completed and submitted to the State of Arkansas within 210 days of the close of the fiscal year.

- The City will produce monthly and quarterly financial statements reporting the current periods' activity for all funds maintained by the City.

- The City will maintain an internal audit function, which will be charged with adopting and routinely monitoring internal controls of the City.

- The City will prepare an annual budget document that provides a basic understanding of the City's planned financial operations for the coming fiscal year. Copies of the proposed and final budget will be made available to all interested parties and opportunities will be provided for citizen input prior to final decisions on the budget.

- The City will seek annual renewal of the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting and the Distinguished Budget Presentation Award.

CITY OF FAYETTEVILLE, ARKANSAS
ADMINISTRATIVE PROCEDURES
TO ADJUST THE APPROVED BUDGET

PURPOSE:

The procedures outlined in this section define, standardize, and set forth responsibilities for budget adjustments.

DEFINITION AND EXPLANATION:

During the fiscal year, needs arise for expenditure budget adjustments to enable divisions to adapt to changing conditions. There are two types of expenditure budget adjustments which can be defined as follows:

1) **Budget Adjustment** – this is a transfer from one category within a fund budget to another category. The fund total does not change.

2) **Budget Amendment** – this is an addition to the overall budget total of the fund. It increases the total expenditure amount authorized for the fund. Any budget amendment must be supported by an increase in revenue or come from available fund balance.

DEPARTMENT DIRECTORS AND DIVISION HEADS RESPONSIBILITIES:

All Department Directors and Division Heads are mandated to stay within each operational program budget as adopted and to stay within the total budget for each capital project. **Neither the Accounting nor Purchasing Divisions will process payments or purchase orders, which will cause a program or capital project to be over the annual budget amount.**

Each operational division is grouped into programs (i.e., Engineering - Administration, Engineering - Plans & Specifications, Engineering - Right-of-Way, etc.). Budget adjustments will be required in the following instances:

1) When the budgeted amount per operational program is exceeded (an offsetting adjustment must be made from another operational program).

2) When the budgeted amount for a capital project is exceeded (an offsetting adjustment must be made from another capital project or another program).

Requested adjustments to an operational program must be submitted on a budget adjustment form with sufficient justification for the need. Any changes in the personnel services category must meet the City's policy for raises, promotions, and staff increases.

BUDGET ADJUSTMENT APPROVAL PROCESS:

Budget Amendments

1) All budget amendments must be approved by the City Council other than mandatory redemptions and other expenditures delegated to a Bond Trustee via a bond trust agreement. Budget amendments appropriate additional revenue or allocation of reserves.

Budget Adjustments

1) Budget adjustments within categories, within divisions of a fund, can be made with the approval of the Budget Director (see page 10 for a division listing).

2) Budget adjustments between categories, within a division of a fund, can be made with the approval of the Budget Director and Chief Financial Officer.

3) Budget adjustments within the personnel services category between departments within a fund will be approved by the Budget Director, the Chief Financial Officer, and the Chief of Staff.

4) Budget adjustments between categories within an approved program will be approved by the Budget Director and the Chief Financial Officer.

5) All other budget adjustments must be approved by the City Council.

BUDGET AMENDMENT REPORTING:

As a matter of practice, staff will provide information regarding Budget Amendments to the City Council on a quarterly basis.

CITY OF FAYETTEVILLE, ARKANSAS
BUDGET ORGANIZATIONAL STRUCTURE

FUND

In governmental accounting, a fund is a fiscal and accounting entity with a self-balancing set of accounts, created and maintained for a particular purpose. It has transactions subject to legal or administrative restrictions. A separate budget is provided for each fund.

ACTIVITY

Activities are the major groups of items which are functionally related, regardless of the Department or Division that is responsible. This type of classification provides a useful Budget summary that is consistent even though changes in the organizational structure may occur.

DEPARTMENT

Departments are the major organizational sub-divisions. They have a broad overall purpose. The City of Fayetteville is organized into eleven operating departments: General Government, Police, Fire, Chief of Staff, Sustainability & Resilience, Parks & Recreation, Utilities, Development Services, Communications & Marketing, Transportation Services, and Finance & Internal Services. Each Department has a director who reports to the Chief of Staff except the Police and Fire Chiefs who report directly to the Mayor.

DIVISION

Divisions are the major operational areas of the City. Each Division has been assigned to one of the Departments listed above according to the type of activity it performs. For example, the Recycling & Trash Collection Division is part of the Sustainability & Resilience Department. A listing of divisions is on the following page.

PROGRAM

Programs are the operating units within the Division. Each program represents a specific type of activity within its Division aimed at providing a service for which the City is responsible. For example, the Recycling & Trash Collection Division contains the following programs: Administration, Commercial Collections, Residential Collections, Commercial Drop Box Collections, Transfer Station, Recycling, and Composting.

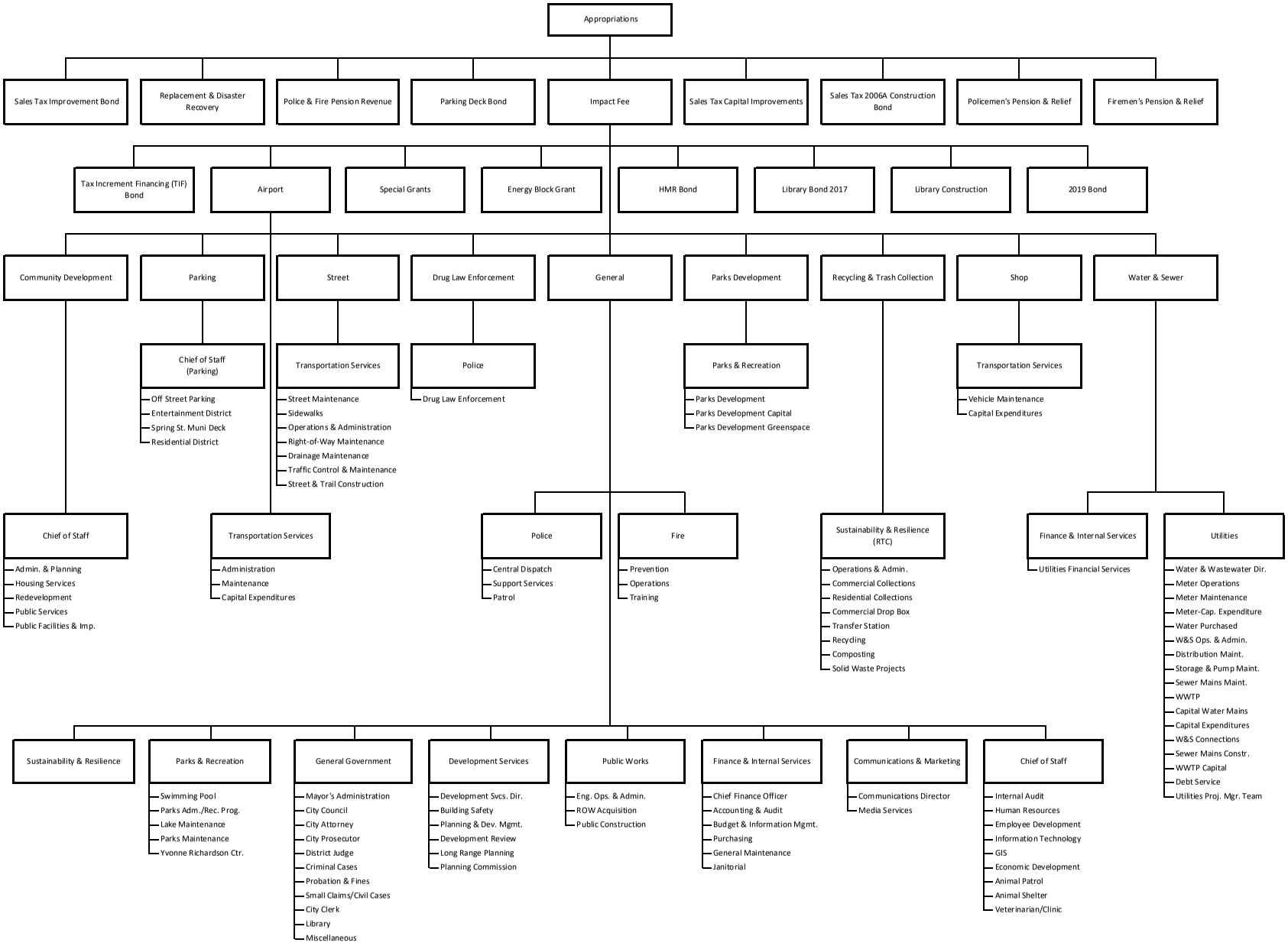
CATEGORY

Within each program, each expenditure item is grouped into a category of related expenditures. The budget for each program is listed by categorical total. Examples of a category include: Personnel Services, Materials and Supplies, Services and Charges, Maintenance, Motor Pool Charges, Capital, Transfers to Outside Agencies, Cost Reimbursements, and Operating Transfers.

DEPARTMENTAL REPORTING STRUCTURE

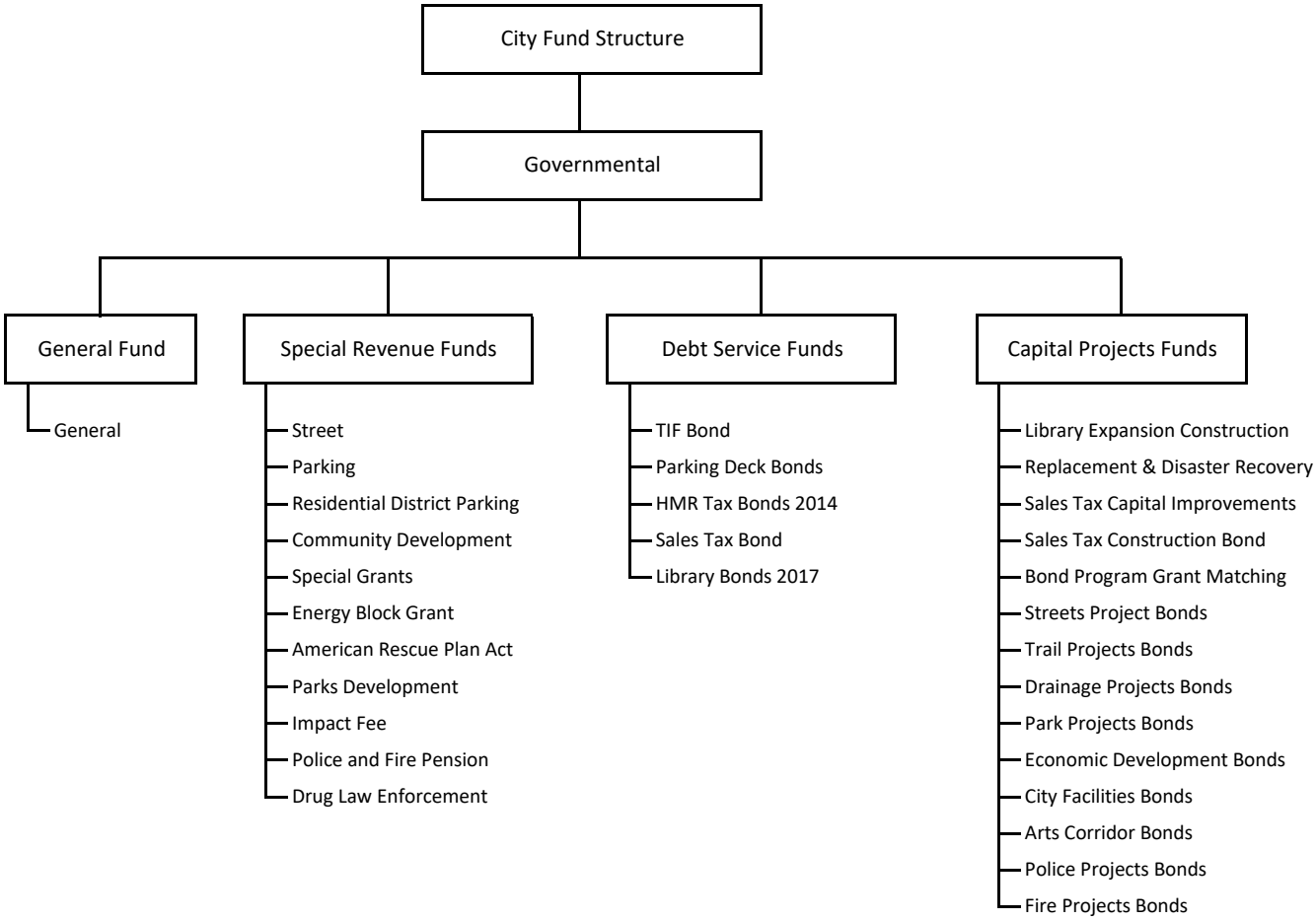
DEPARTMENT	DIVISIONS
General Government	Mayors Administration
	City Council
	City Attorney
	City Prosecutor
	City Clerk/Treasurer
	Fayetteville District Court
	Library
Chief of Staff	Chief of Staff
	Animal Services
	Community Resources
	Economic Development
	Human Resources
	Information Technology
Sustainability & Resilience	Sustainability & Resilience
	Recycling & Trash Collection
Police Department	Police
	Central Dispatch
Fire Department	Fire Department
Parks & Recreation Department	Parks & Recreation
Finance & Internal Services Department	Chief Financial Officer
	Accounting & Audit
	Budget & Information Management
	Facilities Management
	Purchasing
	Utilities Financial Services
Development Services Department	Development Services Director
	Building Safety
	Development Review
	Long Range Planning
Communications & Marketing Department	Communications & Marketing
	Media Services
Public Works Department	Airport Services
	Engineering
	Fleet Operations
	Parking Management
	Parks Operations
	Transportation Services
Utilities Department	Utilities Director
	Water & Sewer Maintenance
	Wastewater Treatment Plant

Consolidated Fund-Department-Program Structure



(Page Left Blank Intentionally)

City of Fayetteville, Arkansas
Chart of Governmental Fund Types



As noted by the chart above, the City utilizes all four (4) major Governmental fund types: General, Special Revenue, Debt Service, and Capital Projects.

General Fund - General fund is the general operating fund of the City. It is used to account for all financial resources except those accounted for in other funds.

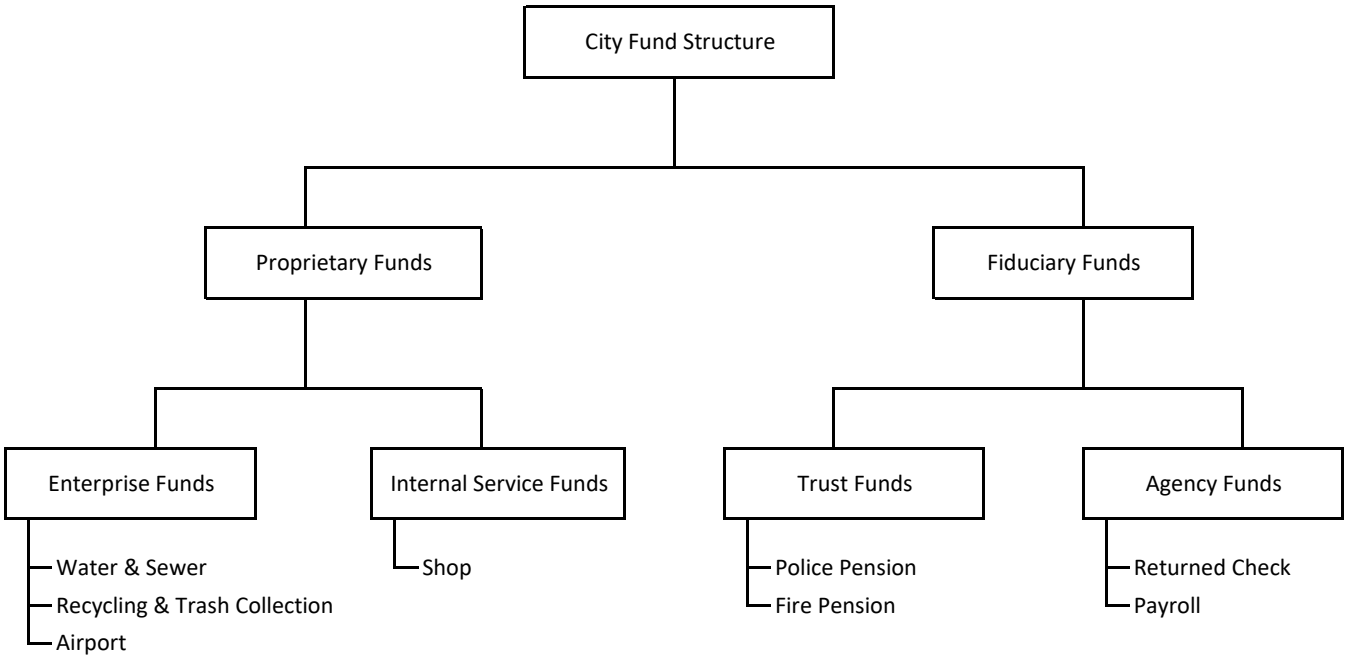
Special Revenue Funds - Special Revenue funds are used to account for the proceeds of specific revenue sources, which are designated or required to finance particular functions or activities of the City.

Debt Service Funds - Debt service funds are used to account for the accumulation of resources for, and the payment of, general long-term debt principal, interest and related costs other than debt service payments made by enterprise funds.

Capital Projects Funds - Capital projects funds are used to account for financial resources to be used for the acquisition and construction of assets of a relatively permanent nature other than those financed by proprietary funds.

As a note of explanation for the following combined statements, the revenues are listed by major source and the expenditures are listed by major department or service. The operation transfers are listed both in and (out).

City of Fayetteville, Arkansas
Chart of Proprietary and Fiduciary Fund Types



As noted by the chart above, the City utilizes the Enterprise and Internal Service funds in the Proprietary fund type and the Trust and Agency funds in the Fiduciary fund type.

Enterprise Funds - Enterprise funds are used to account for operations (A) that are financed and operated in a manner similar to private business enterprise, where the intent of the governing body is that the costs of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (B) where the governing body has decided that periodic determination of revenues earned, expenses incurred and/or net income is appropriate for capital maintenance, public policy, management control, accountability or other purposes.

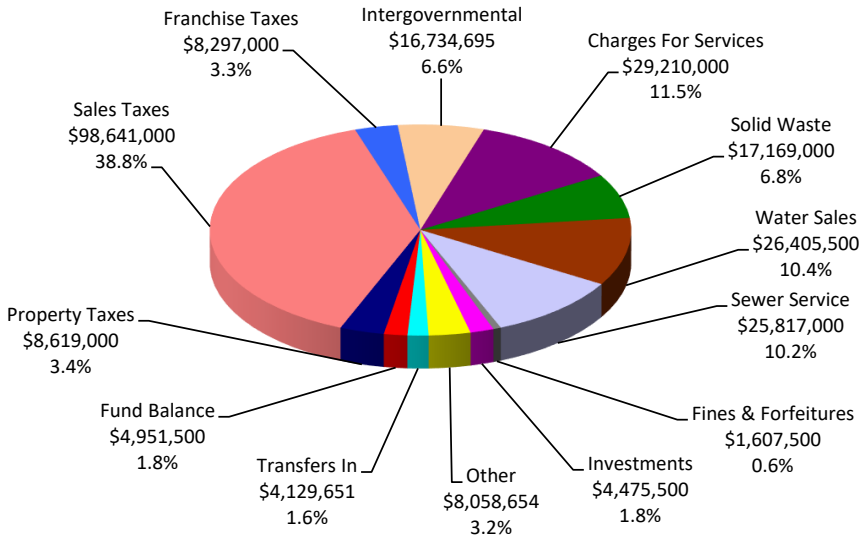
Internal Service Funds - Internal service funds are used to account for the financing of goods or services provided by one division of the City to other divisions of the City, on a cost reimbursement basis.

Trust Funds and Agency Funds - Trust funds and agency funds are used to account for assets held by the City in a trustee capacity or as an agent for individuals, private organizations, other governments and/or other funds. Trust funds are accounted for in essentially the same manner as proprietary funds. Agency funds are custodial in nature and do not involve measurement of results of operation.

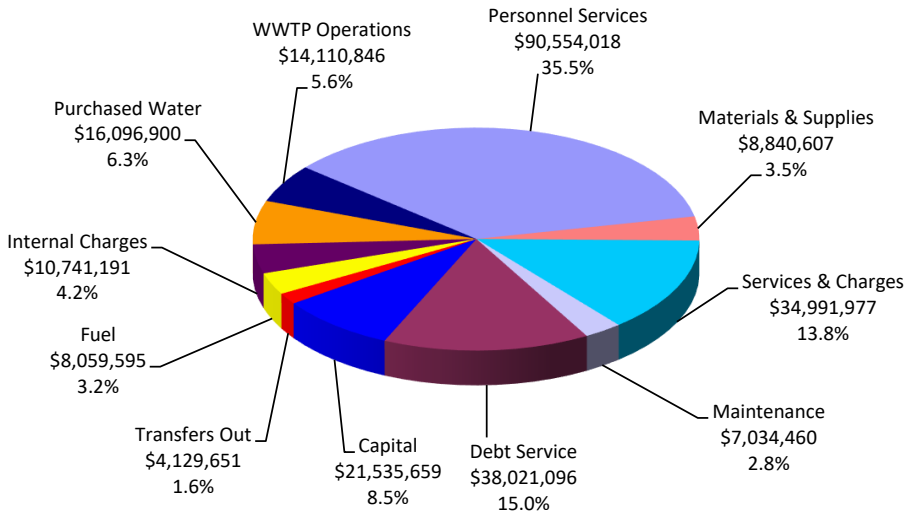
In reference to the following combined statements, the revenues are listed by major source and the expenses are listed by major department or service. Also shown are depreciation, non-operating revenue and (expenses), transfers in and (out), and net income.

City of Fayetteville, Arkansas

Sources of Funds for 2025
$254,116,000



Uses of Funds for 2025
$254,116,000



Note: The Sources of Funds chart includes revenues from all City funds. The Uses of Funds chart includes expenditures from all funds including capital expenditures in the Proprietary fund types. In compliance with GAAP, Proprietary fund balances do not reflect capital expenditures.

City of Fayetteville, Arkansas
Multi-Year Comparison
Budget Expenditures

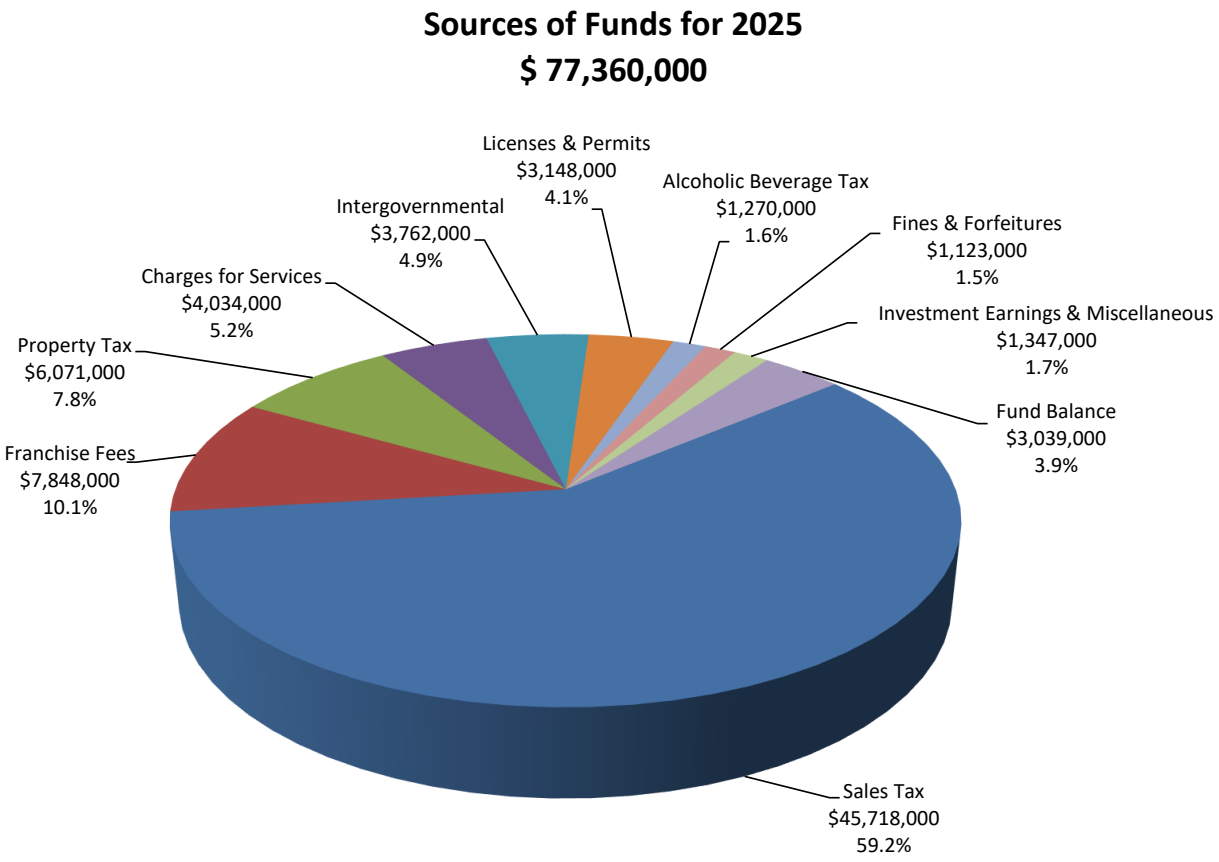
	Adopted 2021	Adopted 2022	Adopted 2023	Adopted 2024	Proposed 2025
Major Funding Sources:					
General	$ 49,545,000	$ 56,085,000	$ 64,844,000	$ 73,353,000	$ 77,360,000
Street	6,866,000	8,691,000	9,761,000	10,344,000	11,862,000
Parking	1,474,000	1,711,000	2,097,000	2,183,000	2,333,000
Community Development Block Grant	1,097,000	1,148,000	1,081,000	1,639,000	1,493,000
Parks Development	2,944,000	4,256,000	4,204,000	5,127,000	5,557,000
Drug Law Enforcement	360,000	423,000	494,000	815,000	837,000
Water & Sewer	44,916,000	47,880,000	51,424,000	55,755,000	61,778,000
Recycling & Trash Collections	14,202,000	14,931,000	16,064,000	17,718,000	18,728,000
Airport	2,557,000	3,124,000	5,329,000	5,516,000	5,763,000
Shop	8,959,000	7,792,000	11,100,000	11,275,000	12,807,000
	132,920,000	146,041,000	166,398,000	183,725,000	198,518,000
Other Funding Sources:					
Residential District Parking	16,000	11,000	11,000	11,000	12,000
Impact Fee	940,000	956,000	967,000	1,943,000	922,000
Fire Pension Special	0	0	0	0	1,462,000
TIF Bond	386,000	410,000	460,000	527,000	606,000
Parking Deck Bonds	384,000	384,000	384,000	384,000	381,000
HMR Tax Bonds 2014	702,000	702,000	702,000	707,000	706,000
Sales Tax Bond	22,517,000	26,495,000	29,915,000	34,555,000	33,077,000
Library Bonds 2017	1,885,000	2,023,000	2,424,000	2,809,000	2,887,000
Replacement & Disaster Recovery	39,000	38,000	45,000	40,000	38,000
Sales Tax Capital Improvements	9,131,000	10,862,000	12,518,000	14,061,000	14,037,000
Police Pension	1,563,000	1,563,000	1,563,000	1,470,000	1,470,000
Fire Pension	1,361,000	1,361,000	1,361,000	1,445,000	0
	38,924,000	44,805,000	50,350,000	57,952,000	55,598,000
	$ 171,844,000	$ 190,846,000	$ 216,748,000	$ 241,677,000	$ 254,116,000

This comparison of adopted budgets is included to show the scope and growth of City operations in a multi-year format. This presentation is traditional but continues to include interfund transfers. Rather than restating all of the budgets, it is recommended that emphasis be placed on the significant entries, which are the individual funds. A more detailed discussion of each individual fund is included in the specific section devoted to that fund.

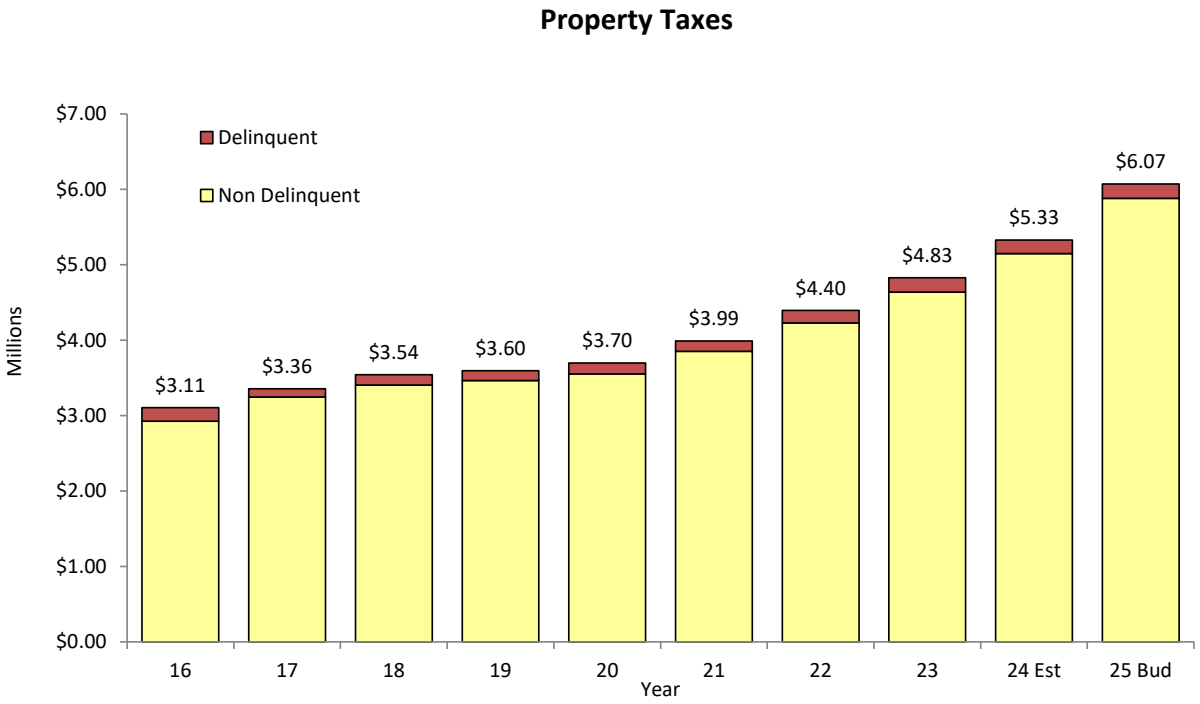
General Fund (1010)

General Fund Revenues

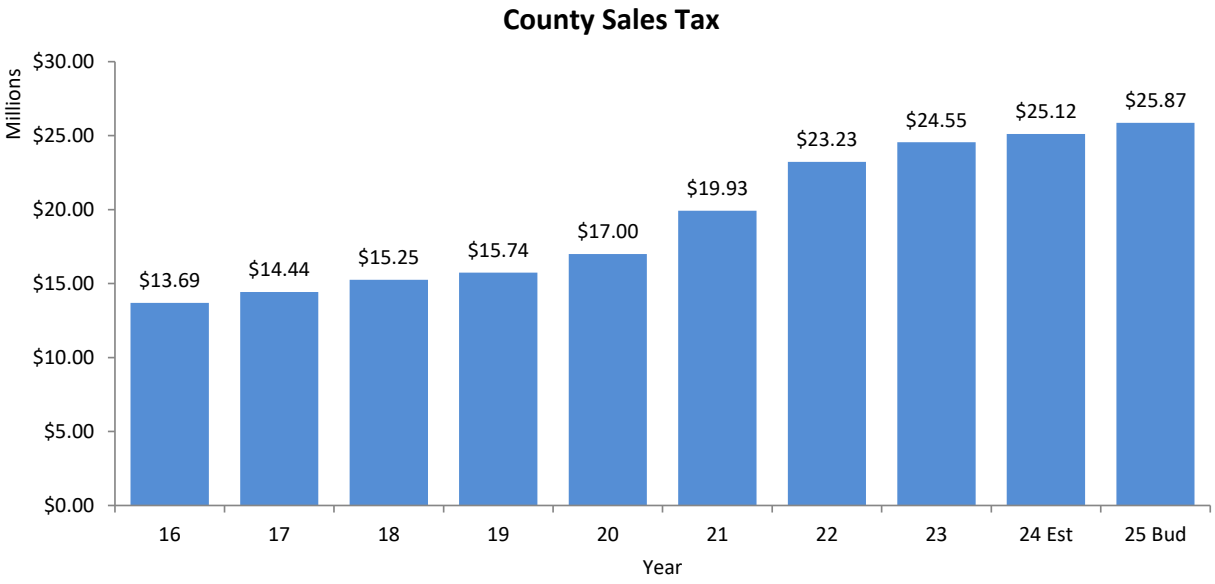
Total estimated revenue available in 2025 to support the General Fund is approximately $74.32 million. Also, $3.04 million in fund balance is used as a source of funding for 2025. These overall General Fund Revenue projections are based on historical trend data, expected population increases, and current performance of the national, state, and local economies based on statistical information.



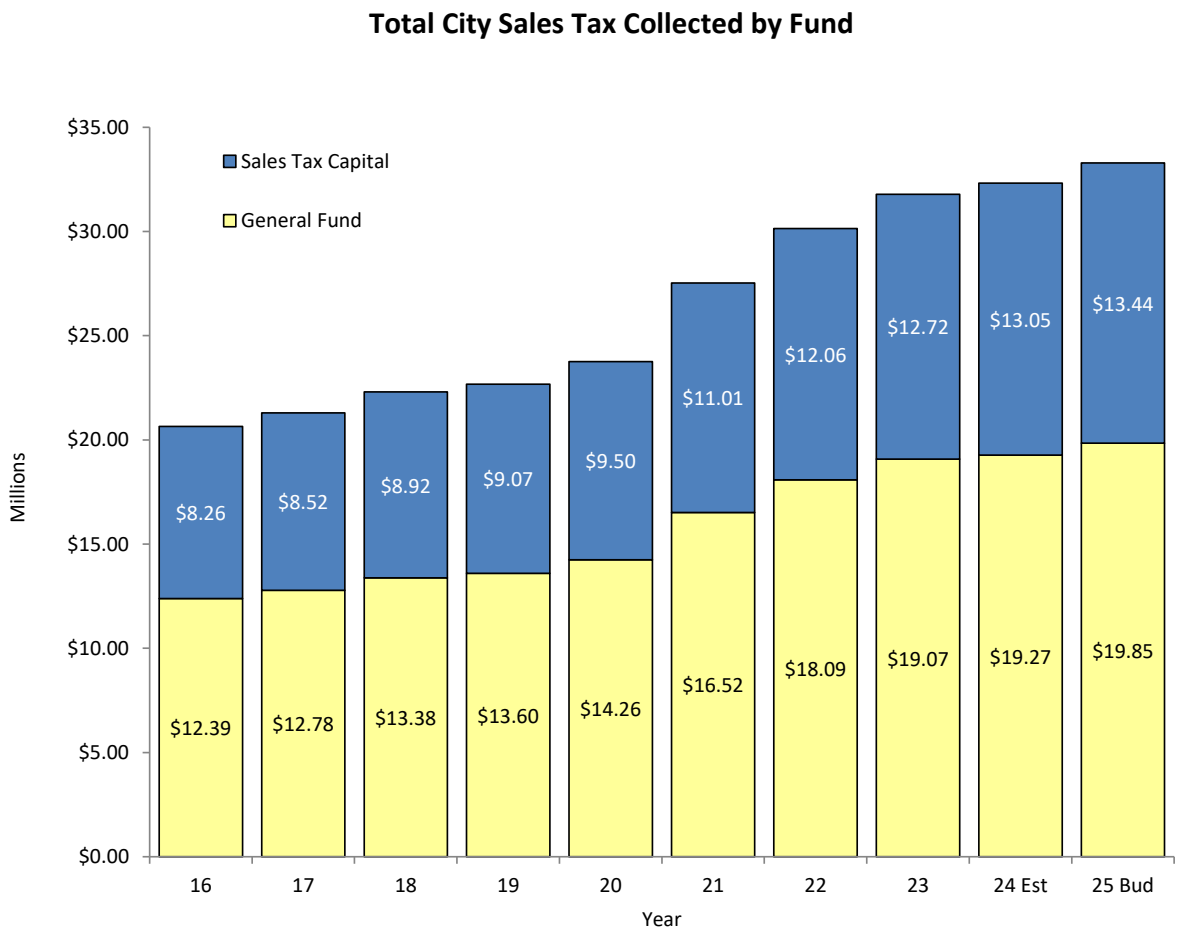
Property Taxes: Property Tax revenue makes up 8.2% of total General Fund Revenue. The tax rate currently approved is 2.3 mils. The City of Fayetteville has a discretionary limit of 5.0 mils, which is set by law. By law, millage decisions must be made by the end of October of each year by the City Council and filed with the County.



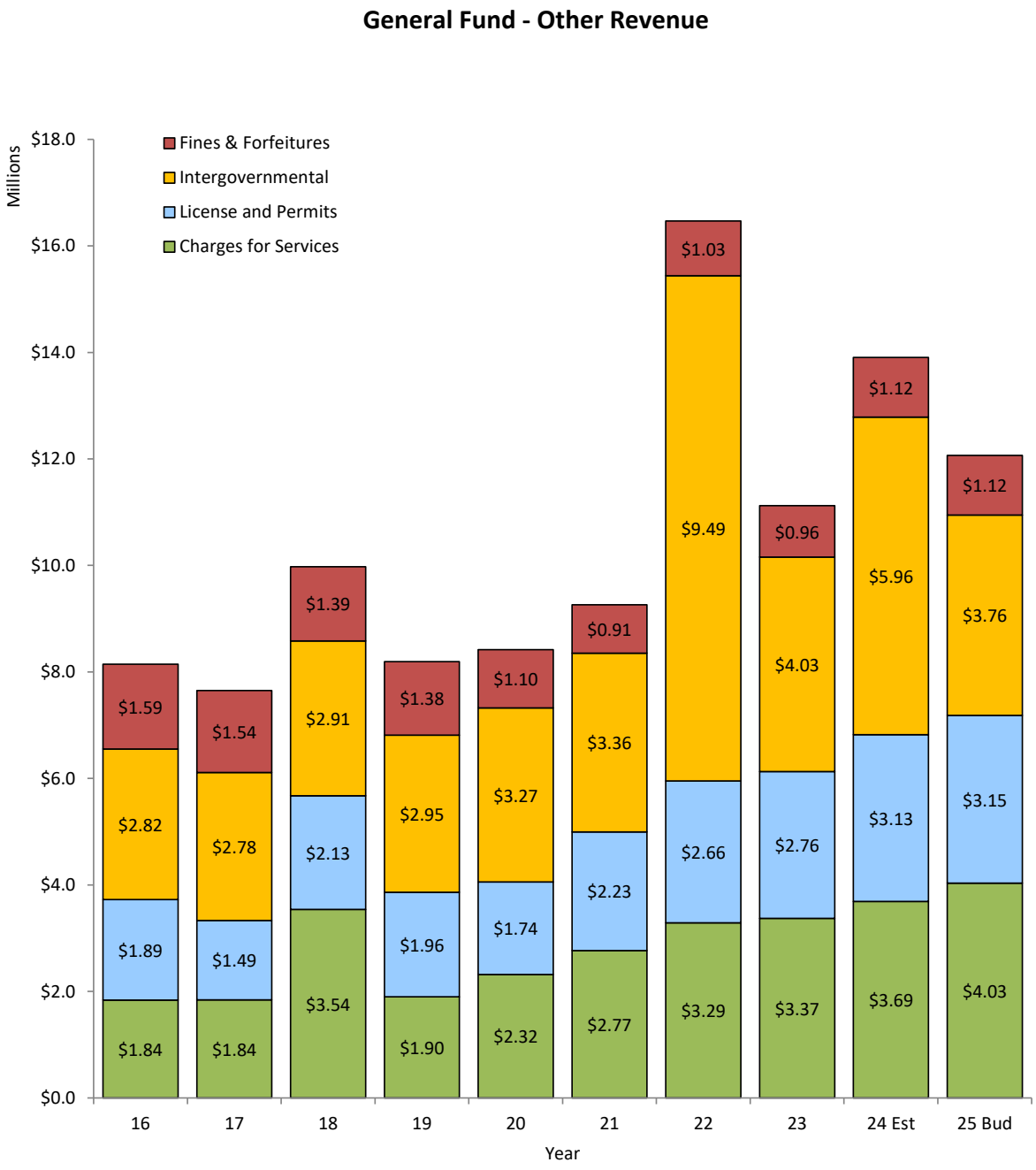
County Sales Tax: The largest source of General Fund revenue is the County Sales Tax at 34.8%. The City receives a prorated share (38.2%) of the 1% County Sales Tax based on population as of the most recent federal census. Sales Tax growth averaged 7.7% per year from 2013 to 2023. Budgeted 2025 revenue is projected to be 3% higher than the current 2024 estimated collections.



City Sales Tax: The second largest source of General Fund revenue is the City Sales Tax at 26.7% of total revenue. Sales Tax growth averaged 5.8% per year from 2013 to 2023. Estimates for 2024 are expected to be 2% higher compared to 2023 actual receipts, and the 2025 budget is estimated to be 3% over 2024 estimated collections. The 1% City Sales Tax revenue is divided between General Fund operations and capital. The current split, which began with the 2008 budget, is 60% for General Fund and 40% for Sales Tax Capital Improvements Fund.

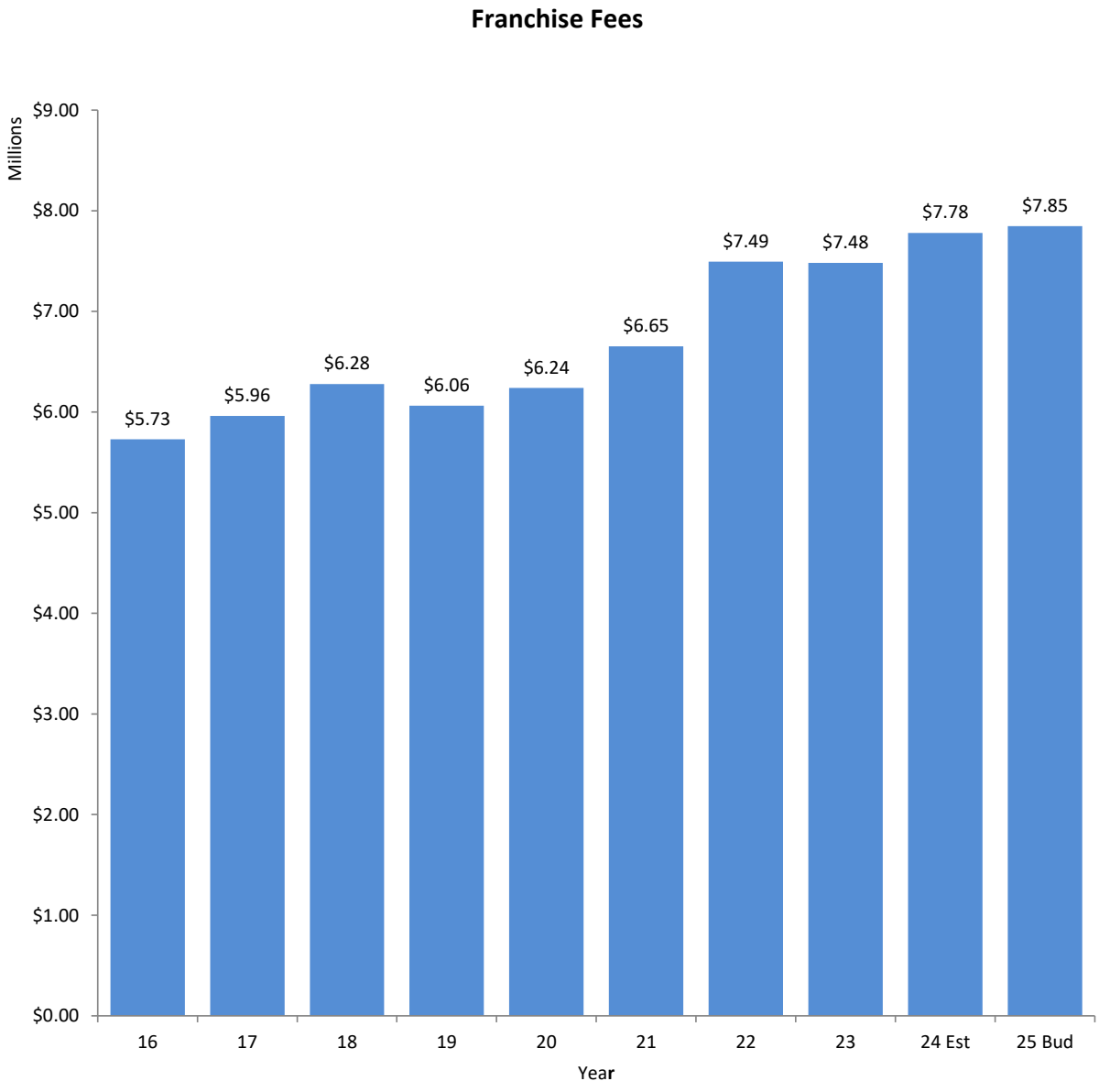


Other Revenues: Other Revenues (Licenses & Permits, Intergovernmental, Charges for Services, and Fines & Forfeitures) as a whole make up 16.2% of total General Fund revenue. The largest generator of Licenses & Permits Revenue is Building Permits which are projected to be flat in 2025 compared to estimated 2024 collections. The many other types of revenues and permits issued by the City are projected to be lower compared to 2024 collections. Intergovernmental revenues consist of State Turnback and State/Federal grants and are projected to be less in 2025 compared to estimated 2024 revenue. This is because grant revenue is not estimated until the actual grant is awarded, which is normally mid-year. Charges for Services consists of a multitude of fees such as parks and recreation fees, 911 reimbursements, and planning fees. Fines & Forfeitures revenues consist of court fines and are expected to be more than estimated 2024.



Franchise Fees: Franchise fees as a category make up 10.6% of total General Fund revenue. The City collects franchise fees from all utility companies in Fayetteville for the use of City Rights-of-Way. All of the franchise fee agreements reflect a percentage of gross utility revenue generated. Although franchise fees are a direct cost of the utilities business, all utilities except AEP (SWEPCO) and the City of Fayetteville's Recycling & Trash Collection and Water & Sewer Divisions show the fee as an additional item on the consumer's invoice. The 2025 budget is set to be higher than estimated 2024.

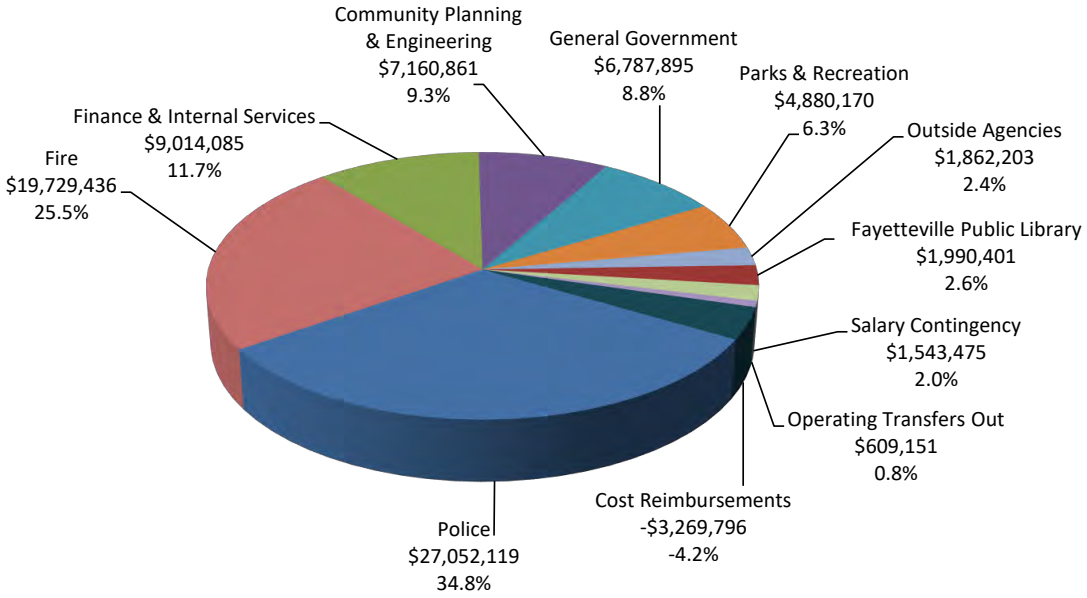
Currently, Black Hills Energy (formerly Source Gas) pays 3% of annual sales before taxes on residential and commercial customers and 1% on industrial customers. AT&T and Prairie Grove Telephone pay 4% of all access line billing. AT&T Video and Cox Communications pay 5% of annual gross sales on everything except internet access revenue. The Water & Sewer utility pays 4.25% and the Recycling & Trash Collection utility pays 3% on annual gross sales. AEP Electric and Ozarks Electric Co-Op pay 3% of gross revenues on domestic customers and 1% on industrial consumers.



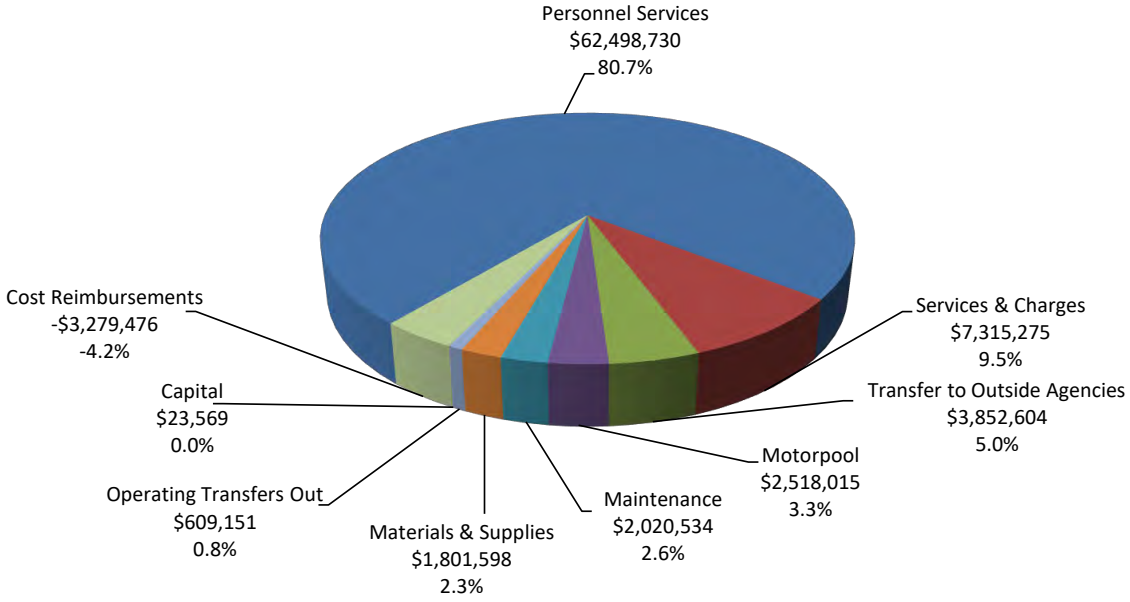
General Fund Expenses

Total uses of funds in 2025 for the City's General Fund totals $77,360,000. The charts below show the total General Fund expenditure budget by operating activity and expense category.

Uses of Funds by Activity for 2025
$ 77,360,000

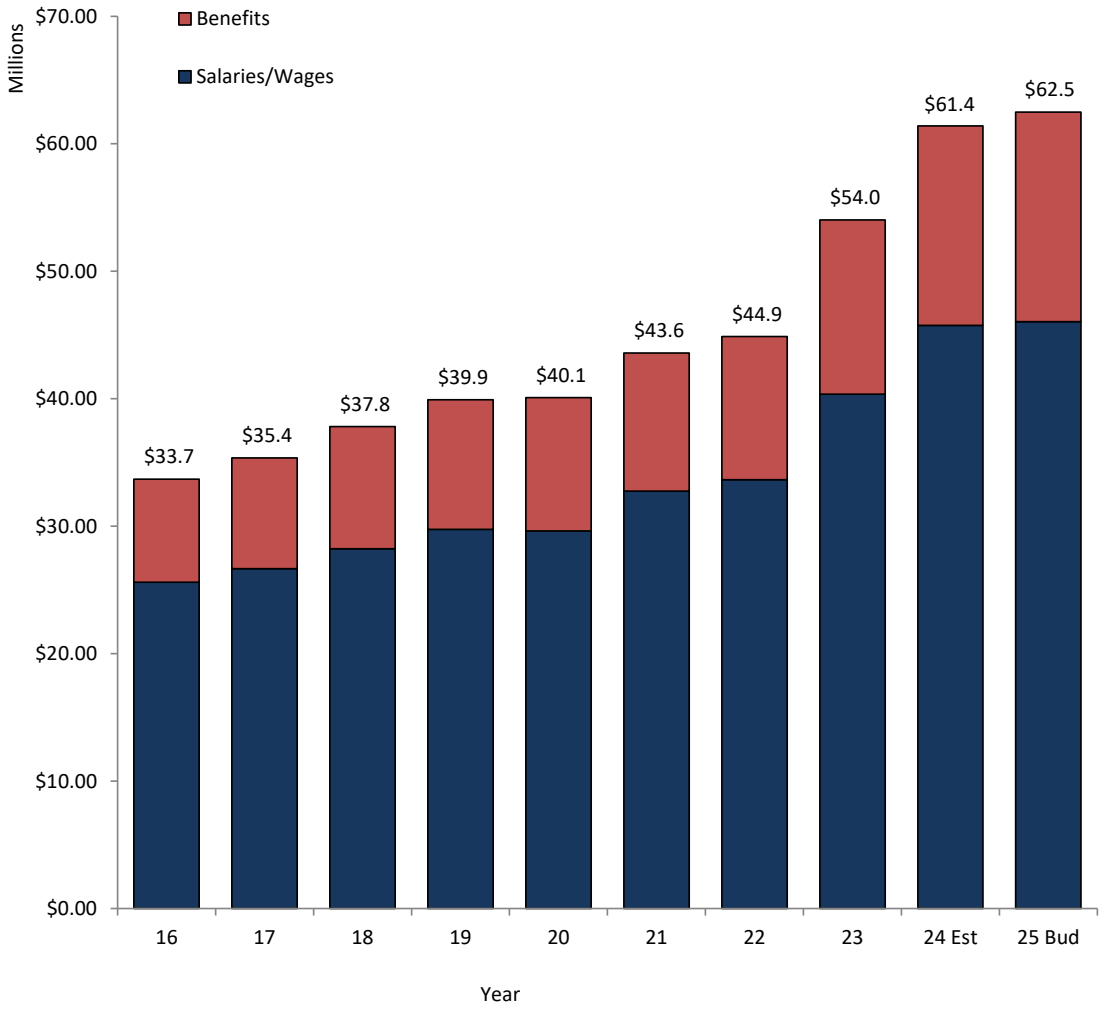


Uses of Funds by Category for 2025
$ 77,360,000

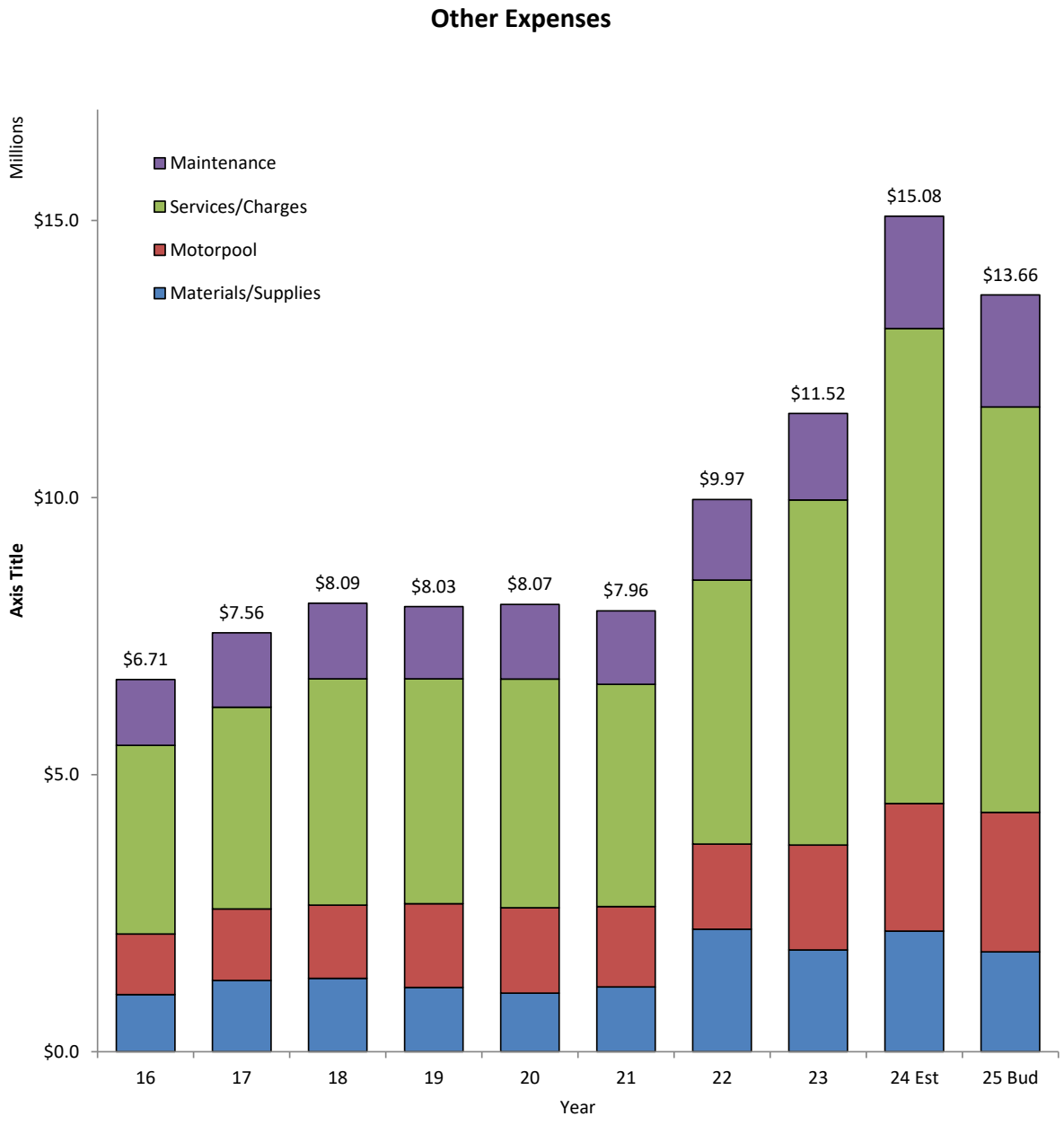


Personnel Services: Personnel Services represent the largest category of expense for the City's General Fund at 80.7%. Personnel Services include Salaries & Wages, Overtime, Insurance, Pension, and Worker's Compensation expenses. The Personnel Services category has averaged 6% growth per year from 2013 to 2023. A $1,543,475 contingency amount has been included in this budget for possible wage increases based on a salary survey due early next year.

Personnel Services



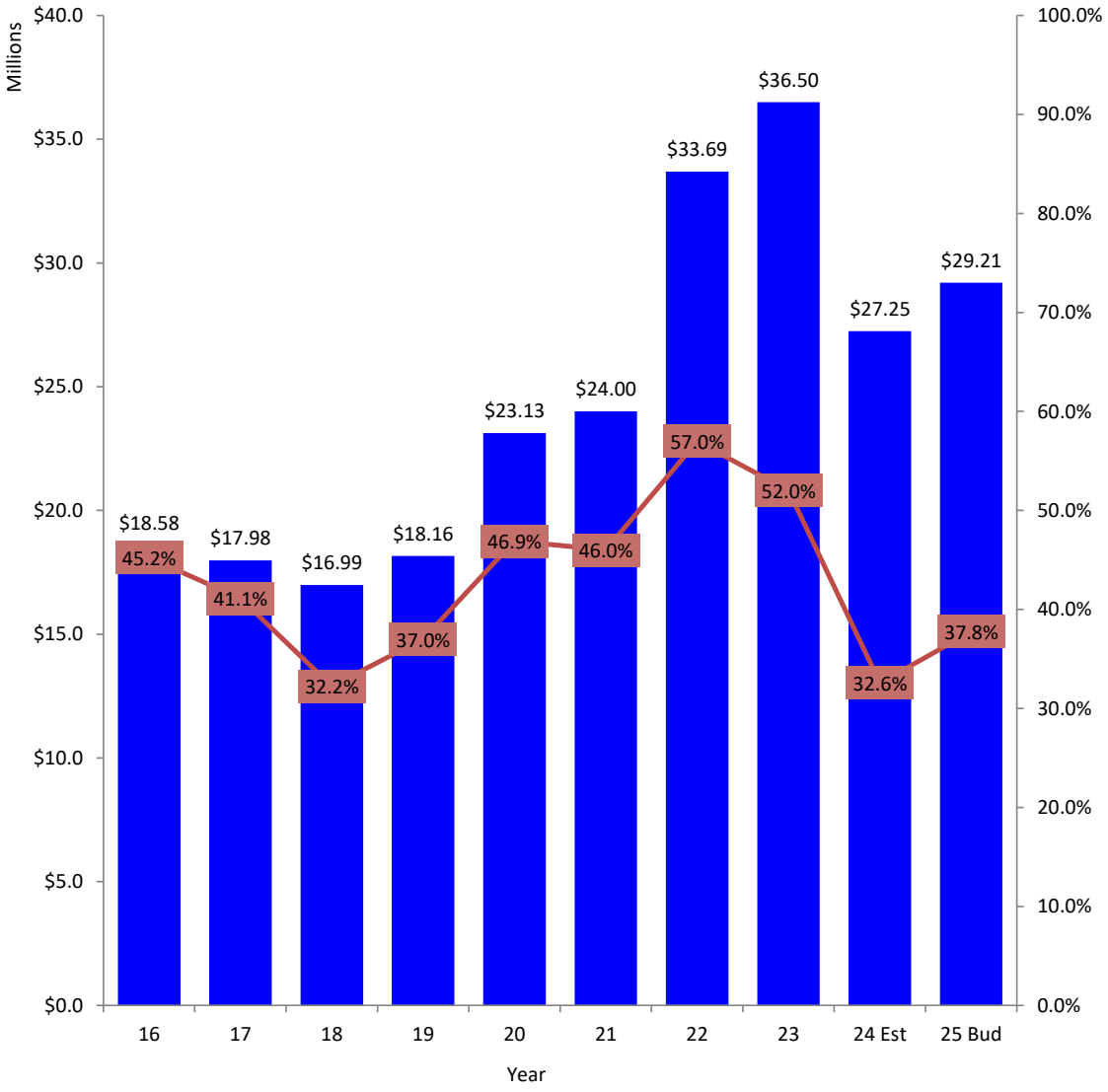
Other Expenses: All other expenses represent 19.3% of the General Fund expenditures for 2025. Major other expenses total 17.7% of the General Fund budget and include the Maintenance, Services & Charges, Materials & Supplies, and Motor Pool categories. The Services & Charges Category includes contract services, publications and dues, etc. and represents 9.5% of the total General Fund budget. The Materials & Supplies Category includes copier/printing charges, minor equipment, fuel, and office supplies and represents 2.3% of the total General Fund budget. The Maintenance Category includes building and grounds maintenance, software maintenance, and various other small maintenance accounts and is 2.6% of the total General Fund budget. The Motorpool Category represents 3.3% of the total General Fund budget.



General Fund - Fund Balance

The amount of minimum reserves to be maintained in undesignated fund balance for General Fund is sixty (60) days or 16.5% of annual regular general fund operating expenditures. The General Fund designation requirement was approved by the Fayetteville City Council on November 5, 2002 with Resolution 174-2002 and currently amounts to $12,764,400.

General Fund
Ending Undesignated Fund Balance and % of Expense



City of Fayetteville, Arkansas
2025 Operating Budget
General Fund (1010)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Sales Tax - County	$ 24,549,957	$ 26,621,000	$ 25,118,000	$ 25,872,000
Sales Tax - City	19,074,436	20,733,000	19,268,000	19,846,000
Property Taxes	4,828,384	5,328,000	5,328,000	6,071,000
Franchise Fees	7,483,450	7,775,500	7,780,000	7,848,000
Licenses & Permits	2,755,564	2,934,500	3,130,000	3,148,000
Alcoholic Beverage Taxes	1,294,182	1,402,000	1,245,000	1,270,000
Intergovernmental	4,027,186	5,539,813	5,948,813	3,762,000
Charges for Services	3,373,664	3,456,933	3,692,000	4,034,000
Fines & Forfeitures	963,741	993,000	1,123,000	1,123,000
Proceeds from Energy Loan	0	407,185	407,185	0
Investment Earnings	1,396,523	499,000	1,017,000	1,008,000
Other	403,651	341,284	377,002	339,000
Total Revenues	70,150,738	76,031,215	74,434,000	74,321,000
Expenses:				
General Government Activity	5,842,278	7,395,457	7,395,457	6,787,895
- Outside Agencies	1,764,046	1,818,132	1,818,132	1,862,203
- Salary Contingency	0	78,243	78,243	1,543,475
- Fayetteville Public Library	1,812,401	1,812,401	1,812,401	1,990,401
- Capital Improvements	2,553,746	37,509	37,509	0
- Cost Reimbursements	(2,695,542)	(3,269,796)	(3,269,796)	(3,269,796)
Police Activity	24,282,291	29,806,345	29,806,345	27,052,119
Fire Activity	18,324,147	18,868,214	18,868,214	19,729,436
Finance and Internal Services Activity	7,642,196	8,957,926	8,957,926	9,014,085
Community Planning & Engineering	5,793,078	7,180,095	7,180,095	7,160,861
Parks and Recreation Activity	3,864,035	4,862,991	4,862,991	4,880,170
Transfer to Parks Development	0	1,000,000	1,000,000	0
Transfer to Water & Sewer	0	4,000,000	4,000,000	0
Transfer to Drug Grant	232,716	383,510	383,510	398,151
Transfer to Shop	768,810	482,500	482,500	211,000
Transfer to Special Grants	0	35,941	35,941	0
Transfer to Community Development Block	0	237,358	237,358	0
Total Expenses	70,184,202	83,686,826	83,686,826	77,360,000
Income / (Loss)	$ (33,464)	$ (7,655,611)	$ (9,252,826)	$ (3,039,000)
Total Budget	$ 70,184,203	$ 83,686,826	$ 83,686,826	$ 77,360,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 33,344,857	$ 36,498,831	$ 36,498,831	$ 27,246,005
Income / (Loss)	(33,464)	(7,655,611)	(9,252,826)	(3,039,000)
Designated FB Change (Increase)	3,187,438	0	0	5,000,000
Ending Undesignated Fund Balance	$ 36,498,831	$ 28,843,220	$ 27,246,005	$ 29,207,005

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1010.015.0150 - Mayors Administration Program:				
EX10 - Personnel Services	284,822	309,335	309,335	321,868
EX20 - Materials & Supplies	2,545	5,450	5,450	5,450
EX30 - Services and Charges	44,971	63,954	63,954	63,997
EX40 - Maintenance	0	100	100	100
Total	332,338	378,839	378,839	391,415
1010.016.0160 - City Council Program:				
EX10 - Personnel Services	174,127	206,541	206,541	217,080
EX20 - Materials & Supplies	574	414	414	414
EX30 - Services and Charges	15,111	32,214	32,214	32,214
Total	189,812	239,169	239,169	249,708
1010.021.0210 - City Attorney Program:				
EX10 - Personnel Services	436,249	553,190	553,190	582,212
EX20 - Materials & Supplies	5,089	2,120	2,120	4,120
EX30 - Services and Charges	21,889	24,867	24,867	23,317
Total	463,227	580,177	580,177	609,649
1010.031.0310 - City Prosecutor Program:				
EX10 - Personnel Services	789,721	836,339	836,339	881,605
EX20 - Materials & Supplies	11,580	9,834	9,834	8,939
EX30 - Services and Charges	14,132	17,775	17,775	15,976
EX40 - Maintenance	8,507	13,551	13,551	16,346
Total	823,940	877,499	877,499	922,866
1010.036.1360 - Internal Audit Program:				
EX10 - Personnel Services	49,938	103,424	103,424	117,466
EX20 - Materials & Supplies	183	1,942	1,942	600
EX30 - Services and Charges	265	1,698	1,698	3,087
Total	50,387	107,064	107,064	121,153
1010.040.0400 - District Judge Program:				
EX20 - Materials & Supplies	13,184	42,486	42,486	50
EX30 - Services and Charges	99,614	108,871	108,871	108,871
EX40 - Maintenance	11,832	12,500	12,500	12,500
Total	124,630	163,857	163,857	121,421
1010.040.2010 - Criminal Cases Program:				
EX10 - Personnel Services	342,976	445,054	445,054	485,103
EX20 - Materials & Supplies	3,005	6,348	6,348	6,348
EX30 - Services and Charges	6,199	6,605	6,605	6,679
Total	352,181	458,007	458,007	498,130

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1010.040.2020 - Probation & Fine Collection Program:				
EX10 - Personnel Services	31,232	34,537	34,537	35,099
EX20 - Materials & Supplies	0	400	400	400
EX30 - Services and Charges	601	2,825	2,825	2,825
Total	31,833	37,762	37,762	38,324
1010.040.2030 - Small Claims & Civil Cases Program:				
EX10 - Personnel Services	352,269	429,011	429,011	437,032
EX20 - Materials & Supplies	3,233	4,100	4,100	4,100
EX30 - Services and Charges	342	1,800	1,800	1,800
EX40 - Maintenance	0	103	103	103
Total	355,844	435,014	435,014	443,035
1010.050.0500 - Economic Development Program:				
EX10 - Personnel Services	320,596	411,951	411,951	424,613
EX20 - Materials & Supplies	8,562	22,120	22,120	4,420
EX30 - Services and Charges	247,517	241,380	241,380	309,204
Total	576,674	675,451	675,451	738,237
1010.051.1510 - City Clerk/Treasurer Program:				
EX10 - Personnel Services	433,239	470,468	470,468	502,091
EX20 - Materials & Supplies	8,103	11,963	11,963	13,663
EX30 - Services and Charges	52,275	58,405	58,405	60,627
EX40 - Maintenance	1,499	915	915	1,215
Total	495,116	541,751	541,751	577,596
1010.055.0550 - Communications & Marketing Program:				
EX10 - Personnel Services	392,975	419,445	419,445	426,919
EX20 - Materials & Supplies	563	2,176	2,176	2,176
EX30 - Services and Charges	32,677	52,318	52,318	52,540
Total	426,214	473,939	473,939	481,635
1010.060.0600 - Media Services Program:				
EX10 - Personnel Services	296,252	298,891	298,891	317,723
EX20 - Materials & Supplies	1,787	8,346	8,346	7,119
EX30 - Services and Charges	33,105	62,030	62,030	47,509
EX33 - Motorpool	1,677	1,311	1,311	1,782
EX40 - Maintenance	884	2,100	2,100	2,100
Total	333,705	372,678	372,678	376,233

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1010.070.0700 - Chief of Staff Program:				
EX10 - Personnel Services	146,084	227,446	227,446	230,955
EX20 - Materials & Supplies	2,686	6,900	6,900	1,900
EX30 - Services and Charges	50,299	57,644	57,644	32,244
Total	199,069	291,990	291,990	265,099
1010.080.5240 - Library Program:				
EX70 - Transfers to Outside Entities	1,812,401	1,812,401	1,812,401	1,990,401
Total	1,812,401	1,812,401	1,812,401	1,990,401
1010.090.6600 - Miscellaneous Program:				
EX10 - Personnel Services	0	78,243	78,243	1,543,475
EX20 - Materials & Supplies	11,611	10,694	10,694	10,394
EX30 - Services and Charges	703,490	1,432,629	1,432,629	895,973
EX39 - Cost Allocation	(2,695,542)	(3,269,796)	(3,269,796)	(3,269,796)
EX40 - Maintenance	6,871	23,458	23,458	23,458
EX50 - Debt Service	302,462	0	0	0
EX70 - Transfers to Outside Entities	1,764,046	1,818,132	1,818,132	1,862,203
EX80 - Capital	2,570,144	332,988	332,988	23,569
EX90 - Miscellaneous	274	0	0	0
EX95 - Non-Operating Interest	46,201	0	0	0
EX96 - Operating Transfers Out	768,810	5,719,858	5,719,858	211,000
Total	3,478,367	6,146,206	6,146,206	1,300,276
1010.110.1100 - Chief Financial Officer Program:				
EX10 - Personnel Services	352,519	372,810	372,810	378,857
EX20 - Materials & Supplies	2,347	465	465	465
EX30 - Services and Charges	8,110	10,695	10,695	11,048
Total	362,976	383,970	383,970	390,370
1010.120.1210 - Human Resource Operations Program:				
EX10 - Personnel Services	640,454	722,801	722,801	707,966
EX20 - Materials & Supplies	19,469	8,292	8,292	6,292
EX30 - Services and Charges	4,689	28,300	28,300	20,494
EX40 - Maintenance	0	500	500	0
Total	664,613	759,893	759,893	734,752
1010.120.1220 - Employee Benefits/Services Program:				
EX10 - Personnel Services	410,407	536,792	536,792	616,000
EX20 - Materials & Supplies	0	42,050	42,050	50
EX30 - Services and Charges	195,509	421,094	421,094	259,640
EX40 - Maintenance	59,021	69,216	69,216	73,065
Total	664,937	1,069,152	1,069,152	948,755

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1010.131.1310 - Accounting & Audit Program:				
EX10 - Personnel Services	1,098,548	1,108,839	1,108,839	1,131,560
EX20 - Materials & Supplies	15,195	20,000	20,000	9,500
EX30 - Services and Charges	49,505	62,166	62,166	72,961
EX40 - Maintenance	0	1,000	1,000	1,000
Total	1,163,248	1,192,005	1,192,005	1,215,021
1010.133.1330 - Budget & Information Management Program:				
EX10 - Personnel Services	335,621	416,896	416,896	446,782
EX20 - Materials & Supplies	5,361	3,849	3,849	3,849
EX30 - Services and Charges	8,252	10,457	10,457	10,457
EX40 - Maintenance	32	38	38	38
Total	349,267	431,240	431,240	461,126
1010.140.1410 - General Maintenance Program:				
EX10 - Personnel Services	592,345	647,293	647,293	683,935
EX20 - Materials & Supplies	23,546	15,085	15,085	24,957
EX30 - Services and Charges	29,671	35,852	35,852	35,070
EX33 - Motorpool	16,175	23,962	23,962	25,237
EX40 - Maintenance	44,645	50,152	50,152	53,652
Total	706,383	772,344	772,344	822,851
1010.140.1420 - Janitorial Program:				
EX10 - Personnel Services	360,080	408,646	408,646	398,726
EX20 - Materials & Supplies	36,088	42,094	42,094	40,094
EX30 - Services and Charges	34,390	45,670	45,670	45,670
EX40 - Maintenance	492	400	400	400
Total	431,050	496,810	496,810	484,890
1010.160.1610 - Purchasing Program:				
EX10 - Personnel Services	411,357	433,410	433,410	440,350
EX20 - Materials & Supplies	2,697	7,790	7,790	4,240
EX30 - Services and Charges	30,390	47,509	47,509	51,059
EX50 - Debt Service	19,260	0	0	0
Total	463,703	488,709	488,709	495,649
1010.170.1710 - Information Technology Program:				
EX10 - Personnel Services	1,293,430	1,579,584	1,579,584	1,614,303
EX20 - Materials & Supplies	26,329	36,176	36,176	30,523
EX30 - Services and Charges	434,705	530,816	530,816	564,455
EX33 - Motorpool	15,743	15,997	15,997	18,633
EX40 - Maintenance	541,668	613,750	613,750	642,450
Total	2,311,875	2,776,323	2,776,323	2,870,364

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1010.170.1720 - GIS Program:				
EX10 - Personnel Services	450,817	507,452	507,452	506,977
EX20 - Materials & Supplies	1,587	1,750	1,750	2,750
EX30 - Services and Charges	14,988	15,220	15,220	17,220
EX33 - Motorpool	913	1,208	1,208	1,510
EX40 - Maintenance	557	61,850	61,850	61,850
EX50 - Debt Service	55,281	0	0	0
Total	524,143	587,480	587,480	590,307
1010.200.2900 - Police Support Services Program:				
EX10 - Personnel Services	3,245,896	3,779,605	3,779,605	3,824,053
EX20 - Materials & Supplies	121,476	125,358	125,358	113,103
EX30 - Services and Charges	635,118	779,163	779,163	826,376
EX33 - Motorpool	12,603	13,411	13,411	15,584
EX40 - Maintenance	255,918	345,181	345,181	355,201
EX96 - Operating Transfers Out	232,716	383,510	383,510	398,151
Total	4,503,727	5,426,228	5,426,228	5,532,468
1010.200.2920 - Police Projects Program:				
EX10 - Personnel Services	437,089	2,031,152	2,031,152	0
EX20 - Materials & Supplies	277,752	152,042	152,042	0
EX30 - Services and Charges	159,332	386,184	386,184	0
EX33 - Motorpool	15,137	0	0	0
EX70 - Transfers to Outside Entities	14,804	75,628	75,628	0
EX80 - Capital	207,997	302,572	302,572	0
Total	1,112,111	2,947,578	2,947,578	0
1010.200.2940 - Police Patrol Program:				
EX10 - Personnel Services	14,763,248	17,200,091	17,200,091	17,239,708
EX20 - Materials & Supplies	378,299	489,283	489,283	435,438
EX30 - Services and Charges	571,998	533,093	533,093	474,384
EX33 - Motorpool	913,345	1,207,340	1,207,340	1,203,133
EX40 - Maintenance	57,226	52,024	52,024	55,776
Total	16,684,115	19,481,831	19,481,831	19,408,439
1010.260.2600 - Central Dispatch Program:				
EX10 - Personnel Services	1,825,904	2,041,218	2,041,218	2,308,123
EX20 - Materials & Supplies	11,161	10,650	10,650	10,650
EX30 - Services and Charges	334,037	117,551	117,551	103,251
EX33 - Motorpool	22,567	22,362	22,362	29,602
EX40 - Maintenance	21,386	142,437	142,437	57,737
Total	2,215,055	2,334,218	2,334,218	2,509,363

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1010.300.3010 - Fire Prevention Program:				
EX10 - Personnel Services	1,011,385	999,795	999,795	1,098,025
EX20 - Materials & Supplies	57,359	53,175	53,175	36,710
EX30 - Services and Charges	13,175	18,475	18,475	18,475
EX33 - Motorpool	53,358	64,492	64,492	71,016
Total	1,135,278	1,135,937	1,135,937	1,224,226
1010.300.3020 - Fire Operations Program:				
EX10 - Personnel Services	14,732,441	15,031,751	15,031,751	15,484,237
EX20 - Materials & Supplies	240,481	333,011	333,011	381,645
EX30 - Services and Charges	861,168	1,043,240	1,043,240	998,352
EX33 - Motorpool	455,299	497,076	497,076	649,210
EX40 - Maintenance	229,454	203,272	203,272	297,272
EX96 - Operating Transfers Out	0	35,941	35,941	0
Total	16,518,844	17,144,291	17,144,291	17,810,716
1010.300.3030 - Fire Training Program:				
EX10 - Personnel Services	553,665	479,887	479,887	563,479
EX20 - Materials & Supplies	31,248	31,622	31,622	30,752
EX30 - Services and Charges	20,507	27,000	27,000	27,000
EX33 - Motorpool	20,474	22,666	22,666	27,883
EX40 - Maintenance	0	1,000	1,000	0
Total	625,894	562,175	562,175	649,114
1010.300.3040 - Fire Hazardous Materials Program:				
EX20 - Materials & Supplies	17,782	18,002	18,002	12,036
EX30 - Services and Charges	6,912	19,173	19,173	8,039
EX33 - Motorpool	17,797	21,577	21,577	22,305
EX40 - Maintenance	1,641	3,000	3,000	3,000
Total	44,132	61,752	61,752	45,380
1010.520.0710 - Arts and Culture Program:				
EX10 - Personnel Services	117,592	144,498	144,498	157,590
EX20 - Materials & Supplies	30	6,950	6,950	200
EX30 - Services and Charges	144,011	175,458	175,458	174,258
Total	261,633	326,906	326,906	332,048
1010.520.5210 - Swimming Pool Program:				
EX10 - Personnel Services	98,346	119,378	119,378	125,887
EX20 - Materials & Supplies	22,193	28,351	28,351	51,101
EX30 - Services and Charges	41,585	48,888	48,888	54,844
EX40 - Maintenance	5,090	5,884	5,884	5,884
Total	167,215	202,501	202,501	237,716

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1010.520.5220 - Parks Admin/Rec Programs Program:				
EX10 - Personnel Services	843,564	984,309	984,309	1,021,635
EX20 - Materials & Supplies	93,336	107,592	107,592	117,992
EX30 - Services and Charges	256,680	293,260	293,260	325,953
EX33 - Motorpool	12,827	15,013	15,013	16,660
Total	1,206,407	1,400,174	1,400,174	1,482,240
1010.520.5250 - Lake Maintenance Program:				
EX20 - Materials & Supplies	0	5,066	5,066	5,008
EX30 - Services and Charges	73,374	83,388	83,388	85,185
EX40 - Maintenance	6,094	7,236	7,236	7,236
Total	79,469	95,690	95,690	97,429
1010.520.5260 - Parks Maintenance Program:*				
EX10 - Personnel Services	542,575	0	0	0
EX20 - Materials & Supplies	147,982	0	0	0
EX30 - Services and Charges	559,509	0	0	0
EX33 - Motorpool	184,642	0	0	0
EX39 - Cost Allocation	(8,094)	0	0	0
EX40 - Maintenance	287,911	0	0	0
EX80 - Capital	48,555	0	0	0
Total	1,763,080	0	0	0
1010.520.5280 - Yvonne Richardson Community Ctr Program:				
EX10 - Personnel Services	290,642	340,453	340,453	343,010
EX20 - Materials & Supplies	15,094	22,987	22,987	23,209
EX30 - Services and Charges	77,581	129,954	129,954	63,233
EX33 - Motorpool	2,177	1,565	1,565	1,688
EX40 - Maintenance	738	4,500	4,500	4,500
Total	386,232	499,459	499,459	435,640
1010.521.5260 - Parks Maintenance Program:*				
EX10 - Personnel Services	0	737,740	737,740	767,090
EX20 - Materials & Supplies	0	172,848	172,848	172,346
EX30 - Services and Charges	0	870,990	870,990	788,905
EX33 - Motorpool	0	226,959	226,959	242,836
EX39 - Cost Allocation	0	(9,680)	(9,680)	(9,680)
EX40 - Maintenance	0	330,404	330,404	333,600
EX80 - Capital	0	9,000	9,000	0
Total	0	2,338,261	2,338,261	2,295,097

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1010.610.6100 - Public Works Director Program:				
EX10 - Personnel Services	192,059	204,266	204,266	207,823
EX30 - Services and Charges	931	4,367	4,367	4,444
Total	192,990	208,633	208,633	212,267
1010.620.6200 - Development Services Director Program:				
EX10 - Personnel Services	331,720	402,154	402,154	376,968
EX20 - Materials & Supplies	1,184	10,250	10,250	850
EX30 - Services and Charges	4,669	8,050	8,050	38,388
Total	337,574	420,454	420,454	416,206
1010.621.6220 - Eng Operations & Admin Program:				
EX10 - Personnel Services	830,487	1,046,046	1,046,046	1,084,983
EX20 - Materials & Supplies	23,070	28,276	28,276	45,121
EX30 - Services and Charges	57,307	64,659	64,659	103,791
EX33 - Motorpool	11,360	11,016	11,016	12,169
EX40 - Maintenance	0	230	230	230
Total	922,223	1,150,227	1,150,227	1,246,294
1010.621.6230 - Engineering Land Acquisition Program:				
EX10 - Personnel Services	53,182	71,552	71,552	74,219
EX30 - Services and Charges	25	850	850	850
Total	53,207	72,402	72,402	75,069
1010.621.6240 - Engineering Public Construction Program:				
EX10 - Personnel Services	385,645	458,637	458,637	462,515
EX20 - Materials & Supplies	17,548	12,487	12,487	12,990
EX30 - Services and Charges	2,100	3,275	3,275	3,275
EX33 - Motorpool	29,933	32,486	32,486	38,479
Total	435,226	506,885	506,885	517,259
1010.630.6300 - Development Review Program:				
EX10 - Personnel Services	586,848	653,416	653,416	653,294
EX20 - Materials & Supplies	13,426	11,411	11,411	10,909
EX30 - Services and Charges	11,682	35,381	35,381	35,381
EX33 - Motorpool	10,355	11,050	11,050	12,405
Total	622,310	711,258	711,258	711,989
1010.630.6305 - Planning Commission Program:				
EX10 - Personnel Services	43,598	43,599	43,599	43,599
EX30 - Services and Charges	1,501	3,739	3,739	3,549
Total	45,100	47,338	47,338	47,148

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1010.631.6310 - Sustainability & Resilience Program:				
EX10 - Personnel Services	278,296	277,062	277,062	282,004
EX20 - Materials & Supplies	690	3,900	3,900	3,900
EX30 - Services and Charges	115,353	214,284	214,284	230,198
Total	394,338	495,246	495,246	516,102
1010.634.6340 - Long Range Planning Program:				
EX10 - Personnel Services	201,564	214,859	214,859	218,673
EX20 - Materials & Supplies	258	4,400	4,400	3,900
EX30 - Services and Charges	4,022	5,256	5,256	7,906
Total	205,844	224,515	224,515	230,479
1010.640.6400 - Building Safety Program:				
EX10 - Personnel Services	953,494	1,271,727	1,271,727	1,307,126
EX20 - Materials & Supplies	20,097	79,765	79,765	24,432
EX30 - Services and Charges	48,726	207,343	207,343	84,250
EX33 - Motorpool	39,037	48,799	48,799	62,941
Total	1,061,355	1,607,634	1,607,634	1,478,749
1010.642.6420 - CR Admin/Planning Program:				
EX10 - Personnel Services	212,118	222,561	222,561	226,227
EX20 - Materials & Supplies	3,285	1,450	1,450	700
EX30 - Services and Charges	9,670	16,212	16,212	16,212
EX33 - Motorpool	1,466	1,193	1,193	0
Total	226,539	241,416	241,416	243,139
1010.671.2710 - Animal Patrol/Emergency Response Program:				
EX10 - Personnel Services	423,285	429,953	429,953	455,441
EX20 - Materials & Supplies	30,183	25,046	25,046	21,105
EX30 - Services and Charges	10,598	13,422	13,422	12,922
EX33 - Motorpool	58,280	61,114	61,114	64,942
EX40 - Maintenance	0	1,460	1,460	215
Total	522,345	530,995	530,995	554,625
1010.671.2720 - Animal Shelter Program:				
EX10 - Personnel Services	392,327	453,237	453,237	522,525
EX20 - Materials & Supplies	23,321	25,551	25,551	28,851
EX30 - Services and Charges	58,483	73,777	73,777	77,557
EX40 - Maintenance	7,966	11,656	11,656	11,156
Total	482,097	564,221	564,221	640,089

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
General Fund (1010)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1010.671.2730 - Veterinarian/Clinic Program:				
EX10 - Personnel Services	181,735	199,093	199,093	201,799
EX20 - Materials & Supplies	69,031	65,837	65,837	65,837
EX30 - Services and Charges	2,837	3,360	3,360	3,360
EX40 - Maintenance	0	450	450	450
Total	253,603	268,740	268,740	271,446
1010.671.2740 - Animal Services Projects Program:				
EX20 - Materials & Supplies	13,558	38,599	38,599	0
EX30 - Services and Charges	9,513	20,198	20,198	0
EX40 - Maintenance	15,257	68,800	68,800	0
EX80 - Capital	0	2,534	2,534	0
Total	38,328	130,131	130,131	0
Budget Total	$ 70,184,203	$ 83,686,826	$ 83,686,826	$ 77,360,000

*Changed division code in 2024.

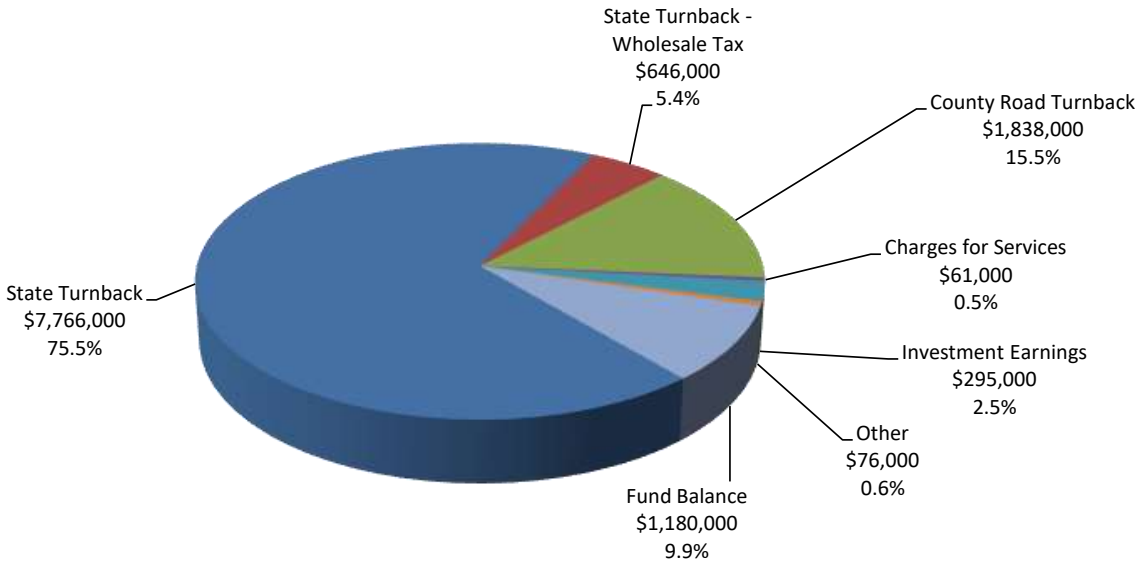
Street Fund (2100)

The Street Fund is primarily financed by turnback revenues received from the State of Arkansas, turnback monies received from the County Road Millage Tax, and turnback revenues from the wholesale sales tax on motor fuel and distillate special fuel which began in 2019. In 2023 the state began consolidating net turnback with the half cent sales tax. These monies are utilized to maintain and repair City streets, rights-of-way, drainage, traffic control and maintenance, and City owned sidewalks.

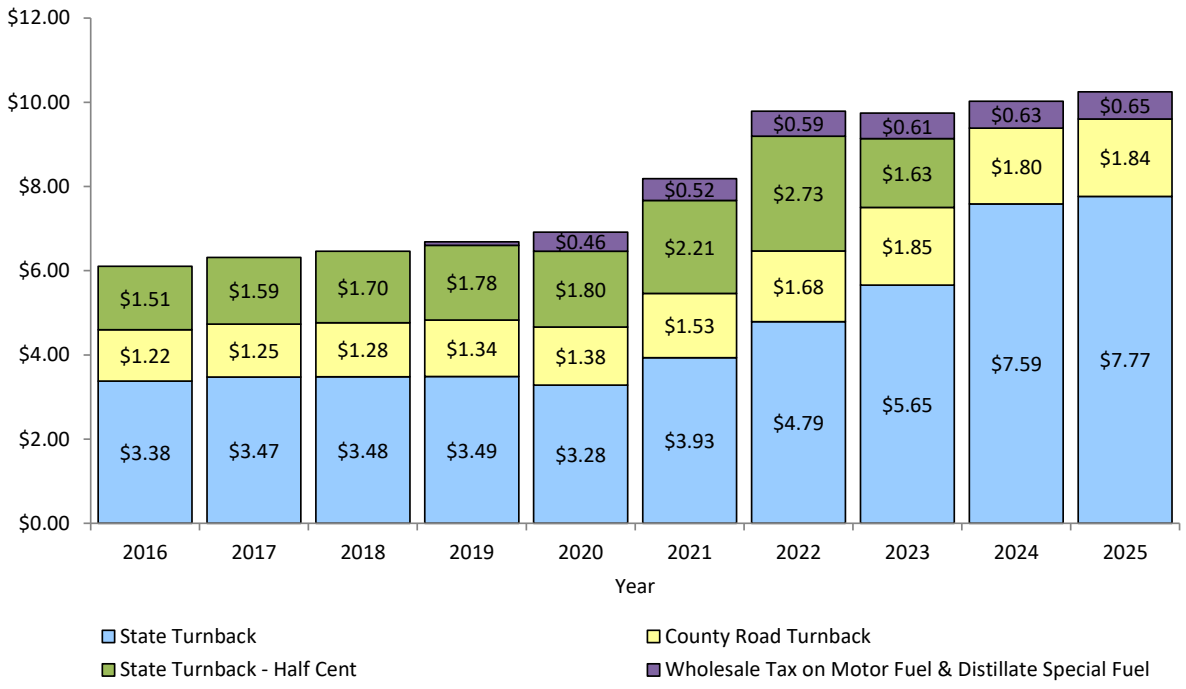
Street Fund Revenues

The majority of revenues for the Street Fund are motor fuel taxes collected by the State of Arkansas (state turnback) and returned to the City on a per capita basis. The City also receives state turnback from the state's half cent sales tax. In addition, the City receives 80% of the road millage levied by the Quorum Court on real and personal property located within the City. The current county levy is 1.1 mills. The county maximum allowable is 3.0 mills.

Sources of Funds for 2025
$11,862,000



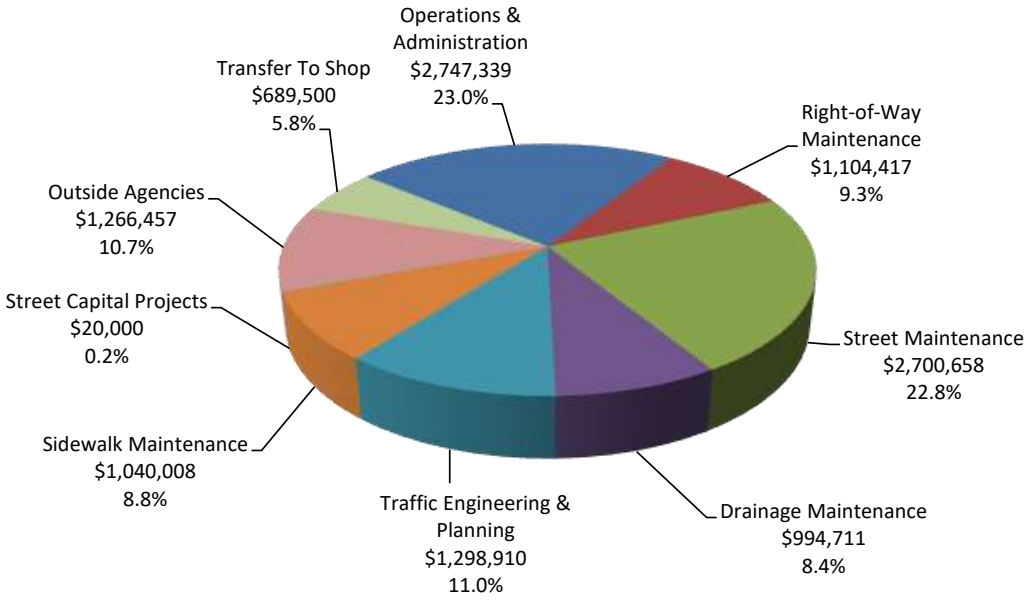
Street Fund Revenue History



Street Fund Expenses

The primary purpose of funds expended from the Street Fund relate to the maintenance, repair and construction of streets within the City of Fayetteville. Associated drainage maintenance activities as well as street sweeping are also programs supported by the Street Fund.

Uses of Funds for 2025
$11,862,000



City of Fayetteville, Arkansas
2025 Operating Budget
Street Fund (2100)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
State Turnback	$ 7,288,233	$ 7,603,000	$ 7,587,000	$ 7,766,000
State Turnback - Wholesale Tax (Act 416)	609,325	634,000	633,000	646,000
County Road Turnback	1,846,051	1,785,000	1,802,000	1,838,000
Charges for Services	18,536	50,000	61,000	61,000
Investment Earnings	473,270	180,000	289,000	295,000
Other	91,903	92,000	76,000	76,000
Total Revenues	10,327,318	10,344,000	10,448,000	10,682,000
Expenses:				
Operations & Administration	2,254,252	2,724,300	2,724,300	2,747,339
Right-of-Way Maintenance	695,461	1,022,959	1,022,959	1,104,417
Street Maintenance	1,588,629	2,677,399	2,677,399	2,700,658
Drainage Maintenance	510,106	831,451	831,451	994,711
Traffic Engineering & Planning	1,044,280	1,283,759	1,283,759	1,298,910
Street Capital Projects	832,836	2,368,175	2,368,175	20,000
Street & Trail Construction	0	62,699	62,699	0
Sidewalk Maintenance	413,543	664,567	664,567	1,040,008
Outside Agencies	1,043,830	1,204,593	1,204,593	1,266,457
Transfer to Shop	400,036	114,626	114,626	689,500
Total Expenses	8,782,973	12,954,528	12,954,528	11,862,000
Income / (Loss)	$ 1,544,345	$ (2,610,528)	$ (2,506,528)	$ (1,180,000)
Total Budget	$ 8,782,973	$ 12,954,528	$ 12,954,528	$ 11,862,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 9,847,520	$ 11,391,865	$ 11,391,865	$ 8,885,337
Income / (Loss)	1,544,345	(2,610,528)	(2,506,528)	(1,180,000)
Ending Undesignated Fund Balance	$ 11,391,865	$ 8,781,337	$ 8,885,337	$ 7,705,337

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Street Fund (2100)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2100.410.4100 - Operations & Administration Program:				
EX10 - Personnel Services	1,007,695	1,092,889	1,092,889	1,162,879
EX20 - Materials & Supplies	40,921	50,614	50,614	48,392
EX30 - Services and Charges	1,014,550	1,349,069	1,349,069	1,397,571
EX33 - Motorpool	13,579	15,640	15,640	17,528
EX39 - Cost Allocation	64,764	78,564	78,564	78,564
EX40 - Maintenance	18,655	120,380	120,380	42,405
EX70 - Transfers to Outside Entities	1,043,830	1,204,593	1,204,593	1,266,457
EX80 - Capital	94,088	17,144	17,144	0
Total	3,298,082	3,928,893	3,928,893	4,013,796
2100.410.4110 - Right-of-Way Maintenance Program:				
EX10 - Personnel Services	386,028	615,847	615,847	622,208
EX20 - Materials & Supplies	53,766	110,392	110,392	98,814
EX30 - Services and Charges	80,375	104,775	104,775	167,910
EX33 - Motorpool	169,883	188,145	188,145	211,685
EX40 - Maintenance	5,409	3,800	3,800	3,800
EX96 - Operating Transfers Out	66,235	0	0	0
Total	761,696	1,022,959	1,022,959	1,104,417
2100.410.4120 - Street Maintenance Program:				
EX10 - Personnel Services	681,705	1,251,308	1,251,308	1,361,964
EX20 - Materials & Supplies	212,041	404,449	404,449	319,665
EX30 - Services and Charges	598	167,904	167,904	12,000
EX33 - Motorpool	1,295,767	1,387,224	1,387,224	1,540,515
EX39 - Cost Allocation	(607,740)	(647,446)	(647,446)	(647,446)
EX40 - Maintenance	6,257	13,960	13,960	13,960
EX80 - Capital	0	100,000	100,000	100,000
EX96 - Operating Transfers Out	333,801	114,626	114,626	0
Total	1,922,430	2,792,025	2,792,025	2,700,658
2100.410.4130 - Drainage Maintenance Program:				
EX10 - Personnel Services	261,177	488,555	488,555	554,088
EX20 - Materials & Supplies	46,985	120,671	120,671	205,383
EX30 - Services and Charges	7,471	8,000	8,000	11,000
EX33 - Motorpool	193,829	210,351	210,351	220,366
EX40 - Maintenance	644	3,874	3,874	3,874
Total	510,106	831,451	831,451	994,711

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Street Fund (2100)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2100.410.5315 - Traffic Engineering & Planning Program:				
EX10 - Personnel Services	560,765	668,454	668,454	681,806
EX20 - Materials & Supplies	246,528	288,128	288,128	281,480
EX30 - Services and Charges	0	2,000	2,000	2,000
EX33 - Motorpool	80,627	85,681	85,681	88,124
EX40 - Maintenance	156,361	239,496	239,496	245,500
Total	1,044,280	1,283,759	1,283,759	1,298,910
2100.410.5500 - Street Capital Projects Program:				
EX30 - Services and Charges	0	304,090	304,090	0
EX40 - Maintenance	0	34,970	34,970	0
EX80 - Capital	832,836	2,029,115	2,029,115	20,000
Total	832,836	2,368,175	2,368,175	20,000
2100.410.5520 - Street & Trail Construction Program:				
EX10 - Personnel Services	(0)	62,699	62,699	0
EX20 - Materials & Supplies	36,928	76,550	76,550	61,240
EX33 - Motorpool	200,301	227,683	227,683	228,495
EX39 - Cost Allocation	(237,229)	(304,233)	(304,233)	(289,735)
Total	(0)	62,699	62,699	0
2100.410.5530 - Sidewalks Program:				
EX10 - Personnel Services	220,450	384,560	384,560	600,429
EX20 - Materials & Supplies	47,868	55,835	55,835	76,287
EX33 - Motorpool	157,320	231,402	231,402	364,522
EX39 - Cost Allocation	(18,081)	(16,230)	(16,230)	(16,230)
EX40 - Maintenance	5,986	9,000	9,000	15,000
EX96 - Operating Transfers Out	0	0	0	689,500
Total	413,543	664,567	664,567	1,729,508
Budget Total	$ 8,782,973	$ 12,954,528	$ 12,954,528	$ 11,862,000

(Page Left Blank Intentionally)

Parking Fund (2130)

The Parking Fund accounts for funds received from meter revenues and parking lot rentals in the Downtown and Entertainment Districts. Expenses for the maintenance and operation of parking lots and parking spaces are paid from this fund.

The Parking Fund is also used to pay debt service for the 2012 Parking Improvements Revenue Bond Issue.

For 2025, this fund is expected to have an increase in fund balance of $13,000.

City of Fayetteville, Arkansas
2025 Operating Budget
Parking Fund (2130)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Downtown District Parking Revenue	$ 738,146	$ 803,000	$ 824,500	$ 840,500
Entertainment District Parking Revenue	1,089,008	1,002,000	1,057,000	1,123,000
West Parking Deck Parking Revenue	24,673	567,000	310,000	298,000
Investment Earnings	140,757	31,000	135,500	56,500
Other	4,729	1,000	2,000	28,000
Total Revenues	1,997,313	2,404,000	2,329,000	2,346,000
Expenses:				
Downtown District Parking	886,848	963,831	963,831	1,030,754
Entertainment District Parking	284,190	360,046	360,046	436,756
Spring Street Municipal Parking Deck	104,210	114,755	114,755	119,940
Parking Management Projects	360,295	579,938	579,938	90,000
West Avenue Parking Deck	0	137,750	137,750	149,550
Downtown Fayetteville Coalition	0	125,000	125,000	125,000
Transfer to Parking Deck Bond	378,600	384,000	384,000	381,000
Total Expenses	2,014,143	2,665,320	2,665,320	2,333,000
Income / (Loss)	$ (16,830)	$ (261,320)	$ (336,320)	$ 13,000
Total Budget	$ 2,014,143	$ 2,665,320	$ 2,665,320	$ 2,333,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 2,185,776	$ 2,168,946	$ 2,168,946	$ 1,832,626
Income / (Loss)	(16,830)	(261,320)	(336,320)	13,000
Ending Undesignated Fund Balance	$ 2,168,946	$ 1,907,626	$ 1,832,626	$ 1,845,626

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Parking Fund (2130)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2130.430.9130 - Off-Street Parking Program:				
EX10 - Personnel Services	479,447	526,941	526,941	554,177
EX20 - Materials & Supplies	102,235	110,319	110,319	25,001
EX30 - Services and Charges	145,281	155,569	155,569	237,872
EX33 - Motorpool	6,420	6,324	6,324	7,026
EX39 - Cost Allocation	8,844	10,728	10,728	10,728
EX40 - Maintenance	7,355	13,950	13,950	13,950
EX70 - Transfers to Outside Entities	137,266	140,000	140,000	182,000
Total	886,848	963,831	963,831	1,030,754
2130.430.9131 - Entertainment District Parking Program:				
EX10 - Personnel Services	114,183	227,390	227,390	240,836
EX20 - Materials & Supplies	6,609	7,097	7,097	6,698
EX30 - Services and Charges	154,076	110,021	110,021	175,115
EX33 - Motorpool	4,058	6,890	6,890	5,459
EX40 - Maintenance	5,264	8,648	8,648	8,648
EX70 - Transfers to Outside Entities	0	125,000	125,000	125,000
Total	284,190	485,046	485,046	561,756
2130.430.9132 - Spring St Municipal Parking Deck Program:				
EX10 - Personnel Services	38,106	47,404	47,404	48,839
EX30 - Services and Charges	66,104	67,251	67,251	71,101
EX40 - Maintenance	0	100	100	0
EX96 - Operating Transfers Out	378,600	384,000	384,000	381,000
Total	482,810	498,755	498,755	500,940
2130.430.9133 - Parking Management Projects Program:				
EX20 - Materials & Supplies	335,294	113,457	113,457	15,000
EX30 - Services and Charges	0	63,341	63,341	20,000
EX80 - Capital	25,001	403,140	403,140	55,000
Total	360,295	579,938	579,938	90,000
2130.430.9135 - West Avenue Parking Deck Program:				
EX30 - Services and Charges	0	137,750	137,750	149,550
Total	0	137,750	137,750	149,550
Budget Total	$ 2,014,143	$ 2,665,320	$ 2,665,320	$ 2,333,000

(Page Left Blank Intentionally)

Residential District Parking Fund (2134)

The Residential District Parking Fund accounts for funds received from meter revenues in the Wilson Park South Neighborhood. Expenses for the maintenance and operation of parking lots and parking spaces are paid from this fund.

City of Fayetteville, Arkansas
2025 Operating Budget
Residential District Parking Fund (2134)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 2,199	$ 0	$ 1,500	$ 0
Wilson Park South Neighborhood Revenue	32,948	36,000	33,500	35,000
Total Revenues	35,147	36,000	35,000	35,000
Expenses:				
Wilson Park South Neighborhood	4,980	11,000	11,000	12,000
Total Expenses	4,980	11,000	11,000	12,000
Income / (Loss)	$ 30,167	$ 25,000	$ 24,000	$ 23,000
Total Budget	$ 4,980	$ 11,000	$ 11,000	$ 12,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 27,245	$ 57,412	$ 57,412	$ 81,412
Income / (Loss)	30,167	25,000	24,000	23,000
Ending Undesignated Fund Balance	$ 57,412	$ 82,412	$ 81,412	$ 104,412

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Residential District Parking Fund (2134)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2134.430.9134 - Wilson Park South Neighborhood Program:				
EX10 - Personnel Services	0	6,691	6,691	6,691
EX20 - Materials & Supplies	45	500	500	500
EX30 - Services and Charges	4,935	3,809	3,809	4,809
Total	4,980	11,000	11,000	12,000
Budget Total	$ 4,980	$ 11,000	$ 11,000	$ 12,000

(Page Left Blank Intentionally)

Community Development Block Grant Fund (2180)

The Community Development Block Grant Fund accounts for the community development grant funds received from the Federal Department of Housing and Urban Development. Amounts budgeted in 2025 represent the expected grant award.

In November 2015, the City received Special Needs Assistance Programs (SNAPS) grants from the Department of Housing and Urban Development for homeless assistance in the Fayetteville area. From that time forward, the City of Fayetteville has continued to administer that program.

City of Fayetteville, Arkansas
2025 Operating Budget
Community Development Block Grant Fund (2180)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Endeavor Grant Funding	$ 25,000	$ 0	$ 0	$ 0
Community Development Grant Funding	1,198,937	1,972,819	1,972,819	753,000
SNAPS HEARTH Grant Funding	215,409	1,267,701	1,267,701	320,000
CDBG Program Income	2,439	0	1,000	0
HUD HOME Investment Partnership 2023	0	926,433	926,433	400,000
Transfer from General	0	237,358	237,358	0
Other	11,233	20,000	7,000	20,000
Total Revenues	1,453,018	4,424,311	4,412,311	1,493,000
Expenses:				
Administration & Planning	103,229	279,264	279,264	131,291
Housing Services	512,705	1,036,884	1,036,884	439,706
Redevelopment	98,240	218,920	218,920	97,003
Public Service	510,598	289,916	289,916	65,000
Public Facilities & Improvements	0	180,000	180,000	20,000
HEARTH - AR0039	16,488	160,619	160,619	30,000
HEARTH - AR0043	143,210	629,062	629,062	175,000
HEARTH - AR0044	19,188	188,655	188,655	35,000
HEARTH - AR0071	36,426	289,365	289,365	80,000
Grants & Donations	0	36,285	36,285	20,000
HUD HOME Investment Partnership 2023	0	1,163,791	1,163,791	400,000
Total Expenses	1,440,084	4,472,761	4,472,761	1,493,000
Income / (Loss)	$ 12,934	$ (48,450)	$ (60,450)	$ 0
Total Budget	$ 1,440,084	$ 4,472,761	$ 4,472,761	$ 1,493,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 52,811	$ 65,745	$ 65,745	$ 5,295
Income / (Loss)	12,934	(48,450)	(60,450)	0
Ending Undesignated Fund Balance	$ 65,745	$ 17,295	$ 5,295	$ 5,295

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Community Development Block Grant Fund (2180)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2180.642.4920 - HUD HOME Invest Partnership 2023 Program:				
EX30 - Services and Charges	0	1,163,791	1,163,791	400,000
Total	0	1,163,791	1,163,791	400,000
2180.642.4930 - Administration & Planning Program:				
EX10 - Personnel Services	91,641	119,744	119,744	102,343
EX20 - Materials & Supplies	1,978	39,253	39,253	8,000
EX30 - Services and Charges	9,610	120,267	120,267	20,948
Total	103,229	279,264	279,264	131,291
2180.642.4940 - Housing Services Program:				
EX10 - Personnel Services	309,860	362,589	362,589	331,505
EX20 - Materials & Supplies	8,652	24,497	24,497	11,382
EX30 - Services and Charges	188,709	643,125	643,125	87,696
EX33 - Motorpool	5,484	6,673	6,673	9,123
Total	512,705	1,036,884	1,036,884	439,706
2180.642.4945 - Redevelopment Program:				
EX10 - Personnel Services	62,412	93,015	93,015	68,239
EX20 - Materials & Supplies	13,582	30,521	30,521	8,320
EX30 - Services and Charges	17,572	89,269	89,269	14,502
EX33 - Motorpool	4,673	5,015	5,015	5,442
EX40 - Maintenance	0	1,100	1,100	500
Total	98,240	218,920	218,920	97,003
2180.642.4956 - HEARTH - AR0043 Program:				
EX30 - Services and Charges	143,210	629,062	629,062	175,000
Total	143,210	629,062	629,062	175,000
2180.642.4957 - HEARTH - AR0044 Program:				
EX30 - Services and Charges	19,188	188,655	188,655	35,000
Total	19,188	188,655	188,655	35,000
2180.642.4958 - HEARTH - AR0039 Program:				
EX30 - Services and Charges	16,488	160,619	160,619	30,000
Total	16,488	160,619	160,619	30,000
2180.642.4959 - HEARTH - AR0071 Program:				
EX30 - Services and Charges	36,426	289,365	289,365	80,000
Total	36,426	289,365	289,365	80,000

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Community Development Block Grant Fund (2180)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2180.642.4960 - Grants & Donations Program:				
EX30 - Services and Charges	0	36,285	36,285	20,000
Total	0	36,285	36,285	20,000
2180.642.4970 - Public Services Program:				
EX30 - Services and Charges	510,598	289,916	289,916	65,000
Total	510,598	289,916	289,916	65,000
2180.642.4990 - Public Facilities & Improvements Program:				
EX30 - Services and Charges	0	180,000	180,000	20,000
Total	0	180,000	180,000	20,000
Budget Total	$ 1,440,084	$ 4,472,761	$ 4,472,761	$ 1,493,000

Special Grants Fund (2230)

The Special Grants Fund includes grants which represent programs funded by the State or other special granting entities, which are budgeted and accounted for in this fund.

In 2023, a grant was received from the Federal Emergency Management Agency for the "Mastering Fireground Command, Calm the Chaos" training course. This grant has been completed.

The budgeted amount for 2025 is $0.

City of Fayetteville, Arkansas
2025 Operating Budget
Special Grants Fund (2230)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Intergovernmental (Grants)	$ 0	$ 84,082	$ 84,082	$ 0
Transfer from General	0	22,282	22,282	0
Total Revenues	0	106,364	106,364	0
Expenses:				
FEMA Fire Command Training Grant	0	106,364	106,364	0
Total Expenses	0	106,364	106,364	0
Income / (Loss)	$ 0	$ 0	$ 0	$ 0
Total Budget	$ 0	$ 106,364	$ 106,364	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 0	$ 0	$ 0	$ 0
Income / (Loss)	0	0	0	0
Ending Undesignated Fund Balance	$ 0	$ 0	$ 0	$ 0

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Special Grants Fund (2230)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2230.900.8008 - FEMA Fire Command Training Grant Program:				
EX30 - Services and Charges	0	106,364	106,364	0
Total	0	106,364	106,364	0
Budget Total	$ 0	$ 106,364	$ 106,364	$ 0

(Page Left Blank Intentionally)

American Rescue Plan Act (2246)

The American Rescue Plan Act of 2021 is intended to combat the COVID-19 pandemic, including public health and economic impacts. The Act provides local fiscal aid to support COVID-19 response efforts, cover increased expenditures, replenish lost revenue and mitigate economic harm from the COVID-19 pandemic. It can also be used to fund certain capital expenditures for Water and Sewer and water quality projects. Funds must be obligated by 2024 and expended by 2026.

The City of Fayetteville was awarded a total of $17,911,418. The entire amount has been obligated.

ARPA funds in the amount of $5,095,114 were receipted directly into the General Fund in December 2022 for revenue loss reimbursement.

City of Fayetteville, Arkansas
2025 Operating Budget
American Rescue Plan Act Fund (2246)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Intergovernmental (Grants)	$ 5,388,698	$ 4,601,013	$ 4,601,013	$ 0
Investment Earnings	89,740	125,057	57,000	0
Total Revenues	5,478,438	4,726,070	4,658,013	0
Expenses:				
Revenue Loss Replacement (ARP)	474,926	186,705	186,705	0
Not For Profit Assistance Large Value	979,739	0	0	0
Lake Fayetteville Water Study	108,748	0	0	0
Dead Horse Mtn Rd Land (WCRC)	1,445,400	0	0	0
Peace at Home (Safe Shelter)	0	686,500	686,500	0
Workforce Training Program (FPL)	695,376	563,203	563,203	0
Childcare Assistance Program	1,424,777	760,226	760,226	0
Magdalene Serenity House	19,576	109,213	109,213	0
WelcomeHealth NWA	75,000	0	0	0
EXCELLERATE DBA (UPSKILL NWA)	44,982	697,240	697,240	0
Legal Aid of Arkansas	50,687	41,469	41,469	0
AR United Community Coalition	50,000	0	0	0
Apple Seeds	19,487	51,514	51,514	0
Seven Hills	0	480,232	480,232	0
Divaology	0	89,600	89,600	0
NWA Continuum of Care	0	21,000	21,000	0
The Salvation Army	0	109,168	109,168	0
Serve NWA Inc.	0	930,000	930,000	0
Total Expenses	5,388,698	4,726,070	4,726,070	0
Income / (Loss)	$ 89,740	$ 0	$ (68,057)	$ 0
Total Budget	$ 5,388,696	$ 4,726,070	$ 4,726,070	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 14,238	$ 103,978	$ 103,978	$ 35,921
Income / (Loss)	89,740	0	(68,057)	0
Ending Undesignated Fund Balance	$ 103,978	$ 103,978	$ 35,921	$ 35,921

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
American Rescue Plan Act Fund (2246)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2246.800.9715 - Not For Profit Asst Large Value:				
EX30 - Services and Charges	979,739	0	0	0
Total	979,739	0	0	0
2246.800.9716 - Lake Fayetteville Water Study:				
EX80 - Capital	108,748	0	0	0
Total	108,748	0	0	0
2246.800.9717 - WCRAA Ambulance Improvements:				
EX70 - Transfers to Outside Entities	474,926	186,705	186,705	0
Total	474,926	186,705	186,705	0
2246.800.9718 - Dead Horse Mtn Rd Land (WCRC):				
EX80 - Capital	1,445,400	0	0	0
Total	1,445,400	0	0	0
2246.800.9719 - Peace at Home (Safe Shelter):				
EX30 - Services and Charges	0	686,500	686,500	0
Total	0	686,500	686,500	0
2246.800.9720 - Workforce Training Program (FPL):				
EX70 - Transfers to Outside Entities	695,376	563,203	563,203	0
Total	695,376	563,203	563,203	0
2246.800.9721 - Childcare Assistance Program:				
EX30 - Services and Charges	1,424,777	760,226	760,226	0
Total	1,424,777	760,226	760,226	0
2246.800.9722 - Magdalene Serenity House:				
EX30 - Services and Charges	19,576	109,213	109,213	0
Total	19,576	109,213	109,213	0
2246.800.9723 - WelcomeHealth NWA:				
EX30 - Services and Charges	75,000	0	0	0
Total	75,000	0	0	0
2246.800.9726 - EXCELLERATE DBA (UPSKILL NWA):				
EX30 - Services and Charges	44,982	697,240	697,240	0
Total	44,982	697,240	697,240	0

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
American Rescue Plan Act Fund (2246)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2246.800.9727 - Legal Aid of Arkansas:				
EX30 - Services and Charges	50,687	41,469	41,469	0
Total	50,687	41,469	41,469	0
2246.800.9728 - AR United Community Coalition:				
EX30 - Services and Charges	50,000	0	0	0
Total	50,000	0	0	0
2246.800.9729 - Apple Seeds:				
EX30 - Services and Charges	19,487	51,514	51,514	0
Total	19,487	51,514	51,514	0
2246.800.9730 - Seven Hills (Housing RFP 23-12):				
EX30 - Services and Charges	0	480,232	480,232	0
Total	0	480,232	480,232	0
2246.800.9731 - Divaology (Housing RFP 23-12):				
EX30 - Services and Charges	0	89,600	89,600	0
Total	0	89,600	89,600	0
2246.800.9732 - NWA Continuum of Care(RFP 23-12):				
EX30 - Services and Charges	0	21,000	21,000	0
Total	0	21,000	21,000	0
2246.800.9733 - The Salvation Army (RFP 23-12):				
EX30 - Services and Charges	0	109,168	109,168	0
Total	0	109,168	109,168	0
2246.800.9734 - Serve NWA Inc. (RFP 23-12):				
EX30 - Services and Charges	0	930,000	930,000	0
Total	0	930,000	930,000	0
Budget Total	$ 5,388,696	$ 4,726,070	$ 4,726,070	$ 0

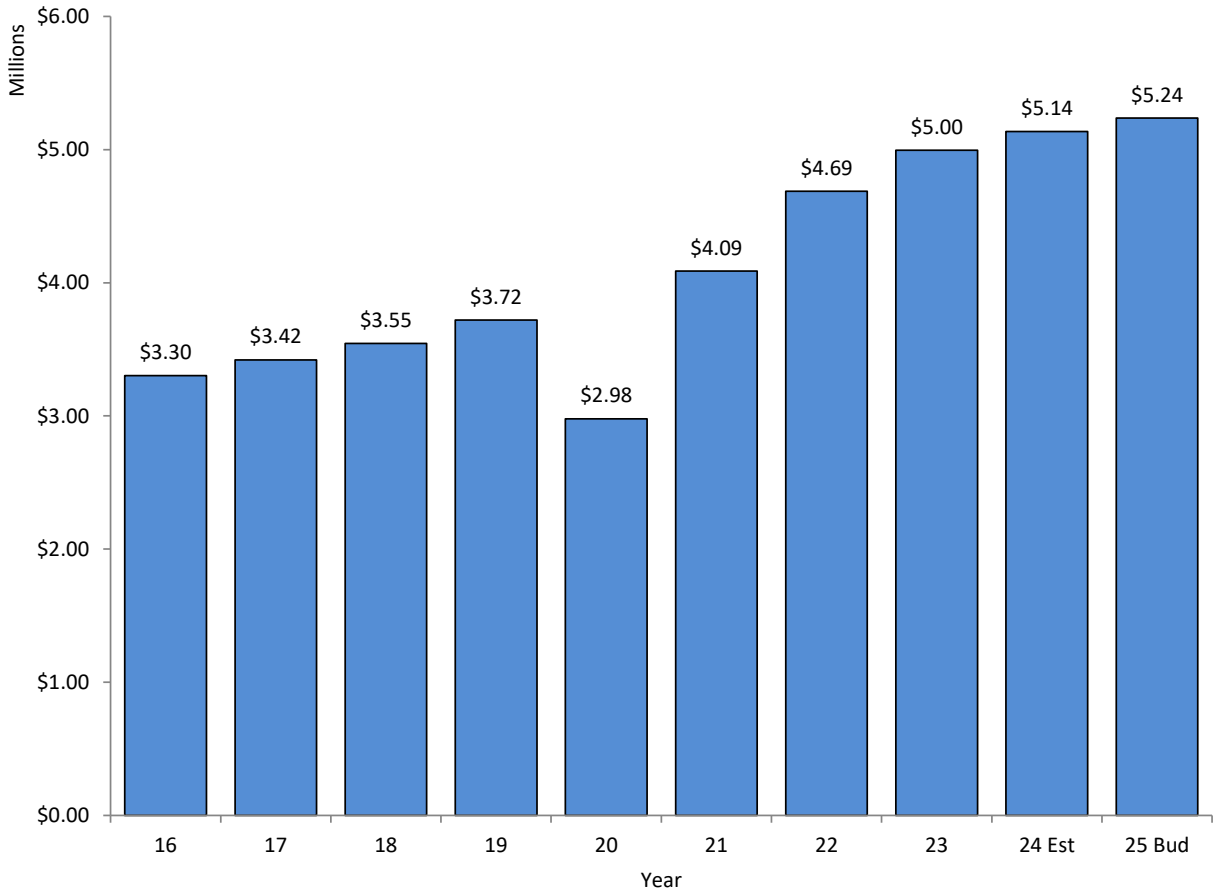
Parks Development Fund (2250)

The Parks Development Fund accounts for the revenue and expenditures of the Parks HMR tax approved by the voters in 1995. The $5.6 million in planned expenditures for 2025 includes $1,000,000 in capital improvements.

In 2010, a Citywide referendum was held and voters approved the use of these funds for capital projects and maintenance activities. The use of Park Development Funds for promotional activities is no longer permitted. Expenditures for promotional activities must be financed by parks funds allocated in the General Fund.

The HMR tax revenues are expected to increase by 2% in 2025 compared to 2024 estimates.

Parks Development Fund
Hotel-Motel-Restaurant (HMR) Tax Revenue



City of Fayetteville, Arkansas
2025 Operating Budget
Parks Development Fund (2250)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Hotel, Motel, and Restaurant Taxes	$ 4,995,902	$ 5,198,000	$ 5,135,000	$ 5,237,000
Intergovernmental (Grants)	217,658	343,562	343,562	0
Charges for Services	131,343	140,000	123,000	123,000
Greenspace Fees Contribution	847,216	1,916,711	1,916,711	0
Transfer from General	0	1,000,000	1,000,000	0
Investment Earnings	369,067	89,000	193,000	197,000
Other	(109,642)	1,397,288	1,400,727	0
Total Revenues	6,451,544	10,084,561	10,112,000	5,557,000
Expenses:				
Parks Development Program	674,513	928,189	928,189	978,776
Parks Development Capital	1,061,310	5,732,291	5,732,291	1,000,000
Parks Development Greenspace Capital	847,215	1,914,444	1,914,444	0
Parks Maintenance	2,604,674	3,152,753	3,152,753	3,463,724
Transfer to Shop	46,851	171,500	171,500	114,500
Total Expenses	5,234,563	11,899,177	11,899,177	5,557,000
Income / (Loss)	$ 1,216,981	$ (1,814,616)	$ (1,787,177)	$ 0
Total Budget	$ 5,234,563	$ 11,899,177	$ 11,899,177	$ 5,557,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 5,002,199	$ 6,219,180	$ 6,219,180	$ 4,432,003
Income / (Loss)	1,216,981	(1,814,616)	(1,787,177)	0
Ending Undesignated Fund Balance	$ 6,219,180	$ 4,404,564	$ 4,432,003	$ 4,432,003

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Parks Development Fund (2250)

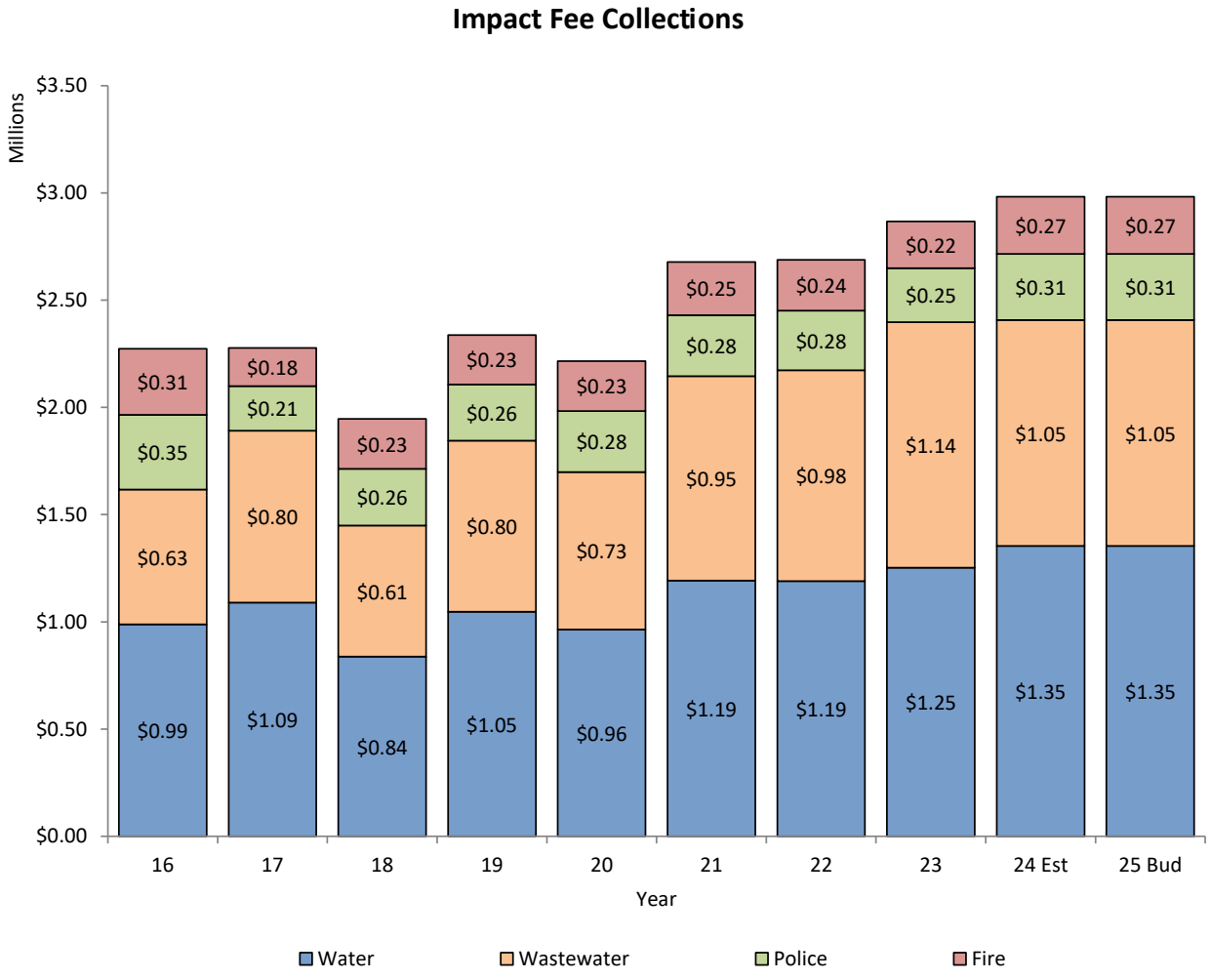
	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2250.520.5260 - Parks Maintenance Program:*				
EX10 - Personnel Services	1,965,638	0	0	0
EX20 - Materials & Supplies	103,523	0	0	0
EX30 - Services and Charges	107,134	0	0	0
EX33 - Motorpool	398,286	0	0	0
EX40 - Maintenance	30,093	0	0	0
EX96 - Operating Transfers Out	46,851	0	0	0
Total	2,651,525	0	0	0
2250.520.9250 - Parks Development Program:				
EX10 - Personnel Services	382,101	558,711	558,711	623,213
EX20 - Materials & Supplies	53,792	94,047	94,047	81,571
EX30 - Services and Charges	128,089	141,355	141,355	139,916
EX39 - Cost Allocation	110,532	134,076	134,076	134,076
Total	674,513	928,189	928,189	978,776
2250.520.9255 - Parks Development Capital Program:				
EX20 - Materials & Supplies	0	200	200	0
EX30 - Services and Charges	38,244	572,131	572,131	0
EX40 - Maintenance	189,060	0	0	0
EX80 - Capital	834,005	5,159,960	5,159,960	1,000,000
Total	1,061,310	5,732,291	5,732,291	1,000,000
2250.520.9256 - Parks Dev Capital Greenspace Program:				
EX30 - Services and Charges	911	8,144	8,144	0
EX80 - Capital	846,304	1,906,300	1,906,300	0
Total	847,215	1,914,444	1,914,444	0
2250.521.5260 - Parks Maintenance Program:*				
EX10 - Personnel Services	0	2,331,037	2,331,037	2,456,266
EX20 - Materials & Supplies	0	107,400	107,400	104,360
EX30 - Services and Charges	0	243,023	243,023	351,436
EX33 - Motorpool	0	441,293	441,293	521,662
EX40 - Maintenance	0	30,000	30,000	30,000
EX96 - Operating Transfers Out	0	171,500	171,500	114,500
Total	0	3,324,253	3,324,253	3,578,224
Budget Total	$ 5,234,563	$ 11,899,177	$ 11,899,177	$ 5,557,000

*Changed division code in 2024.

(Page Left Blank Intentionally)

Impact Fee Fund (2300)

The Impact Fee Fund accounts for the revenues and expenditures related to the collection of the water, wastewater, police, and fire impact fees. The intent of impact fee charge is to ensure new developments bear a proportionate share of the cost of capacity improvements and ensure that the proportional share does not exceed the costs of the demand for additional capacity that is reasonably attributable to providing these services and facilities to the use and occupancy of the new developments. Impact fees for 2025 are expected to be flat compared to the estimated 2024 amounts. Transfers are made to the appropriate expenditure fund when eligible programs are identified. The 2025 amounts budgeted represent projects identified in the Capital Improvements Plan (CIP).



City of Fayetteville, Arkansas
2025 Operating Budget
Impact Fee Fund (2300)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Water Impact Fee	$ 1,252,308	$ 1,354,000	$ 1,354,000	$ 1,354,000
Wastewater Impact Fee	1,144,625	1,226,000	1,053,000	1,053,000
Police Impact Fee	252,574	309,000	309,000	309,000
Fire Impact Fee	217,342	266,000	266,000	266,000
Investment Earnings	509,405	168,000	335,000	336,000
Total Revenues	3,376,254	3,323,000	3,317,000	3,318,000
Expenses:				
Water Improvements	0	283,976	283,976	464,000
Wastewater Improvements	0	338,000	338,000	348,000
Police Improvements	319,947	651,148	651,148	0
Fire Improvements	0	1,738,845	1,738,845	110,000
Transfer to Water & Sewer	0	6,619,278	6,619,278	0
Total Expenses	319,947	9,631,247	9,631,247	922,000
Income / (Loss)	$ 3,056,307	$ (6,308,247)	$ (6,314,247)	$ 2,396,000
Total Budget	$ 319,947	$ 9,631,247	$ 9,631,247	$ 922,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 10,076,832	$ 13,133,139	$ 13,133,139	$ 6,818,892
Income / (Loss)	3,056,307	(6,308,247)	(6,314,247)	2,396,000
Ending Undesignated Fund Balance	$ 13,133,139	$ 6,824,892	$ 6,818,892	$ 9,214,892

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Impact Fee Fund (2300)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2300.200.9300 - Police Impact Fees Program:				
EX20 - Materials & Supplies	35,296	138,501	138,501	0
EX80 - Capital	284,651	512,647	512,647	0
Total	319,947	651,148	651,148	0
2300.300.9300 - Fire Impact Fees Program:				
EX80 - Capital	0	1,738,845	1,738,845	110,000
Total	0	1,738,845	1,738,845	110,000
2300.720.9300 - Water Impact Fees Program:				
EX80 - Capital	0	283,976	283,976	464,000
EX96 - Operating Transfers Out	0	3,000,000	3,000,000	0
Total	0	3,283,976	3,283,976	464,000
2300.730.9300 - Wastewater Impact Fees Program:				
EX80 - Capital	0	338,000	338,000	348,000
EX96 - Operating Transfers Out	0	3,619,278	3,619,278	0
Total	0	3,957,278	3,957,278	348,000
Budget Total	$ 319,947	$ 9,631,247	$ 9,631,247	$ 922,000

(Page Left Blank Intentionally)

Fire Pension Special Fund (2810)

The Board of Trustees of the Fayetteville Fire Relief and Pension Fund (Local Plan) elected to have its Local Plan administered by the Arkansas Local Police and Fire Retirement System (LOPFI) as stated by Resolution approved and signed on July 10, 2023 and was approved by City Council Ordinance #6676 on August 15,2023.

The Fire Pension Fund has accounted for the accumulation of resources for the pension benefit payments to qualified fire personnel. Operations of this fund were previously controlled by the Fire Pension Board. Revenues include the proceeds of a special City property tax and insurance premium tax distributions from the State. This has been accounted for by the City as a trust fund.

Beginning in 2024, the Fayetteville Fire Relief and Pension Fund (6810) will have previous operations transferred to the Arkansas Local Police and Fire Retirement System (LOPFI) and all City financial activity will occur within the Fire Pension Special Fund (2810).

City of Fayetteville, Arkansas
2025 Operating Budget
Fire Pension Special Fund (2810)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Property Taxes	$ 0	$ 969,000	$ 973,000	$ 977,000
State Insurance Turnback	0	476,000	476,000	485,000
Investment Earnings	0	0	3,000	0
Total Revenues	0	1,445,000	1,452,000	1,462,000
Expenses:				
Bank Service Charges	0	200	200	500
Transfer to LOPFI	0	1,444,800	1,444,800	1,461,500
Total Expenses	0	1,445,000	1,445,000	1,462,000
Income / (Loss)	$ 0	$ 0	$ 7,000	$ 0
Total Budget	$ 0	$ 1,445,000	$ 1,445,000	$ 1,462,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 0	$ 0	$ 0	$ 7,000
Income / (Loss)	0	0	7,000	0
Ending Undesignated Fund Balance	$ 0	$ 0	$ 7,000	$ 7,000

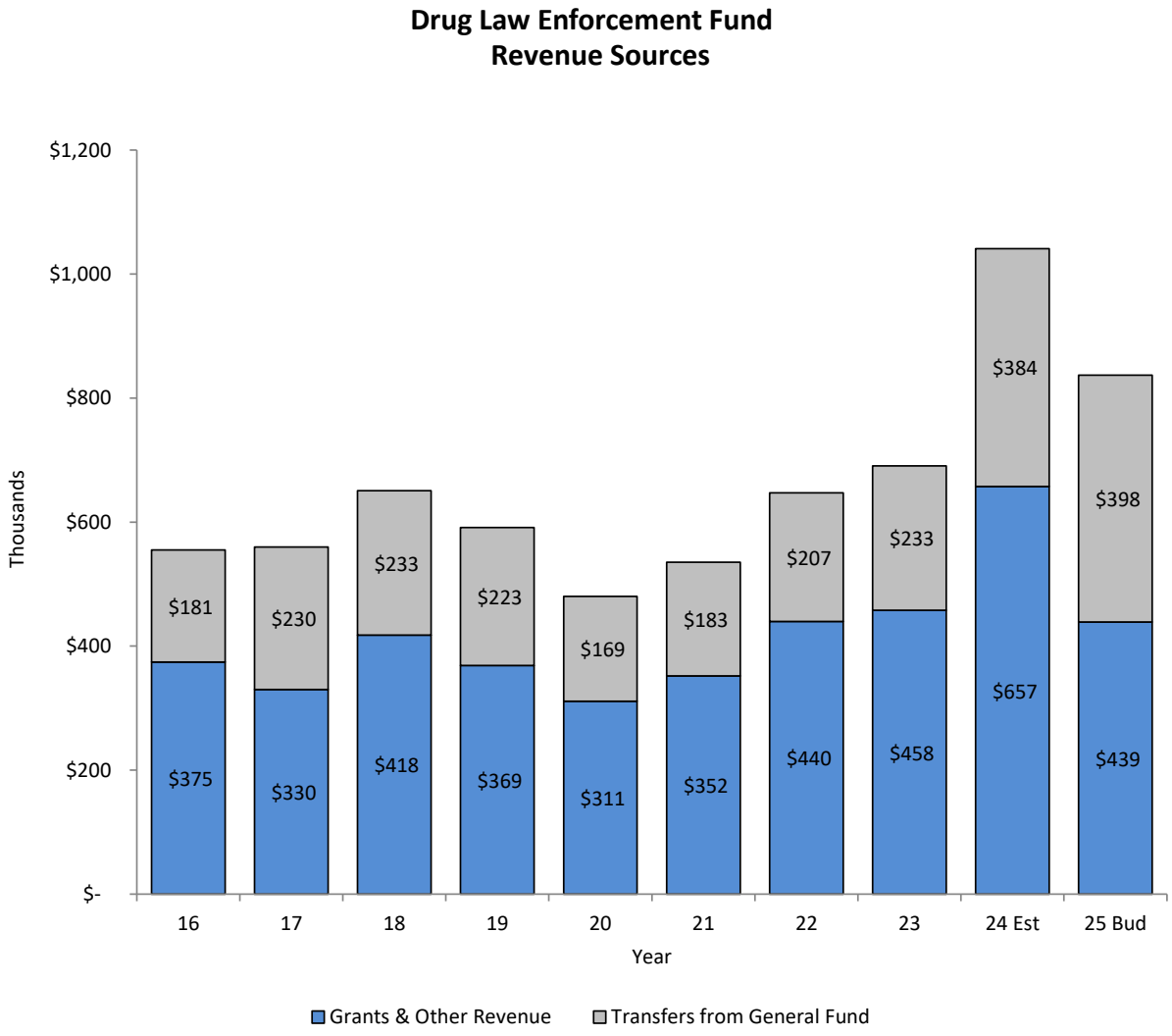
City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Fire Pension Special Fund (2810)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2810.800.9810 - Fire Pension Expense Program:				
EX30 - Services and Charges	0	1,445,000	1,445,000	1,462,000
Total	0	1,445,000	1,445,000	1,462,000
Budget Total	$ 0	$ 1,445,000	$ 1,445,000	$ 1,462,000

(Page Left Blank Intentionally)

Drug Law Enforcement Fund (2930)

The Drug Law Enforcement Fund accounts for drug law enforcement grant funds received from the U.S. Department of Justice, passed through the State of Arkansas, in association with Washington County; the Cities of Springdale, Prairie Grove, Lincoln, Farmington, Greenland, Goshen, and West Fork; and the Fourth Judicial Prosecuting Attorney. The amounts indicated for 2025 are estimates of the remaining 2024 award. New awards are granted to the City throughout the fiscal year.



City of Fayetteville, Arkansas
2025 Operating Budget
Drug Law Enforcement Fund (2930)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Drug Enforcement Grant	$ 445,555	$ 547,019	$ 545,519	$ 438,695
Fines & Forfeitures	11,371	111,472	111,472	0
Transfer from General	232,716	383,510	383,510	398,151
Other	869	871	499	154
Total Revenues	690,511	1,042,872	1,041,000	837,000
Expenses:				
Drug Enforcement	603,191	1,143,915	1,143,915	837,000
Total Expenses	603,191	1,143,915	1,143,915	837,000
Income / (Loss)	$ 87,320	$ (101,043)	$ (102,915)	$ 0
Total Budget	$ 603,191	$ 1,143,915	$ 1,143,915	$ 837,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 198,003	$ 285,323	$ 285,323	$ 182,408
Income / (Loss)	87,320	(101,043)	(102,915)	0
Ending Undesignated Fund Balance	$ 285,323	$ 184,280	$ 182,408	$ 182,408

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Drug Law Enforcement Fund (2930)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
2930.200.2960 - Drug Enforcement Program:				
EX10 - Personnel Services	341,747	658,251	658,251	551,568
EX20 - Materials & Supplies	13,534	42,011	42,011	0
EX30 - Services and Charges	231,280	319,834	319,834	277,032
EX80 - Capital	16,630	123,819	123,819	8,400
Total	603,191	1,143,915	1,143,915	837,000
Budget Total	$ 603,191	$ 1,143,915	$ 1,143,915	$ 837,000

(Page Left Blank Intentionally)

TIF Bond Fund (3370)

The Tax Increment Financing (TIF) Bond Fund accounts for the accumulation of resources and the payment of bond debt incurred for TIF capital project expenditures which occurred in 2005.

City of Fayetteville, Arkansas
2025 Operating Budget
TIF Bond Fund (3370)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Property Taxes	$ 582,335	$ 519,000	$ 524,000	$ 594,000
Investment Earnings	10,879	8,000	13,000	12,000
Total Revenues	593,214	527,000	537,000	606,000
Expenses:				
Principal Payment	150,000	200,000	200,000	180,000
Interest Expense	317,917	406,694	406,694	410,000
Professional Services	1,373	7,000	7,000	7,000
Paying Agent Fees	5,890	9,000	9,000	9,000
Total Expenses	475,180	622,694	622,694	606,000
Income / (Loss)	$ 118,034	$ (95,694)	$ (85,694)	$ 0
Total Budget	$ 475,179	$ 622,694	$ 622,694	$ 606,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 441,240	$ 559,274	$ 559,274	$ 473,580
Income / (Loss)	118,034	(95,694)	(85,694)	0
Ending Undesignated Fund Balance	$ 559,274	$ 463,580	$ 473,580	$ 473,580

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
TIF Bond Fund (3370)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
3370.900.9370 - TIF Bonds Expense Program:				
EX30 - Services and Charges	$ 1,373	$ 7,000	$ 7,000	$ 7,000
EX50 - Debt Service	473,807	615,694	615,694	599,000
Total	475,179	622,694	622,694	606,000
Budget Total	$ 475,179	$ 622,694	$ 622,694	$ 606,000

(Page Left Blank Intentionally)

Parking Deck Bonds Fund (3380)

The Parking Deck Bonds Fund accounts for the accumulation of resources and the payment of bond debt incurred for the City's Spring Street municipal parking deck facility. Necessary funds to meet these obligations are transferred from the Parking Fund. These bonds were issued in 2012.

City of Fayetteville, Arkansas
2025 Operating Budget
Parking Deck Bonds Fund (3380)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Transfer from Parking	$ 378,600	$ 384,000	$ 380,500	$ 381,000
Interest Income	16,486	0	18,500	0
Total Revenues	395,086	384,000	399,000	381,000
Expenses:				
Principal Payment	240,000	245,000	245,000	250,000
Interest Expense	139,285	134,000	134,000	126,050
Paying Agent Fees	2,600	5,000	5,000	4,950
Total Expenses	381,885	384,000	384,000	381,000
Income / (Loss)	$ 13,201	$ 0	$ 15,000	$ 0
Total Budget	$ 381,885	$ 384,000	$ 384,000	$ 381,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 346,559	$ 359,760	$ 359,760	$ 374,760
Income / (Loss)	13,201	0	15,000	0
Ending Undesignated Fund Balance	$ 359,760	$ 359,760	$ 374,760	$ 374,760

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Parking Deck Bonds Fund (3380)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
3380.900.9380 - Parking Deck Bond Expense Program:				
EX50 - Debt Service	$ 381,885	$ 384,000	$ 384,000	$ 381,000
Total	381,885	384,000	384,000	381,000
Budget Total	$ 381,885	$ 384,000	$ 384,000	$ 381,000

(Page Left Blank Intentionally)

HMR 2014 Bond Debt Service Fund (3390)

The HMR 2014 Tax Bond Debt Service Fund accounts for the amount dedicated to principal and interest payments required to service the 2014 HMR Bond Issue.

City of Fayetteville, Arkansas
2025 Operating Budget
HMR Tax Bonds 2014 Fund (3390)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Contribution from Advertising/Promotion	$ 697,800	$ 707,000	$ 707,000	$ 706,000
Investment Earnings	13,022	0	12,000	0
Total Revenues	710,822	707,000	719,000	706,000
Expenses:				
Principal Payment	355,000	370,000	370,000	380,000
Interest Expense	343,537	332,888	332,888	321,788
Professional Services	0	1,200	1,200	0
Paying Agent Fees	2,600	2,912	2,912	4,212
Total Expenses	701,137	707,000	707,000	706,000
Income / (Loss)	$ 9,685	$ 0	$ 12,000	$ 0
Total Budget	$ 701,137	$ 707,000	$ 707,000	$ 706,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 121,428	$ 131,113	$ 131,113	$ 143,113
Income / (Loss)	9,685	0	12,000	0
Ending Undesignated Fund Balance	$ 131,113	$ 131,113	$ 143,113	$ 143,113

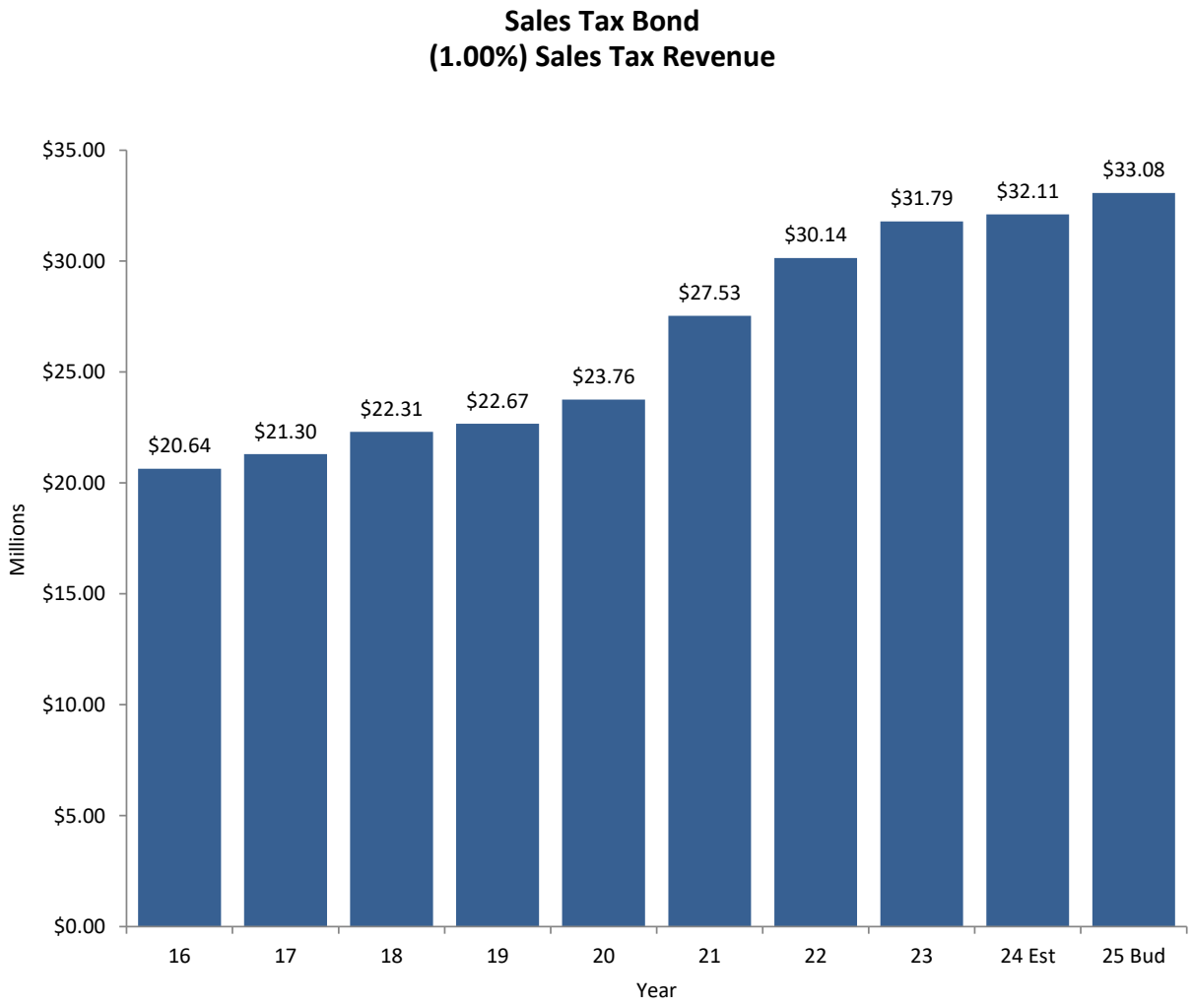
City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
HMR Tax Bonds 2014 Fund (3390)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
3390.900.9390 - HMR 2014 Bond Debt Service Program:				
EX30 - Services and Charges	$ -	$ 1,200	$ 1,200	$ -
EX50 - Debt Service	$ 701,137	$ 705,800	$ 705,800	$ 706,000
Total	701,137	707,000	707,000	706,000
Budget Total	$ 701,137	$ 707,000	$ 707,000	$ 706,000

(Page Left Blank Intentionally)

Sales Tax Bond Fund - 2019 Authorized (3440)

The Sales Tax Bond Fund accounts for the accumulation of resources and the payment of bond debt incurred for street improvements, trail system improvements, drainage improvements, parks system improvements, City facilities improvements, arts corridor improvements, police facilities improvements, firefighting facilities improvements, and economic development projects.



City of Fayetteville, Arkansas
2025 Operating Budget
Sales Tax Bond Fund (3440)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Sales Tax - City	$ 31,790,727	$ 34,555,000	$ 32,114,000	$ 33,077,000
Investment Earnings	550,185	0	644,000	0
Total Revenues	32,340,912	34,555,000	32,758,000	33,077,000
Expenses:				
Principal Payment	27,740,000	30,546,326	30,546,326	29,633,269
Interest Expense	4,324,881	3,978,674	3,978,674	3,413,731
Professional Services	0	5,000	5,000	5,000
Paying Agent Fees	23,900	25,000	25,000	25,000
Total Expenses	32,088,781	34,555,000	34,555,000	33,077,000
Income / (Loss)	$ 252,131	$ 0	$ (1,797,000)	$ 0
Total Budget	$ 32,088,781	$ 34,555,000	$ 34,555,000	$ 33,077,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 9,548,752	$ 9,800,883	$ 9,800,883	$ 8,003,883
Income / (Loss)	252,131	0	(1,797,000)	0
Ending Undesignated Fund Balance	$ 9,800,883	$ 9,800,883	$ 8,003,883	$ 8,003,883

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Sales Tax Bond Fund (3440)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
3440.900.9440 - Sales Tax Bonds - Expense Program:				
EX30 - Services and Charges	0	5,000	5,000	5,000
EX50 - Debt Service	32,088,781	34,550,000	34,550,000	33,072,000
Total	32,088,781	34,555,000	34,555,000	33,077,000
Budget Total	$ 32,088,781	$ 34,555,000	$ 34,555,000	$ 33,077,000

(Page Left Blank Intentionally)

Library Expansion Bond Fund (3450)

The Library Expansion Bond Fund accounts for the amount dedicated to principal and interest payments required to service the 2017 Library Bond Issue. Funds for these debt service payments are generated by a property tax approved by the voters in 2016.

City of Fayetteville, Arkansas
2025 Operating Budget
Library Bonds 2017 Fund (3450)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Contribution - Library Board	$ 2,658,269	$ 2,809,000	$ 2,809,000	$ 2,819,000
Investment Earnings	71,943	0	72,000	68,000
Total Revenues	2,730,212	2,809,000	2,881,000	2,887,000
Expenses:				
Principal Payment	1,660,000	2,260,000	2,260,000	2,260,369
Interest Expense	724,942	802,106	802,106	621,631
Paying Agent Fees	3,700	5,000	5,000	5,000
Total Expenses	2,388,642	3,067,106	3,067,106	2,887,000
Income / (Loss)	$ 341,570	$ (258,106)	$ (186,106)	$ 0
Total Budget	$ 2,388,642	$ 3,067,106	$ 3,067,106	$ 2,887,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 2,465,794	$ 2,807,364	$ 2,807,364	$ 2,621,258
Income / (Loss)	341,570	(258,106)	(186,106)	0
Ending Undesignated Fund Balance	$ 2,807,364	$ 2,549,258	$ 2,621,258	$ 2,621,258

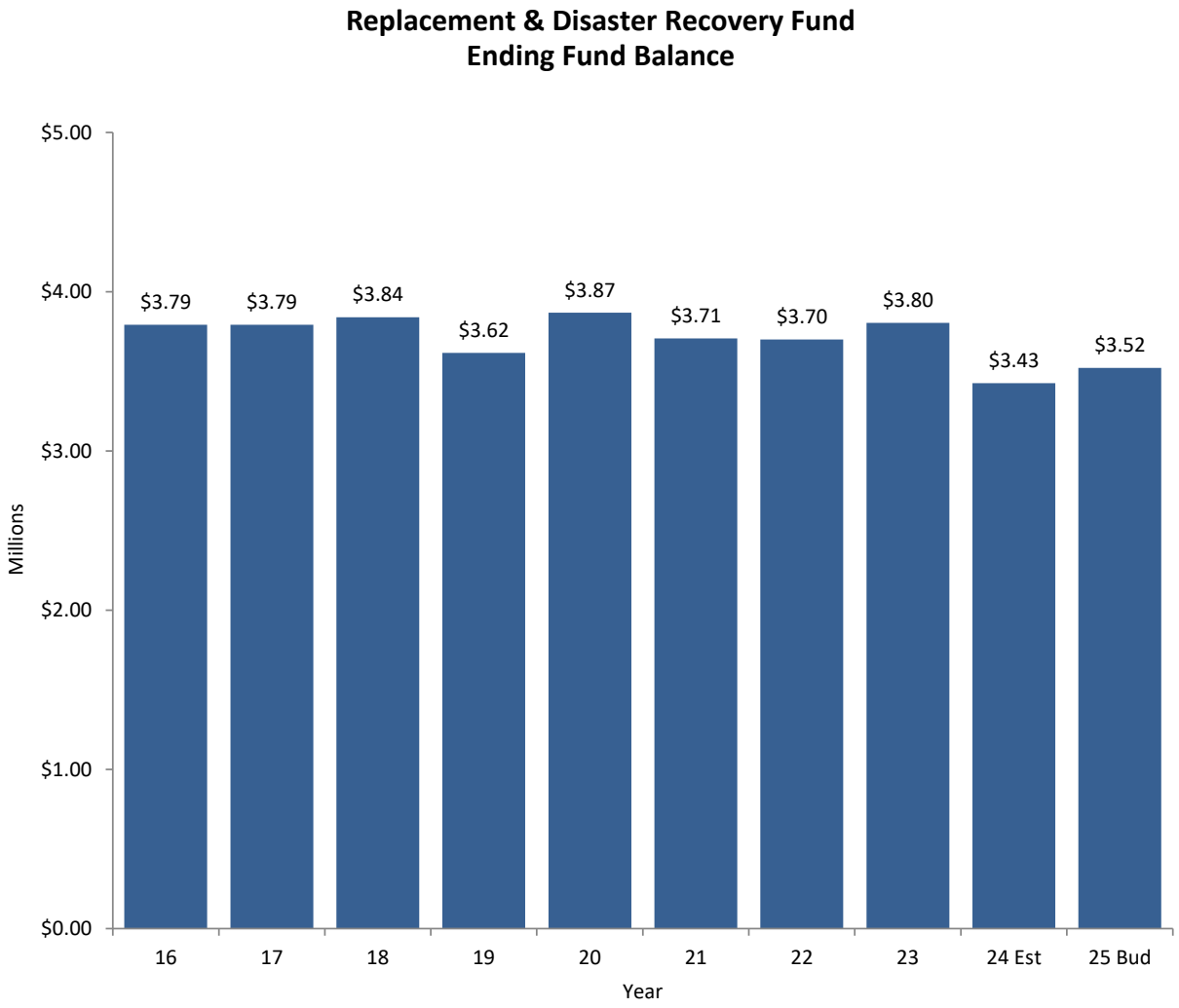
City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Library Bonds 2017 Fund (3450)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
3450.800.9450 - Library Bond Program:				
EX50 - Debt Service	$ 2,388,642	$ 3,067,106	$ 3,067,106	$ 2,887,000
Total	2,388,642	3,067,106	3,067,106	2,887,000
Budget Total	$ 2,388,642	$ 3,067,106	$ 3,067,106	$ 2,887,000

(Page Left Blank Intentionally)

Replacement & Disaster Recovery Fund (4270)

The Replacement & Disaster Recovery Fund accounts for general government monies accumulated and used for the purchase of equipment (primarily copiers) and in certain instances qualifying vehicle expansions. By policy, the fund also attempts to maintain a minimum reserve of $3 million dollars for disaster recovery.



City of Fayetteville, Arkansas
2025 Operating Budget
Replacement & Disaster Recovery Fund (4270)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Replacement Copier Revenue	$ 36,700	$ 37,000	$ 35,000	$ 35,000
Investment Earnings	91,593	56,000	111,000	98,000
Total Revenues	128,293	93,000	146,000	133,000
Expenses:				
Audit Expense	2,200	2,200	2,200	2,310
Replacement & Disaster Recovery (Other)	13,165	70,969	70,969	0
FEMA Disaster Projects	0	148,354	148,354	0
Fixed Assets	8,439	220,912	220,912	35,690
COVID-19 Direct Expenses	0	31,477	31,477	0
COVID-19 Mask Program	0	14,501	14,501	0
COVID-19 City Board of Health	0	35,210	35,210	0
Total Expenses	23,804	523,623	523,623	38,000
Income / (Loss)	$ 104,489	$ (430,623)	$ (377,623)	$ 95,000
Total Budget	$ 23,805	$ 523,623	$ 523,623	$ 38,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 3,699,261	$ 3,803,750	$ 3,803,750	$ 3,426,127
Income / (Loss)	104,489	(430,623)	(377,623)	95,000
Ending Undesignated Fund Balance	$ 3,803,750	$ 3,373,127	$ 3,426,127	$ 3,521,127

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Replacement & Disaster Recovery Fund (4270)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4270.900.9270 - Replacement Fund Expense Program:				
EX20 - Materials & Supplies	13,165	65,954	65,954	0
EX30 - Services and Charges	2,200	2,200	2,200	2,310
EX40 - Maintenance	0	5,015	5,015	0
EX80 - Capital	8,439	220,912	220,912	35,690
Total	23,805	294,081	294,081	38,000
4270.900.9280 - FEMA Disaster Projects Program:				
EX30 - Services and Charges	0	23,911	23,911	0
EX40 - Maintenance	0	124,443	124,443	0
Total	0	148,354	148,354	0
4270.900.9290 - COVID-19 Direct Expenses Program:				
EX20 - Materials & Supplies	0	24,821	24,821	0
EX30 - Services and Charges	0	6,656	6,656	0
Total	0	31,477	31,477	0
4270.900.9291 - COVID-19 Mask Program Program:				
EX20 - Materials & Supplies	0	5,775	5,775	0
EX30 - Services and Charges	0	8,726	8,726	0
Total	0	14,501	14,501	0
4270.900.9292 - COVID-19 City Board of Health Program:				
EX20 - Materials & Supplies	0	8,636	8,636	0
EX30 - Services and Charges	0	26,574	26,574	0
Total	0	35,210	35,210	0
Budget Total	$ 23,805	$ 523,623	$ 523,623	$ 38,000

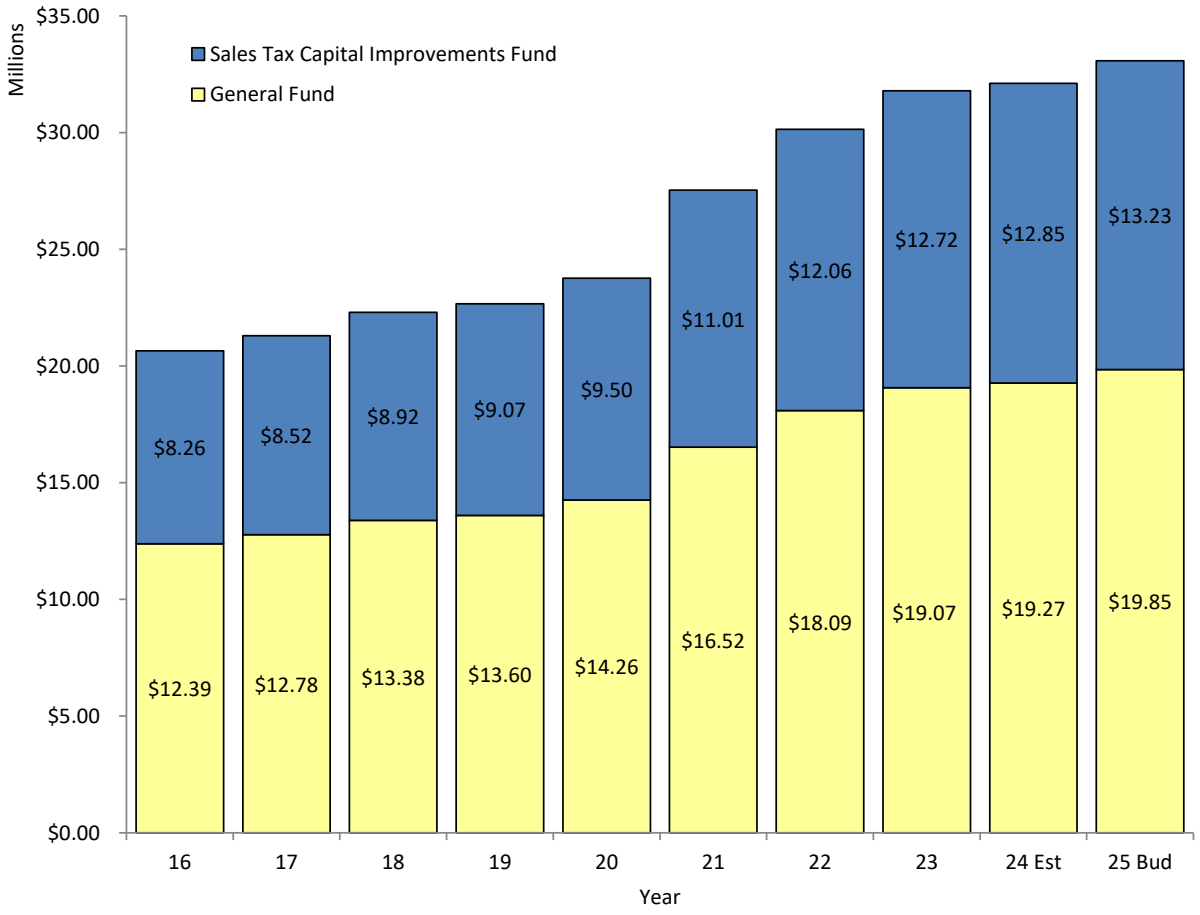
(Page Left Blank Intentionally)

Sales Tax Capital Improvements Fund (4470)

The Sales Tax Capital Improvements Fund accounts for the revenue and expenditures of the City's sales and use tax which is used for acquisition and improvement projects, as well as equipment replacements and additions that are included in the City's Five-Year Capital Improvements Program. The $14,037,000 in planned expenditures for 2025 provides for $14,025,000 in capital improvements. There is $12,000 allocated in this fund for audit costs. Many project allocations in this fund represent multiyear completion or fund accumulation programs which span several years. Therefore, large balances are reappropriated each year.

The capital portion of City Sales Tax revenue for 2025 is expected to be $385,000 over 2024 estimated collections. This is a increase of 3% compared to 2024.

Distribution of 1% City Sales Tax



City of Fayetteville, Arkansas
2025 Operating Budget
Sales Tax Capital Improvements Fund (4470)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Sales Tax - City	$ 12,716,291	$ 13,822,000	$ 12,846,000	$ 13,231,000
Intergovernmental (Grants)	1,072,298	2,887,228	2,887,228	0
Charges for Services	1,327,786	283,493	283,493	0
Sidewalk Fees	28,247	0	70,263	0
Investment Earnings	847,059	226,000	459,000	468,000
Other	1,261,621	1,257,144	1,275,000	26,000
Total Revenues	17,253,302	18,475,865	17,820,984	13,725,000
Expenses:				
Audit Expense	10,000	11,000	11,000	12,000
Bridge & Drainage Improvements	338,113	1,571,763	1,571,763	450,000
Facilities Improvements	907,346	4,140,037	4,140,037	916,000
Fire Improvements	392,832	1,550,736	1,550,736	576,000
Information Technology Improvements	857,513	1,534,768	1,534,768	601,000
Library Improvements	1,469,000	806,000	806,000	935,000
Other Capital Improvements	648,514	3,727,091	3,727,091	1,165,000
Parks & Recreation Improvements	221,874	1,846,950	1,846,950	1,330,000
Police Improvements	1,806,331	2,595,655	2,595,655	1,790,500
Street Improvements	0	1,207,666	1,207,666	100,000
Sustainability Improvements	2,346,861	953,653	953,653	0
Trail Improvements	1,142,220	3,090,432	3,090,432	1,550,000
Transportation Bond Street Improvements	206,526	2,106,407	2,106,407	0
Transportation Improvements	3,286,479	6,084,767	6,084,767	3,542,000
Transfer to Shop	880,198	1,203,447	1,203,447	1,069,500
Total Expenses	14,513,807	32,430,372	32,430,372	14,037,000
Income / (Loss)	$ 2,739,495	$ (13,954,507)	$ (14,609,388)	$ (312,000)
Total Budget	$ 14,513,806	$ 32,430,372	$ 32,430,372	$ 14,037,000
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 15,355,849	$ 18,095,344	$ 18,095,344	$ 3,485,956
Income / (Loss)	2,739,495	(13,954,507)	(14,609,388)	(312,000)
Ending Undesignated Fund Balance	$ 18,095,344	$ 4,140,837	$ 3,485,956	$ 3,173,956

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Sales Tax Capital Improvements Fund (4470)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4470.060.8900 - Media Services, Other Capital Improvements:				
EX20 - Materials & Supplies	41,131	190,179	190,179	80,000
EX80 - Capital	47,380	0	0	0
Total	88,511	190,179	190,179	80,000
4470.080.8080 - Library Improvements:				
EX70 - Transfers to Outside Entities	1,469,000	806,000	806,000	935,000
Total	1,469,000	806,000	806,000	935,000
4470.090.8900 - Miscellaneous, Other Capital Improvements:				
EX20 - Materials & Supplies	20,089	260,525	260,525	35,000
EX30 - Services and Charges	351,517	1,414,981	1,414,981	600,000
EX40 - Maintenance	76,020	1,002,395	1,002,395	350,000
EX80 - Capital	7,556	109,878	109,878	100,000
Total	455,182	2,787,779	2,787,779	1,085,000
4470.133.8900 - Budget & Information Management, Other Capital Improvements:				
EX20 - Materials & Supplies	0	46,812	46,812	0
EX30 - Services and Charges	24,541	59,820	59,820	0
EX80 - Capital	0	53,438	53,438	0
Total	24,541	160,070	160,070	0
4470.140.8900 - Facilities Management, Other Capital Improvements:				
EX20 - Materials & Supplies	0	151	151	0
EX30 - Services and Charges	101,101	636,131	636,131	80,000
EX40 - Maintenance	150,925	909,368	909,368	686,000
EX80 - Capital	655,319	2,674,387	2,674,387	150,000
Total	907,346	4,220,037	4,220,037	916,000
4470.170.8170 - Information Technology Imprvs:				
EX20 - Materials & Supplies	292,058	807,192	807,192	461,000
EX30 - Services and Charges	195,910	498,648	498,648	30,000
EX40 - Maintenance	0	31	31	0
EX80 - Capital	369,545	228,897	228,897	110,000
Total	857,513	1,534,768	1,534,768	601,000
4470.200.8200 - Police Improvements:				
EX20 - Materials & Supplies	1,433,891	1,641,995	1,641,995	1,617,000
EX30 - Services and Charges	69,149	12,979	12,979	0
EX40 - Maintenance	35,693	132,364	132,364	25,000
EX80 - Capital	267,598	808,317	808,317	148,500
EX96 - Operating Transfers Out	102,720	127,280	127,280	89,500
Total	1,909,051	2,722,935	2,722,935	1,880,000

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Sales Tax Capital Improvements Fund (4470)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4470.300.8300 - Fire Improvements:				
EX20 - Materials & Supplies	253,560	338,241	338,241	151,000
EX30 - Services and Charges	0	6,700	6,700	0
EX40 - Maintenance	27,102	640,284	640,284	125,000
EX80 - Capital	112,170	565,511	565,511	300,000
EX96 - Operating Transfers Out	708,368	989,438	989,438	980,000
Total	1,101,200	2,540,174	2,540,174	1,556,000
4470.410.8410 - Transportation Improvements:				
EX20 - Materials & Supplies	53,499	246,853	246,853	0
EX30 - Services and Charges	887,447	1,407,516	1,407,516	0
EX39 - Cost Allocation	625,821	855,152	855,152	0
EX40 - Maintenance	1,668,831	1,767,440	1,767,440	2,450,000
EX80 - Capital	50,881	1,807,806	1,807,806	1,092,000
Total	3,286,479	6,084,767	6,084,767	3,542,000
4470.520.8520 - Parks & Recreation Improvements:				
EX20 - Materials & Supplies	148,967	65,542	65,542	0
EX30 - Services and Charges	28,215	371,035	371,035	50,000
EX39 - Cost Allocation	8,094	7,426	7,426	0
EX40 - Maintenance	7,618	0	0	0
EX80 - Capital	28,979	269,271	269,271	250,000
Total	221,874	713,274	713,274	300,000
4470.521.8520 - Parks & Recreation Improvements:				
EX20 - Materials & Supplies	0	39,048	39,048	0
EX30 - Services and Charges	0	321,516	321,516	325,000
EX40 - Maintenance	0	393,554	393,554	500,000
EX80 - Capital	0	379,558	379,558	205,000
Total	0	1,133,676	1,133,676	1,030,000
4470.620.8900 - Development Services, Other Capital Improvements:				
EX30 - Services and Charges	69,988	148,883	148,883	0
Total	69,988	148,883	148,883	0
4470.621.8810 - Bridge & Drainage Improvements:				
EX20 - Materials & Supplies	0	800	800	0
EX30 - Services and Charges	303,623	432,136	432,136	0
EX40 - Maintenance	0	234,112	234,112	50,000
EX80 - Capital	34,490	904,715	904,715	400,000
Total	338,113	1,571,763	1,571,763	450,000

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Sales Tax Capital Improvements Fund (4470)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4470.631.8900 - Sustainability & Resilience, Other Capital Improvements:				
EX80 - Capital	2,346,861	953,653	953,653	0
Total	2,346,861	953,653	953,653	0
4470.671.8900 - Animal Services, Other Capital Improvements:				
EX40 - Maintenance	0	151,530	151,530	0
EX80 - Capital	0	23,650	23,650	0
Total	0	175,180	175,180	0
4470.800.8820 - Street Improvements:				
EX30 - Services and Charges	0	146,373	146,373	0
EX80 - Capital	0	1,061,293	1,061,293	100,000
Total	0	1,207,666	1,207,666	100,000
4470.800.8830 - Trail Improvements:				
EX20 - Materials & Supplies	26,822	61,541	61,541	0
EX30 - Services and Charges	394,161	583,364	583,364	0
EX39 - Cost Allocation	237,229	278,665	278,665	0
EX40 - Maintenance	110,058	147,893	147,893	0
EX80 - Capital	373,950	2,018,969	2,018,969	1,550,000
Total	1,142,220	3,090,432	3,090,432	1,550,000
4470.800.8835 - Transportation Bond Street Impr:				
EX30 - Services and Charges	0	121	121	0
EX80 - Capital	206,526	2,106,286	2,106,286	0
Total	206,526	2,106,407	2,106,407	0
4470.800.8900 - Non Departmental, Other Capital Improvements:				
EX20 - Materials & Supplies	4,497	150,000	150,000	0
EX30 - Services and Charges	10,000	46,000	46,000	12,000
EX80 - Capital	5,795	0	0	0
EX96 - Operating Transfers Out	69,110	86,729	86,729	0
Total	89,402	282,729	282,729	12,000
Budget Total	$ 14,513,806	$ 32,430,372	$ 32,430,372	$ 14,037,000

(Page Left Blank Intentionally)

2019 Bonds Program Grant Matching Fund (4601)

The 2019 Bond Program Grant Matching Fund was established to account for grant transactions which have matching amounts funded by either Phase I or Phase II of the bond programs.

City of Fayetteville, Arkansas
2025 Operating Budget
Bond Program Grant Matching Fund (4601)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Federal Grants - Capital	$ 870,120	$ 9,767,212	$ 9,767,212	$ 0
Commercial Grants	2,769	21,622	21,622	0
Total Revenues	872,889	9,788,834	9,788,834	0
Expenses:				
Midtown Corridor	2,769	21,622	21,622	0
Futrall/Shiloh Gregg RR Xing	0	576,000	576,000	0
Hwy 71B Corridor	0	4,800,000	4,800,000	0
Stream Restoration - EPA Grant	44,900	11,575	11,575	0
Commerce District Industrial Corridor	1,237,629	589,687	589,686	0
Arts Corridor Improvements	0	9,858	9,858	0
SLS Community - S Cato Springs	126,218	2,873,782	2,873,780	0
Total Expenses	1,411,516	8,882,524	8,882,521	0
Income / (Loss)	$ (538,627)	$ 906,310	$ 906,313	$ 0
Total Budget	$ 1,411,517	$ 8,882,524	$ 8,882,521	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ (367,686)	$ (906,313)	$ (906,313)	$ 0
Income / (Loss)	(538,627)	906,310	906,313	0
Ending Undesignated Fund Balance	$ (906,313)	$ (3)	$ 0	$ 0

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Bond Program Grant Matching Fund (4601)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4601.860.7218 - Midtown Corridor:				
EX80 - Capital	2,769	21,622	21,622	0
Total	2,769	21,622	21,622	0
4601.860.7220 - Futrall/Shiloh Gregg RR Crossing:				
EX80 - Capital	0	576,000	576,000	0
Total	0	576,000	576,000	0
4601.860.7221 - Hwy 71B Corridor:				
EX80 - Capital	0	4,800,000	4,800,000	0
Total	0	4,800,000	4,800,000	0
4601.860.7426 - Stream Restoration - EPA Grant:				
EX80 - Capital	44,900	11,575	11,575	0
Total	44,900	11,575	11,575	0
4601.860.7600 - Commerce Dist Industrial Coridor:				
EX80 - Capital	1,237,629	589,687	589,686	0
Total	1,237,629	589,687	589,686	0
4601.860.7650 - SLS Community - S Cato Springs:				
EX80 - Capital	126,218	2,873,782	2,873,780	0
Total	126,218	2,873,782	2,873,780	0
4601.860.7800 - Arts Corridor Improvements:				
EX80 - Capital	0	9,858	9,858	0
Total	0	9,858	9,858	0
Budget Total	$ 1,411,517	$ 8,882,524	$ 8,882,521	$ 0

(Page Left Blank Intentionally)

Streets Project 2019 Bonds Fund (4602)

The Streets Project 2019 Bonds Fund (Phase I) accounts for the bond proceeds issued to finance all or a portion of the costs of right-of-way acquisition, design, construction, reconstruction, repair, resurfacing, straightening and width modification of certain City streets, which may include related sidewalk, traffic signal and control, lighting, curbing, guttering, bicycle lane, landscaping, drainage and safety improvements and related curbside pedestrian facilities such as bus pickup structures and concrete waiting pads.

The total approved authorization by the voters was $73,925,000 for all bond phases. The par amount of bonds issued in Phase I is $34,330,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Streets Project 2019 Bond Fund (4602)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 326,799	$ 135,961	$ 52,000	$ 0
Total Revenues	326,799	135,961	52,000	0
Expenses:				
Bond Administrative	27,827	5,348	5,348	0
Zion Rd. Improvements	702,805	26,919	26,919	0
Sain Street Extension	41,838	277	277	0
Downtown Walkability, Phase 1	63,915	185,261	185,261	0
Maple Street Cycle Track	309	8,546	8,546	0
MLK Area Walkability Improvements	0	4,585	4,585	0
Midtown Corridor	1,887,197	2,369,265	2,369,265	0
Center St / Harmon Intersection	1,504,820	134	134	0
Futrall/Shiloh Gregg RR Xing	262,857	4,383	4,383	0
Hwy 71B Corridor	2,327,189	0	0	0
North St - Garland to Mission	34,268	15,152	15,152	0
Rolling Hills - College to Old Missouri	322	0	0	0
Millsap/College Intersection Improvements	31,017	498	498	0
Traffic Signal Hardware / Software Upgrades	14,847	0	0	0
Arts Corridor Parking	183,079	0	0	0
Pavement Maintenance / Overlays	312,633	0	0	0
Total Expenses	7,394,923	2,620,368	2,620,368	0
Income / (Loss)	$ (7,068,124)	$ (2,484,407)	$ (2,568,368)	$ 0
Total Budget	$ 7,394,922	$ 2,620,368	$ 2,620,368	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 9,688,508	$ 2,620,384	$ 2,620,384	$ 52,016
Income / (Loss)	(7,068,124)	(2,484,407)	(2,568,368)	0
Ending Undesignated Fund Balance	$ 2,620,384	$ 135,977	$ 52,016	$ 52,016

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Streets Project 2019 Bond Fund (4602)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4602.860.7000 - Bond Administrative:				
EX30 - Services and Charges	2,499	3,080	3,080	0
EX80 - Capital	25,328	2,268	2,268	0
Total	27,827	5,348	5,348	0
4602.860.7212 - Zion Road Improvements:				
EX80 - Capital	702,805	26,919	26,919	0
Total	702,805	26,919	26,919	0
4602.860.7213 - Sain Street Improvements:				
EX80 - Capital	41,838	277	277	0
Total	41,838	277	277	0
4602.860.7214 - Downtown Walkability Imprvs:				
EX80 - Capital	63,915	185,261	185,261	0
Total	63,915	185,261	185,261	0
4602.860.7215 - Maple Street Improvements:				
EX80 - Capital	309	8,546	8,546	0
Total	309	8,546	8,546	0
4602.860.7216 - MLK Area Walkability Impvs:				
EX80 - Capital	0	4,585	4,585	0
Total	0	4,585	4,585	0
4602.860.7218 - Midtown Corridor:				
EX80 - Capital	1,887,197	2,369,265	2,369,265	0
Total	1,887,197	2,369,265	2,369,265	0
4602.860.7219 - Center St / Harmon Intersection:				
EX80 - Capital	1,504,820	134	134	0
Total	1,504,820	134	134	0
4602.860.7220 - Futrall/Shiloh Gregg RR Crossing:				
EX80 - Capital	262,857	4,383	4,383	0
Total	262,857	4,383	4,383	0
4602.860.7221 - Hwy 71B Corridor:				
EX80 - Capital	2,327,189	0	0	0
Total	2,327,189	0	0	0

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Streets Project 2019 Bond Fund (4602)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4602.860.7223 - North St - Garland to Mission:				
EX80 - Capital	34,268	15,152	15,152	0
Total	34,268	15,152	15,152	0
4602.860.7224 - Rolling Hills-College-O Missouri:				
EX80 - Capital	322	0	0	0
Total	322	0	0	0
4602.860.7227 - Millsap/College Intersection Imp:				
EX80 - Capital	31,017	498	498	0
Total	31,017	498	498	0
4602.860.7250 - Traffic Signal Hardware/Upgrades:				
EX20 - Materials & Supplies	14,847	0	0	0
Total	14,847	0	0	0
4602.860.7252 - Pavement Maintenance / Overlays:				
EX40 - Maintenance	309,880	0	0	0
EX80 - Capital	2,753	0	0	0
Total	312,633	0	0	0
4602.860.7820 - Arts Corridor - Parking:				
EX80 - Capital	183,079	0	0	0
Total	183,079	0	0	0
Budget Total	$ 7,394,922	$ 2,620,368	$ 2,620,368	$ 0

Trail Projects 2019 Bonds Fund (4603)

The Trail Projects 2019 Bonds Fund (Phase I) accounts for the bond proceeds issued to finance all or a portion of the of the costs of design, construction, reconstruction, extension and equipping of certain City trail system improvements, which may include related pedestrian signal, lighting, landscaping, drainage and safety improvements and right-of-way acquisition.

The total approved authorization by the voters was $6,865,000 for all bond phases. The par amount of bonds issued in Phase I is $2,295,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Trail Projects 2019 Bonds Fund (4603)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 2,748	$ 2,062	$ 1,000	$ 0
Total Revenues	2,748	2,062	1,000	0
Expenses:				
Bond Administrative	996	455	455	0
Mission Boulevard Trail	22,104	11,221	11,221	0
Miscellaneous Trail Improvements	39,284	0	0	0
Total Expenses	62,384	11,676	11,676	0
Income / (Loss)	$ (59,636)	$ (9,614)	$ (10,676)	$ 0
Total Budget	$ 62,385	$ 11,676	$ 11,676	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 71,315	$ 11,679	$ 11,679	$ 1,003
Income / (Loss)	(59,636)	(9,614)	(10,676)	0
Ending Undesignated Fund Balance	$ 11,679	$ 2,065	$ 1,003	$ 1,003

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Trail Projects 2019 Bonds Fund (4603)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4603.860.7000 - Bond Administrative:				
EX30 - Services and Charges	400	400	400	0
EX80 - Capital	596	55	55	0
Total	996	455	455	0
4603.860.7300 - Miscellaneous Trail Improvements:				
EX80 - Capital	39,284	0	0	0
Total	39,284	0	0	0
4603.860.7302 - Mission Boulevard Corridor:				
EX80 - Capital	22,104	11,221	11,221	0
Total	22,104	11,221	11,221	0
Budget Total	$ 62,385	$ 11,676	$ 11,676	$ 0

(Page Left Blank Intentionally)

Drainage Projects 2019 Bonds Fund (4604)

The Drainage Projects 2019 Bonds Fund (Phase I) accounts for the bond proceeds issued to finance all or a portion of the costs of the design, construction, reconstruction, repair, retrofit, extension, enlargement and equipping of certain drainage facilities, which may include land and easement acquisition and water quality features such as detention and retention basins and stream restoration.

The total approved authorization by the voters was $15,840,000 for all bond phases. The par amount of bonds issued in Phase I is $7,630,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Drainage Projects 2019 Bonds Fund (4604)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 87,783	$ 70,230	$ 36,000	$ 0
Total Revenues	87,783	70,230	36,000	0
Expenses:				
Bond Administrative	3,813	2,488	2,488	0
Missouri Creek/Rolling Hills Drainage	1,743,080	699	699	0
Sunbridge/College Drainage	38,503	0	0	0
Elmhurst/McClinton Drainage	28,210	15,220	15,220	0
Bond Unallocated	0	657,398	657,398	0
Total Expenses	1,813,606	675,805	675,805	0
Income / (Loss)	$ (1,725,823)	$ (605,575)	$ (639,805)	$ 0
Total Budget	$ 1,813,606	$ 675,805	$ 675,805	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 2,401,629	$ 675,806	$ 675,806	$ 36,001
Income / (Loss)	(1,725,823)	(605,575)	(639,805)	0
Ending Undesignated Fund Balance	$ 675,806	$ 70,231	$ 36,001	$ 36,001

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Drainage Projects 2019 Bonds Fund (4604)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4604.860.7000 - Bond Administrative:				
EX30 - Services and Charges	600	600	600	0
EX80 - Capital	3,213	1,888	1,888	0
Total	3,813	2,488	2,488	0
4604.860.7410 - Missouri Creek/Rolling Hills:				
EX80 - Capital	1,743,080	699	699	0
Total	1,743,080	699	699	0
4604.860.7415 - Sunbridge/College Drainage:				
EX80 - Capital	38,503	0	0	0
Total	38,503	0	0	0
4604.860.7420 - Elmhurst/McClinton Drainage:				
EX80 - Capital	28,210	15,220	15,220	0
Total	28,210	15,220	15,220	0
4604.860.7999 - Bond Unallocated Budget:				
EX80 - Capital	0	657,398	657,398	0
Total	0	657,398	657,398	0
Budget Total	$ 1,813,606	$ 675,805	$ 675,805	$ 0

(Page Left Blank Intentionally)

Park Projects 2019 Bonds Fund (4605)

The Park Projects 2019 Bonds Fund (Phase I) accounts for the bond proceeds issued to finance all or a portion of the costs of acquisition, design, construction and equipping of certain regional park and other parks system improvements, which may include athletic fields and facilities, playgrounds, pools and splash pads, trails, campgrounds, picnic areas and pavilions, land acquisition, open space preservation and other recreational facilities and support facilities, such as restrooms and parking.

The total approved authorization by the voters was $26,405,000 for all bond phases. The par amount of bonds issued in Phase I is $10,560,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Park Projects 2019 Bonds Fund (4605)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 7,907	$ 6,747	$ 9,000	$ 0
Total Revenues	7,907	6,747	9,000	0
Expenses:				
Bond Administrative	2,681	1,220	1,220	0
Centennial Park	6,873	0	0	0
YRCC Enhancements	0	167,421	167,421	0
Total Expenses	9,554	168,641	168,641	0
Income / (Loss)	$ (1,647)	$ (161,894)	$ (159,641)	$ 0
Total Budget	$ 9,553	$ 168,641	$ 168,641	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 170,290	$ 168,643	$ 168,643	$ 9,002
Income / (Loss)	(1,647)	(161,894)	(159,641)	0
Ending Undesignated Fund Balance	$ 168,643	$ 6,749	$ 9,002	$ 9,002

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Park Projects 2019 Bonds Fund (4605)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4605.860.7000 - Bond Administrative:				
EX30 - Services and Charges	1,440	1,000	1,000	0
EX80 - Capital	1,241	220	220	0
Total	2,681	1,220	1,220	0
4605.860.7501 - Centennial Park:				
EX80 - Capital	6,873	0	0	0
Total	6,873	0	0	0
4605.860.7540 - YRCC Enhancements:				
EX80 - Capital	0	167,421	167,421	0
Total	0	167,421	167,421	0
Budget Total	$ 9,553	$ 168,641	$ 168,641	$ 0

(Page Left Blank Intentionally)

Economic Development 2019 Bonds Fund (4606)

The Economic Development 2019 Bonds Fund (Phase I) accounts for the bond proceeds issued to finance all or a portion of the costs of acquisition, design, construction and equipping of certain economic development projects, which may include land acquisition, site development and infrastructure useful in the development, retention or expansion of manufacturing, production, and industrial facilities, research, technology and development facilities, distribution centers, call centers, warehouse facilities, job training facilities or regional or national corporate headquarters facilities.

The total approved authorization by the voters was $3,170,000. This amount was issued in full during Phase I. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Economic Development 2019 Bond Fund (4606)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 138,782	$ 118,159	$ 128,000	$ 0
Total Revenues	138,782	118,159	128,000	0
Expenses:				
Bond Administrative	2,057	2,244	2,244	0
Commerce District Industrial Corridor	402,861	363,061	363,061	0
SLS Community - S Cato Springs	50,964	1,949,037	1,949,037	0
Bond Unallocated	0	444,713	444,713	0
Total Expenses	455,882	2,759,055	2,759,055	0
Income / (Loss)	$ (317,100)	$ (2,640,896)	$ (2,631,055)	$ 0
Total Budget	$ 455,882	$ 2,759,055	$ 2,759,055	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 3,076,155	$ 2,759,055	$ 2,759,055	$ 128,000
Income / (Loss)	(317,100)	(2,640,896)	(2,631,055)	0
Ending Undesignated Fund Balance	$ 2,759,055	$ 118,159	$ 128,000	$ 128,000

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Economic Development 2019 Bond Fund (4606)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4606.860.7000 - Bond Administrative:				
EX30 - Services and Charges	300	300	300	0
EX80 - Capital	1,757	1,944	1,944	0
Total	2,057	2,244	2,244	0
4606.860.7600 - Commerce Dist Industrial Coridor:				
EX30 - Services and Charges	0	30,000	30,000	0
EX80 - Capital	402,861	333,061	333,061	0
Total	402,861	363,061	363,061	0
4606.860.7650 - SLS Community - S Cato Springs:				
EX80 - Capital	50,964	1,949,037	1,949,037	0
Total	50,964	1,949,037	1,949,037	0
4606.860.7999 - Bond Unallocated Budget:				
EX80 - Capital	0	444,713	444,713	0
Total	0	444,713	444,713	0
Budget Total	$ 455,882	$ 2,759,055	$ 2,759,055	$ 0

(Page Left Blank Intentionally)

City Facilities 2019 Bonds Fund (4607)

The City Facilities 2019 Bonds Fund (Phase I) accounts for the bond proceeds issued to finance all or a portion of the costs of renovating and refurbishing certain City buildings and grounds, which may include building envelope and roof improvements, window replacement, insulation, lighting and HVAC system upgrades and certain renewable energy and energy efficiency projects.

The total approved authorization by the voters was $3,170,000 for all bond phases. The par amount of bonds issued in Phase I is $480,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
City Facilities 2019 Bonds Fund (4607)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 1,552	$ 1,332	$ 2,000	$ 0
Total Revenues	1,552	1,332	2,000	0
Expenses:				
Bond Administrative	173	0	0	0
Cityhall Improvements	0	34,307	34,307	0
Total Expenses	173	34,307	34,307	0
Income / (Loss)	$ 1,379	$ (32,975)	$ (32,307)	$ 0
Total Budget	$ 173	$ 34,307	$ 34,307	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 32,928	$ 34,307	$ 34,307	$ 2,000
Income / (Loss)	1,379	(32,975)	(32,307)	0
Ending Undesignated Fund Balance	$ 34,307	$ 1,332	$ 2,000	$ 2,000

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
City Facilities 2019 Bonds Fund (4607)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4607.860.7000 - Bond Administrative:				
EX80 - Capital	173	0	0	0
Total	173	0	0	0
4607.860.7710 - City Hall Improvements:				
EX80 - Capital	0	34,307	34,307	0
Total	0	34,307	34,307	0
Budget Total	$ 173	$ 34,307	$ 34,307	$ 0

(Page Left Blank Intentionally)

Arts Corridor 2019 Bonds Fund (4608)

The Arts Corridor 2019 Bonds Fund (Phase I) accounts for the bond proceeds issued to finance all or a portion of the costs of acquisition, design, construction and equipping of certain Cultural Arts Corridor improvements, within or near an area bordered by Dickson Street on the north, School Avenue on the east, Prairie Street on the south, and Gregg Avenue on the west, and which may include street, sidewalk, boardwalk, trail, pedestrian signal and control, bicycle facilities, curbing, guttering, drainage, lighting and landscaping improvements, plaza, civic and performance space, art installations, overlooks, stream restoration, pavilions, structure and other buildings, new and/or replacement parking facilities, and land and easement acquisition.

The total approved authorization by the voters was $31,685,000 for all bond phases. The par amount of bonds issued in Phase I is $19,070,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Arts Corridor 2019 Bonds Fund (4608)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 91,581	$ 37,891	$ 9,000	$ 0
Total Revenues	91,581	37,891	9,000	0
Expenses:				
Bond Administrative	14,021	8,600	8,600	0
Arts Corridor Improvements	684,996	68,995	68,995	0
Arts Corridor Parking	1,106,579	81,032	81,032	0
Bond Unallocated	0	0	0	0
Total Expenses	1,805,596	158,627	158,627	0
Income / (Loss)	$ (1,714,015)	$ (120,736)	$ (149,627)	$ 0
Total Budget	$ 1,805,595	$ 158,627	$ 158,627	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 1,867,511	$ 153,496	$ 153,496	$ 3,869
Income / (Loss)	(1,714,015)	(120,736)	(149,627)	0
Ending Undesignated Fund Balance	$ 153,496	$ 32,760	$ 3,869	$ 3,869

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Arts Corridor 2019 Bonds Fund (4608)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4608.860.7000 - Bond Administrative:				
EX30 - Services and Charges	1,100	1,100	1,100	0
EX80 - Capital	12,921	7,500	7,500	0
Total	14,021	8,600	8,600	0
4608.860.7800 - Arts Corridor Improvements:				
EX80 - Capital	684,996	68,995	68,995	0
Total	684,996	68,995	68,995	0
4608.860.7820 - Arts Corridor - Parking:				
EX20 - Materials & Supplies	53,272	(690)	(690)	0
EX80 - Capital	1,053,307	81,722	81,722	0
Total	1,106,579	81,032	81,032	0
Budget Total	$ 1,805,595	$ 158,627	$ 158,627	$ 0

(Page Left Blank Intentionally)

Police Projects 2019 Bonds Fund (4609)

The Police Projects 2019 Bonds Fund (Phase I) accounts for the bond proceeds issued to finance all or a portion of the costs of certain police station design, construction and improvements, which may include land acquisition, and the acquisition of police equipment.

The total approved authorization by the voters was $36,965,000. This amount was issued in full during Phase I. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Police Projects 2019 Bonds Fund (4609)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 76,029	$ 7,201	$ 4,096	$ 0
Total Revenues	76,029	7,201	4,096	0
Expenses:				
Bond Administrative	14,686	2,915	2,915	0
Police Headquarters Building	1,266,418	52,408	52,408	0
Total Expenses	1,281,104	55,323	55,323	0
Income / (Loss)	$ (1,205,075)	$ (48,122)	$ (51,227)	$ 0
Total Budget	$ 1,281,104	$ 55,323	$ 55,323	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 1,260,396	$ 55,321	$ 55,321	$ 4,094
Income / (Loss)	(1,205,075)	(48,122)	(51,227)	0
Ending Undesignated Fund Balance	$ 55,321	$ 7,199	$ 4,094	$ 4,094

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Police Projects 2019 Bonds Fund (4609)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4609.860.7000 - Bond Administrative:				
EX30 - Services and Charges	2,200	2,200	2,200	0
EX80 - Capital	12,486	715	715	0
Total	14,686	2,915	2,915	0
4609.860.7900 - Police Headquarters Building:				
EX80 - Capital	1,266,418	52,408	52,408	0
Total	1,266,418	52,408	52,408	0
Budget Total	$ 1,281,104	$ 55,323	$ 55,323	$ 0

(Page Left Blank Intentionally)

Fire Projects 2019 Bonds Fund (4610)

The Fire Projects 2019 Bonds Fund (Phase I) accounts for the bond proceeds issued to finance all or a portion of the costs of certain fire station design and construction, which may include land acquisition, and the acquisition of firefighting vehicles and equipment.

The total approved authorization by the voters was $15,840,000 for all bond phases. The par amount of bonds issued in Phase I is $10,025,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Fire Projects 2019 Bonds Fund (4610)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 38,923	$ 6,788	$ 22,000	$ 0
Total Revenues	38,923	6,788	22,000	0
Expenses:				
Bond Administrative	3,648	3,400	3,400	0
Fire Station #8	4,907	42,413	42,413	0
Fire Station #9	3,808	36,560	36,560	0
Fire Apparatus/Equipment	99,617	184,154	184,154	0
Fire Station #2 Relocation	0	554,292	554,292	0
Bond Unallocated	0	3,388	3,388	0
Total Expenses	111,980	824,207	824,207	0
Income / (Loss)	$ (73,057)	$ (817,419)	$ (802,207)	$ 0
Total Budget	$ 111,980	$ 824,207	$ 824,207	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 897,270	$ 824,213	$ 824,213	$ 22,006
Income / (Loss)	(73,057)	(817,419)	(802,207)	0
Ending Undesignated Fund Balance	$ 824,213	$ 6,794	$ 22,006	$ 22,006

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Fire Projects 2019 Bonds Fund (4610)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4610.860.7000 - Bond Administrative:				
EX30 - Services and Charges	900	900	900	0
EX80 - Capital	2,748	2,500	2,500	0
Total	3,648	3,400	3,400	0
4610.860.7108 - Fire Station 8:				
EX20 - Materials & Supplies	0	54	54	0
EX80 - Capital	4,907	42,359	42,359	0
Total	4,907	42,413	42,413	0
4610.860.7109 - Fire Station 9:				
EX20 - Materials & Supplies	0	65	65	0
EX80 - Capital	3,808	36,495	36,495	0
Total	3,808	36,560	36,560	0
4610.860.7110 - Fire Station #2 Relocation:				
EX20 - Materials & Supplies	0	24,758	24,758	0
EX80 - Capital	0	529,534	529,534	0
Total	0	554,292	554,292	0
4610.860.7150 - Fire Apparatus/Equipment:				
EX20 - Materials & Supplies	99,617	154,154	154,154	0
EX80 - Capital	0	30,000	30,000	0
Total	99,617	184,154	184,154	0
4610.860.7999 - Bond Unallocated Budget:				
EX80 - Capital	0	3,388	3,388	0
Total	0	3,388	3,388	0
Budget Total	$ 111,980	$ 824,207	$ 824,207	$ 0

(Page Left Blank Intentionally)

Street Projects 2022 Bond Fund (4702)

The Streets Project 2022 Bonds Fund (Phase II) accounts for the bond proceeds issued to finance all or a portion of the costs of right-of-way acquisition, design, construction, reconstruction, repair, resurfacing, straightening and width modification of certain City streets, which may include related sidewalk, traffic signal and control, lighting, curbing, guttering, bicycle lane, landscaping, drainage and safety improvements and related curbside pedestrian facilities such as bus pickup structures and concrete waiting pads.

The total approved authorization by the voters was $73,925,000 for all bond phases. The par amount of bonds issued in Phase I (2019) was $34,330,000 and the par amount of bonds issued in Phase II (2022) was $29,490,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Street Projects 2022 Bond Fund (4702)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 1,413,562	$ 0	$ 1,404,000	$ 0
Total Revenues	1,413,562	0	1,404,000	0
Expenses:				
Bond Issuance Cost	0	1,988	1,988	0
Bond Administrative	25,076	41,227	41,227	0
15th/Razorback Rd Intersection	764,322	2,534,284	2,534,284	0
Sain Street Extension	0	296	296	0
Downtown Walkability, Phase 1	0	2,713,032	2,713,032	0
Maple Street Cycle Track	0	4,341	4,341	0
MLK Area Walkability Improvements	0	4,863	4,863	0
Midtown Corridor	326,657	10,831,087	10,831,087	0
Futrall/Shiloh Gregg RR Xing	0	1,598,897	1,598,897	0
Hwy 71B Corridor	376,907	3,870,440	3,870,440	0
North St - Garland to Mission	4,283	1,260,136	1,260,136	0
Millsap/College Intersection Improvements	0	259,305	259,305	0
Pavement Maintenance / Overlays	233,625	1,505,849	1,505,849	0
Arts Corridor Improvements	0	513,000	513,000	0
Bond Unallocated	0	2,886,351	2,886,351	0
Total Expenses	1,730,870	28,025,096	28,025,096	0
Income / (Loss)	$ (317,308)	$ (28,025,096)	$ (26,621,096)	$ 0
Total Budget	$ 1,730,870	$ 28,025,096	$ 28,025,096	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 30,139,185	$ 29,821,877	$ 29,821,877	$ 3,200,781
Income / (Loss)	(317,308)	(28,025,096)	(26,621,096)	0
Ending Undesignated Fund Balance	$ 29,821,877	$ 1,796,781	$ 3,200,781	$ 3,200,781

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Street Projects 2022 Bond Fund (4702)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4702.860.7000 - Bond Administrative:				
EX30 - Services and Charges	1,868	4,631	4,631	0
EX50 - Debt Service	0	1,988	1,988	0
EX80 - Capital	23,208	36,596	36,596	0
Total	25,076	43,215	43,215	0
4702.860.7213 - Sain Street Improvements:				
EX80 - Capital	0	296	296	0
Total	0	296	296	0
4702.860.7214 - Downtown Walkability Imprvs:				
EX80 - Capital	0	2,713,032	2,713,032	0
Total	0	2,713,032	2,713,032	0
4702.860.7215 - Maple Street Improvements:				
EX80 - Capital	0	4,341	4,341	0
Total	0	4,341	4,341	0
4702.860.7216 - MLK Area Walkability Impvs:				
EX80 - Capital	0	4,863	4,863	0
Total	0	4,863	4,863	0
4702.860.7218 - Midtown Corridor:				
EX80 - Capital	326,657	10,831,087	10,831,087	0
Total	326,657	10,831,087	10,831,087	0
4702.860.7220 - Futrall/Shiloh Gregg RR Crossing:				
EX80 - Capital	0	1,598,897	1,598,897	0
Total	0	1,598,897	1,598,897	0
4702.860.7221 - Hwy 71B Corridor:				
EX80 - Capital	376,907	3,870,440	3,870,440	0
Total	376,907	3,870,440	3,870,440	0
4702.860.7222 - 15th/Razorback Rd. Intersection:				
EX80 - Capital	764,322	2,534,284	2,534,284	0
Total	764,322	2,534,284	2,534,284	0
4702.860.7223 - North St - Garland to Mission:				
EX80 - Capital	4,283	1,260,136	1,260,136	0
Total	4,283	1,260,136	1,260,136	0

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Street Projects 2022 Bond Fund (4702)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4702.860.7227 - Millsap/College Intersection Imp:				
EX80 - Capital	0	259,305	259,305	0
Total	0	259,305	259,305	0
4702.860.7252 - Pavement Maintenance / Overlays:				
EX40 - Maintenance	228,861	1,447,986	1,447,986	0
EX80 - Capital	4,763	57,863	57,863	0
Total	233,625	1,505,849	1,505,849	0
4702.860.7800 - Arts Corridor Improvements:				
EX80 - Capital	0	513,000	513,000	0
Total	0	513,000	513,000	0
4702.860.7999 - Bond Unallocated Budget:				
EX80 - Capital	0	2,886,351	2,886,351	0
Total	0	2,886,351	2,886,351	0
Budget Total	$ 1,730,870	$ 28,025,096	$ 28,025,096	$ 0

Trail Projects 2022 Bonds Fund (4703)

The Trail Projects 2022 Bonds Fund (Phase II) accounts for the bond proceeds issued to finance all or a portion of the of the costs of design, construction, reconstruction, extension and equipping of certain City trail system improvements, which may include related pedestrian signal, lighting, landscaping, drainage and safety improvements and right-of-way acquisition.

The total approved authorization by the voters was $6,865,000 for all bond phases. The par amount of bonds issued in Phase I (2019) was $2,295,000 and the par amount of bonds issued in Phase II (2022) was $4,570,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Trail Projects 2022 Bonds Fund (4703)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 201,189	$ 290,820	$ 120,000	$ 0
Total Revenues	201,189	290,820	120,000	0
Expenses:				
Bond Administrative	2,843	7,044	7,044	0
Miscellaneous Trail Improvements	0	52,857	52,857	0
Hamestring Trail Bridge	0	132,200	132,200	0
Mission Boulevard Trail	1,019,222	1,211,879	1,211,879	0
Drake Street Trail Connection	8,862	220,414	220,414	0
Midtown Corridor	299,004	1,300,997	1,300,997	0
Arts Corridor Improvements	0	541,645	541,645	0
Bond Unallocated	0	83,027	83,027	0
Total Expenses	1,329,931	3,550,063	3,550,063	0
Income / (Loss)	$ (1,128,742)	$ (3,259,243)	$ (3,430,063)	$ 0
Total Budget	$ 1,329,931	$ 3,550,063	$ 3,550,063	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 4,648,870	$ 3,520,128	$ 3,520,128	$ 90,065
Income / (Loss)	(1,128,742)	(3,259,243)	(3,430,063)	0
Ending Undesignated Fund Balance	$ 3,520,128	$ 260,885	$ 90,065	$ 90,065

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Trail Projects 2022 Bonds Fund (4703)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4703.860.7000 - Bond Administrative:				
EX30 - Services and Charges	462	3,044	3,044	0
EX80 - Capital	2,381	4,000	4,000	0
Total	2,843	7,044	7,044	0
4703.860.7218 - Midtown Corridor:				
EX80 - Capital	299,004	1,300,997	1,300,997	0
Total	299,004	1,300,997	1,300,997	0
4703.860.7300 - Miscellaneous Trail Improvements:				
EX80 - Capital	0	52,857	52,857	0
Total	0	52,857	52,857	0
4703.860.7301 - Hamestring Trail Bridge:				
EX80 - Capital	0	132,200	132,200	0
Total	0	132,200	132,200	0
4703.860.7302 - Mission Boulevard Corridor:				
EX80 - Capital	1,019,222	1,211,879	1,211,879	0
Total	1,019,222	1,211,879	1,211,879	0
4703.860.7305 - Drake Street Trail Connection:				
EX80 - Capital	8,862	220,414	220,414	0
Total	8,862	220,414	220,414	0
4703.860.7800 - Arts Corridor Improvements:				
EX80 - Capital	0	541,645	541,645	0
Total	0	541,645	541,645	0
4703.860.7999 - Bond Unallocated Budget:				
EX80 - Capital	0	83,027	83,027	0
Total	0	83,027	83,027	0
Budget Total	$ 1,329,931	$ 3,550,063	$ 3,550,063	$ 0

(Page Left Blank Intentionally)

Drainage Projects 2022 Bonds Fund (4704)

The Drainage Projects 2022 Bonds Fund (Phase II) accounts for the bond proceeds issued to finance all or a portion of the costs of the design, construction, reconstruction, repair, retrofit, extension, enlargement and equipping of certain drainage facilities, which may include land and easement acquisition and water quality features such as detention and retention basins and stream restoration.

The total approved authorization by the voters was $15,840,000 for all bond phases. The par amount of bonds issued in Phase I (2019) was $7,630,000 and the par amount of bonds issued in Phase II (2022) was $8,210,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Drainage Projects 2022 Bonds Fund (4704)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 326,396	$ 597,626	$ 351,000	$ 0
Total Revenues	326,396	597,626	351,000	0
Expenses:				
Bond Administrative	2,580	5,232	5,232	0
Floodplain Buyout/Elevation	17,319	15,336	15,336	0
Sunbridge/College Drainage	103,309	6,467,453	6,467,453	0
Elmhurst/McClinton Drainage	132,461	263,154	263,154	0
Stream Restoration - EPA Grant	0	86,850	86,850	0
Bond Unallocated	0	366,224	366,224	0
Total Expenses	255,669	7,204,249	7,204,249	0
Income / (Loss)	$ 70,727	$ (6,606,623)	$ (6,853,249)	$ 0
Total Budget	$ 255,669	$ 7,204,249	$ 7,204,249	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 6,959,214	$ 7,029,941	$ 7,029,941	$ 176,692
Income / (Loss)	70,727	(6,606,623)	(6,853,249)	0
Ending Undesignated Fund Balance	$ 7,029,941	$ 423,318	$ 176,692	$ 176,692

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Drainage Projects 2022 Bonds Fund (4704)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4704.860.7000 - Bond Administrative:				
EX30 - Services and Charges	471	2,841	2,841	0
EX80 - Capital	2,109	2,391	2,391	0
Total	2,580	5,232	5,232	0
4704.860.7405 - Floodplain Buyout/Elevation:				
EX80 - Capital	17,319	15,336	15,336	0
Total	17,319	15,336	15,336	0
4704.860.7415 - Sunbridge/College Drainage:				
EX80 - Capital	103,309	6,467,453	6,467,453	0
Total	103,309	6,467,453	6,467,453	0
4704.860.7420 - Elmhurst/McClinton Drainage:				
EX80 - Capital	132,461	263,154	263,154	0
Total	132,461	263,154	263,154	0
4704.860.7426 - Stream Restoration - EPA Grant:				
EX80 - Capital	0	86,850	86,850	0
Total	0	86,850	86,850	0
4704.860.7999 - Bond Unallocated Budget:				
EX80 - Capital	0	366,224	366,224	0
Total	0	366,224	366,224	0
Budget Total	$ 255,669	$ 7,204,249	$ 7,204,249	$ 0

(Page Left Blank Intentionally)

Park Projects 2022 Bonds Fund (4705)

The Park Projects 2022 Bonds Fund (Phase II) accounts for the bond proceeds issued to finance all or a portion of the costs of acquisition, design, construction and equipping of certain regional park and other parks system improvements, which may include athletic fields and facilities, playgrounds, pools and splash pads, trails, campgrounds, picnic areas and pavilions, land acquisition, open space preservation and other recreational facilities and support facilities, such as restrooms and parking.

The total approved authorization by the voters was $26,405,000 for all bond phases. The par amount of bonds issued in Phase I (2019) was $10,560,000 and the par amount of bonds issued in Phase II (2022) was $10,950,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Park Projects 2022 Bonds Fund (4705)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 486,328	$ 0	$ 405,000	$ 0
Total Revenues	486,328	0	405,000	0
Expenses:				
Bond Administrative	14,076	17,399	17,399	0
Lake Fayetteville Improvements	827,559	1,972,364	1,972,364	0
YRCC Enhancements	205,315	1,600,553	1,600,553	0
Walker Park Improvements	91,208	218,075	218,075	0
Wilson Hub Improvements	1,056,477	50	50	0
Underwood Improvements	0	277,000	277,000	0
Bryce Davis	19,999	193,285	193,285	0
Combs/River Nature Park	28,258	158,555	158,555	0
Bond Unallocated	0	4,228,917	4,228,917	0
Total Expenses	2,242,892	8,666,198	8,666,198	0
Income / (Loss)	$ (1,756,564)	$ (8,666,198)	$ (8,261,198)	$ 0
Total Budget	$ 2,242,891	$ 8,666,198	$ 8,666,198	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 11,052,117	$ 9,295,553	$ 9,295,553	$ 1,034,355
Income / (Loss)	(1,756,564)	(8,666,198)	(8,261,198)	0
Ending Undesignated Fund Balance	$ 9,295,553	$ 629,355	$ 1,034,355	$ 1,034,355

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Park Projects 2022 Bonds Fund (4705)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4705.860.7000 - Bond Administrative:				
EX30 - Services and Charges	187	2,288	2,288	0
EX80 - Capital	13,889	15,111	15,111	0
Total	14,076	17,399	17,399	0
4705.860.7505 - Lake Fayetteville Improvements:				
EX80 - Capital	827,559	1,972,364	1,972,364	0
Total	827,559	1,972,364	1,972,364	0
4705.860.7540 - YRCC Enhancements:				
EX80 - Capital	205,315	1,600,553	1,600,553	0
Total	205,315	1,600,553	1,600,553	0
4705.860.7550 - Walker Park Improvements:				
EX80 - Capital	91,208	218,075	218,075	0
Total	91,208	218,075	218,075	0
4705.860.7560 - Wilson Hub Improvements:				
EX80 - Capital	1,056,477	50	50	0
Total	1,056,477	50	50	0
4705.860.7570 - Underwood Improvements:				
EX80 - Capital	0	277,000	277,000	0
Total	0	277,000	277,000	0
4705.860.7580 - Bryce Davis:				
EX80 - Capital	19,999	193,285	193,285	0
Total	19,999	193,285	193,285	0
4705.860.7590 - Combs/River Nature Park:				
EX80 - Capital	28,258	158,555	158,555	0
Total	28,258	158,555	158,555	0
4705.860.7999 - Bond Unallocated Budget:				
EX80 - Capital	0	4,228,917	4,228,917	0
Total	0	4,228,917	4,228,917	0
Budget Total	$ 2,242,891	$ 8,666,198	$ 8,666,198	$ 0

(Page Left Blank Intentionally)

City Facilities 2022 Bonds Fund (4707)

The City Facilities 2022 Bonds Fund (Phase II) accounts for the bond proceeds issued to finance all or a portion of the costs of renovating and refurbishing certain City buildings and grounds, which may include building envelope and roof improvements, window replacement, insulation, lighting and HVAC system upgrades and certain renewable energy and energy efficiency projects.

The total approved authorization by the voters was $3,170,000 for all bond phases. The par amount of bonds issued in Phase I (2019) was $480,000 and the par amount of bonds issued in Phase II (2022) was $2,690,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
City Facilities 2022 Bonds Fund (4707)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 129,910	$ 0	$ 139,000	$ 0
Total Revenues	129,910	0	139,000	0
Expenses:				
Bond Administrative	6,771	11,605	11,605	0
Cityhall Improvements	0	378,527	378,527	0
Old Police Building Renovations	0	413,373	413,373	0
Bond Unallocated	0	1,903,699	1,903,699	0
Total Expenses	6,771	2,707,204	2,707,204	0
Income / (Loss)	$ 123,139	$ (2,707,204)	$ (2,568,204)	$ 0
Total Budget	$ 6,771	$ 2,707,204	$ 2,707,204	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 2,749,112	$ 2,872,251	$ 2,872,251	$ 304,047
Income / (Loss)	123,139	(2,707,204)	(2,568,204)	0
Ending Undesignated Fund Balance	$ 2,872,251	$ 165,047	$ 304,047	$ 304,047

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
City Facilities 2022 Bonds Fund (4707)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4707.860.7000 - Bond Administrative:				
EX30 - Services and Charges	894	2,605	2,605	0
EX80 - Capital	5,877	9,000	9,000	0
Total	6,771	11,605	11,605	0
4707.860.7710 - City Hall Improvements:				
EX80 - Capital	0	378,527	378,527	0
Total	0	378,527	378,527	0
4707.860.7730 - Old Police Building Renovations:				
EX80 - Capital	0	413,373	413,373	0
Total	0	413,373	413,373	0
4707.860.7999 - Bond Unallocated Budget:				
EX80 - Capital	0	1,903,699	1,903,699	0
Total	0	1,903,699	1,903,699	0
Budget Total	$ 6,771	$ 2,707,204	$ 2,707,204	$ 0

(Page Left Blank Intentionally)

Arts Corridor 2022 Bonds Fund (4708)

The Arts Corridor 2022 Bonds Fund (Phase II) accounts for the bond proceeds issued to finance all or a portion of the costs of acquisition, design, construction and equipping of certain Cultural Arts Corridor improvements, within or near an area bordered by Dickson Street on the north, School Avenue on the east, Prairie Street on the south, and Gregg Avenue on the west, and which may include street, sidewalk, boardwalk, trail, pedestrian signal and control, bicycle facilities, curbing, guttering, drainage, lighting and landscaping improvements, plaza, civic and performance space, art installations, overlooks, stream restoration, pavilions, structure and other buildings, new and/or replacement parking facilities, and land and easement acquisition.

The total approved authorization by the voters was $31,685,000 for all bond phases. The par amount of bonds issued in Phase I (2019) was $19,070,000 and the par amount of bonds issued in Phase II (2022) was $12,615,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Arts Corridor 2022 Bonds Fund (4708)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 509,997	$ 460,297	$ 385,000	$ 0
Total Revenues	509,997	460,297	385,000	0
Expenses:				
Bond Administrative	30,582	22,276	22,276	0
Arts Corridor Improvements	3,896,496	8,802,302	8,802,302	0
Arts Corridor Parking	57,261	16,160	16,160	0
Bond Unallocated	0	373,511	373,511	0
Total Expenses	3,984,339	9,214,249	9,214,249	0
Income / (Loss)	$ (3,474,342)	$ (8,753,952)	$ (8,829,249)	$ 0
Total Budget	$ 3,984,339	$ 9,214,249	$ 9,214,249	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 12,482,979	$ 9,008,637	$ 9,008,637	$ 179,388
Income / (Loss)	(3,474,342)	(8,753,952)	(8,829,249)	0
Ending Undesignated Fund Balance	$ 9,008,637	$ 254,685	$ 179,388	$ 179,388

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Arts Corridor 2022 Bonds Fund (4708)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4708.860.7000 - Bond Administrative:				
EX30 - Services and Charges	889	627	627	0
EX80 - Capital	29,694	21,649	21,649	0
Total	30,582	22,276	22,276	0
4708.860.7800 - Arts Corridor Improvements:				
EX80 - Capital	3,896,496	8,802,302	8,802,302	0
Total	3,896,496	8,802,302	8,802,302	0
4708.860.7820 - Arts Corridor - Parking:				
EX20 - Materials & Supplies	6,486	0	0	0
EX80 - Capital	50,775	16,160	16,160	0
Total	57,261	16,160	16,160	0
4708.860.7999 - Bond Unallocated Budget:				
EX80 - Capital	0	373,511	373,511	0
Total	0	373,511	373,511	0
Budget Total	$ 3,984,339	$ 9,214,249	$ 9,214,249	$ 0

(Page Left Blank Intentionally)

Fire Projects 2022 Bonds Fund (4710)

The Fire Projects 2022 Bonds Fund (Phase II) accounts for the bond proceeds issued to finance all or a portion of the costs of certain fire station design and construction, which may include land acquisition, and the acquisition of firefighting vehicles and equipment.

The total approved authorization by the voters was $15,840,000 for all bond phases. The par amount of bonds issued in Phase I (2019) was $10,025,000 and the par amount of bonds issued in Phase II (2022) was $5,815,000. Appropriation of the unspent portion of these funds will be made through the re-budget process which will be considered by the City Council during the first quarter of 2025.

City of Fayetteville, Arkansas
2025 Operating Budget
Fire Projects 2022 Bonds Fund (4710)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Investment Earnings	$ 273,240	$ 0	$ 198,000	$ 0
Total Revenues	273,240	0	198,000	0
Expenses:				
Bond Administrative	8,276	16,095	16,095	0
Fire Station #2 Relocation	955,595	4,826,111	4,826,111	0
Bond Unallocated	0	20,450	20,450	0
Total Expenses	963,871	4,862,656	4,862,656	0
Income / (Loss)	$ (690,631)	$ (4,862,656)	$ (4,664,656)	$ 0
Total Budget	$ 963,872	$ 4,862,656	$ 4,862,656	$ 0
FUND BALANCE ANALYSIS				
Beginning Undesignated Fund Balance	$ 5,902,483	$ 5,211,852	$ 5,211,852	$ 547,196
Income / (Loss)	(690,631)	(4,862,656)	(4,664,656)	0
Ending Undesignated Fund Balance	$ 5,211,852	$ 349,196	$ 547,196	$ 547,196

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Fire Projects 2022 Bonds Fund (4710)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
4710.860.7000 - Bond Administrative:				
EX30 - Services and Charges	0	2,871	2,871	0
EX80 - Capital	8,276	13,224	13,224	0
Total	8,276	16,095	16,095	0
4710.860.7110 - Fire Station #2 Relocation:				
EX20 - Materials & Supplies	0	66,000	66,000	0
EX80 - Capital	955,595	4,760,111	4,760,111	0
Total	955,595	4,826,111	4,826,111	0
4710.860.7999 - Bond Unallocated Budget:				
EX80 - Capital	0	20,450	20,450	0
Total	0	20,450	20,450	0
Budget Total	$ 963,872	$ 4,862,656	$ 4,862,656	$ 0

(Page Left Blank Intentionally)

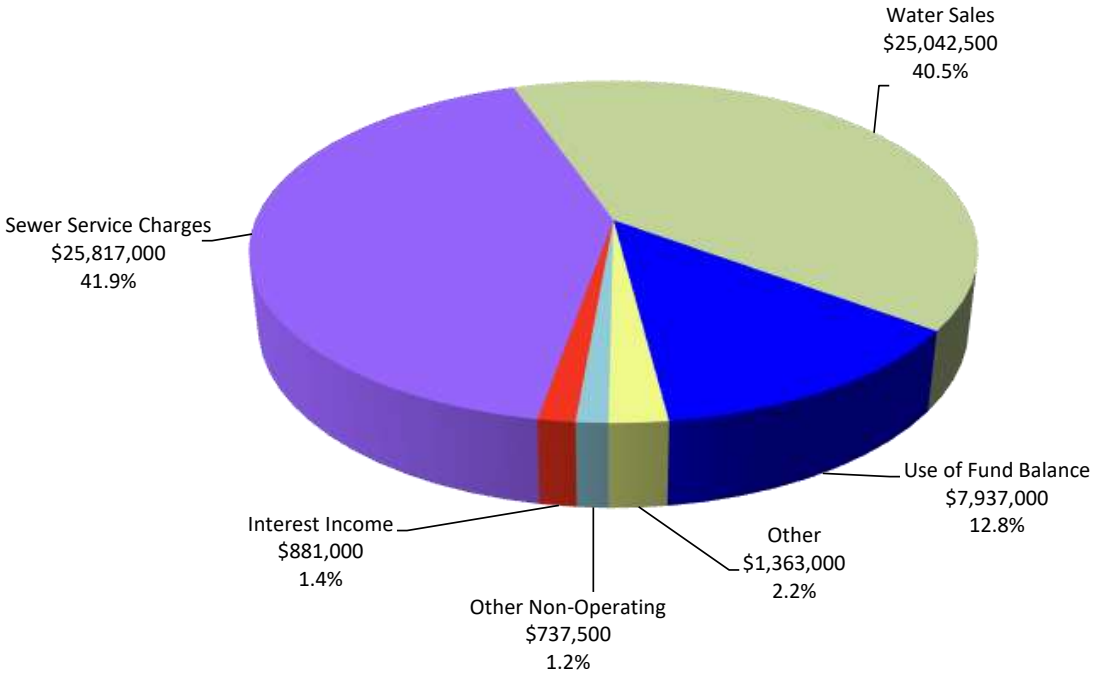
Water and Sewer Fund (5400)

The Water & Sewer Fund accounts for the revenue sources as well as the operation and maintenance expenses of the City's water and sewer system. This includes water purchases from Beaver Water District, all water and sewer functions, the operation of the wastewater treatment plants, meter and backflow operations, and utility financial services. The 2025 Budget includes a significant amount in capital outlay at $8.62 million due to a backlog of needed projects; however, there are sufficient reserves to fund these projects.

Water & Sewer Fund Revenues

For 2025, the Water & Sewer Fund is projected to have an operating gain of $1.6 million before capital expenditures on a cash basis. System user consumption projections for 2025 are expected to increase compared to 2024.

Sources of Funds for 2025
$ 61,778,000



Water Sales: Water sales revenue is based on metered customer usage of water and is one of the primary sources of revenue for the Water & Sewer Fund. Budgeted revenue for 2025 is projected to increase by 2% when compared to 2024.

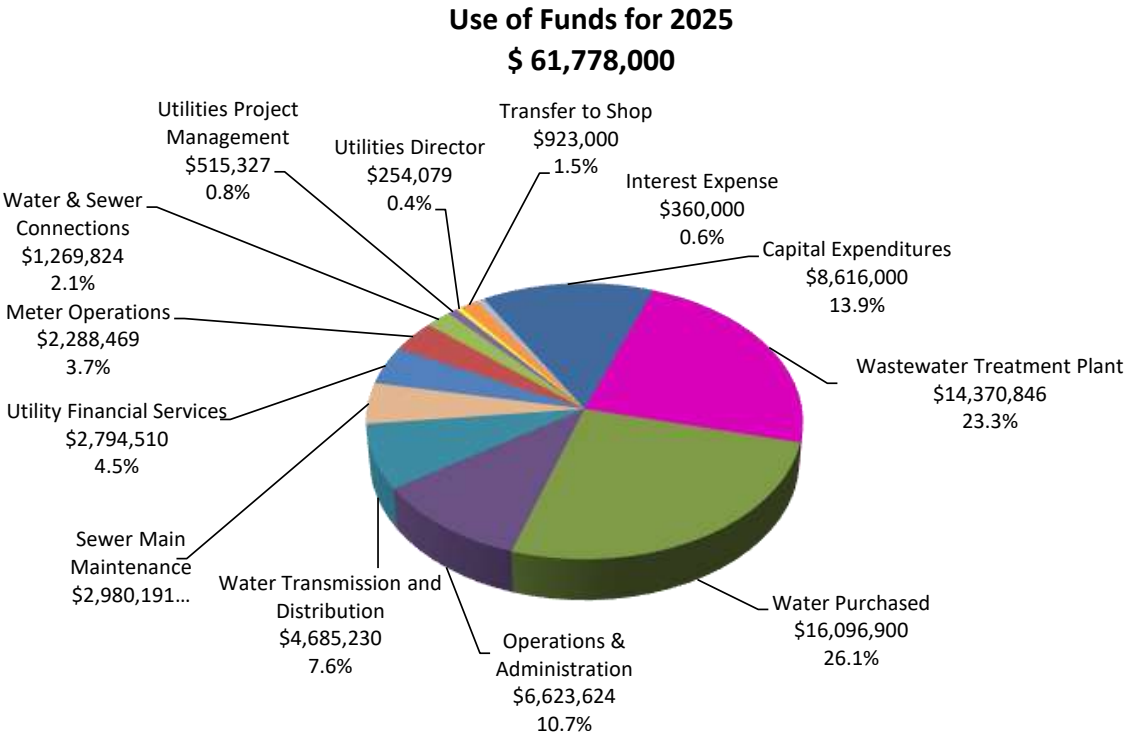


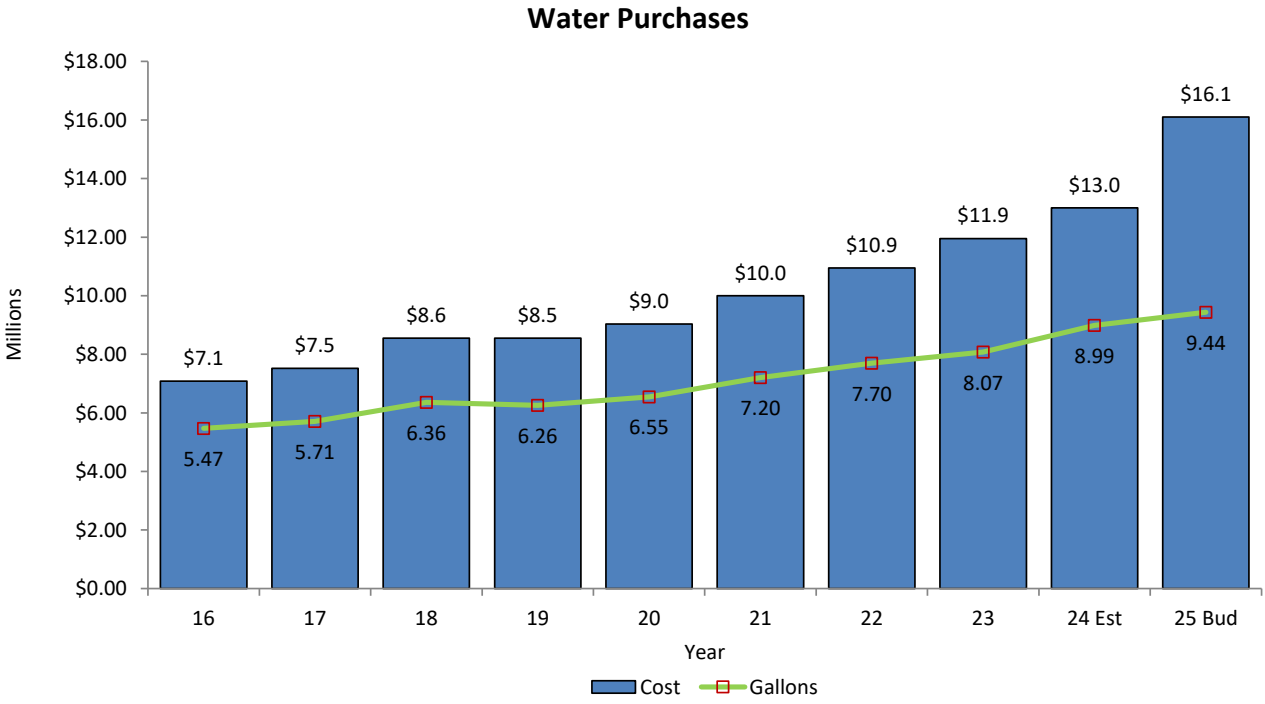
Sewer Charges: Sewer service charge revenue is based on metered customer usage of water and is the other primary source of revenue for the Water & Sewer Fund. The budgeted revenue for 2025 is projected to increase by 2% when compared to estimated 2024.



Water & Sewer Fund Expenses

The wastewater treatment plant operations and water purchases are budgeted at $14.37 million and $16.1 million, respectively, for 2025. These two items represent 30.47% of the total operating expenses.





City of Fayetteville, Arkansas
2025 Operating Budget
Water & Sewer Fund (5400)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Sewer Service Charges	$ 24,745,488	$ 25,654,210	$ 25,312,000	$ 25,817,000
Water Sales	23,277,023	25,622,405	24,549,500	25,042,500
Other	1,302,425	1,313,704	1,465,704	1,363,000
Interest Income	2,629,880	480,000	1,383,618	881,000
Other Non-Operating	903,285	811,385	653,900	737,500
Total Revenues	52,858,101	53,881,704	53,364,722	53,841,000
Expenses:				
Utilities Director	220,498	251,135	251,135	254,079
Utilities Project Management	331,417	379,795	379,795	515,327
Water Purchased	11,948,648	13,000,000	13,000,000	16,096,900
Utility Financial Services	2,085,253	2,504,326	2,504,326	2,794,510
Operations & Administration	5,394,953	5,993,305	5,993,305	6,623,624
Water Transmission and Distribution	3,572,947	4,407,494	4,407,494	4,685,230
Sewer Main Maintenance	2,558,190	2,775,408	2,775,408	2,980,191
Water & Sewer Connections	478,318	527,199	527,199	1,269,824
Wastewater Treatment Plant	13,219,710	16,625,722	16,625,722	14,370,846
Meter Operations	1,958,637	2,666,966	2,666,966	2,288,469
Interest Expense	0	11,275	11,275	360,000
Total Expenses	41,768,571	49,142,625	49,142,625	52,239,000
Budget Gain / (Loss) Before Capital	$ 11,089,530	$ 4,739,079	$ 4,222,097	$ 1,602,000
Non-Operating Revenues / (Expenses):				
Intergovernmental (Grants)	0	7,123,769	7,123,769	0
Gain/Loss Sale of Assets	436	271,910	272,000	0
Capital Contributions	9,538,899	0	5,000,000	0
Transfer from General	0	4,000,000	4,000,000	0
Transfer from Impact Fee Fund	0	7,534,231	7,534,231	0
West Water Transmission Line Loan	0	85,000,000	85,000,000	0
Capital Expenditures	(20,592,941)	(128,744,515)	(128,744,515)	(8,616,000)
Transfer to Shop	(68,137)	(1,012,913)	(1,012,913)	(923,000)
Total Expenses	(11,121,743)	(25,827,518)	(20,827,428)	(9,539,000)
Budget Gain / (Loss)	$ (32,213)	$ (21,088,439)	$ (16,605,331)	(7,937,000)
Total Budget	$ 62,429,648	$ 178,900,053	$ 178,900,053	$ 61,778,000

City of Fayetteville, Arkansas
2025 Operating Budget
Water & Sewer Fund (5400)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 390,795,703	$ 398,825,170	$ 398,825,170	$ 418,481,974
Budget Gain / (Loss)	(32,213)	(21,088,439)	(16,605,331)	(7,937,000)
Less: West Water Trans Line Loan	0	(85,000,000)	(85,000,000)	0
Plus: Gain Capital Expenditures	20,592,941	128,744,515	128,744,515	8,616,000
Plus: Gain W/S Connections	478,318	527,199	527,199	1,269,824
Less: Depreciation Expense	(13,009,579)	(13,009,579)	(13,009,579)	(13,009,579)
Ending Total Net Assets	$ 398,825,170	$ 408,998,866	$ 418,481,974	$ 407,421,219
NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 358,390,706	$ 474,652,841	$ 479,652,841	$ 476,529,086
Unrestricted	40,434,464	19,346,025	23,829,133	15,892,133
Ending Total Net Position	$ 398,825,170	$ 408,998,866	$ 418,481,974	$ 407,421,219

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Water & Sewer Fund (5400)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
5400.700.1800 - Utilities Director Program:				
EX10 - Personnel Services	181,082	196,413	196,413	200,016
EX20 - Materials & Supplies	2,136	3,798	3,798	3,379
EX30 - Services and Charges	3,297	7,556	7,556	7,556
EX33 - Motorpool	4,355	7,428	7,428	7,188
EX39 - Cost Allocation	29,628	35,940	35,940	35,940
Total	220,498	251,135	251,135	254,079
5400.700.4020 - Utilities Project Management Program:				
EX10 - Personnel Services	309,727	333,064	333,064	459,014
EX20 - Materials & Supplies	4,358	10,793	10,793	18,020
EX30 - Services and Charges	7,305	13,426	13,426	14,285
EX33 - Motorpool	9,924	10,012	10,012	12,008
EX40 - Maintenance	103	12,500	12,500	12,000
Total	331,417	379,795	379,795	515,327
5400.710.1810 - Utilities Financial Services Program:				
EX10 - Personnel Services	1,231,024	1,447,712	1,447,712	1,480,846
EX20 - Materials & Supplies	83,349	101,500	101,500	102,000
EX30 - Services and Charges	870,312	1,072,426	1,072,426	1,327,176
EX39 - Cost Allocation	(106,350)	(129,012)	(129,012)	(129,012)
EX40 - Maintenance	6,918	11,700	11,700	13,500
Total	2,085,253	2,504,326	2,504,326	2,794,510
5400.720.1820 - Meter Reading Program:				
EX10 - Personnel Services	881,862	1,003,334	1,003,334	1,006,592
EX20 - Materials & Supplies	53,911	84,426	84,426	70,901
EX30 - Services and Charges	108,284	125,910	125,910	136,410
EX33 - Motorpool	129,203	131,028	131,028	151,183
EX39 - Cost Allocation	89,232	108,240	108,240	108,240
EX40 - Maintenance	9,255	12,400	12,400	13,900
Total	1,271,747	1,465,338	1,465,338	1,487,226
5400.720.1830 - Meter Maint & Backflow Prev Program:				
EX10 - Personnel Services	465,124	596,950	596,950	623,454
EX20 - Materials & Supplies	25,271	55,084	55,084	52,468
EX30 - Services and Charges	13,631	14,290	14,290	14,290
EX33 - Motorpool	27,298	35,895	35,895	41,711
EX39 - Cost Allocation	28,296	34,320	34,320	34,320
EX40 - Maintenance	0	750	750	1,000
Total	559,620	737,289	737,289	767,243

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Water & Sewer Fund (5400)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
5400.720.1840 - Meter Operations Capital Program:				
EX20 - Materials & Supplies	43,074	131,939	131,939	0
EX30 - Services and Charges	84,196	131,008	131,008	23,000
EX40 - Maintenance	0	201,392	201,392	11,000
EX80 - Capital	1,862,067	3,392,832	3,392,832	1,136,000
EX96 - Operating Transfers Out	60,837	682,728	682,728	0
Total	2,050,175	4,539,899	4,539,899	1,170,000
5400.720.3800 - Water Purchased Program:				
EX30 - Services and Charges	11,948,648	13,000,000	13,000,000	16,096,900
Total	11,948,648	13,000,000	13,000,000	16,096,900
5400.720.4000 - Operations & Administration Program:				
EX10 - Personnel Services	1,326,361	1,467,465	1,467,465	1,789,664
EX20 - Materials & Supplies	314,227	343,039	343,039	404,889
EX30 - Services and Charges	2,641,527	2,817,320	2,817,320	2,920,945
EX33 - Motorpool	26,177	26,984	26,984	154,897
EX39 - Cost Allocation	1,017,012	1,233,672	1,233,672	1,233,672
EX40 - Maintenance	69,648	104,825	104,825	119,557
EX80 - Capital	0	35,043	35,043	0
EX96 - Operating Transfers Out	7,300	304,610	304,610	923,000
Total	5,402,253	6,332,958	6,332,958	7,546,624
5400.720.4310 - Water Distribution Maintenance Program:				
EX10 - Personnel Services	1,387,245	1,684,692	1,684,692	1,671,138
EX20 - Materials & Supplies	880,183	926,166	926,166	1,196,837
EX30 - Services and Charges	344,562	472,042	472,042	530,000
EX33 - Motorpool	611,068	848,575	848,575	822,326
EX39 - Cost Allocation	84,876	102,960	102,960	102,960
EX40 - Maintenance	5,267	20,000	20,000	9,000
Total	3,313,201	4,054,435	4,054,435	4,332,261
5400.720.4330 - Water Storage & Pump Maintenance Program:				
EX10 - Personnel Services	175,718	239,335	239,335	233,747
EX20 - Materials & Supplies	37,568	54,900	54,900	58,490
EX30 - Services and Charges	15,462	25,000	25,000	25,000
EX33 - Motorpool	19,150	18,956	18,956	20,864
EX39 - Cost Allocation	11,016	13,368	13,368	13,368
EX40 - Maintenance	831	1,500	1,500	1,500
Total	259,746	353,059	353,059	352,969

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Water & Sewer Fund (5400)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
5400.720.4410 - Sewer Mains Maintenance Program:				
EX10 - Personnel Services	1,336,350	1,463,864	1,463,864	1,479,807
EX20 - Materials & Supplies	377,854	398,907	398,907	419,906
EX30 - Services and Charges	204,820	184,875	184,875	271,500
EX33 - Motorpool	543,653	612,750	612,750	691,698
EX39 - Cost Allocation	88,440	107,280	107,280	107,280
EX40 - Maintenance	7,073	7,732	7,732	10,000
Total	2,558,190	2,775,408	2,775,408	2,980,191
5400.720.5600 - Capital Water Mains Program:				
EX30 - Services and Charges	2,325,392	2,927,824	2,927,824	0
EX80 - Capital	3,947,168	23,524,919	23,524,919	3,279,000
Total	6,272,560	26,452,743	26,452,743	3,279,000
5400.720.5620 - Water & Sewer Connections Program:				
EX10 - Personnel Services	156,942	196,965	196,965	723,903
EX20 - Materials & Supplies	249,928	245,363	245,363	292,291
EX30 - Services and Charges	13,012	10,500	10,500	10,500
EX33 - Motorpool	42,838	54,885	54,885	223,644
EX39 - Cost Allocation	15,324	18,588	18,588	18,588
EX40 - Maintenance	274	898	898	898
Total	478,318	527,199	527,199	1,269,824
5400.720.5700 - Sewer Mains Construction Program:				
EX20 - Materials & Supplies	7	126,073	126,073	0
EX30 - Services and Charges	476,294	1,050,246	1,050,246	0
EX80 - Capital	11,211,209	4,999,881	4,999,881	2,500,000
Total	11,687,510	6,176,200	6,176,200	2,500,000
5400.720.6800 - Debt Service Program:				
EX50 - Debt Service	0	11,275	11,275	360,000
Total	0	11,275	11,275	360,000
5400.730.5100 - WWTP Administration & SCADA Program:				
EX30 - Services and Charges	1,585,566	2,386,120	2,386,120	2,367,645
EX40 - Maintenance	0	300	300	300
Total	1,585,566	2,386,420	2,386,420	2,367,945

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Water & Sewer Fund (5400)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
5400.730.5110 - WWTP East Side Operations Program:				
EX20 - Materials & Supplies	91,893	110,681	110,681	88,545
EX30 - Services and Charges	5,866,526	6,776,075	6,776,075	7,135,859
EX33 - Motorpool	401,645	447,665	447,665	464,136
EX39 - Cost Allocation	54,336	65,916	65,916	65,916
EX40 - Maintenance	6,148	5,000	5,000	5,000
Total	6,420,547	7,405,337	7,405,337	7,759,456
5400.730.5120 - WWTP West Side Operations Program:				
EX20 - Materials & Supplies	42,591	76,967	76,967	61,574
EX30 - Services and Charges	2,019,379	2,354,880	2,354,880	2,292,473
EX33 - Motorpool	73,365	78,072	78,072	77,824
EX39 - Cost Allocation	54,024	65,532	65,532	65,532
EX40 - Maintenance	3,589	3,549	3,549	3,549
Total	2,192,948	2,579,000	2,579,000	2,500,952
5400.730.5130 - WWTP Lab / IPP Program:				
EX30 - Services and Charges	438,154	536,087	536,087	534,413
Total	438,154	536,087	536,087	534,413
5400.730.5140 - WWTP Lift Station Maintenance Program:				
EX20 - Materials & Supplies	21,242	29,472	29,472	23,578
EX30 - Services and Charges	1,050,549	1,187,221	1,187,221	1,184,502
Total	1,071,792	1,216,693	1,216,693	1,208,080
5400.730.5800 - Wastewater Plant Capital Program:				
EX30 - Services and Charges	481,876	1,467,814	1,467,814	0
EX40 - Maintenance	1,028,827	1,034,371	1,034,371	0
EX80 - Capital	223,977	4,435,438	4,435,438	1,701,000
EX96 - Operating Transfers Out	0	25,575	25,575	0
Total	1,734,680	6,963,198	6,963,198	1,701,000
5400.800.5650 - W Water Transmission Line Loan Program:				
EX80 - Capital	0	85,000,000	85,000,000	0
Total	0	85,000,000	85,000,000	0
5400.860.5600 - Capital Water Mains Program:				
EX80 - Capital	33,469	3,148,777	3,148,777	0
Total	33,469	3,148,777	3,148,777	0
5400.860.5700 - Sewer Mains Construction Program:				
EX80 - Capital	513,358	103,482	103,482	0
Total	513,358	103,482	103,482	0
Budget Total	$ 62,429,648	$ 178,900,053	$ 178,900,053	$ 61,778,000

(Page Left Blank Intentionally)

Recycling & Trash Collection Fund (5500)

The Recycling & Trash Collection Fund is responsible for the operation of the City's solid waste collection and disposal, transfer station, recycling program, and composting program. Revenues for the fund are obtained from fees levied for trash collection, recycling revenue, container sales or leases, and the transfer station. After capital expenditures, the fund will have a loss of $872,000. There are sufficient reserves to absorb this amount.

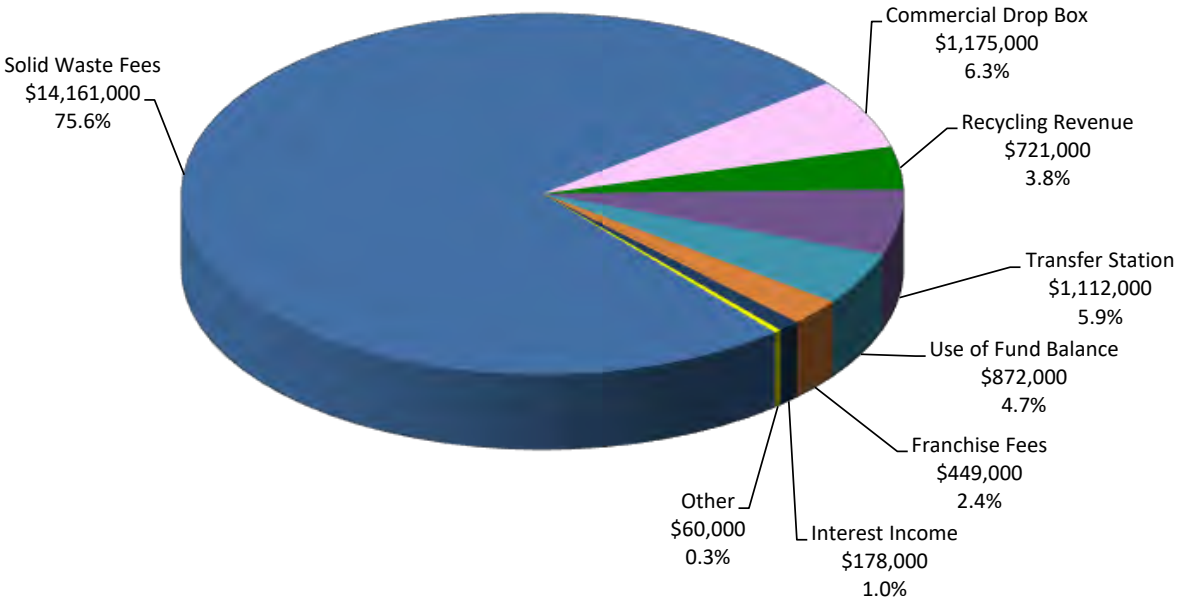
Recycling & Trash Collection Fund Revenues

For 2025, the Recycling & Trash Collection Fund sources of funds are budgeted at $18,728,000. Solid Waste Fees make up the largest source of revenue at 75.6%.

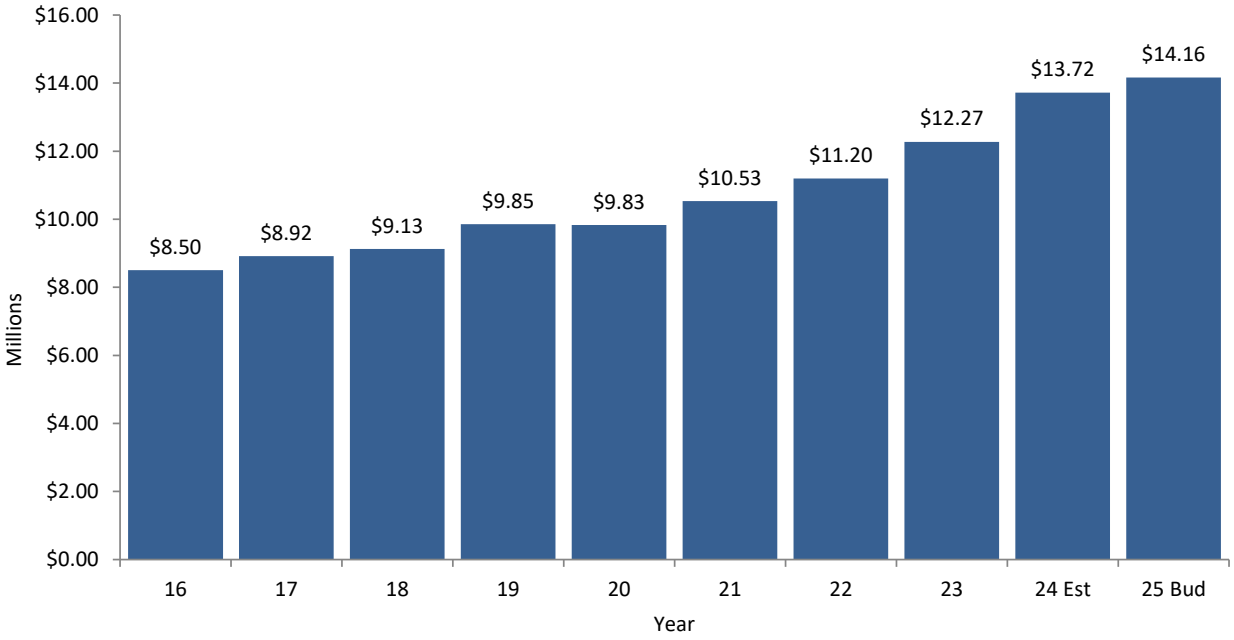
Recycling Revenues

Recycling revenue includes the sale of materials collected at curbside and at the recycling centers. The estimated revenue for that program is $721,000 for 2025. However, a portion of the solid waste fees could also be attributable to recycling activity due to the decreased cost of disposing of those materials as trash. That portion is estimated to be approximately $2,025,000 for 2025.

Sources of Funds for 2025
$ 18,728,000

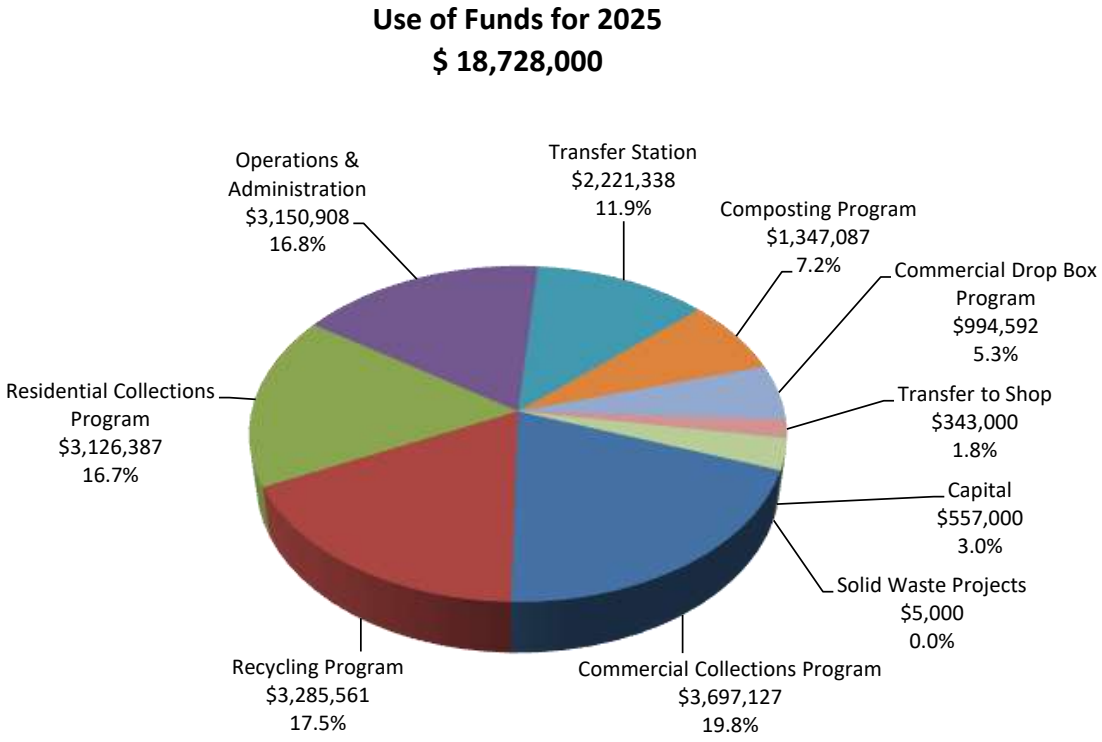


Solid Waste Fees: The 2024 revenue estimates are $1,449,000 over 2023 collections. The 2025 total revenues are projected to be higher compared to 2024 estimates by $442,000.



Recycling & Trash Collection Fund Expenses

Expenses for the Recycling & Trash Collection Fund are budgeted at $18,728,000 for 2025. The Commercial Collections Program makes up the largest segment of the budget at 19.8%.



City of Fayetteville, Arkansas
2025 Operating Budget
Recycling & Trash Collections Fund (5500)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Solid Waste Fees	$ 12,269,995	$ 12,707,000	$ 13,719,000	$ 14,161,000
Transfer Station	790,986	1,124,000	1,059,000	1,112,000
Commercial Drop Box	1,251,018	1,305,000	1,119,000	1,175,000
Recycling Revenue	728,532	1,208,000	718,000	721,000
Franchise Fees	435,401	350,000	422,000	449,000
Other	82,384	65,000	60,000	60,000
Interest Income	334,510	76,000	374,000	178,000
Total Revenues	15,892,826	16,835,000	17,471,000	17,856,000
Expenses:				
Operations & Administration	2,552,748	2,822,344	2,822,344	3,150,908
Commercial Collections Program	2,883,135	3,311,778	3,311,778	3,697,127
Residential Collections Program	2,716,242	3,134,300	3,134,300	3,126,387
Commercial Drop Box Program	761,185	927,521	927,521	994,592
Transfer Station	1,672,263	2,125,945	2,125,945	2,221,338
Recycling Program	2,812,927	3,250,991	3,250,991	3,285,561
Composting Program	1,157,198	1,281,961	1,281,961	1,347,087
Solid Waste Projects	39,839	196,472	196,472	5,000
Total Expenses	14,595,537	17,051,312	17,051,312	17,828,000
Budget Gain / (Loss) Before Capital	$ 1,297,289	$ (216,312)	$ 419,688	$ 28,000
Non-Operating Revenues / (Expenses):				
Intergovernmental (Grants)	0	19,000	19,000	0
Gain/Loss Sale of Assets	24,555	0	20,000	0
Capital Expenditures	(859,288)	(2,662,315)	(2,662,315)	(557,000)
Transfer to Shop	(104,245)	(639,452)	(639,452)	(343,000)
Total Expenses	(938,978)	(3,282,767)	(3,262,767)	(900,000)
Budget Gain / (Loss)	$ 358,311	$ (3,499,079)	$ (2,843,079)	$ (872,000)
Total Budget	$ 15,559,071	$ 20,353,079	$ 20,353,079	$ 18,728,000

City of Fayetteville, Arkansas
2025 Operating Budget
Recycling & Trash Collections Fund (5500)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 9,844,392	$ 10,392,103	$ 10,392,103	$ 9,541,451
Budget Gain / (Loss)	358,311	(3,499,079)	(2,843,079)	(872,000)
Plus: Gain Capital Expenditures	859,288	2,662,315	2,662,315	557,000
Less: Depreciation Expense	(669,888)	(669,888)	(669,888)	(669,888)
Ending Total Net Assets	$ 10,392,103	$ 8,885,451	$ 9,541,451	$ 8,556,563
NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 2,231,880	$ 4,224,307	$ 4,224,307	$ 4,111,419
Unrestricted	8,160,223	4,661,144	5,317,144	4,445,144
Ending Total Net Position	$ 10,392,103	$ 8,885,451	$ 9,541,451	$ 8,556,563

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Recycling & Trash Collections Fund (5500)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
5500.750.5000 - Operations & Administration Program:				
EX10 - Personnel Services	847,096	823,270	823,270	1,086,343
EX20 - Materials & Supplies	57,691	65,736	65,736	81,037
EX30 - Services and Charges	1,052,177	1,268,748	1,268,748	1,332,335
EX33 - Motorpool	13,877	14,558	14,558	16,161
EX39 - Cost Allocation	481,380	583,932	583,932	583,932
EX40 - Maintenance	75,456	66,000	66,000	51,000
EX50 - Debt Service	0	100	100	100
EX80 - Capital	0	49,341	49,341	0
EX95 - Non-Operating Interest	25,071	0	0	0
EX96 - Operating Transfers Out	0	100,500	100,500	0
Total	2,552,748	2,972,185	2,972,185	3,150,908
5500.750.5010 - Commercial Collections Program:				
EX10 - Personnel Services	567,843	762,158	762,158	770,569
EX20 - Materials & Supplies	358,531	408,648	408,648	363,564
EX30 - Services and Charges	1,007,954	1,216,155	1,216,155	1,446,845
EX33 - Motorpool	826,853	821,913	821,913	1,013,245
EX39 - Cost Allocation	76,584	92,904	92,904	92,904
EX40 - Maintenance	45,370	10,000	10,000	10,000
Total	2,883,135	3,311,778	3,311,778	3,697,127
5500.750.5020 - Residential Collections Program:				
EX10 - Personnel Services	846,296	1,032,770	1,032,770	1,001,269
EX20 - Materials & Supplies	273,761	308,220	308,220	267,844
EX30 - Services and Charges	624,163	752,649	752,649	815,751
EX33 - Motorpool	913,756	965,497	965,497	972,759
EX39 - Cost Allocation	54,384	65,964	65,964	65,964
EX40 - Maintenance	3,882	9,200	9,200	2,800
Total	2,716,242	3,134,300	3,134,300	3,126,387
5500.750.5030 - Commercial Drop Box Collections Program:				
EX10 - Personnel Services	180,890	217,953	217,953	227,005
EX20 - Materials & Supplies	34,540	57,863	57,863	50,847
EX30 - Services and Charges	425,575	525,759	525,759	515,759
EX33 - Motorpool	107,912	111,442	111,442	186,477
EX39 - Cost Allocation	10,308	12,504	12,504	12,504
EX40 - Maintenance	1,960	2,000	2,000	2,000
Total	761,185	927,521	927,521	994,592

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Recycling & Trash Collections Fund (5500)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
5500.750.5040 - Transfer Station Program:				
EX10 - Personnel Services	153,751	181,225	181,225	187,226
EX20 - Materials & Supplies	21,718	26,943	26,943	22,515
EX30 - Services and Charges	1,384,581	1,806,016	1,806,016	1,910,448
EX33 - Motorpool	95,938	92,985	92,985	93,673
EX39 - Cost Allocation	3,444	4,176	4,176	4,176
EX40 - Maintenance	12,831	14,600	14,600	3,300
Total	1,672,263	2,125,945	2,125,945	2,221,338
5500.750.5060 - Recycling Program:				
EX10 - Personnel Services	1,774,644	1,993,160	1,993,160	1,960,568
EX20 - Materials & Supplies	210,552	291,316	291,316	263,873
EX30 - Services and Charges	85,938	110,778	110,778	126,518
EX33 - Motorpool	620,940	709,213	709,213	804,578
EX39 - Cost Allocation	99,684	120,924	120,924	120,924
EX40 - Maintenance	21,168	25,600	25,600	9,100
EX96 - Operating Transfers Out	104,245	0	0	0
Total	2,917,172	3,250,991	3,250,991	3,285,561
5500.750.5070 - Composting Program:				
EX10 - Personnel Services	489,653	528,193	528,193	532,635
EX20 - Materials & Supplies	72,704	90,299	90,299	76,269
EX30 - Services and Charges	482	4,200	4,200	1,700
EX33 - Motorpool	554,677	615,001	615,001	693,215
EX39 - Cost Allocation	34,020	41,268	41,268	41,268
EX40 - Maintenance	5,662	3,000	3,000	2,000
EX96 - Operating Transfers Out	0	69,952	69,952	0
Total	1,157,198	1,351,913	1,351,913	1,347,087
5500.750.5080 - Solid Waste Projects Program:				
EX20 - Materials & Supplies	39,839	36,473	36,473	5,000
EX30 - Services and Charges	0	159,999	159,999	0
EX80 - Capital	859,288	2,612,974	2,612,974	557,000
EX96 - Operating Transfers Out	0	469,000	469,000	343,000
Total	899,127	3,278,446	3,278,446	905,000
Budget Total	$ 15,559,071	$ 20,353,079	$ 20,353,079	$ 18,728,000

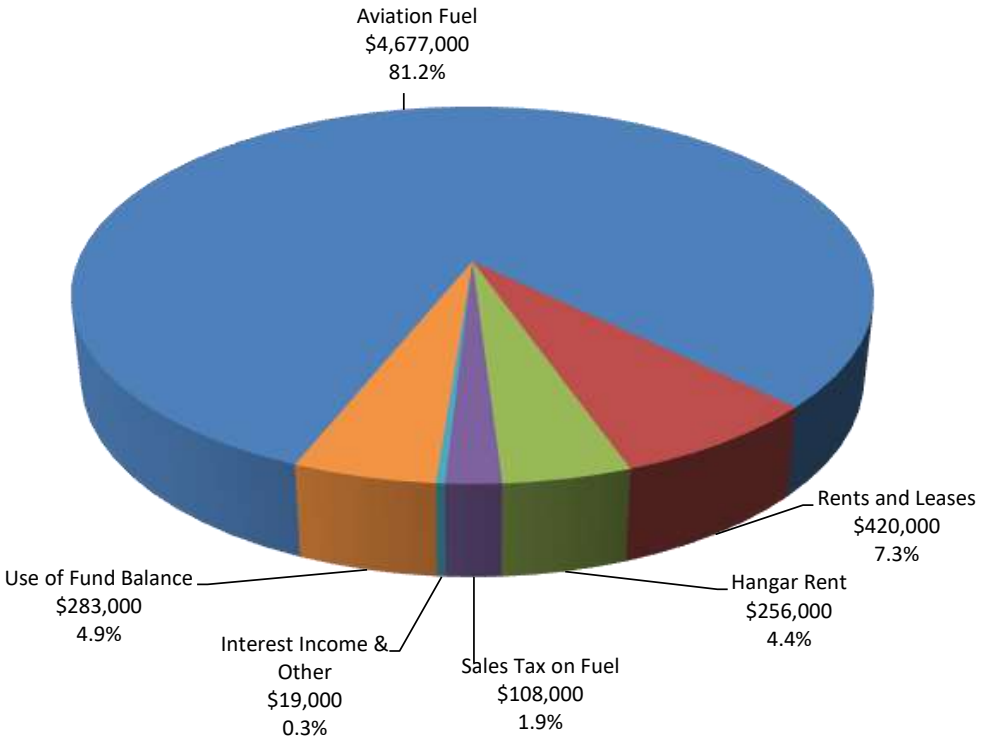
Airport Fund (5550)

The Airport Fund provides for the operation and maintenance of the City's municipal airport, Drake Field. The Airport Fund's revenue is generated from FBO fuel sales and rents and leases. After capital expenditures, the fund will have a loss of $-283,000.

Airport Fund Revenues

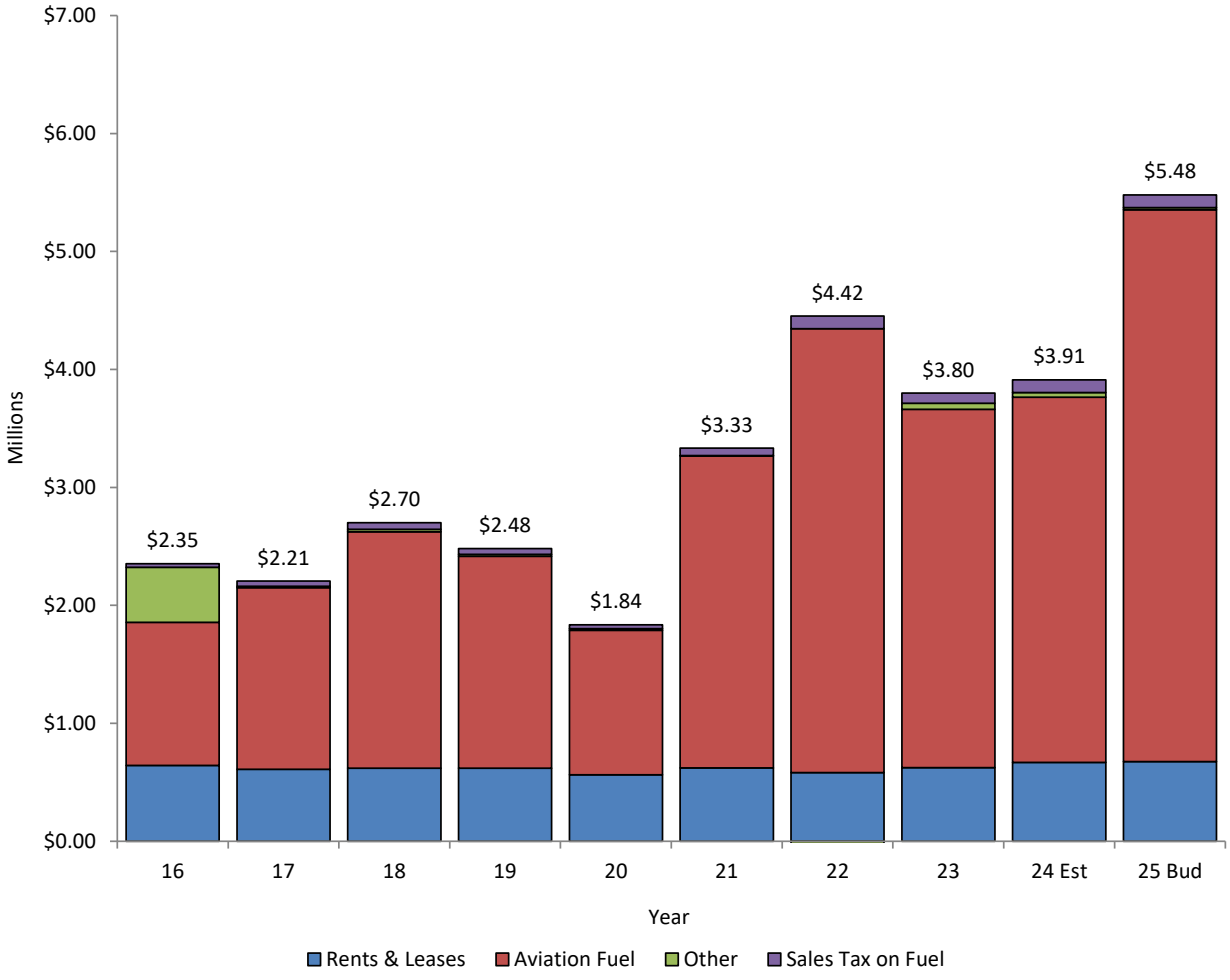
For 2025, the Airport Fund sources of funds are budgeted to be $5,763,000. Aviation Fuel revenue is projected to be $4,677,000 or 81.2% of the total revenue, as the City took over Fixed Based Operations in March of 2013. Rents and Leases make up the second largest source of revenue at 7.3%.

Sources of Funds for 2025
$ 5,763,000



Total Operating Revenue

This chart shows all of the Airport Fund's operating revenues by type. Primary revenues are comprised of Fuel Sales and Rents and Leases. During the fourth quarter of 2001, the City took over the Fixed Based Operator (FBO) functions and sold aviation fuel as it became a General Aviation airport. The selling of fuel continued until the last part of 2005 when the City contracted the operation of the FBO to an external company. The City again took over running the Fixed Based Operations (FBO) in March of 2013. Due to the FBO, Aviation Fuel has become the major source of revenue. A portion of the airport terminal building is leased by Skydive Fayetteville, a pilot training school, the U.S. Postal Service and several other business operations.



City of Fayetteville, Arkansas
2025 Operating Budget
Airport Fund (5550)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Sales Tax - County	$ 32,756	$ 33,000	$ 35,000	$ 35,000
Sales Tax - City	53,652	55,000	73,000	73,000
Interest Income	43,006	13,000	33,000	13,000
Aviation Fuel	3,012,867	4,858,000	3,095,000	4,677,000
Rents & Leases	434,937	399,000	443,000	420,000
Hangar Rent	225,540	224,000	226,000	256,000
Other	8,649	7,000	7,000	6,000
Total Revenues	3,811,407	5,589,000	3,912,000	5,480,000
Expenses:				
Airport Administration	473,997	565,909	565,909	605,629
Airport Maintenance	353,503	417,500	417,500	482,978
Airport Operations	540,196	609,404	609,404	618,660
Aviation Fuel	2,388,365	3,738,000	2,641,000	3,738,000
Airport Hangars	0	18,737	18,737	18,737
Airport Projects	2,400	42,016	7,854	0
General Fund Loan Interest	1,398	932	932	466
General Fund Loan Principal	15,530	15,530	15,530	15,530
Total Expenses	3,775,389	5,408,028	4,276,866	5,480,000
Budget Gain / (Loss) Before Capital	$ 36,018	$ 180,972	$ (364,866)	$ 0
Non-Operating Revenues / (Expenses):				
Intergovernmental (Grants)	1,514,107	2,080,512	1,643,562	0
Capital Expenditures	(1,607,046)	(2,450,655)	(2,007,375)	(283,000)
Total Expenses	(92,939)	(370,143)	(363,813)	(283,000)
Budget Gain / (Loss)	$ (56,921)	$ (189,171)	$ (728,679)	$ (283,000)
Total Budget	$ 5,382,434	$ 7,858,683	$ 6,284,241	$ 5,763,000

City of Fayetteville, Arkansas
2025 Operating Budget
Airport Fund (5550)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 14,292,033	$ 14,563,880	$ 14,563,880	$ 14,564,298
Budget Gain / (Loss)	(56,921)	(189,171)	(728,679)	(283,000)
Plus: Gain Capital Expenditures	1,607,046	162,000	2,007,375	283,000
Plus: General Fund Loan Principal	15,530	15,530	15,530	15,530
Less: Depreciation Expense	(1,293,808)	(1,293,808)	(1,293,808)	(1,293,808)
Ending Total Net Assets	$ 14,563,880	$ 13,258,431	$ 14,564,298	$ 13,286,020
NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 13,174,620	$ 12,042,812	$ 13,888,187	$ 12,877,379
Unrestricted	1,389,260	1,215,619	676,111	408,641
Ending Total Net Position	$ 14,563,880	$ 13,258,431	$ 14,564,298	$ 13,286,020

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Airport Fund (5550)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
5550.760.3940 - Airport Administration Program:				
EX10 - Personnel Services	$ 219,933	$ 248,098	$ 248,098	$ 285,818
EX20 - Materials & Supplies	12,852	19,749	19,749	17,260
EX30 - Services and Charges	229,649	283,595	283,595	287,544
EX33 - Motorpool	1,837	1,887	1,887	2,104
EX39 - Cost Allocation	5,040	6,120	6,120	6,120
EX50 - Debt Service	16,927	16,462	16,462	15,996
Total	486,240	575,911	575,911	614,842
5550.760.3950 - Airport Maintenance Program:				
EX10 - Personnel Services	176,087	222,327	222,327	294,236
EX20 - Materials & Supplies	12,147	28,236	28,236	31,049
EX30 - Services and Charges	13,437	17,793	17,793	23,393
EX33 - Motorpool	62,770	72,564	72,564	72,224
EX40 - Maintenance	89,062	76,580	76,580	62,076
Total	353,503	417,500	417,500	482,978
5550.760.3955 - Airport Operations Program:				
EX10 - Personnel Services	362,892	399,647	399,647	390,265
EX20 - Materials & Supplies	2,406,725	3,759,910	2,662,910	3,759,152
EX30 - Services and Charges	123,521	145,849	145,849	159,745
EX33 - Motorpool	20,412	23,938	23,938	27,761
EX39 - Cost Allocation	3,960	4,800	4,800	4,800
EX40 - Maintenance	15,736	19,720	19,720	21,720
Total	2,933,246	4,353,864	3,256,864	4,363,443
5550.760.3957 - Airport Hangars Program:				
EX30 - Services and Charges	0	12,987	12,987	12,987
EX40 - Maintenance	0	5,750	5,750	5,750
Total	0	18,737	18,737	18,737
5550.760.3960 - Airport Projects Program:				
EX20 - Materials & Supplies	2,400	0	0	0
EX30 - Services and Charges	0	2,489	2,489	0
EX40 - Maintenance	0	39,527	5,365	0
EX80 - Capital	1,607,046	2,450,655	2,007,375	283,000
Total	1,609,446	2,492,671	2,015,229	283,000
Budget Total	$ 5,382,434	$ 7,858,683	$ 6,284,241	$ 5,763,000

(Page Left Blank Intentionally)

Police Pension Fund (6800)

The Police Pension Fund accounts for the accumulation of resources for the pension benefit payments to qualified police personnel. Operations of this fund are controlled by the Police Pension Board. Revenues include insurance premium tax distributions, a special City property tax, and special fees and forfeitures. This is accounted for by the City as a trust fund.

City of Fayetteville, Arkansas
2025 Operating Budget
Police Pension Fund (6800)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Property Taxes	$ 867,802	$ 969,000	$ 973,000	$ 977,000
State Insurance Turnback	265,221	265,000	326,000	326,000
Fines & Forfeitures	103,278	108,000	133,000	133,000
Investment Earnings	112,770	108,000	118,000	119,000
Gain/Loss on Sale of Investments	60,125	0	93,000	0
Gain/Loss in Fair Value of Investments	484,446	0	0	0
Other	2,931	0	2,000	0
Total Revenues	1,896,573	1,450,000	1,645,000	1,555,000
Expenses:				
Audit Expense	3,500	3,500	3,500	3,500
Professional Services	0	2,000	2,000	2,000
Bank Service Charges	32	634	634	500
Benefit Payments	1,459,499	1,463,866	1,463,866	1,464,000
Total Expenses	1,463,031	1,470,000	1,470,000	1,470,000
Budget Gain / (Loss)	$ 433,542	$ (20,000)	$ 175,000	$ 85,000
Total Budget	$ 1,463,031	$ 1,470,000	$ 1,470,000	$ 1,470,000
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 5,681,116	$ 6,114,658	$ 6,114,658	$ 6,289,658
Budget Gain / (Loss)	433,542	(20,000)	175,000	85,000
Ending Total Net Assets	$ 6,114,658	$ 6,094,658	$ 6,289,658	$ 6,374,658

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Police Pension Fund (6800)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
6800.800.9800 - Police Pension Expense Program:				
EX30 - Services and Charges	1,463,031	1,470,000	1,470,000	1,470,000
Total	1,463,031	1,470,000	1,470,000	1,470,000
Budget Total	$ 1,463,031	$ 1,470,000	$ 1,470,000	$ 1,470,000

(Page Left Blank Intentionally)

Fire Pension Fund (6810)

The Board of Trustees of the Fayetteville Fire Relief and Pension Fund (Local Plan) elected to have its Local Plan administered by the Arkansas Local Police and Fire Retirement System (LOPFI) as stated by Resolution approved and signed on July 10, 2023 and was approved by City Council Ordinance #6676 on August 15, 2023.

The Fire Pension Fund has accounted for the accumulation of resources for the pension benefit payments to qualified fire personnel. Operations of this fund were previously controlled by the Fire Pension Board. Revenues include the proceeds of a special City property tax and insurance premium tax distributions from the State. This has been accounted for by the City as a trust fund.

Beginning in 2024, the Fayetteville Fire Relief and Pension Fund will transfer revenue to the Arkansas Local Police and Fire Retirement System (LOPFI).

City of Fayetteville, Arkansas
2025 Operating Budget
Fire Pension Fund (6810)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Property Taxes	$ 814,173	$ 0	$ 0	$ 0
State Insurance Turnback	476,822	0	0	0
Investment Earnings	34,580	0	0	0
Gain/Loss on Sale of Investments	583	0	0	0
Total Revenues	1,326,158	0	0	0
Expenses:				
Audit Expense	3,500	0	0	0
Professional Services	1,120	0	0	0
Bank Service Charges	14	0	0	0
Benefit Payments	1,295,325	0	0	0
Transfer to LOPFI	1,730,922	0	0	0
Total Expenses	3,030,881	0	0	0
Budget Gain / (Loss)	$ (1,704,723)	$ 0	$ 0	$ 0
Total Budget	$ 3,030,881	$ 0	$ 0	$ 0
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 1,704,723	$ 0	$ 0	$ 0
Budget Gain / (Loss)	(1,704,723)	0	0	0
Ending Total Net Assets	$ 0	$ 0	$ 0	$ 0

City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Fire Pension Fund (6810)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
6810.800.9810 - Fire Pension Expense Program:				
EX30 - Services and Charges	1,753,989	0	0	0
EX70 - Transfers to Outside Entities	1,276,892	0	0	0
Total	3,030,881	0	0	0
Budget Total	$ 3,030,881	$ 0	$ 0	$ 0

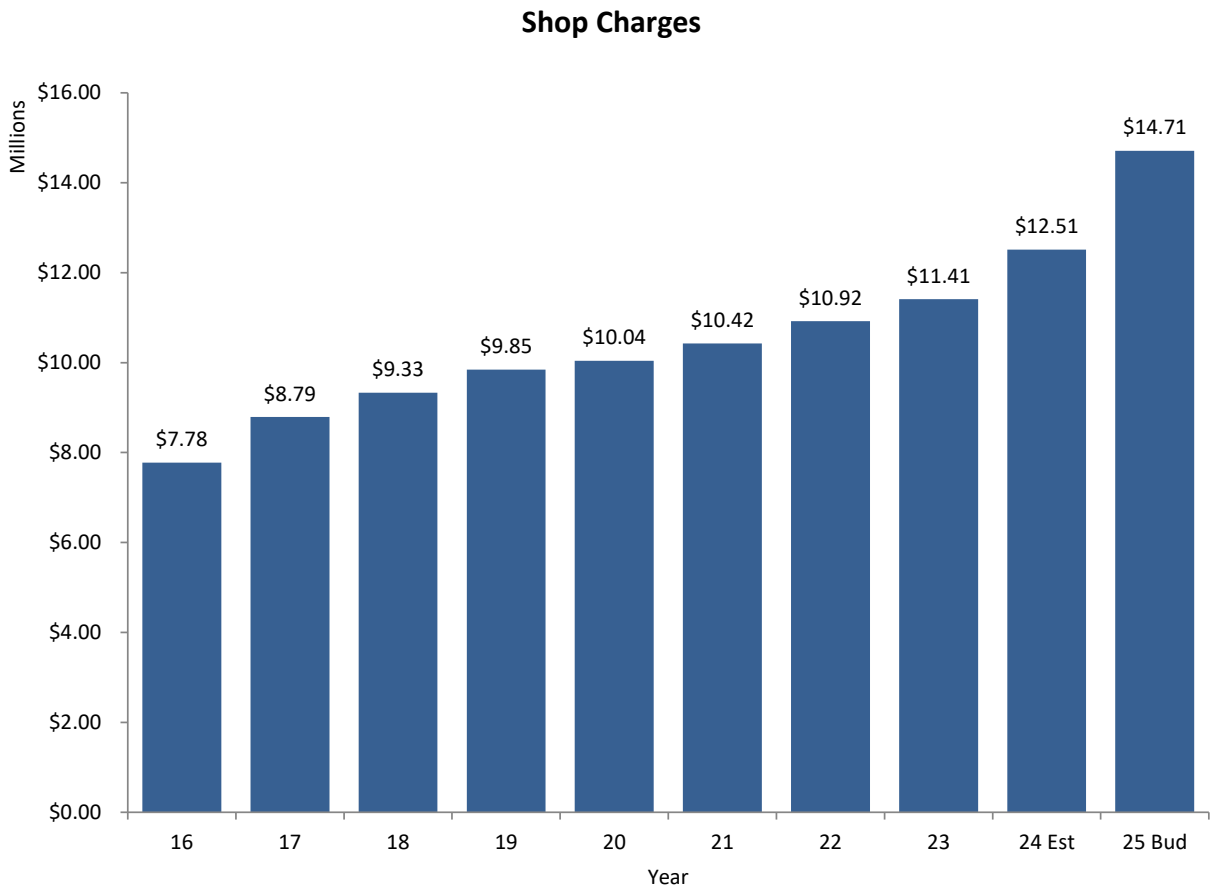
(Page Left Blank Intentionally)

Shop Fund (9700)

The Shop Fund is an internal service fund that provides for all the acquisition and maintenance of equipment and vehicles utilized by the City's operating divisions. The Shop Fund's source of revenue is from charges to other City operating funds based on equipment and vehicle usage. Increases in 2025 operational costs can be attributed to additional parts and supply purchases, fuel expense, insurance, and contract services for repairs that cannot be performed by staff. These operational increases are a result of fleet expansions and increased equipment usage. On a cash basis, revenues will be greater than expenditures for 2025.

Shop Fund Revenues

Shop Charges (Replacement Charges, Motorpool and Maintenance Charges, Shop Overhead Charges, Shop Overhead Insurance Charges, and Fuel Charges) as a whole make up 94.8% of total Shop Fund. These revenues are budgeted at $14,710,000 for 2025. These revenues can be broken down in components as follows. The Replacement Charge ($8,267,000) is the amount Fleet Operations collects to purchase replacement vehicles and equipment. Motorpool and Maintenance Charges ($2,485,000), Shop Overhead Charges ($1,272,000) and Shop Overhead Insurance Charges ($430,000) are monthly fees user divisions pay to the Shop Fund for on-going maintenance. Fuel Charges ($2,256,000) represents revenue received from charging out the cost of gasoline to the user divisions.



City of Fayetteville, Arkansas
2025 Operating Budget
Shop Fund (9700)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Revenues:				
Maintenance Charges	$ 98,998	$ 72,000	$ 77,000	$ 77,000
Fuel Charges	1,710,280	2,790,000	1,723,000	2,256,000
Replacement Charges	6,194,391	7,314,000	7,241,000	8,267,000
Motor Pool Charges	2,260,811	2,406,500	2,351,000	2,408,000
Shop Overhead Charges	848,506	892,000	880,000	1,272,000
Shop Overhead Insurance	301,445	244,500	242,000	430,000
Shop Rental Pool Revenue	10,411	5,000	5,000	5,000
Other	43,599	40,000	55,000	55,000
Interest Income	1,135,962	420,000	1,231,000	746,000
Total Revenues	12,604,403	14,184,000	13,805,000	15,516,000
Expenses:				
Vehicle Maintenance	4,413,666	4,978,963	4,978,963	5,086,620
Gasoline/Diesel Expense	1,658,545	2,691,745	1,688,540	2,210,880
Total Expenses	6,072,211	7,670,708	6,667,503	7,297,500
Budget Gain / (Loss) Before Capital	$ 6,532,192	$ 6,513,292	$ 7,137,497	$ 8,218,500
Non-Operating Revenues / (Expenses):				
Gain/Loss Sale of Assets	972,369	0	91,000	0
Transfer from General	768,810	482,500	482,500	211,000
Transfer from Street	400,036	114,626	117,250	689,500
Transfer from Parks Development	46,851	171,500	171,500	114,500
Transfer from Water & Sewer	68,137	1,012,913	1,012,913	923,000
Transfer from Sales Tax Capital	880,198	1,203,447	1,203,447	1,069,500
Transfer from Solid Waste	104,245	639,452	639,452	343,000
Capital Expenditures	(4,639,291)	(12,968,973)	(12,968,973)	(5,509,500)
Total Expenses	(1,398,645)	(9,344,535)	(9,250,911)	(2,159,000)
Budget Gain / (Loss)	$ 5,133,547	$ (2,831,243)	$ (2,113,414)	$ 6,059,500
Total Budget	$ 10,711,502	$ 20,639,681	$ 19,636,476	$ 12,807,000

City of Fayetteville, Arkansas
2025 Operating Budget
Shop Fund (9700)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
ESTIMATED CHANGE IN NET ASSETS				
Beginning Total Net Assets	$ 41,472,867	$ 47,012,690	$ 47,012,690	$ 53,635,234
Budget Gain / (Loss)	5,133,547	(2,831,243)	(2,113,414)	6,059,500
Plus: Gain Capital Expenditures	4,639,291	12,968,973	12,968,973	5,509,500
Less: Depreciation Expense	(4,233,015)	(4,233,015)	(4,233,015)	(4,233,015)
Ending Total Net Assets	$ 47,012,690	$ 52,917,405	$ 53,635,234	$ 60,971,219
NET ASSET ANALYSIS				
Net Investment in Capital Assets	$ 19,265,866	$ 28,001,824	$ 28,001,824	$ 29,278,309
Unrestricted	27,746,824	24,915,581	25,633,410	31,692,910
Ending Total Net Position	$ 47,012,690	$ 52,917,405	$ 53,635,234	$ 60,971,219

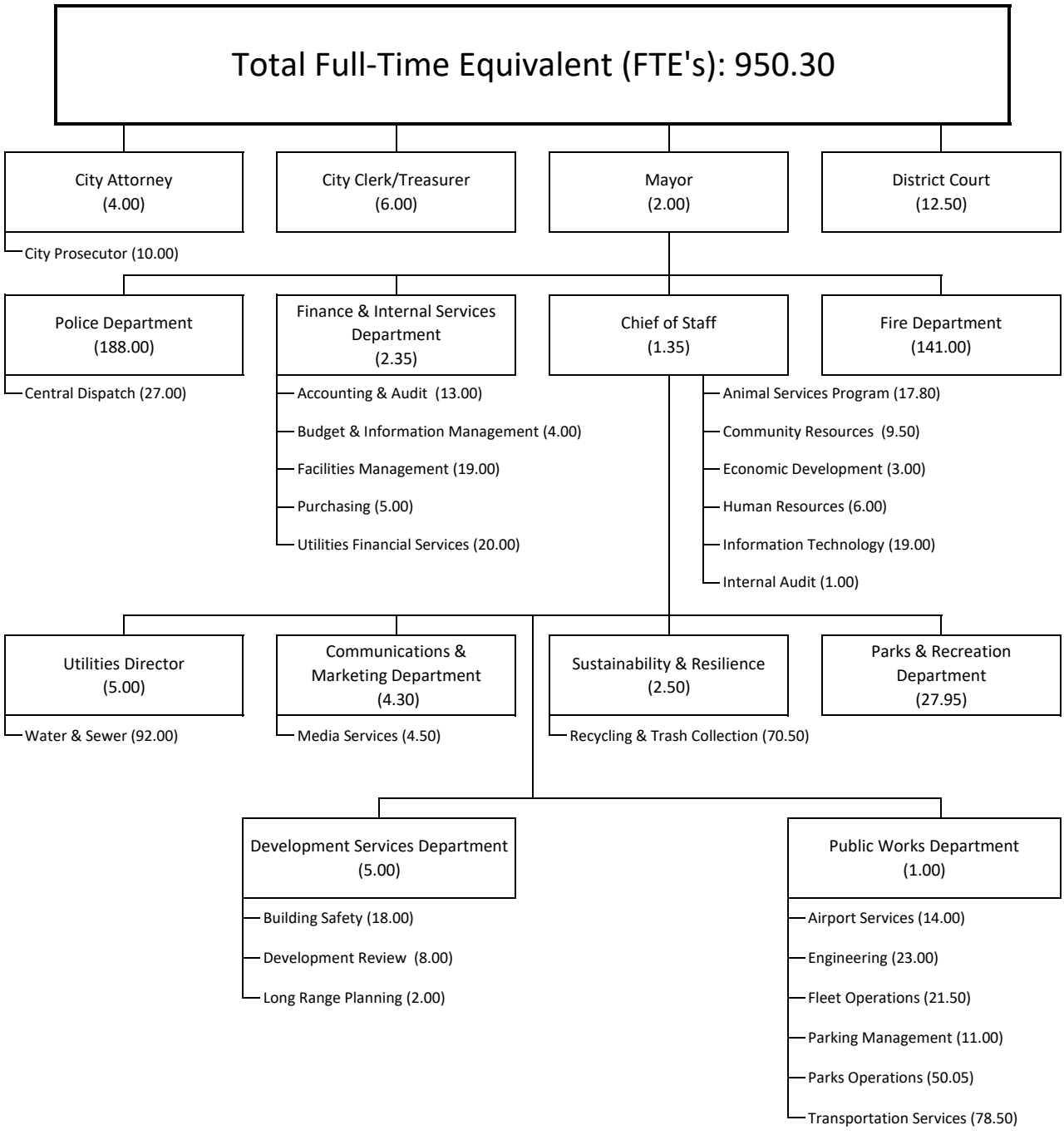
City of Fayetteville, Arkansas
2025 Operating Budget (Category Summary)
Shop Fund (9700)

	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
9700.770.1910 - Vehicle Maintenance Program:				
EX10 - Personnel Services	1,355,220	1,650,298	1,650,298	1,684,122
EX20 - Materials & Supplies	3,267,002	4,445,477	3,442,272	3,994,920
EX30 - Services and Charges	880,876	946,583	946,583	983,186
EX33 - Motorpool	77,451	82,855	82,855	90,052
EX39 - Cost Allocation	376,764	457,032	457,032	457,032
EX40 - Maintenance	42,706	70,900	70,900	88,188
EX95 - Non-Operating Interest	5,547	0	0	0
Total	6,005,567	7,653,145	6,649,940	7,297,500
9700.770.1920 - Fleet Capital Expense Program:				
EX20 - Materials & Supplies	66,474	14,433	14,433	0
EX30 - Services and Charges	170	3,130	3,130	0
EX80 - Capital	4,639,291	12,968,973	12,968,973	5,509,500
Total	4,705,935	12,986,536	12,986,536	5,509,500
Budget Total	$ 10,711,502	$ 20,639,681	$ 19,636,476	$ 12,807,000

CITY OF FAYETTEVILLE, ARKANSAS
PERSONNEL SECTION

The Personnel Summary table below shows the authorized full-time equivalent (FTE) listing for the City of Fayetteville by Organization Chart.

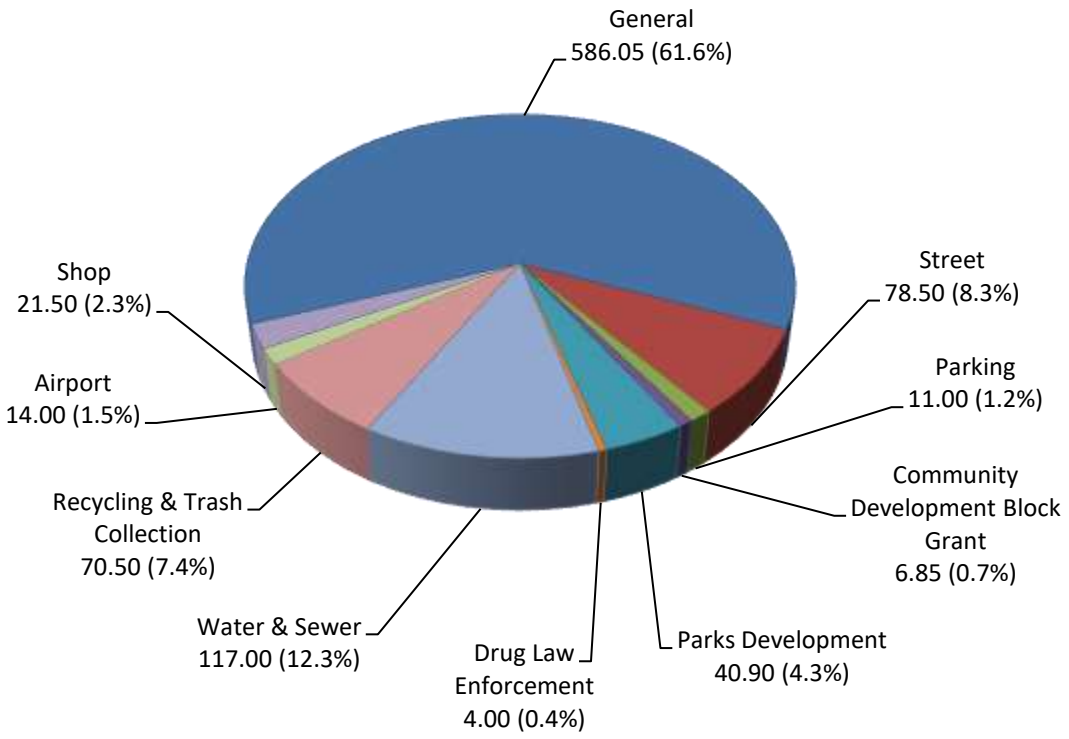
The subsequent pages provide a summary and a detail listing of personnel by Funding Source and Activity.



City of Fayetteville, Arkansas
Personnel Summary by Funding Source
Full-Time Equivalent Basis

Fund	Budgeted 2023	Budgeted 2024	Budgeted 2025
1010 - General	568.25	579.45	586.05
2100 - Street	73.50	73.50	78.50
2130 - Parking	11.00	11.00	11.00
2180 - Community Development Block Grant	6.85	6.85	6.85
2250 - Parks Development	37.40	40.90	40.90
2930 - Drug Law Enforcement	3.00	4.00	4.00
5400 - Water & Sewer	107.00	109.00	117.00
5500 - Recycling & Trash Collection	68.00	69.50	70.50
5550 - Airport	13.00	13.00	14.00
9700 - Shop	19.50	21.50	21.50
Total	907.50	928.70	950.30

Full-Time Equivalent Basis by Fund
(950.30 FTEs)



City of Fayetteville, Arkansas
Personnel Variation Summary

POSITION FTE RECONCILIATION

Fund / Division	Title	Deleted	Added
2024 ADOPTED BUDGET			925.70
General Fund			
Development Services	Short-Term Rental Clerk [1]		1.00
Police Department	Social Services Advocate[2]		2.00
2024 BUDGET - TOTAL FTE		-	928.70
2025 BUDGET - FTE ADJUSTMENTS			
General Fund			
Animal Services	Administrative Assistant - Animal Services[3]		1.00
Fire Department	Administrative Assistant - Fire[4]		1.00
Parks & Recreation	Recreation Program Assistant II[5]		0.60
Police Department	Police Officer[6&7]		3.00
Police Department	Police Sergeant[7]		1.00
Street Fund			
Transportation Services	Crew Leader - Transportation[8]		1.00
Transportation Services	Maintenance Worker III - Transportation[8]		1.00
Transportation Services	Maintenance Worker IV - Transportation[8]		2.00
Transportation Services	Traffic Signal & Signage Technician[9]		1.00
Parks Development Fund			
Parks & Recreation	Financial Coordinator - Parks[10]	(0.55)	
Parks Operations	Financial Coordinator - Parks[10]		0.55
Water and Sewer Fund			
Utilities Director	Staff Engineer[11]		1.00
Water & Sewer Maintenance	Maintenance Worker III - Water & Sewer[12]		2.00
Water & Sewer Maintenance	Maintenance Worker IV - Water & Sewer Licensed[12]		2.00
Water & Sewer Maintenance	Senior Crew Leader Water License[12]		1.00
Water & Sewer Maintenance	Crew Leader II - W&S[12]		1.00
Water & Sewer Maintenance	Water & Sewer Field Maintenance Supervisor[12]		1.00
Recycling & Trash Collection Fund			
Recycling & Trash Collection	Customer Service Representative - RTC[13]		1.00
Airport Fund			
Airport Services	Airport Maintenance Worker III[14]		1.00
2025 BUDGET - TOTAL FTE ADJUSTMENTS		(0.55)	22.15
2025 BUDGET - TOTAL FTE			950.30

NOTES TO THE PERSONNEL VARIATION SUMMARY

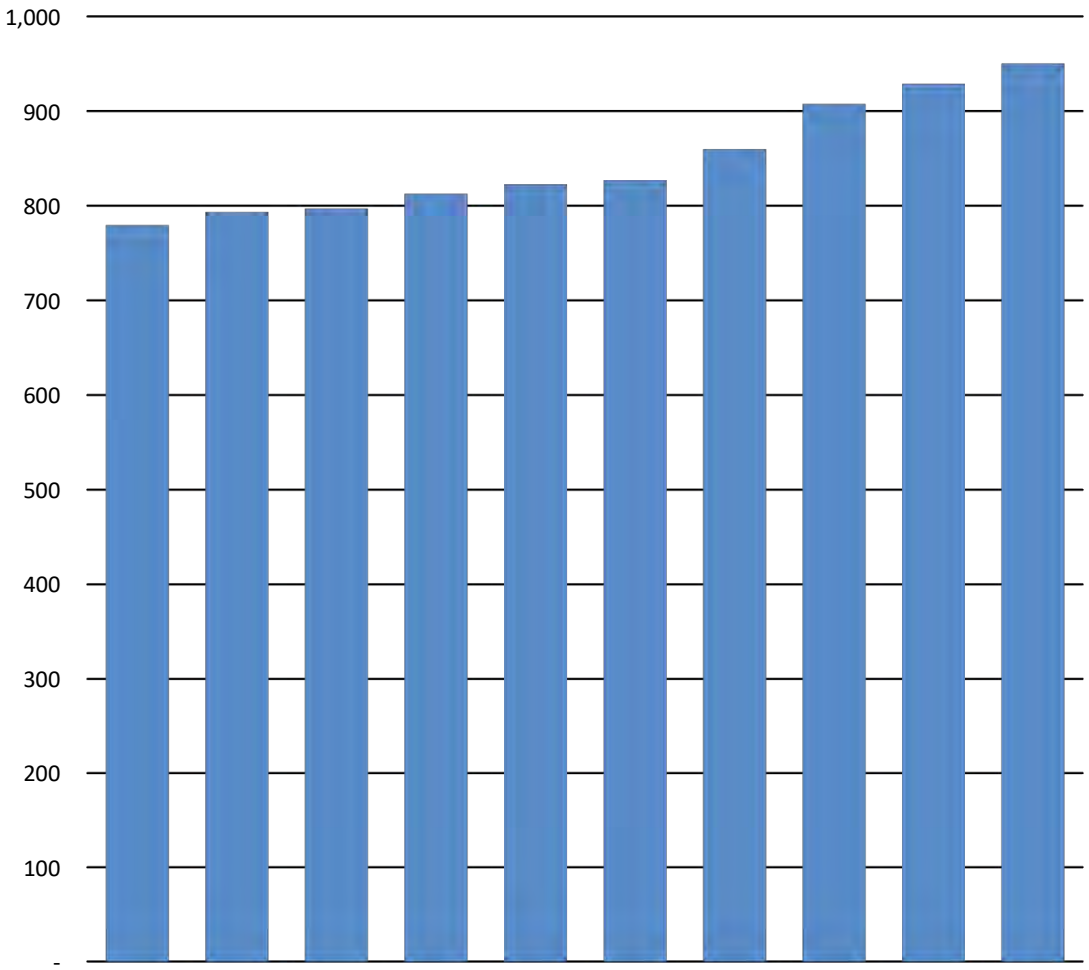
1. A temporary Short-Term Rental Clerk was approved by City Council, via resolutions 142-24 and 200-24, in the Development Services division after the 2024 budget was adopted. This is a six-month term-limited position created to enforce the short-term rental ordinance's requirements and prohibitions. This position is funded out of the General Fund.
2. Two Social Services Advocates were approved by City Council, via resolution 276-23, in the Police division after the 2024 budget was adopted. These positions were created to add additional social workers to the crisis intervention team. The positions are funded by the 2023 Community Policing Development Crisis Intervention Team grant and the General Fund.
3. An Administrative Assistant is being added to the Animal Services division to assist with citizen services. Animal Services receives a substantial amount of phone calls per month. The new position will be dedicated to answering citizen service calls, processing adoptions and intakes, and helping customers in person. This position will be funded out of the General Fund.
4. An Administrative Assistant is being added to the Fire division to assist with compliance coordination. The Fire Department must follow various local, state, and federal regulations, including safety protocols, equipment maintenance, and response procedures. This role will be the main point of contact for understanding and implementing these regulations to ensure compliance. This position will be funded out of the General Fund.
5. A part-time Recreation Program Assistant II is being added to the Parks & Recreation division to assist with the coordination of events held at parks. There has been a significant increase over the past couple of years of community requests for park usage and special events. This position will focus on providing customer service with event organizers to ensure the park is adequately prepared for events. This position will be funded out of the General Fund.
6. Two Police Officer positions are being added to the Police division to be part of the crisis intervention team. These two additional officers will enable expansion of hours to serve those experiencing mental health crises. The positions will be funded out of the General Fund.
7. A Police Officer and a Police Sergeant are being added to the Police division to be assigned to the Fayetteville Public School District as School Resource Officers. Resolution 190-22 indicated the intent to add two additional School Resource Officers every year until Fayetteville Public Schools have one in each of their 16 public school facilities. With the addition of the two positions there will be 13 School Resource Officers. The positions will be funded by the Fayetteville Public School District and the General Fund.
8. A Crew Leader, a Maintenance Worker III, and two Maintenance Worker IV positions are being added to the Transportation division to form a sidewalk crew. Transportation receives a considerable number of service requests yearly. These positions will assist the division in completing the service requests and inhouse projects for the sidewalk program in a timely manner. These positions will be funded out of the Street Fund.
9. A Traffic Signal and Signage Technician is being added to the Transportation division. Increased workload due to additional projects and new construction has created a need for an additional Traffic Signal and Signage Technician. This position will help ensure all current and upcoming tasks are completed timely. This position will be funded out of the Street Fund.
10. A portion of the Financial Coordinator - Parks position will be transferred from the Parks & Recreation division to the Parks Operation division. The change will move .55 FTE, and that portion of the position will continue to be funded out of the Parks Development Fund.
11. A Staff Engineer is being added to the Utilities Director division to increase the efficiency and quantity of utility engineering services that can be performed internally. Water and Sewer currently has a backlog of capital projects. As the customer base increases the need for infrastructure increases. Utilities engineering work is driven by demand, aging infrastructure, and the need to meet newer standards. This position will help reduce the need for outside engineering services. This position will be funded out of the Water and Sewer Fund.

12. Two Maintenance Worker III positions, two Maintenance Worker IV positions, a Senior Crew Leader Water License, a Crew Leader II, and a Field Maintenance Supervisor are being added to the Water and Sewer Maintenance division to form a construction crew to address water loss and aging infrastructure. There has been a substantial increase in annual water leaks over the past five years that can be contributed to aging and undersized infrastructure and also polyethylene water service lines failing at an alarming rate. These positions will focus on the replacement of failing service lines and installation of new water and sewer infrastructure. These positions will be funded out of the Water and Sewer Fund.
13. A Customer Service Representative is being added in the Recycling and Trash Collection division to assist with citizen services in the front office. The workload of the existing Customer Service Representatives has increased tremendously due to customer/population growth. This position will manage customer calls, walk-in traffic, work orders, database entries, billing, and coordinating the pick-ups. It is expected that this position will reduce overtime. This position will be funded out of the Recycling and Trash Collection Fund.
14. A Maintenance Worker III is being added to the Airport Services division. The airport continues to grow at an unprecedented pace, both in traffic and infrastructure. Airport facilities continue to age, and over the last few years the airport has come into possession of several facilities they are responsible for maintaining. In addition, increasing regulatory pressures require tighter maintenance of grounds and wildlife programs, and increases in traffic are leading to additional wear and tear of fueling equipment and hangers. This position will cut down on the need to hire temporary contract labor to complete maintenance tasks. Funding for the position will be from the Airport Fund.

City of Fayetteville, Arkansas
Personnel History by Funding Source

Position Changes by Fund

A total of 21.60 FTEs are being added.



Fund	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Change Prior Year
General	478.90	486.40	489.50	495.25	498.25	501.25	524.55	568.25	579.45	586.05	6.60
Street	69.50	69.50	69.50	69.50	70.50	70.50	73.50	73.50	73.50	78.50	5.00
Parking	9.80	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	-
Community Development	5.60	6.60	6.85	6.85	6.85	6.85	6.85	6.85	6.85	6.85	-
Parks Development	30.15	31.40	31.55	31.40	32.40	34.40	36.40	37.40	40.90	40.90	-
Drug Law Enforcement	5.00	5.00	5.00	5.00	3.00	3.00	3.00	3.00	4.00	4.00	-
Water & Sewer	93.50	94.50	94.50	98.50	103.50	103.00	105.00	107.00	109.00	117.00	8.00
Recycling & Trash Collection	57.00	59.00	59.00	64.00	66.00	66.00	67.00	68.00	69.50	70.50	1.00
Airport	11.60	11.60	11.60	11.60	11.60	11.60	13.00	13.00	13.00	14.00	1.00
Shop	18.50	18.50	18.50	19.50	19.50	19.50	19.50	19.50	21.50	21.50	-
Total	779.55	793.50	797.00	812.60	822.60	827.10	859.80	907.50	928.70	950.30	21.60
Change from Prior Year	13.00	13.95	3.50	15.60	10.00	4.50	32.70	47.70	21.20	21.60	

City of Fayetteville, Arkansas
Personnel Summary by Funding Source / Program

Fund / Program	Budgeted 2023	Budgeted 2024	Budgeted 2025
1010 - GENERAL FUND:			
015.0150 - Mayors Administration	2.00	2.00	2.00
021.0210 - City Attorney	4.00	4.00	4.00
031.0310 - City Prosecutor	10.00	10.00	10.00
036.1360 - Internal Audit	1.00	1.00	1.00
040.2010 - Fayetteville District Court - Criminal Cases	6.50	6.50	6.50
040.2020 - Fayetteville District Court - Probation & Fine Collection	0.50	0.50	0.50
040.2030 - Fayetteville District Court - Small Claims & Civil Cases	5.50	5.50	5.50
050.0500 - Economic Development	3.00	3.00	3.00
051.1510 - City Clerk/Treasurer	6.00	6.00	6.00
055.0550 - Communications & Marketing	4.30	4.30	4.30
060.0600 - Media Services	4.50	4.50	4.50
070.0700 - Chief of Staff	2.35	1.35	1.35
110.1100 - Chief Financial Officer	2.35	2.35	2.35
120.1210 - Human Resources	6.00	6.00	6.00
131.1310 - Accounting & Audit	13.50	13.00	13.00
133.1330 - Budget & Information Management	4.00	4.00	4.00
140.1410 - Facilities Management - General Maint	9.00	9.00	9.00
140.1420 - Facilities Management - Janitorial	9.00	10.00	10.00
160.1610 - Purchasing	5.00	5.00	5.00
170.1710 - Information Technology	12.00	14.00	14.00
170.1720 - Information Technology - GIS	5.00	5.00	5.00
200.2900 - Police - Police Support Services	31.00	33.00	33.00
200.2940 - Police - Police Patrol	146.00	147.00	151.00
260.2600 - Central Dispatch	27.00	27.00	27.00
300.3010 - Fire - Fire Prevention	7.00	9.00	9.00
300.3020 - Fire - Fire Operations	127.00	127.00	128.00
300.3030 - Fire - Fire Training	4.00	4.00	4.00
520.0710 - Parks & Recreation - Arts and Culture	1.00	1.60	1.60
520.5210 - Parks & Recreation - Swimming Pool	3.95	3.95	3.95
520.5220 - Parks & Recreation - Parks Admin/Rec Programs	10.70	11.30	11.90
520.5260 - Parks & Recreation - Parks Maintenance	13.25	-	-
520.5280 - Parks & Recreation - Yvonne Richardson Comm Ctr	6.40	6.40	6.40
521.5260 - Parks Operations - Parks Maintenance	-	13.25	13.25
610.6100 - Public Works Director	1.00	1.00	1.00
620.6200 - Development Services - Director	4.00	5.00	5.00
621.6220 - Engineering - Operations & Administration	15.00	15.00	15.00
621.6230 - Engineering - Land Acquisition	2.00	2.00	2.00
621.6240 - Engineering - Public Construction	6.00	6.00	6.00
630.6300 - Development Review	8.00	8.00	8.00
631.6310 - Sustainability & Resilience	3.00	2.50	2.50
634.6340 - Long Range Planning	2.00	2.00	2.00
640.6400 - Building Safety	15.00	18.00	18.00
642.6420 - Community Resources - CR Admin/Planning	2.65	2.65	2.65
671.2710 - Animal Services - Animal Patrol/Emergency Response	6.50	6.50	6.50
671.2720 - Animal Services - Animal Shelter	8.30	8.30	9.30
671.2730 - Animal Services - Veterinarian/Clinic	2.00	2.00	2.00
	568.25	579.45	586.05

City of Fayetteville, Arkansas
Personnel Summary by Funding Source / Program

Fund / Program	Budgeted 2023	Budgeted 2024	Budgeted 2025
2100 - STREET FUND:			
410.4100 - Transportation Services - Operations & Administration	9.00	8.00	8.00
410.4110 - Transportation Services - Right-of-Way Maintenance	9.00	9.00	9.00
410.4120 - Transportation Services - Street Maintenance	20.50	20.50	20.50
410.4130 - Transportation Services - Drainage Maintenance	10.00	11.00	11.00
410.5315 - Transportation Services - Traffic Engineering & Planning	8.00	8.00	9.00
410.5520 - Transportation Services - Street & Trail Construction	9.00	9.00	9.00
410.5530 - Transportation Services - Sidewalks	8.00	8.00	12.00
	73.50	73.50	78.50
2130 - PARKING FUND:			
430.9130 - Parking Management - Off-Street Parking	5.50	5.50	5.50
430.9131 - Parking Management - Entertainment District Prkg	4.50	4.50	4.50
430.9132 - Parking Management - Spring St. Munic. Prkg Deck	1.00	1.00	1.00
	11.00	11.00	11.00
2180 - COMMUNITY DEVELOPMENT BLOCK GRANT FUND:			
642.4930 - Community Resources - Administration & Planning	1.40	1.40	1.40
642.4940 - Community Resources - Housing Services	4.45	4.45	4.45
642.4945 - Community Resources - Redevelopment	1.00	1.00	1.00
	6.85	6.85	6.85
2250 - PARKS DEVELOPMENT FUND:			
520.9250 - Parks & Recreation - Parks Maintenance	33.75	-	-
520.9250 - Parks & Recreation - Parks Development	3.65	4.65	4.10
521.9250 - Parks Operations - Parks Maintenance	-	36.25	36.80
	37.40	40.90	40.90
2930 - DRUG LAW ENFORCEMENT FUND:			
200.2960 - Police - Drug Enforcement	3.00	4.00	4.00
	3.00	4.00	4.00
5400 - WATER & SEWER FUND:			
700.1800 - Utilities Director	1.00	1.00	1.00
700.4020 - Utilities Director - Utilities Project Management	3.00	3.00	4.00
710.1810 - Utilities Financial Services	19.00	20.00	20.00
720.1820 - Water & Sewer Maint - Meter Reading	15.00	15.00	15.00
720.1830 - Water & Sewer Maint - Meter Maint & Backflow Prev	6.00	7.00	7.00
720.4000 - Water & Sewer Maint - Operations & Administration	14.00	14.00	14.00
720.4310 - Water & Sewer Maint - Water Distribution Maint	24.25	24.25	24.25
720.4330 - Water & Sewer Maint - Water Storage & Pump Maint	2.00	2.00	2.00
720.4410 - Water & Sewer Maint - Sewer Mains Maint	20.25	20.25	20.25
720.5620 - Water & Sewer Maint - Water & Sewer Connections	2.50	2.50	9.50
	107.00	109.00	117.00

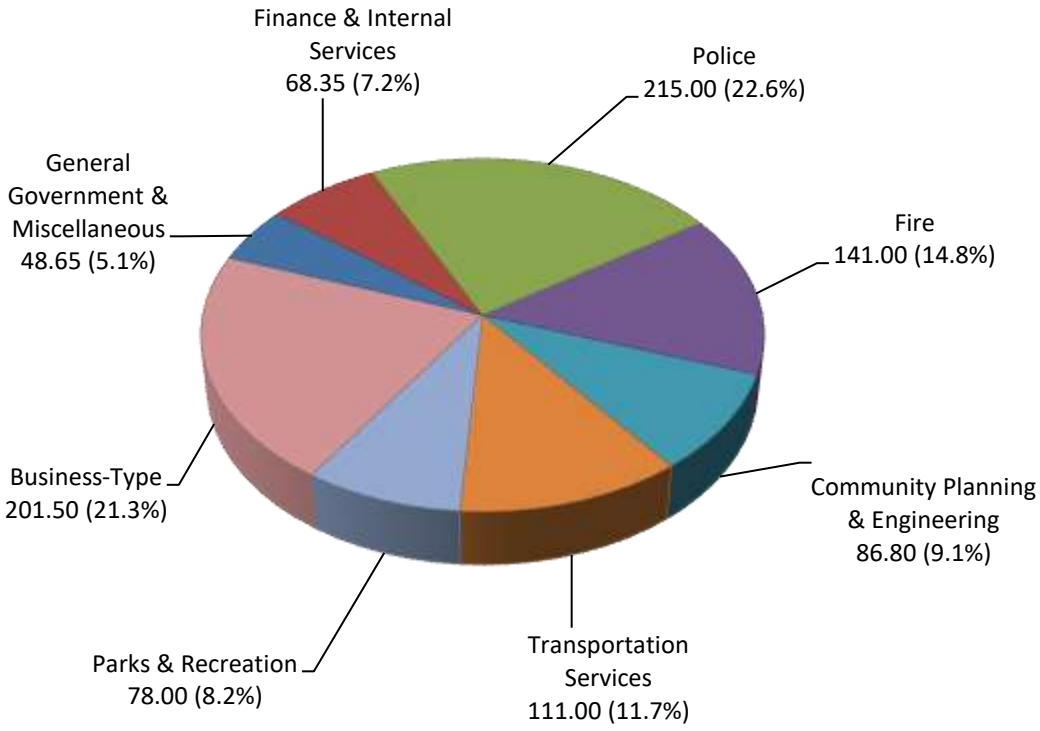
City of Fayetteville, Arkansas
Personnel Summary by Funding Source / Program

Fund / Program	Budgeted 2023	Budgeted 2024	Budgeted 2025
5500 - RECYCLING & TRASH COLLECTION FUND:			
750.5000 - Recycling & Trash Coll - Operations & Administration	7.00	7.50	8.50
750.5010 - Recycling & Trash Coll - Commercial Collections	10.50	10.50	10.50
750.5020 - Recycling & Trash Coll - Residential Collections	12.00	13.00	13.00
750.5030 - Recycling & Trash Coll - Commercial Drop Box Coll	2.50	2.50	2.50
750.5040 - Recycling & Trash Coll - Transfer Station	2.50	2.50	2.50
750.5060 - Recycling & Trash Coll - Recycling	26.50	26.50	26.50
750.5070 - Recycling & Trash Coll - Composting	7.00	7.00	7.00
	68.00	69.50	70.50
5550 - AIRPORT FUND:			
760.3940 - Airport Services - Administration	3.00	3.00	3.00
760.3950 - Airport Services - Maintenance	3.00	3.00	4.00
760.3955 - Airport Services - Operations	7.00	7.00	7.00
	13.00	13.00	14.00
9700 - SHOP FUND:			
770.1910 - Fleet Operations - Vehicle Maintenance	19.50	21.50	21.50
	19.50	21.50	21.50
Total Positions - Citywide	907.50	928.70	950.30

City of Fayetteville, Arkansas
Personnel Summary by Activity
Full-Time Equivalent Basis

Activity	Budgeted 2023	Budgeted 2024	Budgeted 2025
General Government & Miscellaneous	49.65	48.65	48.65
Finance & Internal Services	65.85	68.35	68.35
Police	207.00	211.00	215.00
Fire	138.00	140.00	141.00
Community Planning & Engineering	82.30	85.80	86.80
Transportation Services	104.00	106.00	111.00
Parks & Recreation	72.70	77.40	78.00
Business-Type	188.00	191.50	201.50
Total	907.50	928.70	950.30

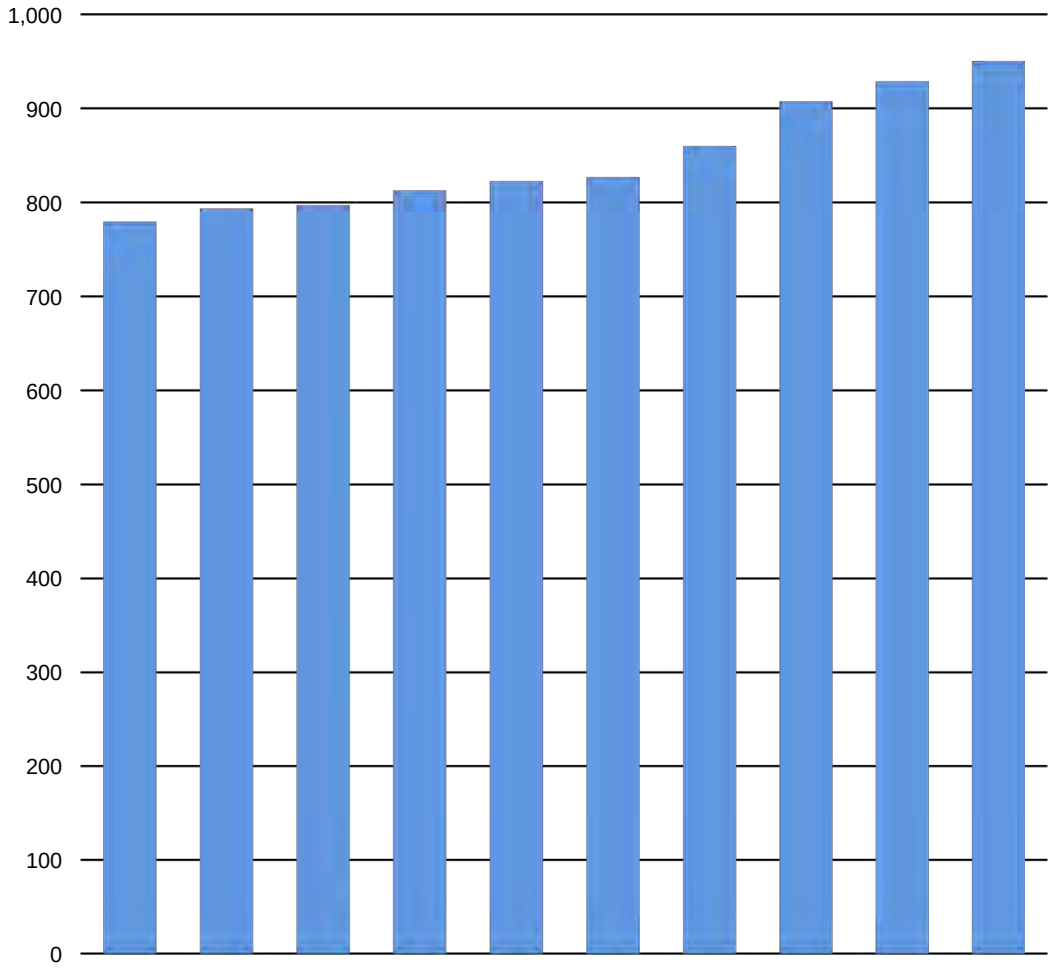
Full-Time Equivalent Basis by Activity
(950.30 FTEs)



City of Fayetteville, Arkansas
Personnel History by Activity

Position Changes by Activity

A total of 21.6 FTEs are being added.



Activity	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	Change Prior Year
General Government	42.75	43.75	43.75	45.75	45.75	46.65	47.65	49.65	48.65	48.65	-
Finance & Internal Services	52.25	54.25	55.75	57.25	58.25	58.35	60.35	65.85	68.35	68.35	-
Police	175.50	180.00	180.00	181.00	179.00	183.00	194.00	207.00	211.00	215.00	4.00
Fire	122.00	122.00	122.00	122.00	122.00	122.00	126.00	138.00	140.00	141.00	1.00
Community Planning/Engineering	69.30	71.30	73.30	73.30	76.30	76.30	78.30	82.30	85.80	86.80	1.00
Transportation Services	99.00	99.00	99.00	100.00	101.00	101.00	104.00	104.00	106.00	111.00	5.00
Parks & Recreation	56.65	58.10	58.10	59.20	59.20	59.20	64.50	72.70	77.40	78.00	0.60
Business-Type	162.10	165.10	165.10	174.10	181.10	180.60	185.00	188.00	191.50	201.50	10.00
Total	779.55	793.50	797.00	812.60	822.60	827.10	859.80	907.50	928.70	950.30	21.60
Change from Prior Year	13.00	13.95	3.50	15.60	10.00	4.50	32.70	47.70	21.20	21.60	

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
GENERAL GOVERNMENT & MISCELLANEOUS ACTIVITY:			
Mayor's Administration Division:			
Mayor	1.00	1.00	1.00
Assistant To Mayor & Administrative Office Supervisor	1.00	1.00	1.00
	2.00	2.00	2.00
City Attorney Division:			
City Attorney	1.00	1.00	1.00
Senior Assistant City Attorney	1.00	1.00	1.00
Assistant City Attorney	1.00	1.00	1.00
Paralegal - City Attorney's Office	1.00	1.00	1.00
	4.00	4.00	4.00
City Prosecutor Division:			
City Prosecutor	1.00	1.00	1.00
Deputy City Prosecutor	1.00	1.00	1.00
City Prosecutor Division Manager/Senior Paralegal	1.00	1.00	1.00
City Prosecutor Investigator/Victim Advocate	-	2.00	2.00
City Prosecutor Investigator	1.00	-	-
Senior Legal Assistant	2.00	2.00	2.00
Legal Assistant	3.00	2.00	2.00
Law Clerk	1.00	1.00	1.00
	10.00	10.00	10.00
City Clerk/Treasurer Division:			
City Clerk/Treasurer	1.00	1.00	1.00
Senior Deputy City Clerk Treasurer	1.00	1.00	1.00
Document Management Manager	1.00	1.00	1.00
Deputy City Clerk - Codifier	1.00	1.00	1.00
Deputy City Clerk - Communications	-	1.00	1.00
Communications Specialist	1.00	-	-
Document Systems Specialist	1.00	1.00	1.00
	6.00	6.00	6.00
Fayetteville District Court Division:			
District Court Administrator	1.00	1.00	1.00
Lead Court Clerk	1.00	1.00	1.00
Court Services Officer	0.50	0.50	0.50
Law Clerk	1.00	1.00	1.00
Deputy Court Clerk	9.00	9.00	9.00
	12.50	12.50	12.50

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
Chief of Staff Division:			
Chief of Staff	1.00	1.00	1.00
Communications Project Manager - Public Information	1.00	-	-
Senior Administrative Assistant II - Mayor's Office	0.35	0.35	0.35
	2.35	1.35	1.35
Internal Audit Division:			
Internal Auditor	1.00	1.00	1.00
	1.00	1.00	1.00
Communications & Marketing Division:			
Communications & Marketing Director	1.00	1.00	1.00
Communications Project Manager - Web	1.00	1.00	1.00
Communications Project Manager - Social Media	1.00	1.00	1.00
Senior Administrative Assistant II - Mayor's Office	0.30	0.30	0.30
Senior Administrative Assistant - Mayor's Office	1.00	1.00	1.00
	4.30	4.30	4.30
Media Services Division:			
Director of Media Services	1.00	1.00	1.00
Broadcast Technician	1.00	1.00	1.00
Video Production Technician	2.50	2.50	2.50
	4.50	4.50	4.50
Economic Development Division:			
Director of Economic Vitality	1.00	1.00	1.00
Director of Industry & Employment Services	1.00	1.00	1.00
Economic Equity & Mobility Project Manager	1.00	1.00	1.00
	3.00	3.00	3.00
Total General Government & Miscellaneous Activity	49.65	48.65	48.65

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
FINANCE & INTERNAL SERVICES ACTIVITY:			
Chief Financial Officer Division:			
Chief Financial Officer	1.00	1.00	1.00
Deputy Chief Financial Officer	1.00	1.00	1.00
Senior Administrative Assistant II - Mayor's Office	0.35	0.35	0.35
	2.35	2.35	2.35
Accounting & Audit Division:			
Accounting Director	1.00	1.00	1.00
Internal Services Project Manager	0.50	-	-
Accounting Manager - Payroll & Pension	1.00	1.00	1.00
Accounting Manager - Investment & Cash	1.00	1.00	1.00
Accounting Manager - Bond, Contract, & Grant Reporting	-	1.00	1.00
Contract Grant Financial Accountant	1.00	-	-
Fixed Assets/Investment Coordinator	1.00	1.00	1.00
Grants Administrator	1.00	1.00	1.00
Accountant - Revenues	1.00	1.00	1.00
Accountant - Payroll	1.00	1.00	1.00
Accounting Clerk - Payables	1.00	1.00	1.00
Accounting Clerk - Revenues	1.00	1.00	1.00
Accounting Clerk - Receivables	1.00	1.00	1.00
Accounting Clerk - Cash	1.00	1.00	1.00
Accounting Clerk - Data Entry	1.00	1.00	1.00
	13.50	13.00	13.00
Facilities Management Division:			
Bond Project & Construction Director	1.00	1.00	1.00
Facilities & Building Maintenance Manager	1.00	1.00	1.00
Crew Leader - Facilities Management Services	1.00	1.00	1.00
HVAC Technician	1.00	1.00	1.00
Project Coordinator - Facilities Management	1.00	1.00	1.00
Maintenance Worker II - Facilities Management	1.00	1.00	1.00
Operations Assistant - Facilities Management	1.00	1.00	1.00
Custodian	9.00	10.00	10.00
Maintenance Worker I - Facilities Management	2.00	2.00	2.00
	18.00	19.00	19.00
Budget & Information Management Division:			
Budget Director	1.00	1.00	1.00
Budget Operations Manager	-	1.00	1.00
Senior Financial Analyst - Budget	1.00	-	-
Financial Analyst - Budget	1.00	1.00	1.00
Budget Analyst	1.00	1.00	1.00
	4.00	4.00	4.00

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
Human Resources Division:			
Human Resources Director	1.00	1.00	1.00
Assistant Human Resources Director	1.00	1.00	1.00
Senior Human Resources Generalist	1.00	1.00	1.00
Human Resources Generalist	1.00	2.00	2.00
Benefits & Leave Administrator	1.00	1.00	1.00
Human Resources Assistant	1.00	-	-
	6.00	6.00	6.00
Information Technology Division:			
Information Technologies Director	1.00	1.00	1.00
Assistant IT Director	1.00	1.00	1.00
GIS Manager	1.00	1.00	1.00
Network Engineer	1.00	1.00	1.00
Technical Support Supervisor	-	1.00	1.00
Business Systems Analyst	3.00	3.00	3.00
GIS Administrator	1.00	1.00	1.00
Systems Analyst	1.00	1.00	1.00
Network Analyst	1.00	1.00	1.00
Network Security Analyst	1.00	1.00	1.00
Technical Support Specialist	3.00	3.00	3.00
GIS Analyst	2.00	2.00	2.00
Communications Project Manager - Public Information	-	1.00	1.00
GIS Technician	1.00	1.00	1.00
	17.00	19.00	19.00
Purchasing Division:			
Purchasing Director	1.00	1.00	1.00
Senior Purchasing Agent	1.00	1.00	1.00
Purchasing Agent	1.00	1.00	1.00
Purchasing Technician	1.00	1.00	1.00
Purchasing Assistant	1.00	1.00	1.00
	5.00	5.00	5.00
Total Finance & Internal Services Activity	65.85	68.35	68.35

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
POLICE ACTIVITY:			
Police Division:			
Police Chief	1.00	1.00	1.00
Deputy Chief of Police	1.00	1.00	1.00
Police Captain	3.00	4.00	4.00
Police Lieutenant	7.00	8.00	8.00
Support Services Manager	1.00	1.00	1.00
Police Sergeant	19.00	19.00	20.00
Police Corporal	40.00	42.00	42.00
Assistant Support Services Manager	1.00	1.00	1.00
Lead Social Services Advocate	1.00	1.00	1.00
Property/Evidence Manager	1.00	1.00	1.00
Records Coordinator	1.00	1.00	1.00
Police Officer	83.00	81.00	84.00
Crime Scene Technician	2.00	2.00	2.00
Social Services Advocate	1.00	3.00	3.00
Senior Administrative Assistant - Police	1.00	1.00	1.00
Senior Police Support Specialist	3.00	3.00	3.00
Evidence Technician	2.00	2.00	2.00
Police Support Specialist	9.00	9.00	9.00
Administrative Assistant - Police	2.00	2.00	2.00
Transcriptionist	1.00	1.00	1.00
	180.00	184.00	188.00
Central Dispatch Division:			
Dispatch Manager	1.00	1.00	1.00
Assistant Dispatch Manager	1.00	1.00	1.00
Dispatch Shift Supervisor	3.00	3.00	3.00
Dispatch Trainer	1.00	1.00	1.00
Dispatcher III	7.00	7.00	7.00
Dispatcher II	1.00	3.00	3.00
Dispatcher I	13.00	11.00	11.00
	27.00	27.00	27.00
Total Police Activity	207.00	211.00	215.00

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
FIRE ACTIVITY:			
Fire Division:			
Fire Chief	1.00	1.00	1.00
Assistant Fire Chief	2.00	2.00	2.00
Battalion Chief	9.00	7.00	7.00
Fire Code Inspector - Fire Marshal's Office	-	2.00	2.00
Fire Captain	41.00	41.00	41.00
Financial Analyst - Fire	1.00	1.00	1.00
Driver/Operator/Firefighter	30.00	31.00	31.00
Emergency Manager	1.00	1.00	1.00
Fire Equipment Maintenance Technician	1.00	1.00	1.00
Firefighter	50.00	49.00	49.00
Senior Administrative Assistant - Fire	1.00	1.00	1.00
Administrative Assistant - Fire	1.00	1.00	2.00
Division Chief	-	2.00	2.00
	138.00	140.00	141.00
Total Fire Activity	138.00	140.00	141.00

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
COMMUNITY PLANNING & ENGINEERING ACTIVITY:			
Sustainability & Resilience Division:			
Environmental Director	1.00	0.50	0.50
Sustainability Planner	1.00	1.00	1.00
Sustainability Project Manager	1.00	1.00	1.00
	3.00	2.50	2.50
Development Services Division:			
Development Services Director	1.00	1.00	1.00
Operations & Customer Relations Manager	1.00	1.00	1.00
Customer Service Representative - Dev. Services	1.00	1.00	1.00
Business License Clerk	1.00	1.00	1.00
Short-Term Rental Clerk	-	1.00	1.00
	4.00	5.00	5.00
Public Works Director Division:			
Public Works Director	1.00	1.00	1.00
	1.00	1.00	1.00
Engineering Division:			
Engineering Development Review Manager	1.00	1.00	1.00
Engineering Design Manager	1.00	1.00	1.00
Staff Engineer	4.00	4.00	4.00
Active Transportation Manager	1.00	1.00	1.00
Surveyor	1.00	1.00	1.00
Public Works Inspection Manager	1.00	1.00	1.00
Mobility Coordinator	1.00	1.00	1.00
Land Agent II	1.00	1.00	1.00
Staff Engineer - Unlicensed	1.00	1.00	1.00
Land Agent I	1.00	1.00	1.00
CAD Drafter	2.00	2.00	2.00
Plans Examiner - Engineering	2.00	2.00	2.00
PW Projects Inspector	4.00	4.00	4.00
Engineering Services Coordinator	1.00	1.00	1.00
Land Surveyor Technician	-	1.00	1.00
Land Surveyor Technician/Instrument Operator	1.00	-	-
	23.00	23.00	23.00
Development Review Division:			
Development Review Manager	1.00	1.00	1.00
Senior Planner	1.00	1.00	1.00
Urban Forester	1.00	1.00	1.00
Planner	2.00	2.00	2.00
Development Coordinator	1.00	1.00	1.00
Planning Technician	2.00	2.00	2.00
	8.00	8.00	8.00

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
Long Range Planning Division:			
Long Range Planning/Special Projects Manager	1.00	1.00	1.00
Long Range & Preservation Planner	1.00	1.00	1.00
	2.00	2.00	2.00
Community Resources Division:			
Community Resources Director / Equity Officer	1.00	1.00	1.00
Community Resources Administrator	1.00	1.00	1.00
Project Coordinator - Community Resources	3.00	3.00	3.00
Case Manager	3.00	3.00	3.00
Senior Administrative Assistant - Community Resources	1.00	1.00	1.00
CDBG Programs Assistant	0.50	0.50	0.50
	9.50	9.50	9.50
Building Safety Division:			
Building Safety Director	1.00	1.00	1.00
Deputy Building Official	-	1.00	1.00
Plans Examiner Supervisor	1.00	-	-
Building Inspector Supervisor	-	1.00	1.00
Senior Inspector - Building Safety	1.00	-	-
Inspector/Commercial & Residential	4.00	5.00	5.00
Plans Examiner	-	2.00	2.00
Residential Plans Examiner	1.00	-	-
Permit Technician	-	3.00	3.00
Permit Coordinator	2.00		-
Code Compliance Supervisor	-	1.00	1.00
Senior Code Compliance Officer	1.00	-	-
Code Compliance Officer	3.00	3.00	3.00
Customer Service Representative - Building Safety	1.00	1.00	1.00
	15.00	18.00	18.00
Animal Services Division:			
Veterinarian	1.00	1.00	1.00
Animal Services Superintendent	1.00	1.00	1.00
Animal Services Field Supervisor	1.00	1.00	1.00
Animal Services Programs Administrator	1.00	1.00	1.00
Animal Services Technician	2.00	2.00	2.00
Senior Animal Services Officer	1.00	1.00	1.00
Animal Services Officer	3.00	3.00	3.00
Administrative Assistant - Animal Services	-	-	1.00
Shelter Attendant	6.80	6.80	6.80
	16.80	16.80	17.80
Total Community Planning & Engineering Activity	82.30	85.80	86.80

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
TRANSPORTATION SERVICES ACTIVITY:			
Transportation Services Division:			
Assistant Public Works Director - Operations	1.00	1.00	1.00
Transportation Support Engineer	1.00	1.00	1.00
Management Accounting Coordinator	1.00	1.00	1.00
Assistant Transportation Manager	2.00	1.00	1.00
Traffic Control Supervisor	1.00	1.00	1.00
Public Works Support Services Coordinator	1.00	1.00	1.00
Field Operations Supervisor - Traffic	1.00	1.00	1.00
Senior Field Operations Supervisor - Drainage	-	1.00	1.00
Senior Field Operations Supervisor - Right of Way	-	1.00	1.00
Senior Field Operations Supervisor - Concrete	1.00	1.00	1.00
Field Operations Supervisor - Transportation	3.00	2.00	2.00
Crew Leader II - Overlay Transportation	2.00	2.00	2.00
Traffic Signal & Signage Technician	6.00	6.00	7.00
Crew Leader - Transportation	3.00	5.00	6.00
Transportation Facility Maintenance Worker	1.00	1.00	1.00
Construction Lead Maintenance Worker	5.00	3.00	3.00
Operations Assistant - Transportation	2.00	2.00	2.00
Maintenance Worker IV - Asphalt	10.00	11.00	11.00
Maintenance Worker IV - Concrete	2.00	2.00	4.00
Maintenance Worker IV - Drainage	5.00	5.00	5.00
Maintenance Worker IV - Right Of Way	2.00	1.00	1.00
Maintenance Worker IV - Trails	2.00	2.00	2.00
Maintenance Worker III - Transportation	19.00	19.00	20.00
Maintenance Worker III - Urban Forestry	2.00	2.00	2.00
Maintenance Worker I - Transportation	0.50	0.50	0.50
	73.50	73.50	78.50
Fleet Operations Division:			
Fleet Operations Superintendent	1.00	1.00	1.00
Fleet Operations Supervisor	1.00	1.00	1.00
Fleet Services Support Manager	1.00	1.00	1.00
Lead Equipment Mechanic	3.00	3.00	3.00
Warranty & Materials Coordinator	1.00	1.00	1.00
Equipment Mechanic III	2.00	4.00	4.00
Automotive Parts Specialist	2.00	2.00	2.00
Fleet Customer Representative	1.00	1.00	1.00
Equipment Mechanic II	4.00	4.00	4.00
Operations Assistant - Fleet	1.00	1.00	1.00
Equipment Mechanic I	2.00	2.00	2.00
Equipment Maintenance Worker	0.50	0.50	0.50
	19.50	21.50	21.50

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
Parking Management Division:			
Parking Manager	1.00	1.00	1.00
Field Operations Supervisor - Parking	1.00	1.00	1.00
Parking Enforcement Officer	4.00	4.00	4.00
Account Clerk II - Parking	1.00	1.00	1.00
Account Clerk I - Parking	1.00	1.00	1.00
Parking Attendant	1.00	1.00	1.00
Parking Attendant - Events	2.00	2.00	2.00
	11.00	11.00	11.00
Total Transportation Services Activity	104.00	106.00	111.00

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
PARKS & RECREATION ACTIVITY:			
Parks & Recreation - Administration & Development:			
Director of Parks, Natural Resources, & Cultural Affairs	1.00	1.00	1.00
Arts & Culture Director	1.00	1.00	1.00
Arts & Culture Program Assistant	-	0.60	0.60
Recreation Superintendent	1.00	1.00	1.00
Park Planning Superintendent	1.00	1.00	1.00
Assistant Recreation Superintendent	1.00	1.00	1.00
Park Planner II	1.00	2.00	2.00
YRCC Director	1.00	1.00	1.00
Recreation Programs Manager	5.00	5.00	5.00
Urban Forester	1.00	1.00	1.00
Financial Coordinator - Parks	1.00	1.00	0.45
Recreation Program Assistant II	-	-	0.60
YRCC Recreation Program Assistant II	1.20	1.20	1.20
Sr. Admin. Asst. - Parks, Nat. Res. & Cultural Affairs	1.00	1.00	1.00
Assistant Pool Manager	0.40	0.40	0.40
Pool Cashier	0.33	0.33	0.33
Lifeguard	2.87	2.87	2.87
Pool Manager	0.35	0.35	0.35
Camp Counselor	1.20	1.80	1.80
YRCC Camp Counselor	1.60	1.60	1.60
Recreation Program Assistant	2.75	2.75	2.75
	25.70	27.90	27.95

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
Parks Operations - Parks Maintenance:			
Park Operations Director	1.00	1.00	1.00
Assistant Park Operations Director	-	1.00	1.00
Sr. Fld. Ops. Supervisor - Park Facilities & Construction	1.00	-	-
Horticulturist	2.00	2.00	2.00
Volunteer & Ecological Program Coordinator	1.00	1.00	1.00
Financial Coordinator - Parks	-	-	0.55
Senior Park Facilities Maintenance Worker	1.00	1.00	1.00
Crew Leader - Athletic Fields	1.00	1.00	1.00
Park Facilities Maintenance Worker	3.00	3.00	3.00
Field Operations Supervisor - Forestry	1.00	1.00	1.00
Field Operations Supervisor - Grounds & Trails	1.00	1.00	1.00
Field Operations Supervisor - Turf & Athletic Fields	1.00	1.00	1.00
Groundskeeper IV	-	5.00	5.00
Groundskeeper III	-	2.00	2.00
Groundskeeper II	-	3.00	3.00
Horticultural Assistant II	5.75	7.75	7.75
Maintenance Worker IV - Parks	9.00	4.00	4.00
Maintenance Worker III - Parks	5.00	3.00	3.00
Maintenance Worker II - Parks	6.00	3.00	3.00
Maintenance Worker I - Parks	0.75	0.75	0.75
Maintenance Worker I - Urban Forestry	0.50	1.00	1.00
Custodian - Parks	2.00	2.00	2.00
Custodian II - Parks	2.00	2.00	2.00
Lead Maintenance Worker - Forestry	1.00	1.00	1.00
Lead Maintenance Worker - Grounds	1.00	1.00	1.00
Lead Maintenance Worker - Trails	1.00	1.00	1.00
	47.00	49.50	50.05
Total Parks & Recreation Activity	72.70	77.40	78.00

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
BUSINESS-TYPE ACTIVITY:			
Utilities Financial Services Division:			
Utilities Financial Services Director	-	1.00	1.00
Utilities Financial Services Manager	1.00	-	-
Senior Financial Analyst - Utilities	1.00	1.00	1.00
Utilities Financial Services Administrator	1.00	1.00	1.00
Utility Billing Supervisor	1.00	1.00	1.00
Customer Service Supervisor - Revenue Collections	1.00	1.00	1.00
Customer Service Supervisor - Utilities	1.00	2.00	2.00
Senior Utility Billing Coordinator	2.00	2.00	2.00
Senior Customer Service Coordinator	1.00	1.00	1.00
Customer Service Coordinator II	-	2.00	2.00
Customer Service Representative II	1.00	-	-
Customer Service Coordinator I	-	8.00	8.00
Customer Service Representative I	9.00	-	-
	19.00	20.00	20.00
Utilities Director Division:			
Utilities Director	1.00	1.00	1.00
Utilities Engineer	1.00	1.00	1.00
Staff Engineer	-	-	1.00
Capital Projects Inspection Manager	1.00	1.00	1.00
Project Coordinator - Utilities	1.00	1.00	1.00
	4.00	4.00	5.00

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
Water & Sewer Maintenance Division:			
Water & Sewer Operations Manager	1.00	1.00	1.00
Assistant Water & Sewer Operations Manager	1.00	1.00	1.00
Meter Services Supervisor	1.00	1.00	1.00
Technical Services Supervisor	1.00	1.00	1.00
Water & Sewer Field Maintenance Supervisor	2.00	2.00	3.00
Pump & Tank Technician	3.00	3.00	3.00
Backflow Services Supervisor	1.00	1.00	1.00
Field Service Representative	4.00	4.00	4.00
Leak Detection Technician	2.00	2.00	2.00
Senior Crew Leader Water License	2.00	2.00	3.00
Warehouse Manager	-	1.00	1.00
Warehouse Supervisor	1.00	-	-
GIS Technician - Water & Sewer	1.00	1.00	1.00
Office Manager - Water & Sewer	1.00	1.00	1.00
Meter Operations Assistant	1.00	1.00	1.00
Crew Leader I - W&S	-	2.00	2.00
Crew Leader II - W&S	3.00	4.00	5.00
Assistant Warehouse Supervisor	1.00	1.00	1.00
Water & Sewer Equipment Repair Technician	1.00	1.00	1.00
Senior Customer Service Representative - Meter	1.00	1.00	1.00
Customer Service Representative - Meter	2.00	3.00	3.00
Maintenance Worker IV - Water & Sewer Licensed	4.00	-	2.00
Meter Maintenance Technician	3.00	4.00	4.00
Backflow Prevention Technician	1.00	1.00	1.00
Meter Reader	9.00	8.00	8.00
Water & Sewer Operations Clerk	2.00	2.00	2.00
Maintenance Worker II - Water & Sewer	1.00	-	-
Maintenance Worker III - Water & Sewer	32.00	34.00	36.00
Warehouse Attendant Water & Sewer	2.00	2.00	2.00
	84.00	85.00	92.00

City of Fayetteville, Arkansas
Personnel Detail by Activity & Division

Activity / Division / Title	Budgeted 2023	Budgeted 2024	Budgeted 2025
Recycling & Trash Collection Division:			
Environmental Director	-	0.50	0.50
Recycling & Trash Collection Operations Manager	1.00	1.00	1.00
Financial Analyst - Recycling & Trash Collection	1.00	1.00	1.00
Waste Reduction Manager	1.00	1.00	1.00
Assistant RTC Operations Manager	1.00	1.00	1.00
Office Manager - Recycling & Trash Collection	1.00	1.00	1.00
Senior Route Supervisor	1.00	1.00	1.00
Route Supervisor	2.00	2.00	2.00
Crew Leader - Recycling & Trash Collection	3.00	3.00	3.00
Recycling & Trash Collection Facility Supervisor	1.00	1.00	1.00
Environmental Educator	2.00	2.00	2.00
Compost Operator	3.00	3.00	3.00
Relief Driver	6.00	6.00	6.00
Recycling Attendant	2.00	2.00	2.00
Route Driver	38.00	39.00	39.00
Maintenance Worker III - Recycling & Trash Collection	2.00	2.00	2.00
Customer Service Representative - RTC	3.00	3.00	4.00
	68.00	69.50	70.50
Airport Services Division:			
Airport Director	1.00	1.00	1.00
Financial Coordinator - Airport	1.00	1.00	1.00
Flight Line Operations Supervisor	1.00	1.00	1.00
Lead Maintenance Worker - Airport	1.00	1.00	1.00
Airport Maintenance Worker III	2.00	2.00	3.00
Flight Line Operations Technician	5.00	5.00	5.00
Administrative Assistant - Airport	1.00	1.00	1.00
Customer Service Representative - Airport	1.00	1.00	1.00
	13.00	13.00	14.00
Total Business-Type Activity	188.00	191.50	201.50
Total Positions - Citywide	907.50	928.70	950.30

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM DIRECTIONAL INFORMATION

Introduction

The Capital Improvements Program (CIP) for the City of Fayetteville examines the infrastructure and capital needs of the City for the next five years. The CIP will be reviewed and updated on a biennial basis to reflect the changing needs of the community and changes in available monies for financing capital projects. The City's philosophy concerning the use of the CIP is that it should be considered as a financial planning tool that lists the City's capital improvement projects, places the projects in a priority order, and schedules the projects for funding and implementation. The CIP should be considered as a major policy tool for the Mayor and City Council.

Capital Improvement Policy

The CIP is approached as a valuable tool to be used in the development of responsible and progressive financial planning. The program is developed in accordance with the financial policies of the City. The policies and the CIP form the basis for making various annual capital budget decisions and support the City's continued commitment to sound, long-range financial planning and direction. The City's official Capital Improvements Policy is as follows:

- The City will prepare a biennial update of a five-year CIP, which will provide for the orderly maintenance, replacement, and expansion of capital assets.

- The CIP will identify long-range capital projects and capital improvements of all types, which will be coordinated with the annual operating budget to maintain full utilization of available sources.

- When preparing the CIP, the City will seek to identify all viable capital projects and capital improvements required during the subsequent five-year period. These projects and improvements will be prioritized by year and by funding source. Every attempt will be made to match projects and improvements with available funding sources. Future operating costs associated with a project or an improvement will also be given consideration in the establishment of priorities.

- The City will seek Federal, State, and other funding to assist in financing capital projects and capital improvements.

- The City will incorporate the reasonable findings and recommendations of the City's Boards, Commissions, Committees, and Citizens' task forces as they relate to capital projects and improvements.

What Projects are in the CIP

Projects and their cumulative component areas totaling $10,000 or more should be included in the CIP. Projects costing less than $5,000 are not considered capital and are funded through program operating budgets.

Projects in the CIP can include:

- obligations for labor and materials and contractors involved in completing a project
- acquisition of land or structures
- engineering or architectural services, professional studies, or other administrative costs
- expenses for City vehicles and equipment
- renovating or expanding City facilities, grounds, or equipment

Financing

The City finances capital improvements on, essentially, a pay-as-you-go basis utilizing revenue from the 1% City sales tax originally adopted in 1993, the 1% Parks Development (Hotel, Motel, Restaurant) sales tax as amended in 2010, and operating revenues from the Airport, Shop, Water & Sewer, and Recycling & Trash Collection funds. The 1% City Sales Tax revenue is divided between General Fund operations and capital. The current split, which began with the 2008 budget, is 60% for General Fund and 40% for Sales Tax Capital Improvements Fund. Until 2008, the split as established in 2003 was equal. In addition, long-term debt is considered and utilized only when the City faces a project that is of such importance and sufficient financial magnitude as to warrant a bond issue.

The CIP is not a financing document in and of itself. Rather, the CIP is utilized as a planning document that places projects in the annual budget whereby funds are appropriated for them by the City Council. Prior to actual initiation of project work, required contracts are presented to the Mayor or City Council, as appropriate, for final approval of expending funds.

Project Cost Determination

All projects are costed using a "Basis of Cost Estimate" table that provides the estimated basis used for the requested funds. If two or more basis of cost estimates are used to calculate a funding request, the estimate that represents the majority of the estimated funds is used.

Basis of Cost Estimate for CIP
Cost of Comparable Facility or Equipment
Rule of Thumb Indicator, Unit Costs
Cost Estimated by Engineer, Architect, or Vendor
Preliminary Estimate
Ball Park "Guesstimate"

Priority Selection of Projects

The CIP will rely on priorities defined by the Mayor, City Council, and City staff. As always, criteria such as government-imposed mandates, usefulness to the community, and impact on operational expenses will be reviewed in establishing priorities. A priority is assigned to each project by year and by funding source. Projects for which no funding is anticipated to be available will be placed on an "Unfunded Projects List," which will identify the cost of the project. This list identifies the project as being viable, but one for which no funding is presently available. Unfunded projects may be funded if actual revenue is above projected revenue, if costs on funded projects are below budget, or if another funding source is identified.

The Parks and Recreation Advisory Board, Airport Board, City Council Street Committee, City Council Water & Sewer Committee, and City Council Equipment Committee meetings all provide committee and public input and guidance regarding parks, streets, bridge and drainage improvements, water and sewer improvements, and equipment purchases planned for the next five years.

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM

Since 1988, the City of Fayetteville has produced a five year Capital Improvements Program (CIP). The CIP examines the infrastructure and capital needs of the City for the next five years. The CIP is reviewed and updated biennially to reflect the changing needs of the community and changes in available funding for financing capital projects. The CIP should be considered a financial planning tool that lists the City's capital improvement projects and schedules the projects for funding and implementation. The CIP should also be considered one of the primary policy making instruments utilized by the Mayor and City Council. The City's practice has been to adopt the CIP for the forthcoming five year period and then incorporate the projects for the following two years into the next two budget processes.

Capital Improvements (By Funding Source) Compared to Approved CIP

Funding Source / Category / Division	2025 Projects 2024-2028 CIP	Budgeted 2025	Change
2100 - STREET:			
Transportation Improvements			
Transportation (410)			
Transportation/Fleet Building Improvements	$ 20,000	$ 20,000	$ 0
	20,000	20,000	0
Street - Total	20,000	20,000	0
2130 - PARKING:			
Parking Improvements			
Parking Management (430)			
Parking Deck Improvements	30,000	30,000	0
Parking Lot Improvements and Overlays	25,000	25,000	0
Parking Infrastructure Improvements	20,000	20,000	0
Parking Equipment Replacements	15,000	15,000	0
	90,000	90,000	0
Parking - Total	90,000	90,000	0
2250 - PARKS DEVELOPMENT:			
Parks & Recreation Improvements			
Parks & Recreation (520)			
Community Park Improvements	1,000,000	1,000,000	0
	1,000,000	1,000,000	0
Parks Development - Total	1,000,000	1,000,000	0

Capital Improvements (By Funding Source) Compared to Approved CIP

Funding Source / Category / Division	2025 Projects 2024-2028 CIP	Budgeted 2025	Change
2300 - IMPACT FEE:			
Fire Improvements			
Fire Department (300)			
Fire Impact Fee Improvements	110,000	110,000	0
	110,000	110,000	0
Water & Sewer Improvements			
Utilities Director (700)			
Water Impact Fee Improvements	464,000	464,000	0
Wastewater Impact Fee Improvements	348,000	348,000	0
	812,000	812,000	0
Impact Fee - Total	922,000	922,000	0
4470 - SALES TAX CAPITAL IMPROVEMENTS:			
Bridge & Drainage Improvements			
Engineering (621)			
Other Drainage/Bridge Improvements	220,000	220,000	0
Stormwater Quality Management	180,000	180,000	0
	400,000	400,000	0
Facility Improvements			
Facilities Management (140)			
Downtown Campus Renovation	150,000	150,000	0
Building Improvements	406,000	406,000	0
Building Impr - Town Center	150,000	150,000	0
Building Impr - White Hangar & Old Terminal	50,000	50,000	0
Building Impr - Senior Center	25,000	25,000	0
ADA Assessment of City-Owned Facilities	30,000	30,000	0
Animal Services - Drains Replacement	15,000	15,000	0
	826,000	826,000	0
Fire Improvements			
Fire Department (300)			
Fire Apparatus Replacements	980,000	980,000	0
Fire Mobile Radios	300,000	300,000	0
Fire Facility Maintenance	125,000	125,000	0
Firefighter Safety Equipment	105,000	105,000	0
Fire Technology Equipment Replacements	46,000	46,000	0
	1,556,000	1,556,000	0

Capital Improvements (By Funding Source) Compared to Approved CIP

Funding Source / Category / Division	2025 Projects 2024-2028 CIP	Budgeted 2025	Change
Information Technology Improvements			
Information Technology (170)			
Technology Equipment Replacement	230,000	230,000	0
Fiber Optic Cable	110,000	110,000	0
Local Area Network (LAN) Upgrades	25,000	25,000	0
IT Enterprise Application Improvements	60,000	60,000	0
Geographic Information System (GIS)	45,000	45,000	0
Public Reporting Dashboard	36,000	36,000	0
Video Security Cameras	25,000	25,000	0
Cyber Security	30,000	30,000	0
Telecommunication Systems Upgrades	40,000	40,000	0
	601,000	601,000	0
Library Improvements			
Library (080)			
Library Materials Purchases	675,000	675,000	0
Library Technology Equipment Replacements	160,000	160,000	0
Library Welcome Desks Replacements	100,000	100,000	0
	935,000	935,000	0
Media Services Improvements			
Media Services (060)			
Television Center Equipment	50,000	50,000	0
City Hall Room AV Maintenance	10,000	10,000	0
Digital Signage Implementation	20,000	20,000	0
	80,000	80,000	0
Other Capital Improvements			
Accounting & Audit (131)			
Audit Expense	12,000	12,000	0
City Clerk (051)			
City Clerk Document & Records Management	5,000	5,000	0
Facilities Management (140)			
Apple (Porter) Warehouse Restoration	150,000	150,000	0
Woolsey Homestead Historic Restoration	200,000	200,000	0
7-Hills Walker Family Residential Facility	40,000	40,000	0
Human Resources (120)			
City Gym Improvements	30,000	30,000	0
Long Range Planning (634)			
Downtown Master Plan	400,000	400,000	0
Miscellaneous (090)			
Green Space Preservation	0	100,000	100,000
Sustainability & Resilience (631)			
Climate Resiliency	50,000	50,000	0
PD Shooting Range Decommissioning	150,000	150,000	0
Building Efficiency Improvements	50,000	50,000	0
	1,087,000	1,187,000	100,000

Capital Improvements (By Funding Source) Compared to Approved CIP

Funding Source / Category / Division	2025 Projects 2024-2028 CIP	Budgeted 2025	Change
Parks & Recreation Improvements			
Parks & Recreation (520)			
Public Art Commission	50,000	50,000	0
Forestry and Outreach	250,000	250,000	0
Parks Operations (521)			
Trash Removal - Unsanctioned Camps	300,000	300,000	0
Parks Maintenance and Improvements	350,000	350,000	0
Parks Maintenance Office & Shop Renovation	150,000	150,000	0
Parks Paving Improvements	125,000	125,000	0
Parks Safety and ADA	30,000	30,000	0
Lights of the Ozarks	25,000	25,000	0
Natural Resources Management	50,000	50,000	0
	1,330,000	1,330,000	0
Police Improvements			
Police (200)			
Police Public Safety Equipment	480,000	480,000	0
Police Radio Replacement	400,000	400,000	0
Police Technology Improvements	66,000	66,000	0
Police Unmarked Vehicle Replacements	140,000	140,000	0
Police Marked Vehicle Expansion	83,000	83,000	0
Police Weapons Replacement	421,000	421,000	0
Police Facility Improvements	25,000	25,000	0
Police Specialized Equipment	37,000	37,000	0
Police Firing Range Improvements	15,000	15,000	0
Police Ballistic Protection Replacement	168,000	168,000	0
Police K9 Replacement	25,000	25,000	0
Police Equipment Replacement	10,000	10,000	0
Police Employee Gym Equipment	10,000	10,000	0
	1,880,000	1,880,000	0
Street Improvements			
Engineering (621)			
Cost Share / ROW / Intersection / Street Calming	100,000	100,000	0
	100,000	100,000	0
Trail Improvements			
Transportation Services (410)			
Trail Development	1,550,000	1,550,000	0
	1,550,000	1,550,000	0
Transportation Improvements			
Transportation Services (410)			
In-House Pavement Improvements	2,300,000	2,300,000	0
Sidewalk Improvements	1,050,000	1,050,000	0
Traffic Signal Improvements	150,000	150,000	0
Drainage Maintenance	50,000	50,000	0
Wireless Traffic Signal Control	42,000	42,000	0
	3,592,000	3,592,000	0
Sales Tax Capital Improvements - Total	13,937,000	14,037,000	100,000

Capital Improvements (By Funding Source) Compared to Approved CIP

Funding Source / Category / Division	2025 Projects 2024-2028 CIP	Budgeted 2025	Change
5400 - WATER & SEWER:			
Wastewater Treatment Improvements			
Utilities Director (700)			
Phosphorus Standards Management	58,000	50,000	(8,000)
Wastewater Treatment Plant (730)			
WWTP Plant Pumps and Equipment	1,000,000	955,000	(45,000)
WWTP Upgrade and Replace Lift Stations	348,000	300,000	(48,000)
WWTP Building Improvements	300,000	300,000	0
Wastewater Treatment/Water Quality Improvements	116,000	96,000	(20,000)
	1,822,000	1,701,000	(121,000)
Water & Sewer Improvements			
Utilities Financial Services (710)			
Utilities Financial Services Improvements	11,000	11,000	0
Water & Sewer Maintenance (720)			
Water & Sewer Impr Defined by Study (West Trans Line)	22,444,000	0	(22,444,000)
Sanitary Sewer Rehabilitation	3,327,000	2,500,000	(827,000)
Water System Rehabilitation/Replacement	2,319,000	1,505,000	(814,000)
Water Tank Improvements	1,000,000	940,000	(60,000)
Water & Sewer Relocations - Bond Projects	580,000	580,000	0
Water & Sewer Impact Fee Cost Sharing	174,000	154,000	(20,000)
Water Storage and Pump Station Maintenance	116,000	100,000	(16,000)
	29,971,000	5,790,000	(24,181,000)
Water & Sewer Services Improvements			
Water & Sewer Maintenance (720)			
Water Meters	1,000,000	1,000,000	0
Water & Sewer Building/Office Improvements	100,000	46,000	(54,000)
Water & Sewer Equipment Expansions	58,000	50,000	(8,000)
Backflow Prevention Assemblies	58,000	28,000	(30,000)
Utilities Technology Improvements	62,000	12,000	(50,000)
Water & Sewer Rate/Operations Study	23,000	23,000	0
	1,301,000	1,159,000	(142,000)
Water & Sewer - Total	33,094,000	8,650,000	(24,444,000)
5500 - RECYCLING & TRASH COLLECTION:			
Recycling & Trash Collection Improvements			
Recycling & Trash Collection (750)			
RTC - Master Plan Expansion	600,000	600,000	0
RTC - Compost Site Improvements	200,000	200,000	0
RTC - Recycling and Trash Collection Containers	70,000	70,000	0
RTC - Scale House Improvements	20,000	20,000	0
RTC - Route Optimization & RFID System	10,000	10,000	0
RTC - Technology Equipment Replacements	5,000	5,000	0
	905,000	905,000	0
Recycling & Trash Collection - Total	905,000	905,000	0

Capital Improvements (By Funding Source) Compared to Approved CIP

Funding Source / Category / Division	2025 Projects 2024-2028 CIP	Budgeted 2025	Change	
5550 - AIRPORT:				
Aviation Improvements				
Aviation (760)				
Airport T-hangar Rehabilitation	40,000	40,000	0	
Airport Street Side Improvements	40,000	40,000	0	
Airport Movement Pavement Rehab	138,000	138,000	0	
Airport Engineering Consultant Services	20,000	20,000	0	
Airport Equipment Replacement	35,000	35,000	0	
Airport Lighting Improvements	10,000	10,000	0	
	283,000	283,000	0	
Airport - Total	283,000	283,000	0	
9700 - SHOP:				
Facility Improvements				
Fleet Operations (770)				
Transportation & Fleet Building Improvements	20,000	20,000	0	
	20,000	20,000	0	
Vehicles & Equipment Improvements				
Fleet Operations (770)				
Fleet - Recycling & Trash Vehicles / Equipment	195,000	459,000	264,000	
Fleet - Heavy Utility Vehicles	405,000	535,000	130,000	
Fleet - Construction Equipment	1,802,000	1,694,500	(107,500)	
Fleet - Police / Passenger Vehicles	173,000	405,500	232,500	
Fleet - Light / Medium Utility Vehicles	611,000	816,000	205,000	
Fleet - Other Vehicles / Equipment	1,354,000	472,500	(881,500)	
Fleet - Fire Apparatus	803,000	803,000	0	
Fleet - Tractors / Mowers	814,000	304,000	(510,000)	
	6,157,000	5,489,500	(667,500)	
Shop - Total	6,177,000	5,509,500	(667,500)	*
*reduction of previously budgeted vehicles				
All Funding Sources - Total	$ 56,428,000	$ 31,416,500	$ (25,011,500)	

CITY OF FAYETTEVILLE, ARKANSAS
2025 CAPITAL PROJECTS
Summary by Project Category

Project Category	Capital Projects Funds	Special Revenue Funds	Enterprise Funds	Shop Fund	Total
Aviation Improvements	$ -	$ -	$ 283,000	$ -	$ 283,000
Bridge & Drainage Improvements	400,000	-	-	-	400,000
Facility Improvements	826,000	-	-	20,000	846,000
Fire Improvements	1,556,000	110,000	-	-	1,666,000
Information Technology Improvements	601,000	-	-	-	601,000
Library Improvements	935,000	-	-	-	935,000
Media Services Improvements	80,000	-	-	-	80,000
Other Capital Improvements	1,187,000	-	-	-	1,187,000
Parking Improvements	-	90,000	-	-	90,000
Parks & Recreation Improvements	1,330,000	1,000,000	-	-	2,330,000
Police Improvements	1,880,000	-	-	-	1,880,000
Recycling & Trash Collection Improvements	-	-	905,000	-	905,000
Street Improvements	100,000	-	-	-	100,000
Trail Improvements	1,550,000	-	-	-	1,550,000
Transportation Improvements	3,592,000	20,000	-	-	3,612,000
Vehicles & Equipment Improvements	-	-	-	5,489,500	5,489,500
Wastewater Treatment Improvements	-	-	1,701,000	-	1,701,000
Water & Sewer Improvements	-	812,000	5,790,000	-	6,602,000
Water & Sewer Services Improvements	-	-	1,159,000	-	1,159,000
Total Funded	$ 14,037,000	$ 2,032,000	$ 9,838,000	$ 5,509,500	$ 31,416,500

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM
Project Summary

Funding Source / Category / Division	Projected 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028	Total 2024-2028
2100 - STREET:						
Transportation Improvements						
Transportation (410)						
Transportation/Fleet Building Improvements	$ 100,000	$ 20,000	$ 20,000	$ 20,000	$ 20,000	$ 180,000
	100,000	20,000	20,000	20,000	20,000	180,000
Street - Total	100,000	20,000	20,000	20,000	20,000	180,000
2130 - PARKING:						
Parking Improvements						
Parking Management (430)						
Parking Deck Improvements	70,000	30,000	30,000	30,000	30,000	190,000
Parking Lot Improvements and Overlays	10,000	25,000	25,000	25,000	25,000	110,000
Parking Infrastructure Improvements	10,000	20,000	20,000	20,000	20,000	90,000
Parking Equipment Replacements	10,000	15,000	15,000	15,000	15,000	70,000
	100,000	90,000	90,000	90,000	90,000	460,000
Parking - Total	100,000	90,000	90,000	90,000	90,000	460,000
2250 - PARKS DEVELOPMENT:						
Parks & Recreation Improvements						
Parks & Recreation (520)						
Community Park Improvements	500,000	1,000,000	0	500,000	1,000,000	3,000,000
Neighborhood Park Development	500,000	0	0	500,000	0	1,000,000
Regional Park Development	0	0	650,000	0	0	650,000
Nature Park/Conservation Area Improvements	0	0	350,000	0	0	350,000
	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
Parks Development - Total	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
2300 - IMPACT FEE:						
Fire Improvements						
Fire Department (300)						
Fire Impact Fee Improvements	1,155,000	110,000	115,000	120,000	125,000	1,625,000
	1,155,000	110,000	115,000	120,000	125,000	1,625,000
Water & Sewer Improvements						
Utilities Director (700)						
Water Impact Fee Improvements	450,000	464,000	400,000	400,000	400,000	2,114,000
Wastewater Impact Fee Improvements	338,000	348,000	300,000	300,000	300,000	1,586,000
	788,000	812,000	700,000	700,000	700,000	3,700,000
Impact Fee - Total	1,943,000	922,000	815,000	820,000	825,000	5,325,000
4470 - SALES TAX CAPITAL IMPROVEMENTS:						
Bridge & Drainage Improvements						
Engineering (621)						
Other Drainage/Bridge Improvements	220,000	220,000	220,000	240,000	240,000	1,140,000
Stormwater Quality Management	180,000	180,000	200,000	200,000	220,000	980,000
Brookbury Stream Restoration	275,000	0	0	0	0	275,000
	675,000	400,000	420,000	440,000	460,000	2,395,000
Facility Improvements						
Facilities Management (140)						
Building Improvements	350,000	406,000	430,000	405,000	401,000	1,992,000
Downtown Campus Renovation	650,000	150,000	100,000	100,000	40,000	1,040,000
Building Impr - White Hangar & Old Terminal	40,000	50,000	23,000	250,000	100,000	463,000
Building Impr - Town Center	70,000	150,000	100,000	100,000	40,000	460,000
Building Impr - Senior Center	40,000	25,000	40,000	40,000	40,000	185,000
ADA Assessment of City-Owned Facilities	30,000	30,000	30,000	30,000	30,000	150,000
Animal Services - Roof Replacement	0	0	84,000	0	0	84,000
Animal Services - Boiler Replacement	38,000	0	0	0	0	38,000
Animal Services - Generator Purchase	20,000	0	0	0	0	20,000
Animal Services - Drains Replacement	0	15,000	0	0	0	15,000
	1,238,000	826,000	807,000	925,000	651,000	4,447,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM
Project Summary

Funding Source / Category / Division	Projected 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028	Total 2024-2028
Fire Improvements						
Fire Department (300)						
Fire Apparatus Replacements	972,000	980,000	1,011,000	1,017,000	1,024,000	5,004,000
Fire Mobile Radios	300,000	300,000	300,000	300,000	300,000	1,500,000
Fire Facility Maintenance	100,000	125,000	125,000	200,000	200,000	750,000
Firefighter Safety Equipment	100,000	105,000	110,000	115,000	120,000	550,000
Fire Technology Equipment Replacements	85,000	46,000	30,000	35,000	83,000	279,000
	1,557,000	1,556,000	1,576,000	1,667,000	1,727,000	8,083,000
Information Technology Improvements						
Information Technology (170)						
Technology Equipment Replacement	120,000	230,000	156,000	165,000	135,000	806,000
Storage Area Network (SAN)	175,000	0	0	250,000	0	425,000
Local Area Network (LAN) Upgrades	95,000	25,000	160,000	60,000	70,000	410,000
Video Security Cameras	25,000	25,000	25,000	161,000	161,000	397,000
Fiber Optic Cable	110,000	110,000	105,000	0	0	325,000
IT Enterprise Application Improvements	55,000	60,000	60,000	60,000	65,000	300,000
Geographic Information System (GIS)	40,000	45,000	40,000	45,000	45,000	215,000
Public Reporting Dashboard	36,000	36,000	36,000	36,000	36,000	180,000
Cyber Security	25,000	30,000	30,000	35,000	35,000	155,000
Telecommunication Systems Upgrades	22,000	40,000	40,000	23,000	24,000	149,000
	703,000	601,000	652,000	835,000	571,000	3,362,000
Library Improvements						
Library (080)						
Library Materials Purchases	654,000	675,000	696,000	717,000	739,000	3,481,000
Library Technology Equipment Replacements	152,000	160,000	147,000	134,000	210,000	803,000
Library Mountain Street Entrance Improvements	0	0	125,000	0	0	125,000
Library Welcome Desks Replacements	0	100,000	0	0	0	100,000
	806,000	935,000	968,000	851,000	949,000	4,509,000
Media Services Improvements						
Media Services (060)						
Television Center Equipment	70,000	50,000	40,000	50,000	40,000	250,000
Digital Signage Implementation	20,000	20,000	20,000	20,000	20,000	100,000
City Hall Room AV Maintenance	35,000	10,000	10,000	10,000	10,000	75,000
	125,000	80,000	70,000	80,000	70,000	425,000
Other Capital Improvements						
Accounting & Audit (131)						
Time and Attendance Software	150,000	0	0	0	0	150,000
Audit Expense	11,000	12,000	13,000	14,000	15,000	65,000
City Clerk (051)						
City Clerk Document & Records Management	5,000	5,000	5,000	5,000	5,000	25,000
Facilities Management (140)						
Woolsey Homestead Historic Restoration	200,000	200,000	250,000	200,000	200,000	1,050,000
Apple (Porter) Warehouse Restoration	225,000	150,000	200,000	100,000	100,000	775,000
7-Hills Walker Family Residential Facility	40,000	40,000	60,000	40,000	40,000	220,000
Human Resources (120)						
City Gym Improvements	25,000	30,000	30,000	30,000	30,000	145,000
Long Range Planning (634)						
Downtown Master Plan	250,000	400,000	0	0	0	650,000
Sustainability & Resilience (631)						
Building Efficiency Improvements	40,000	50,000	60,000	70,000	80,000	300,000
Climate Resiliency	50,000	50,000	50,000	50,000	50,000	250,000
PD Shooting Range Decommissioning	100,000	150,000	0	0	0	250,000
	1,096,000	1,087,000	668,000	509,000	520,000	3,880,000
Parks & Recreation Improvements						
Parks & Recreation (520)						
Forestry and Outreach	150,000	250,000	395,000	395,000	400,000	1,590,000
Public Art Commission	155,000	50,000	150,000	55,000	30,000	440,000
Cultural Planning and Creative Placemaking	0	0	0	400,000	0	400,000
Aquatic Facility Feasibility Study	100,000	0	0	0	0	100,000
Arts & Culture Equipment and Infrastructure	0	0	0	0	65,000	65,000
Parks Operations (521)						
Parks Maintenance and Improvements	200,000	350,000	400,000	425,000	550,000	1,925,000
Trash Removal - Unsanctioned Camps	300,000	300,000	300,000	300,000	300,000	1,500,000
Artificial Turf Improvements	0	0	0	400,000	400,000	800,000
Parks Maintenance Office & Shop Renovation	200,000	150,000	150,000	150,000	0	650,000
Parks Paving Improvements	120,000	125,000	130,000	135,000	140,000	650,000
Playground Improvements	0	0	0	0	400,000	400,000
Natural Resources Management	20,000	50,000	50,000	50,000	50,000	220,000
Parks Safety and ADA	30,000	30,000	30,000	30,000	30,000	150,000
Lights of the Ozarks	25,000	25,000	27,000	27,000	30,000	134,000
	1,300,000	1,330,000	1,632,000	2,367,000	2,395,000	9,024,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM
Project Summary

Funding Source / Category / Division	Projected 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028	Total 2024-2028
Police Improvements						
Police (200)						
Police Public Safety Equipment	430,000	480,000	480,000	480,000	480,000	2,350,000
Police Radio Replacement	0	400,000	1,297,000	0	0	1,697,000
Police Technology Improvements	421,000	66,000	140,000	384,000	234,000	1,245,000
Police Unmarked Vehicle Replacements	175,000	140,000	175,000	140,000	175,000	805,000
Police Weapons Replacement	90,000	421,000	36,000	0	0	547,000
Police Ballistic Protection Replacement	35,000	168,000	40,000	46,000	185,000	474,000
Police Marked Vehicle Expansion	110,000	83,000	86,000	89,000	92,000	460,000
Citywide Radio System Replacement	0	0	100,000	150,000	100,000	350,000
Police Facility Improvements	70,000	25,000	48,000	25,000	50,000	218,000
Police Specialized Equipment	60,000	37,000	76,000	8,000	8,000	189,000
Police Firing Range Improvements	50,000	15,000	40,000	15,000	50,000	170,000
Police K9 Replacement	25,000	25,000	0	0	30,000	80,000
Police Equipment Replacement	10,000	10,000	10,000	10,000	10,000	50,000
Police Employee Gym Equipment	10,000	10,000	10,000	10,000	10,000	50,000
Central Dispatch Improvements	28,000	0	0	0	0	28,000
	1,514,000	1,880,000	2,538,000	1,357,000	1,424,000	8,713,000
Street Improvements						
Engineering (621)						
Cost Share / ROW / Intersection / Street Calming	100,000	100,000	100,000	100,000	100,000	500,000
	100,000	100,000	100,000	100,000	100,000	500,000
Trail Improvements						
Transportation Services (410)						
Trail Development	1,500,000	1,550,000	1,600,000	1,750,000	1,900,000	8,300,000
	1,500,000	1,550,000	1,600,000	1,750,000	1,900,000	8,300,000
Transportation Improvements						
Transportation Services (410)						
In-House Pavement Improvements	2,000,000	2,300,000	2,200,000	2,700,000	2,900,000	12,100,000
Sidewalk Improvements	750,000	1,050,000	1,000,000	1,150,000	1,200,000	5,150,000
Traffic Signal Improvements	150,000	150,000	150,000	150,000	150,000	750,000
Drainage Maintenance	50,000	50,000	50,000	50,000	50,000	250,000
Wireless Traffic Signal Control	42,000	42,000	42,000	42,000	42,000	210,000
	2,992,000	3,592,000	3,442,000	4,092,000	4,342,000	18,460,000
Sales Tax Capital Improvements - Total	13,606,000	13,937,000	14,473,000	14,973,000	15,109,000	72,098,000
5400 - WATER & SEWER:						
Wastewater Treatment Improvements						
Utilities Director (700)						
Phosphorus Standards Management	56,000	58,000	50,000	50,000	50,000	264,000
Wastewater Treatment Plant (730)						
WWTP Plant Pumps and Equipment	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	5,000,000
WWTP Building Improvements	169,000	300,000	3,118,000	300,000	300,000	4,187,000
WWTP Upgrade and Replace Lift Stations	338,000	348,000	300,000	300,000	300,000	1,586,000
Wastewater Treatment/Water Quality Improvements	113,000	116,000	100,000	100,000	100,000	529,000
	1,676,000	1,822,000	4,568,000	1,750,000	1,750,000	11,566,000
Water & Sewer Improvements						
Utilities Financial Services (710)						
Utilities Financial Services Improvements	15,000	11,000	16,000	5,000	3,000	50,000
Water & Sewer Maintenance (720)						
Water & Sewer Improvements Defined by Study	16,138,000	22,444,000	21,080,000	26,139,000	600,000	86,401,000
Sanitary Sewer Rehabilitation	3,230,000	3,327,000	2,870,000	2,870,000	2,870,000	15,167,000
Water System Rehabilitation/Replacement	2,251,000	2,319,000	2,000,000	2,000,000	2,000,000	10,570,000
Water Tank Improvements	1,126,000	1,000,000	1,000,000	1,000,000	1,000,000	5,126,000
Water & Sewer Relocations - Bond Projects	563,000	580,000	500,000	500,000	500,000	2,643,000
Water & Sewer Impact Fee Cost Sharing	169,000	174,000	150,000	150,000	150,000	793,000
Water Storage and Pump Station Maintenance	113,000	116,000	100,000	100,000	100,000	529,000
	23,605,000	29,971,000	27,716,000	32,764,000	7,223,000	121,279,000
Water & Sewer Services Improvements						
Water & Sewer Maintenance (720)						
Water Meters	929,000	1,000,000	1,000,000	1,000,000	1,000,000	4,929,000
Water & Sewer Building/Office Improvements	58,000	100,000	100,000	100,000	100,000	458,000
Utilities Technology Improvements	28,000	62,000	20,000	146,000	29,000	285,000
Water & Sewer Equipment Expansions	56,000	58,000	50,000	50,000	50,000	264,000
Backflow Prevention Assemblies	56,000	58,000	50,000	50,000	50,000	264,000
Water & Sewer Rate/Operations Study	23,000	23,000	20,000	20,000	20,000	106,000
	1,150,000	1,301,000	1,240,000	1,366,000	1,249,000	6,306,000
Water & Sewer - Total	26,431,000	33,094,000	33,524,000	35,880,000	10,222,000	139,151,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM
Project Summary

Funding Source / Category / Division	Projected 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028	Total 2024-2028
5500 - RECYCLING & TRASH COLLECTION:						
Recycling & Trash Collection Improvements						
Recycling & Trash Collection (750)						
RTC - Master Plan Expansion	550,000	600,000	650,000	650,000	650,000	3,100,000
RTC - Compost Site Improvements	150,000	200,000	200,000	200,000	200,000	950,000
RTC - Recycling and Trash Collection Containers	70,000	70,000	90,000	100,000	100,000	430,000
RTC - Rate Study	75,000	0	0	0	100,000	175,000
RTC - Scale House Improvements	20,000	20,000	20,000	20,000	20,000	100,000
RTC - Route Optimization & RFID System	10,000	10,000	20,000	15,000	15,000	70,000
RTC - Technology Equipment Replacements	8,000	5,000	15,000	2,000	9,000	39,000
	883,000	905,000	995,000	987,000	1,094,000	4,864,000
Recycling & Trash Collection - Total	883,000	905,000	995,000	987,000	1,094,000	4,864,000
5550 - AIRPORT:						
Aviation Improvements						
Aviation (760)						
Airport Movement Pavement Rehab	21,000	138,000	360,000	0	0	519,000
Airport T-hangar Rehabilitation	40,000	40,000	40,000	40,000	40,000	200,000
Airport Street Side Improvements	40,000	40,000	40,000	40,000	40,000	200,000
Airport Engineering Consultant Services	20,000	20,000	20,000	20,000	20,000	100,000
Airport Equipment Replacement	19,000	35,000	0	10,000	10,000	74,000
Airport Lighting Improvements	10,000	10,000	10,000	10,000	10,000	50,000
Airport East Side Hangar Development	12,000	0	0	0	0	12,000
	162,000	283,000	470,000	120,000	120,000	1,155,000
Airport - Total	162,000	283,000	470,000	120,000	120,000	1,155,000
9700 - SHOP:						
Facility Improvements						
Fleet Operations (770)						
Fleet Fixed Assets	213,000	0	0	0	0	213,000
Transportation & Fleet Building Improvements	20,000	20,000	20,000	20,000	20,000	100,000
Fleet Management System Upgrade	40,000	0	0	0	0	40,000
	273,000	20,000	20,000	20,000	20,000	353,000
Vehicles & Equipment Improvements						
Fleet Operations (770)						
Fleet - Recycling & Trash Vehicles / Equipment	1,650,000	195,000	655,000	4,815,000	2,018,000	9,333,000
Fleet - Construction Equipment	493,000	1,802,000	1,843,000	521,000	468,000	5,127,000
Fleet - Other Vehicles / Equipment	457,000	1,354,000	904,000	308,000	1,545,000	4,568,000
Fleet - Heavy Utility Vehicles	585,000	405,000	325,000	1,407,000	1,421,000	4,143,000
Fleet - Police / Passenger Vehicles	469,000	173,000	497,000	1,413,000	745,000	3,297,000
Fleet - Tractors / Mowers	154,000	814,000	670,000	484,000	345,000	2,467,000
Fleet - Fire Apparatus	0	803,000	549,000	555,000	555,000	2,462,000
Fleet - Light / Medium Utility Vehicles	461,000	611,000	356,000	351,000	484,000	2,263,000
	4,269,000	6,157,000	5,799,000	9,854,000	7,581,000	33,660,000
Shop - Total	4,542,000	6,177,000	5,819,000	9,874,000	7,601,000	34,013,000
All Funding Sources - Total	$ 48,767,000	$ 56,428,000	$ 57,206,000	$ 63,764,000	$ 36,081,000	$ 262,246,000

City of Fayetteville, Arkansas
2025 Capital Budget

Project Title & Description	Budgeted 2025
2100 - Street Fund	
2100.410.5500 - Street Projects	
Transportation & Fleet Building Improvements (18001): This project is for building and site repairs and energy efficiency updates to Transportation and Fleet Operations buildings and grounds. HVAC, lighting, plumbing, flooring, security improvements, exterior painting, roofing, and other site and facility repairs and maintenance are addressed as needed.	$ 20,000
2100.410.5500 - Total	20,000
2100 - Street Fund Total	$ 20,000
2130 - Parking Fund	
2130.430.9133 - Parking Management Projects	
Parking Lot Improvements and Overlays (06001): This project is to maintain the City's public parking lots. The City currently has twelve public parking lots and three City employee parking lots located in the Downtown Business and Entertainment Districts. The surface lots are asphalt that periodically require general maintenance such as crack seal, seal coat, re-striping, pot hole patching, and bumper block replacement. These lots also require a complete asphalt overlay on a less frequent basis.	25,000
Parking Infrastructure Improvements (18003): This project is to fund lighting, sidewalk, street tree, signage, landscaping, area maintenance, and small equipment purchases necessary to improve the walkability and enhance the overall experience within the downtown parking districts. This project also seeks to improve connectivity from remote parking lots and spaces to core destinations.	20,000
Parking Equipment Replacements (19001): This project is for the continued replacement of parking infrastructure and installation of upgraded equipment as technology continues to evolve. Equipment types include pay stations, single-space smart meters, sensors, license-plate recognition and other enforcement equipment, and signage.	15,000
Parking Deck Improvements (24001): This project is for the ongoing maintenance of the Spring Street Parking Deck, Meadow Street Parking Deck, Town Center Parking Deck, and the new parking deck to be located at Dickson/West. An additional $50,000 is being requested in 2024 to repair deteriorating portions of the south stairwell in the Spring Street Parking Deck caused by moisture and condensation.	30,000
2130.430.9133 - Total	90,000
2130 - Parking Fund Total	$ 90,000
2250 - Parks Development Fund	
2250.520.9255 - Parks Development Capital	
Community Park Improvements (13001): This project provides for renovations and enhancements to community parks based on the new Park System Master Plan. This project also supplements Parks bond projects.	1,000,000
2250.520.9255 - Total	1,000,000
2250 - Parks Development Fund Total	$ 1,000,000

City of Fayetteville, Arkansas
2025 Capital Budget

Project Title & Description	Budgeted 2025
2300 - Impact Fee Fund	
2300.300.9300 - Fire Impact Fees	
Fire Impact Fee Improvements (07003): The purpose of this project is to accumulate funding for fire projects that are associated with the increase in developments throughout the City. The funding for this project comes from impact fees collected from developments.	110,000
2300.300.9300 - Total	110,000
2300.720.9300 - Water Impact Fees	
Water Impact Fee Improvements (07002): The purpose of this project is to accumulate funding for water projects that are associated with the increase in developments throughout the City. The funding for this project comes from impact fees collected from developments.	464,000
2300.720.9300 - Total	464,000
2300.730.9300 - Wastewater Impact Fees	
Wastewater Impact Fee Improvements (07004): The purpose of this project is to accumulate funding for wastewater projects that are associated with the increase in developments throughout the City. The funding for this project comes from impact fees collected from developments.	348,000
2300.730.9300 - Total	348,000
2300 - Impact Fee Fund Total	$ 922,000
4470 - Sales Tax Capital Improvements Fund	
4470.060.8900 - Other Capital, Media	
Television Center Equipment (02061): This project is to replace and upgrade equipment at the Television Center. The equipment includes production technology, studio equipment and accessories, lighting, sound, signal processing, telecasting and streaming equipment, file storage, video archiving, field equipment, etc. The Television Center also provides support for the audio-visual needs of the Administration and City Departments/Divisions.	50,000
City Hall A-V Maintenance (18007): This project is for the replacement, repair or reconfiguration of audio-visual equipment in City Hall.	10,000
Digital Signage Implementation (18009): This project is to maintain, improve, and expand digital signage and visual messaging in City facilities. This includes signage service, upgrading or replacing existing displays, adding new display technologies and types, adding new signage locations, and offering interactive displays to better communicate to citizens and staff.	20,000
4470.060.8900 - Total	80,000
4470.080.8080 - Library Improvements	
Library Materials Purchases (02049): FPL collections strive to meet each Fayetteville resident's need for information; to help pursue life- long learning and cultural growth; to provide the means for thoughtful and productive participation by individuals and groups in the affairs of the community, the nation and the world; and to support the educational, governmental, cultural, recreational, and economic activities within the community. The collection size is approximately 390,000 items and is expected to grow by 15% annually with focuses on high demand titles and holds ratio reductions as well as supporting rotating collections in the library's new bookmobile collection.	675,000

City of Fayetteville, Arkansas
2025 Capital Budget

Project Title & Description	Budgeted 2025
Library Technology Equipment Replacements (04004): This project is to provide new and/or upgraded technology infrastructure and services to library staff and patrons. The technology replacement cycle is typically five years or less depending upon utilization.	160,000
Library Welcome Desks Replacement (25001): This project is to replace the Library's welcome desks which are damaged and unsightly.	100,000
4470.080.8080 - Total	935,000
4470.090.8900 - Other Capital, Miscellaneous	
City Clerk Document & Records Management (14003): The purpose of this project is to follow §31.30 of the City's code as well as all state and federal laws related to document retention of archived electronic, paper, or microfilmed records that are located in electronic storage or physical storage. This purpose also encompasses the purchase of hardware like, but not limited to, scanners, software, and creating processes that align with applicable laws.	5,000
Woolsey Homestead Historic Restoration (15008): This project is to reconstruct the Woolsey homestead, surrounding outbuildings, and cemetery back to the 1840's era to allow tours and educational events. The overall project is to create a tourism, educational, and historical preservation component. The property is close to the Woolsey Wet Prairie and trail system.	200,000
Apple (Porter) Warehouse Stabilization/Restoration (20001): This project is to stabilize and maintain the Porter Warehouse building at the corner of West Avenue and Spring Street.	150,000
Green Space Preservation (21016): This project will fund land purchases, conservation easements or other expenditures that would be used to fulfill the mission of the City's natural environment and ecosystems.	100,000
Climate Resiliency (22005): This project will fund implementation of the City's new Climate Action Plan. Funds may be used on projects for Carbon Sequestration & Storage, Climate Equity & Justice, Ecosystem Resilience & Adaptation, Ecosystem Services Improvements, Water Efficiency, Transportation Efficiency, Clean Energy, Energy Efficiency, Urban Heat Mitigation and Land Acquisition.	50,000
City Gym Improvements (24002): This project is to provide ongoing maintenance and purchase equipment and materials for the City Gym.	30,000
Downtown Master Plan (24003): This project will focus on the City's infrastructure investments in the Downtown area - including water, sewer, transportation, parking, green infrastructure and social infrastructure investments. Included in the proposed project scope is a market study, community engagement to develop an updated vision for Downtown, an evaluation of current Downtown infrastructure compared to development goals and requirements, and implementation steps from the citywide Heritage & Historic Preservation Master Plan.	400,000
PD Shooting Range Decommissioning (24004): This project will fund design and construction of lead remediation/stabilization and fill for the old Police Department shooting range near the Happy Hollow Complex. An earthen embankment has been used for many years as the backstop at the PD shooting range. The embankment which is located adjacent to the West Fork of the White River has tested positive for lead contamination.	150,000
4470.090.8900 - Total	1,085,000

City of Fayetteville, Arkansas
2025 Capital Budget

Project Title & Description	Budgeted 2025
4470.140.8900 - Other Capital, Facilities	
Building Improvements (02046): This project is for the maintenance and repair of City facilities. The proposed scope includes repair and replacement of HVAC systems, old or damaged roofs, and repair and maintenance of building exteriors. The project also provides for other improvements such as interior remodels which include painting, lighting upgrades, plumbing fixtures, ceilings, floor coverings, furniture replacement, window replacement/upgrades, and modifications to alarm systems.	631,000
Animal Services Improvements (14002): This project is for the maintenance and repair to the Animal Services building on Happy Hollow Road. Improvements include boiler replacement, drain replacement in the dog room, roof replacement, and the purchase of a generator.	15,000
Building Efficiency Improvements (15009): This project consist of clean energy, energy efficiency, weatherization and water conservation improvements to City properties. It includes clean and renewable energy projects, repair/replacement of inefficient HVAC equipment, lighting upgrades, insulation & window repair/replacement, electric vehicle charging station work and water efficiency projects.	50,000
7-Hills Walker Family Residential Facility (18004): This project is for facilities maintenance of the 7-Hills Walker Family Residential Facility. The repairs and/or replacements include windows, water heaters, lighting and security upgrades, interior finishes, millwork, exterior site improvements.	40,000
ADA Assessment of City-Owned Facilities (21008): This project is to procure the services of an accessibility consultant to perform assessments of City-owned buildings and sites in order to plan and complete any necessary improvements/corrections.	30,000
Downtown Campus Renovations (23003): This project is for the improvements of City buildings in the Downtown area, including roof, HVAC and significant office renovations to provide efficient use of space and future growth.	150,000
4470.140.8900 - Total	916,000
4470.170.8170 - Information Technology Improvements	
Geographic Information System (GIS) (02055): This project is to upgrade and expand the City's Geographic Information Systems (GIS) computer hardware, software, and data collection systems to accommodate growth in the system's applications and user base. This system provides necessary information for the 911 system, the Planning, Engineering, Economic Development, Water & Sewer, and Transportation divisions, and utility projects.	45,000
Local Area Network (LAN) Upgrades (02056): This project is to upgrade and expand the City's Local Area Network (LAN)/Network infrastructure. The LAN is used by every division in the City across thirty locations connecting approximately 900 devices. While most components of the LAN are on a 5 year lifecycle, consideration is given to increases in the system's user base and advances in technology that create a need for hardware and operating system upgrades.	25,000
Technology Equipment Replacements (02057): This project is for the replacement of desktop technology throughout the city, which includes PCs, laptops, scanners, printers, tablets, and miscellaneous desktop technology items that fall under a structured replacement schedule. This project is part of a larger replacement plan that is supported by CIP projects from enterprise funded departments and separate technology CIP's within Police and Fire.	230,000

Project Title & Description	Budgeted 2025
Telecommunication Systems Upgrades (04001): This project is for telecommunication system upgrades, VOIP telephone handset replacement, VOIP telephone related hardware, and new software that become available for users as well as for additional VOIP licenses needed to support the entire city's VOIP telephone system.	40,000
Fiber Optic Cable (09028): This project will interconnect City owned buildings with fiber and allow for added services such as video surveillance, access control, phones, and computers. This will allow for increased speeds and capacity with less reliance on leasing fiber from internet service providers, further reducing operating expenses.	110,000
Cyber Security (18005): This project is to provide comprehensive cyber security training across the City, helping to mitigate security risk and improve security posture. This holistic approach to cyber security provides internal and external penetration testing to ensure the network is as secure and protected as possible.	30,000
Security Cameras (24005): This project is to expand the City's existing video security camera system into additional parks, trail heads, parking facilities, Drake Field, traffic signals, and water/sewer locations.	25,000
Public Reporting Dashboard (24006): This project is to implement a public data dashboard that would provide a single location for the City to publish reports and performance measures, which will improve access to key information, improve the efficiency of developing public reports, and provide reports to the public that help tell the story of City operations.	36,000
Enterprise Application Improvements (24007): This project will provide funding for additional software licenses, support, and/or professional services to improve functionality for various City systems.	60,000
4470.170.8170 - Total	601,000
4470.200.8200- Police Improvements	
Police Facility Improvements (02047): This project is for major repairs and improvement of Police Department and Central Dispatch facilities, including but not limited to, tower sites, substations, storage, security door lock systems, fueling station and expansion for the police facilities.	25,000
Police Specialized Equipment (02062): This project is to replace various outdated and/or malfunctioning equipment used during police operations. Examples of this equipment include traffic control equipment, e-bicycle replacement, radar units, automated external defibrillators (AED), crisis negotiation equipment, training equipment and other items used in police operations.	37,000
Police Technology Improvements (06002): This is an ongoing project for the replacement of end of life, obsolete or malfunctioning information technology, including network servers and equipment, desktop computers, software, printers, and other peripheral equipment based on the City's Information Technology Division replacement schedule.	66,000
Police Unmarked Vehicle Replacements (06003): This project is to purchase unmarked vehicles that are a necessity for an effective Police Department. The Department utilizes unmarked vehicles for a variety of tasks, including gathering intelligence for investigation of narcotics, theft, vandalism, domestic terrorism, and civil disobedience; conducting pre-raid intelligence for the deployment of the Emergency Response Team; conducting alcohol enforcement patrols; and any activity that must be kept covert to be effective.	140,000

Project Title & Description	Budgeted 2025
Police Equipment Replacement (11006): This project provides for the replacement of operating equipment within all Police facilities, such as paper shredders, document scanners, uninterrupted power supplies, security/surveillance cameras, etc.	10,000
Police Ballistic Protection Replacement (13011): This project provides funding for the replacement of expired bulletproof ballistic vests for our officers and members of our Emergency Response Team.	168,000
Police Employee Gym (13028): This project is to maintain and add gym equipment to the Police department gym.	10,000
Police Weapon Replacement (15013): This project provides funding for the replacement of end of life weapons used by the Police Department including rifles and handguns and associated accessories.	421,000
Police Marked Vehicle Expansion (16007): This project is to expand the take-home vehicle program. This phase-in project will expand our patrol fleet with one vehicle per year for each year of the Capital Improvements Plan.	83,000
Police K9 Replacement (17005): This project is for the replacement of Police canines that have reached retirement age in the coming years. Police canines are a critical support service to the police department. Canines are used to locate missing persons, articles or narcotics, and track fleeing fugitives.	25,000
Police Radio Replacement (20004): Motorola has issued an "Intent to Cancel" notice for XTS/XTL radios. Parts and warranty will no longer be available for these radios. The Police Department has thirty-three 33 radios which will need to be replaced. Many of these radios will be 15 years old by the time of this project. This will ensure the same equipment is used throughout the department.	400,000
Police Firing Range Improvements (22001): This project provides funds for the annual maintenance and cleaning of the new police department indoor firing range. Maintenance includes a professional range cleaning bi-annually, annual professional cleaning contracts, air filter purchases, and mining of lead.	15,000
Police Public Safety Equipment (22007): This project provides for the replacement of the Police body worn camera (BWC) system, digital mobile video recorder (DMVR), the taser conducted energy weapons, and the interview room video recorder systems for the Police department. BWCs, DMVRs and tasers are an important component to police operations providing transparency of department actions to the public, allowing for review of uses of force, and ensuring accurate evidence collection for prosecution. All components are supplied by Axon in a public safety equipment package.	480,000
4470.200.8200 - Total	1,880,000
4470.300.8300 - Fire Improvements	
Fire Facility Maintenance (02006): This project is for major repairs to existing and future facilities. Repairs include but are not limited to roofing, plumbing or drainage repairs and replacements, remodeling, fencing, driveway replacements, generators, stability assessments, fire escape replacements, and structural repairs	125,000
Fire Apparatus Purchases - Shop Transfer (03019): This project is for the replacement of fire apparatus. The general guideline utilized for replacement of trucks is to serve for 10 years on the front line and five years in the reserve fleet.	980,000
Fire Technology Equipment Replacements (10017): This project will allow for the replacement of systems as they become technologically obsolete or inoperable.	46,000

City of Fayetteville, Arkansas
2025 Capital Budget

Project Title & Description	Budgeted 2025
Firefighting Safety Equipment (16002): This project includes the procurement/replacement of fire apparatus equipment, as well as other life safety equipment such as self-contained breathing apparatus (SCBA) & associated equipment, technical rescue equipment and auto extrication equipment.	105,000
Fire Mobile Radios (21001): This project is to update the existing radio system. Funds will be included for yearly Subscriber Mobile Radio Replacements. Additionally, funds are requested to allow for Radio System Upgrades/System Dispatch and associated equipment as needed.	300,000
4470.300.8300 - Total	1,556,000
4470.410.8410 - Transportation Improvements	
In-House Pavement Improvements (02052): This project provides resources for the systematic overlay of existing streets and includes curb cuts, curb and guttering, pavement striping, and preparation costs for overlays.	2,300,000
Sidewalk Improvements (02053): This project is to improve the connectivity of the sidewalk system by constructing new and repairing existing sidewalks.	1,050,000
Traffic Signal Improvements (02063): This project provides funding for the installation of new traffic signals, upgrades, and replacement of UPS back-up system batteries and reflective sign material mandated by the latest version of the FHWA Manual on Uniform Traffic Control Devices (MUTCD).	150,000
Wireless Traffic Signal Control (15018): This project provides for the implementation of a wireless Ethernet communication system for traffic signals (both data and video).	42,000
4470.410.8410 - Total	3,542,000
4470.520.8520 - Parks & Recreation Improvements	
Forestry and Outreach (22002): This funding is primarily targeted at planting approximately 1,000 new and replacement trees throughout the city annually. Funds will also be used to support plantings, such as supplies, irrigation and watering; and outreach efforts, such as Celebration of the Trees and Invasive Plant Bounty.	250,000
Public Art Commission (24009): This project seeks to enhance the cultural and artistic vibrancy of various public spaces across the community by installing a variety of public art, including sculptures, murals and infrastructure to support performing art. These projects are expected to create a sense of community pride and engagement, as residents will have multiple public artworks to appreciate and enjoy for years to come.	50,000
4470.410.8410 - Total	300,000
4470.521.8520 - Parks Operations Improvements	
Lights of the Ozarks (02001): The Lights of the Ozarks display is a Fayetteville tradition that spans nearly 30 years. Experience Fayetteville helps the City purchase lights each year. This project pays for lift rentals and other electrical supplies needed to install the display each year.	25,000
Parks Safety and ADA (15011): This project covers unexpected safety and/or ADA issues that come up which need to be corrected immediately.	30,000
Natural Resources Management (15012): This project will provide funding for a Natural Resource Management Plan, as well as invasive plant removal, prescribed burns, etc.	50,000

Project Title & Description	Budgeted 2025
Park Paving Improvements (16004): This project is for the routine maintenance of surfacing repairs, resurfacing treatments, restriping, wheel stops, etc. at the many parking lots within city parks for park and trailhead parking.	125,000
Parks Maintenance and Improvements (24010): These are large scale projects that exceed the funding capabilities of the normal operating budget and need to be addressed to avoid large scale deferred maintenance projects that result in inferior or dilapidated facilities and amenities that will require a total rebuild and major funds to remedy.	350,000
Parks Maintenance Building Improvements (24011): The existing Parks office needs renovations to accommodate Park Operations staff and the efficient use of newly available space vacated by other departments. An outside equipment and dry storage shed is also needed to prolong the life of equipment and store materials and topsoil out of the weather.	150,000
Trash Removal (24012): This project will fund contractors to clean up along the trail system and in the creeks.	300,000
4470.521.8520 - Total	1,030,000
4470.621.8810 - Bridge & Drainage Improvements	
Stormwater Quality Management (02097): This project provides funding for partnerships with Regional Planning for Stormwater Education, USGS water quality monitoring and stream gauges, Beaver Watershed Alliance and Illinois River Watershed Partnership, as well as other water quality needs and stream restorations.	180,000
Other Drainage Improvements (02108): This project is for drainage projects needed to mitigate flooding, repair and upgrade existing systems, cost share with developments when applicable, and for storm drainage materials for use in projects constructed by in-house crews. There is additional funding in 2024 for the Brookbury Stream Restoration.	220,000
Drainage Maintenance (11021): This project will fund drainage projects as needed.	50,000
4470.621.8810 - Total	450,000
4470.800.8820 - Street Improvements	
Cost Share / ROW / Intersection / Street Calming (02116): This project is for developer cost shares to complete street improvements associated with developments. This funding also pays for traffic calming installations per the Traffic Calming Policy and City Council Transportation Committee direction.	100,000
4470.800.8820 - Total	100,000
4470.800.8830 - Trail Improvements	
Trail Development (02016): This program provides funding for the development of paved trails based on the adopted Active Transportation Plan.	1,550,000
4470.800.8830 - Total	1,550,000
4470.800.8900 - Other Capital, Non-Departmental	
Audit Expense (47038): This project is to account for the portion of the audit cost that is allocated to the sales tax capital fund.	12,000
4470.800.8900 - Total	12,000
4470 - Sales Tax Capital Improvements Fund Total	$ 14,037,000

City of Fayetteville, Arkansas
2025 Capital Budget

Project Title & Description	Budgeted 2025
5400 - Water & Sewer Fund	
5400.720.1840 - Meter Operations Capital	
Water & Sewer Rate/Operations Study (02064): This project is to conduct periodical water and sewer rate studies. A rate study assesses the financial health of the Utilities Department, projects future operating and capital expenses needed to maintain the systems, and projects the future rates for customers that will generate sufficient revenues to cover operating and capital expenses and assure a sufficient level of cash reserves.	23,000
Water Meters (02065): This project is for the replacement of aged water meters, expansion meters for new water service, and for purchasing new meters with technological advancements over the older style meters.	1,000,000
Backflow Prevention Assemblies (02066): This project is for installation/replacement of backflow prevention assemblies at City facilities to meet the requirements of City ordinances and the Arkansas Department of Health regulations, as well as a third-party service to track, store, and report backflow preventer inspection data on approximately 12,000 residential installations.	28,000
Utilities Financial Services Improvements (03038): This project is for various improvements in office hardware, software, communications, computers, safety features, and office configuration for the Utilities Financial Services Division.	11,000
Water & Sewer Equipment Expansions (13019): This project is for the expansion equipment for the Water & Sewer Operations Division. This project is needed in anticipation of adding additional construction crews in the future. It is also needed to adhere to changing technologies within the Water & Sewer profession.	50,000
Utilities Technology Improvements (15019): This project is to upgrade technology in the Utilities Department, including but not limited to desktop devices, field iPads, failing or outdated PCs, printers, and scanners.	12,000
Water & Sewer Building/Office Improvements (15020): This project is for structural maintenance, repair, and improvements of the existing Water & Sewer operations building.	46,000
5400.720.1840 - Total	1,170,000
5400.720.5600 - Capital Water Mains	
Water & Sewer Impact Fee Cost Sharing (04039): This project involves all cases where impact fees are used to cost-share with, and thus supplement, other funding sources to increase capacity in either water distribution, pumping, and storage systems or the wastewater collection and treatment systems.	154,000
Water & Sewer Relocations - Bond Projects (11011): This project is for various water and sewer relocations for street bond and other transportation projects where the street bond fund does not have sufficient funds to cover the utility relocations. Projects are to be paid first from any remaining water/sewer revenue bond funds, if available. If it involves capacity increases, impact fee funds could be used, if available.	580,000
Water System Rehabilitation & Replacement (12009): This project provides for upgrading, replacing, or rehabilitating existing water infrastructure consisting of water storage, pumping, and distribution assets system wide. This project may use Water & Sewer funds, impact fees, and cost shares where appropriate. Additionally, a portion of the project balance will be utilized on rehabilitation and replacement of troubled areas that experience frequent leaks.	1,505,000

Project Title & Description	Budgeted 2025
Water Tank Improvements (14010): This project is to refurbish the existing water tanks and associated appurtenances as they get older. This ensures water quality and extends the life of the infrastructure.	940,000
Water Storage & Pump Station Maintenance (15021): The system wide water pump stations and grounds require maintenance. This project is used to replace generators and pumps, valves, etc.	100,000
5400.720.5600 - Total	3,279,000
5400.720.5700 - Sewer Mains Construction	
Sanitary Sewer Rehabilitation (02017): This project analyzes, repairs, upgrades, and replaces sewer collection system components to ensure adequate capacity and reduce storm and groundwater flows from entering the system. This project includes replacing, lining, and bursting existing sewer mains and manholes, installing main extensions and relief lines, capacity upgrades, upgrading the system model, purchasing easements, and sanitary sewer evaluation studies.	2,500,000
5400.720.5700 - Total	2,500,000
5400.730.5800 - Wastewater Plant Capital	
Building Improvements - WWTP (02032): This project is for structural maintenance, repair, and replacement of the existing buildings or parts of the buildings at each wastewater treatment facility.	300,000
Upgrade/Replace Lift Stations - WWTP (02068): This project is to maintain the lift stations for the wastewater treatment plants. The stations are exposed to extreme wear conditions and must be upgraded routinely.	300,000
Plant Pumps and Equipment - WWTP (02069): This project allows WWTP personnel to adapt to the needs of the daily plant operation to maintain compliance with effluent discharge standards.	955,000
Phosphorus Standards Management - WWTP (10027): This project supports efforts by the City operating independently or as part of a federal or state grant program to phosphorus or other stream changes that affect water quality, regulations, or wastewater plant discharge requirements.	50,000
Wastewater Treatment/Water Quality Improvements (13018): This project is for stream restoration and similar projects designed to maintain or improve water quality. This also includes maintaining the integrity of the projects previously performed.	96,000
5400.730.5800 - Total	1,701,000
5400 - Water & Sewer Fund Total	$ 8,650,000

City of Fayetteville, Arkansas
2025 Capital Budget

Project Title & Description	Budgeted 2025
5500 - Recycling & Trash Collection Fund	
5500.750.5080 - Solid Waste Projects	
RTC - Technology Equipment Replacements (02057): This project is for the replacement of failing and outdated personal computers (PCs), printers, and monitors.	5,000
RTC - Master Plan Expansion (18016): This project will support the continued implementation of the Solid Waste Reduction, Diversion, and Recycling Master Plan. This project will also maintain and repair the Transfer Station as required to conduct daily operations in compliance with the ADEQ permit.	600,000
RTC - Scale House Improvements (18017): This project is for improvements to the scale system to weigh vehicles using the transfer station and recycling facilities.	20,000
RTC - Route Optimization & RFID System (19004): This project is for vehicle locator telematics and service verification equipment for all trucks in the fleet.	10,000
RTC - Compost Site Improvements (20006): This project is to maintain, repair and expand the Compost Site as required to conduct daily operations in compliance with the ADEQ permit and to accommodate growth of the city.	200,000
RTC - Compactors & Containers (24013): This project is for the purchase of compactors and open top containers used for the collection and hauling of waste.	70,000
5500.750.5080 - Total	905,000
5500 - Recycling & Trash Collection Fund Total	$ 905,000
5550 - Airport Fund	
5550.760.3960 - Airport Capital Expense	
Airport Lighting Improvements (15026): This project is to replace the outdated and inefficient lighting in multiple locations at Drake Field, including but not limited to, the tarmac, parking lot, T-hangars, FBO hangar, and roadway lighting.	10,000
Airport Engineering Consultant Services (15029): This project is for Engineering Consultant Services to be utilized through various Federal and State Grant projects.	20,000
Airport Equipment Replacement (18019): This project is for the planned replacement of airport equipment, including the ARFF vehicle, Lav and Water Cart, and a GPU.	35,000
Airport Movement Pavement Rehabilitation (21010): This project will be used to provide funds for the City's match on grants.	138,000
Airport T-Hangar Rehabilitation (21011): This project will be used for a T-hangar Door Rehab and T-hangar Construction. These projects will be a combination of State and Federal Grants.	40,000
Airport Street Side Improvements (24015): This purpose of this project is to improve the public facing side of the airfield to include burying of utilities, sidewalk improvements, updated signage, landscaping and fencing improvements.	40,000
5550.760.3960 - Total	283,000
5550 - Airport Fund Total	$ 283,000

City of Fayetteville, Arkansas
2025 Capital Budget

Project Title & Description	Budgeted 2025
9700 - Shop Fund	
9700.770.1920 - Fleet Capital Improvements	
Fleet - Construction Equipment (02077): This project provides funding to replace construction equipment at the optimum time where the cost to maintain doesn't outweigh the cost to purchase new.	1,694,500
Fleet - Light / Medium Utility Vehicles (02078): This project provides funding to replace light/medium utility vehicles at the optimum time where the cost to maintain doesn't outweigh the cost to purchase new.	816,000
Fleet - Heavy Utility Vehicles (02079): This project provides funding to replace heavy utility vehicles at the optimum time where the cost to maintain doesn't outweigh the cost to purchase new.	535,000
Fleet - Other Vehicles / Equipment (02080): This project provides funding to replace vehicles and equipment not included in the other projects at the optimum time where the cost to maintain doesn't outweigh the cost to purchase new.	472,500
Fleet - Police / Passenger Vehicles (02081): This project provides funding to replace Police and passenger vehicles at the optimum time where the cost to maintain doesn't outweigh the cost to purchase new.	405,500
Fleet - Recycling & Trash Vehicles / Equipment (02082): This project provides funding to replace Recycling and Trash vehicles and equipment at the optimum time where the cost to maintain doesn't outweigh the cost to purchase new.	459,000
Fleet - Tractors / Mowers (02083): This project provides funding to replace tractors and mowers at the optimum time where the cost to maintain doesn't outweigh the cost to purchase new.	304,000
Fleet - Fire Apparatus (02084): This project provides funding to replace fire apparatus at the optimum time where the cost to maintain doesn't outweigh the cost to purchase new.	803,000
Transportation & Fleet Building Improvements (18001): This project is for building and site repairs and energy efficiency updates to Transportation and Fleet Operations buildings and grounds. HVAC, lighting, plumbing, flooring, security improvements, exterior painting, roofing, and other site and facility repairs and maintenance are addressed as needed.	20,000
9700.770.1920 - Total	5,509,500
9700 - Shop Fund Total	$ 5,509,500
Total Capital Improvements Program	$ 31,416,500

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM
Operating Impacts

Funding Source / Category / Division	Description of Operating Impact	Projected 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028	Total 2024-2028
1010 - GENERAL FUND:							
Bridge & Drainage Improvements							
Engineering (621)							
Other Drainage/Bridge Improvements	No effect on operations	0	0	0	0	0	0
Stormwater Quality Management	No effect on operations	0	0	0	0	0	0
Brookbury Stream Restoration	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Facility Improvements							
Facilities Management (140)							
Building Improvements	No effect on operations	0	0	0	0	0	0
Building Impr - White Hangar & Old Terminal	No effect on operations	0	0	0	0	0	0
Building Impr - Town Center	No effect on operations	0	0	0	0	0	0
Building Impr - Senior Center	No effect on operations	0	0	0	0	0	0
Downtown Campus Renovation	No effect on operations	0	0	0	0	0	0
Animal Services - Roof Replacement	No effect on operations	0	0	0	0	0	0
Animal Services - Boiler Replacement	No effect on operations	0	0	0	0	0	0
Animal Services - Generator Purchase	No effect on operations	0	0	0	0	0	0
Animal Services - Drains Replacement	No effect on operations	0	0	0	0	0	0
ADA Assessment of City-Owned Facilities	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Fire Improvements							
Fire Department (300)							
Fire Apparatus Replacements	No effect on operations	0	0	0	0	0	0
Fire Mobile Radios	No effect on operations	0	0	0	0	0	0
Fire Facility Maintenance	No effect on operations	0	0	0	0	0	0
Firefighter Safety Equipment	No effect on operations	0	0	0	0	0	0
Fire Technology Equipment Replacements	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Information Technology Improvements							
Information Technology (170)							
Technology Equipment Replacement	No effect on operations	0	0	0	0	0	0
Storage Area Network (SAN)	No effect on operations	0	0	0	0	0	0
Local Area Network (LAN) Upgrades	No effect on operations	0	0	0	0	0	0
Video Security Cameras	No effect on operations	0	0	0	0	0	0
Fiber Optic Cable	No effect on operations	0	0	0	0	0	0
IT Enterprise Application Improvements	No effect on operations	0	0	0	0	0	0
Geographic Information System (GIS)	No effect on operations	0	0	0	0	0	0
Public Reporting Dashboard	No effect on operations	0	0	0	0	0	0
Cyber Security	No effect on operations	0	0	0	0	0	0
Telecommunication Systems Upgrades	Additional 0.5 FTE in 2025; additional staff time to install and support	10,000	44,000	44,000	45,000	15,000	158,000
		10,000	44,000	44,000	45,000	15,000	158,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM
Operating Impacts

Funding Source / Category / Division	Description of Operating Impact	Projected 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028	Total 2024-2028
Library Improvements							
Library (080)							
Library Materials Purchases	No effect on operations	0	0	0	0	0	0
Library Technology Equipment Replacements	No effect on operations	0	0	0	0	0	0
Library Mountain Street Entrance Improvements	No effect on operations	0	0	0	0	0	0
Library Welcome Desks Replacements	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Media Services Improvements							
Media Services (060)							
Television Center Equipment	A-V systems, support, equipment, technology, video archiving	4,100	4,100	4,100	4,100	4,100	20,500
Digital Signage Implementation	No effect on operations	0	0	0	0	0	0
City Hall Room AV Maintenance	Signage software/player licenses	9,000	9,000	9,000	9,000	9,000	45,000
		13,100	13,100	13,100	13,100	13,100	65,500
Other Capital Improvements							
Accounting & Audit (131)							
Time and Attendance Software	No effect on operations	0	0	0	0	0	0
Audit Expense	No effect on operations	0	0	0	0	0	0
City Clerk (051)							
City Clerk Document & Records Management	Savings in-house versus third party services	(148,580)	(148,580)	(148,580)	(148,580)	(148,580)	(742,900)
Facilities Management (140)							
Woolsey Homestead Historic Restoration	No effect on operations	0	0	0	0	0	0
Apple (Porter) Warehouse Restoration	No effect on operations	0	0	0	0	0	0
7-Hills Walker Family Residential Facility	No effect on operations	0	0	0	0	0	0
Human Resources (120)							
City Gym Improvements	No effect on operations	0	0	0	0	0	0
Long Range Planning (634)							
Downtown Master Plan	No effect on operations	0	0	0	0	0	0
Miscellaneous (090)							
Green Space Preservation	No effect on operations	0	0	0	0	0	0
Sustainability & Resilience (631)							
Building Efficiency Improvements	Reduced utility and maintenance costs	(50,000)	(60,000)	(70,000)	(80,000)	(90,000)	(350,000)
Climate Resiliency	No effect on operations	0	0	0	0	0	0
PD Shooting Range Decommissioning	No effect on operations	0	0	0	0	0	0
		(198,580)	(208,580)	(218,580)	(228,580)	(238,580)	(1,092,900)
Parks & Recreation Improvements							
Parks & Recreation (520)							
Forestry and Outreach	No effect on operations	0	0	0	0	0	0
Public Art Commission	No effect on operations	0	0	0	0	0	0
Cultural Planning and Creative Placemaking	No effect on operations	0	0	0	0	0	0
Aquatic Facility Feasibility Study	No effect on operations	0	0	0	0	0	0
Arts & Culture Equipment and Infrastructure	No effect on operations	0	0	0	0	0	0

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM
Operating Impacts

Funding Source / Category / Division	Description of Operating Impact	Projected 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028	Total 2024-2028
Parks Operations (521)							
Parks Maintenance and Improvements	No effect on operations	0	0	0	0	0	0
Trash Removal - Unsanctioned Camps	No effect on operations	0	0	0	0	0	0
Artificial Turf Improvements	No effect on operations	0	0	0	0	0	0
Parks Maintenance Office & Shop Renovation	No effect on operations	0	0	0	0	0	0
Parks Paving Improvements	No effect on operations	0	0	0	0	0	0
Playground Improvements	No effect on operations	0	0	0	0	0	0
Natural Resources Management	No effect on operations	0	0	0	0	0	0
Parks Safety and ADA	No effect on operations	0	0	0	0	0	0
Lights of the Ozarks	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Police Improvements							
Police (200)							
Police Public Safety Equipment	No effect on operations	0	0	0	0	0	0
Police Radio Replacement	No effect on operations	0	0	0	0	0	0
Police Technology Improvements	No effect on operations	0	0	0	0	0	0
Police Unmarked Vehicle Replacements	No effect on operations	0	0	0	0	0	0
Police Weapons Replacement	No effect on operations	0	0	0	0	0	0
Police Ballistic Protection Replacement	No effect on operations	0	0	0	0	0	0
Police Marked Vehicle Expansion	Software and license fees	0	19,500	19,500	19,500	19,500	78,000
Citywide Radio System Replacement	No effect on operations	0	0	0	0	0	0
Police Facility Improvements	No effect on operations	0	0	0	0	0	0
Police Specialized Equipment	No effect on operations	0	0	0	0	0	0
Police Firing Range Improvements	No effect on operations	0	0	0	0	0	0
Police K9 Replacement	Additional motorpool charges	5,920	11,840	17,760	23,680	29,600	88,800
Police Equipment Replacement	No effect on operations	0	0	0	0	0	0
Police Employee Gym Equipment	No effect on operations	0	0	0	0	0	0
Central Dispatch Improvements	No effect on operations	0	0	0	0	0	0
		5,920	31,340	37,260	43,180	49,100	166,800
Street Improvements							
Engineering (621)							
Cost Share / ROW / Intersection / Street Calming	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Trail Improvements							
Transportation Services (410)							
Trail Development	Increased utility and maintenance costs	50,000	55,000	60,000	65,000	70,000	300,000
		50,000	55,000	60,000	65,000	70,000	300,000

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM
Operating Impacts

Funding Source / Category / Division	Description of Operating Impact	Projected 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028	Total 2024-2028
Transportation Improvements							
Transportation Services (410)							
In-House Pavement Improvements	Increased maintenance costs	1,910,000	1,961,000	2,025,000	2,092,000	2,161,000	10,149,000
Sidewalk Improvements	Increased maintenance costs	540,000	557,000	574,000	592,000	611,000	2,874,000
Traffic Signal Improvements	Increased utility and maintenance costs	785,600	809,600	834,200	861,900	886,600	4,177,900
Drainage Maintenance	No effect on operations	0	0	0	0	0	0
Wireless Traffic Signal Control	No effect on operations	0	0	0	0	0	0
		3,235,600	3,327,600	3,433,200	3,545,900	3,658,600	17,200,900
General Fund - Total		3,116,040	3,262,460	3,368,980	3,483,600	3,567,220	16,798,300
2100 - STREET:							
Transportation Improvements							
Transportation (410)							
Transportation/Fleet Building Improvements	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Street - Total		0	0	0	0	0	0
2130 - PARKING:							
Parking Improvements							
Parking Management (430)							
Parking Deck Improvements	No effect on operations	0	0	0	0	0	0
Parking Lot Improvements and Overlays	No effect on operations	0	0	0	0	0	0
Parking Infrastructure Improvements	No effect on operations	0	0	0	0	0	0
Parking Equipment Replacements	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Parking - Total		0	0	0	0	0	0
2250 - PARKS DEVELOPMENT:							
Parks & Recreation Improvements							
Parks & Recreation (520)							
Community Park Improvements	Additions to Underwood and Gulley parks; additional 0.5 FTE in 2025 and 2027	0	20,000	20,000	35,000	35,000	110,000
Neighborhood Park Development	Owl Creek and Stone Mountain park improvements	0	10,000	0	5,000	0	15,000
Regional Park Development	Increased utility costs due to additional soccer field an	6,500	6,500	6,500	6,500	6,500	32,500
Nature Park/Conservation Area Improvements	No effect on operations	0	0	0	0	0	0
		6,500	36,500	26,500	46,500	41,500	157,500
Parks Development - Total		6,500	36,500	26,500	46,500	41,500	157,500

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM
Operating Impacts

Funding Source / Category / Division	Description of Operating Impact	Projected 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028	Total 2024-2028
2300 - IMPACT FEE:							
Fire Improvements							
Fire Department (300)							
Fire Impact Fee Improvements	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Water & Sewer Improvements							
Utilities Director (700)							
Water Impact Fee Improvements	No effect on operations	0	0	0	0	0	0
Wastewater Impact Fee Improvements	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Impact Fee - Total		0	0	0	0	0	0
5400 - WATER & SEWER:							
Wastewater Treatment Improvements							
Utilities Director (700)							
Phosphorus Standards Management	No effect on operations	0	0	0	0	0	0
Wastewater Treatment Plant (730)							
WWTP Plant Pumps and Equipment	No effect on operations	0	0	0	0	0	0
WWTP Building Improvements	No effect on operations	0	0	0	0	0	0
WWTP Upgrade and Replace Lift Stations	No effect on operations	0	0	0	0	0	0
Wastewater Treatment/Water Quality Improvements	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Water & Sewer Improvements							
Utilities Financial Services (710)							
Utilities Financial Services Improvements	No effect on operations	0	0	0	0	0	0
Water & Sewer Maintenance (720)							
Water & Sewer Improvements Defined by Study	No effect on operations	0	0	0	0	0	0
Sanitary Sewer Rehabilitation	No effect on operations	0	0	0	0	0	0
Water System Rehabilitation/Replacement	No effect on operations	0	0	0	0	0	0
Water Tank Improvements	No effect on operations	0	0	0	0	0	0
Water & Sewer Relocations - Bond Projects	No effect on operations	0	0	0	0	0	0
Water & Sewer Impact Fee Cost Sharing	No effect on operations	0	0	0	0	0	0
Water Storage and Pump Station Maintenance	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM
Operating Impacts

Funding Source / Category / Division	Description of Operating Impact	Projected 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028	Total 2024-2028
Water & Sewer Services Improvements							
Water & Sewer Maintenance (720)							
Water Meters	No effect on operations	0	0	0	0	0	0
Water & Sewer Building/Office Improvements	No effect on operations	0	0	0	0	0	0
Utilities Technology Improvements	No effect on operations	0	0	0	0	0	0
Water & Sewer Equipment Expansions	No effect on operations	0	0	0	0	0	0
Backflow Prevention Assemblies	No effect on operations	0	0	0	0	0	0
Water & Sewer Rate/Operations Study	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Water & Sewer - Total		0	0	0	0	0	0
5500 - RECYCLING & TRASH COLLECTION:							
Recycling & Trash Collection Improvements							
Recycling & Trash Collection (750)							
RTC - Master Plan Expansion	One additional truck and FTE each year	73,220	154,326	240,629	339,694	448,950	1,256,820
RTC - Compost Site Improvements	No effect on operations	0	0	0	0	0	0
RTC - Recycling and Trash Collection Containers	No effect on operations	0	0	0	0	0	0
RTC - Rate Study	No effect on operations	0	0	0	0	0	0
RTC - Scale House Improvements	No effect on operations	0	0	0	0	0	0
RTC - Route Optimization & RFID System	No effect on operations	0	0	0	0	0	0
RTC - Technology Equipment Replacements	No effect on operations	0	0	0	0	0	0
		73,220	154,326	240,629	339,694	448,950	1,256,820
Recycling & Trash Collection - Total		73,220	154,326	240,629	339,694	448,950	1,256,820
5550 - AIRPORT:							
Aviation Improvements							
Aviation (760)							
Airport Movement Pavement Rehab	No effect on operations	0	0	0	0	0	0
Airport T-hangar Rehabilitation	No effect on operations	0	0	0	0	0	0
Airport Street Side Improvements	No effect on operations	0	0	0	0	0	0
Airport Engineering Consultant Services	No effect on operations	0	0	0	0	0	0
Airport Equipment Replacement	No effect on operations	0	0	0	0	0	0
Airport Lighting Improvements	No effect on operations	0	0	0	0	0	0
Airport East Side Hangar Development	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Airport - Total		0	0	0	0	0	0

CITY OF FAYETTEVILLE, ARKANSAS
CAPITAL IMPROVEMENTS PROGRAM
Operating Impacts

Funding Source / Category / Division	Description of Operating Impact	Projected 2024	Projected 2025	Projected 2026	Projected 2027	Projected 2028	Total 2024-2028
9700 - SHOP:							
Facility Improvements							
Fleet Operations (770)							
Fleet Fixed Assets	No effect on operations	0	0	0	0	0	0
Transportation & Fleet Building Improvements	No effect on operations	0	0	0	0	0	0
Fleet Management System Upgrade	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Vehicles & Equipment Improvements							
Fleet Operations (770)							
Fleet - Recycling & Trash Vehicles / Equipment	No effect on operations	0	0	0	0	0	0
Fleet - Construction Equipment	No effect on operations	0	0	0	0	0	0
Fleet - Other Vehicles / Equipment	No effect on operations	0	0	0	0	0	0
Fleet - Heavy Utility Vehicles	No effect on operations	0	0	0	0	0	0
Fleet - Police / Passenger Vehicles	No effect on operations	0	0	0	0	0	0
Fleet - Tractors / Mowers	No effect on operations	0	0	0	0	0	0
Fleet - Fire Apparatus	No effect on operations	0	0	0	0	0	0
Fleet - Light / Medium Utility Vehicles	No effect on operations	0	0	0	0	0	0
		0	0	0	0	0	0
Shop - Total		0	0	0	0	0	0
All Funding Sources - Total		3,195,760	3,453,286	3,636,109	3,869,794	4,057,670	18,212,620

City of Fayetteville's Debt Position

The City of Fayetteville has established a practice and policy of paying for all capital projects and capital improvements on a pay-as-you-go basis using current revenues, whenever possible. If a project or improvement is of sufficient size and need that it cannot be financed with current revenues, long-term debt will be considered. The basis for this policy is that the City's commitment to infrastructure improvement and maintenance will be continued. The City also considers the cost versus the benefits of debt financing. A recommendation is made only when the benefits outweigh the costs. The City's debt policy also states that the City will attempt to refinance outstanding debt if a determination is made that the City will benefit by reduced interest expense over the remaining life of the bonds.

Like most municipalities, the City of Fayetteville borrows funds primarily through tax exempt municipal bonds. The City carefully analyzes each proposed bond issue to determine the need for the improvement, its useful life, and current and future revenues available to provide debt service. Existing debt service requires resources from both general governmental resources and enterprise fund resources.

Bond Ratings

The City's debt policy states that communications will be maintained with the bond rating agencies and that the City will continue to strive for improvements in the City's bond rating. Such communications are normally very important because usually, the higher rating a city has the lower the interest rate that must be paid. As such, the City will periodically confer with the rating agencies to update them on the financial status of the City.

The following schedule briefly describes the ratings provided by Standard & Poor for municipal bonds.

Ratings	Description
AAA	Best quality, extremely strong capacity to pay principal and interest.
AA	High quality, very strong capacity to pay principal and interest.
A	Upper medium quality, and strong capacity to pay principal and interest.
BBB	Medium grade quality, adequate capacity to pay principal and interest.
BB and Lower	Speculative quality, low capacity to pay principal and interest.

Description of Outstanding Bonds

Special Obligation Bonds

Property Tax Increment Interest Accretion Bonds (Highway 71 East Square Redevelopment District No. 1 Project), Series 2005 (Not Rated): The bonds are special obligations of the City payable solely from the Property Tax Increment of the District and monies in the funds and accounts established under the indenture. The proceeds of the bonds were issued for the purpose of financing the costs of acquisition of certain real property within the City, the demolition of existing structures thereon, site preparation in connection therewith and the construction of sidewalk and crosswalk improvements. The original issue amount was $3,725,000.

Sales and Use Tax Capital Improvement and Refunding Bonds, Series 2019A (AA-): The bonds are special obligations payable solely from and secured by a pledge of the receipts of a special, city-wide sales and use tax at the rate of one percent (1.00%). The proceeds of the bonds are for the purpose of defeasing and redeeming certain outstanding indebtedness of the City secured by sales and use taxes; financing all or a portion of the costs of certain street improvements, trail system improvements, drainage improvements, parks system improvements, City facilities improvements, arts corridor improvements, police facilities improvements and firefighting facilities improvements. The original issue amount was $124,425,000.

Sales and Use Tax Capital Improvement Bonds, Series 2022 (AA-): The bonds are special obligations payable solely from and secured by a pledge of the receipts of a special, city-wide sales and use tax at the rate of one percent (1.00%). The proceeds of the bonds are for the purpose of defeasing and redeeming certain outstanding indebtedness of the City secured by sales and use taxes; financing all or a portion of the costs of certain street improvements, trail system improvements, drainage improvements, parks system improvements, City facilities improvements, arts corridor improvements, and firefighting facilities improvements. The original issue amount was $74,340,000.

Sales and Use Tax Capital Improvement Bonds, Series 2024 (AA-): The bonds are special obligations payable solely from and secured by a pledge of the receipts of a special, city-wide sales and use tax at the rate of one percent (1.00%). The proceeds of the bonds are for the purpose of financing all or a portion of the costs of certain street improvements and parks system improvements. The original issue amount was $15,000,000.

Arkansas Ad Valorem Tax Library Expansion Bonds, Series 2017 (A): The Series 2017 Bonds are special limited tax obligations of the City secured by and payable solely from receipts of the Library Property Tax and the Special Tax Collections. The City will levy the Library Tax at the rate of one and two-tenths (1.20) mill (.0012) for collection in 2017 and continuously in each year thereafter until the debt is extinguished. The purpose of this bond issue was to expand and renovate the Fayetteville Public Library. The Series 2017 Bonds do not constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or restriction. The issuance of the Series 2017 Bonds shall not directly, indirectly or contingently obligate the City to levy or pledge any taxes whatsoever or to make any appropriation for the payment of the Series 2017 Bonds, except as described herein with respect to the Tax Receipts. The original issue amount was $26,500,000.

Revenue Bonds

Parking Revenue Improvement Bonds, Series 2012 (Not Rated): The bonds are payable solely from the net parking revenues. The bonds do not constitute an indebtedness of the City within the meaning of any constitutional or statutory debt limitation or restriction. The issuance of the Series 2012 Bonds shall not directly, indirectly or contingently obligate the City to levy or pledge any taxes whatsoever or to make any appropriation for the payment of the Series 2012 Bonds. The original issue amount was $6,220,000.

Hotel, Motel & Restaurant Gross Receipts Tax and Tourism Revenue Capital Improvement and Refunding Bonds, Series 2014 (A+): These bonds are special obligations of the City and were issued for the purpose of paying a portion of the costs of redeeming all of the outstanding Hotel & Restaurant Gross Receipts Tax Refunding Bonds, Series 2003 Bonds, paying a portion of the costs of expanding and renovating the Walton Arts Center and paying a portion of the costs of acquiring, constructing and equipping a regional park within the City. The bonds are payable solely from amounts received by the City from a 1% Hotel & Restaurant Gross Receipts tax. The original issue amount was $10,980,000.

City of Fayetteville, Arkansas
Bonds Outstanding
December 31, 2024

Description	Outstanding Bond Issue	Due Dates	Interest Rates	Principal Outstanding
Special Obligation Bonds				
Tax Increment Interest Accretion Bonds	2005	2006-2029	6.500%	$ 1,796,160 *
Sales and Use Tax Capital Improvement and Refunding Bonds, Series 2019A	2019	2020-2035	1.60-5.00%	17,470,000
Sales and Use Tax Capital Improvement Bonds, Series 2022	2022	2022-2032	1.30-2.875%	63,505,000
Sales and Use Tax Capital Improvement Bonds, Series 2024	2024	2024-2033	3.2500%	15,000,000
Arkansas Ad Valorem Library Expansion Tax Bonds, Series 2017	2017	2018-2047	0.9-3.46%	17,505,000
				115,276,160
Revenue Bonds				
Parking Revenue Improvement Bonds, Series 2012	2012	2013-2037	2.00-3.63%	3,950,000
HMR Tax Bonds 2014 Debt Service Series 2014	2014	2015-2039	2.00-5.00%	7,705,000
				11,655,000
				$ 126,931,160

*The accreted value at December 31, 2024 was $6.3M.

City of Fayetteville, Arkansas
2025 Debt Service Payment Schedule

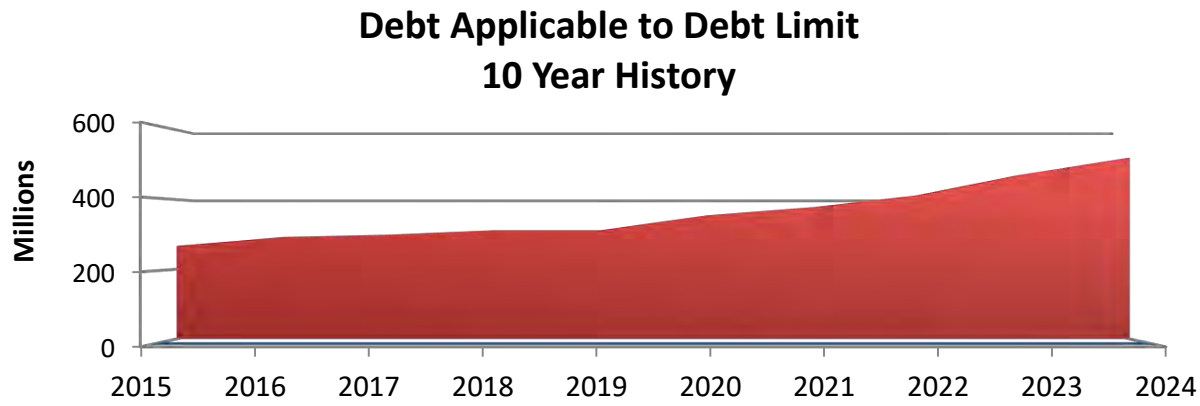
Description	Bond Issue	Payment Due Principal	Interest	Total
Special Obligation Bonds				
Sales and Use Tax Capital Improvement and Refunding Bonds, Series 2019A	2019	$ 7,510,000	$ 981,050	$ 8,491,050
Sales and Use Tax Capital Improvement Bonds, Series 2022	2022	5,175,000	1,923,514	7,098,514
Sales and Use Tax Capital Improvement Bonds, Series 2024	2024	0	509,167	509,167
Arkansas Ad Valorem Library Expansion Tax Bonds, Series 2017	2017	635,000	621,630	1,256,630
		13,320,000	4,035,361	17,355,361
Revenue Bonds				
Parking Revenue Improvement Bonds, Series 2012	2012	250,000	126,050	376,050
HMR Tax Bonds 2014 Debt Service Series 2014	2014	380,000	321,788	701,788
		630,000	447,838	1,077,838
		$ 13,950,000	$ 4,483,199	$ 18,433,199

City of Fayetteville, Arkansas
Computation of Legal Debt Margin
December 31, 2024

General Obligation Debt Limit

Debt margin is a calculation based on the assessed value of property located within the City limits. The debt limit is established by state statute and is limited to 20% of assessed value.

2024 Assessed Value		$ 2,602,102,979	*
Debt Limit - 20% of Assessed Value		520,420,596	
General Obligation Bonds Payable	$ -		
Less: Debt Service Fund	-		
Total Debt Applicable to Debt Limit		-	
Legal Debt Margin		$ 520,420,596	



Enterprise Fund Debt Limit (Revenue Bond Debt)

Enterprise fund debt is established by the cash flow for each enterprise fund. For example, the Water & Sewer Fund must be able to generate sufficient cash flows to meet normal operating and capital, as well as provide sufficient resources to meet the annual debt service requirements. Prior to issuing enterprise fund bonds, an analysis of current revenues and expenses is conducted to determine the revenues required to support a bond issue.

Special Obligation Bond Debt Limit

Special obligation bond debt is limited by the maximum amount the special source (such as sales tax) can generate within terms of bond covenants.

** Note: The assessed value does not include City utilities.*

City of Fayetteville, Arkansas
Total Debt to Maturity Schedule - All Funds
December 31, 2024

Maturity Year	Total Principal Amount Outstanding: Beginning Balance	Additions	Reductions	Ending Balance	Interest	Annual Debt Requirement
2025	$ 126,931,160	$ 0	$ 13,950,000	$ 112,981,160	$ 4,483,199	$ 18,433,199
2026	112,981,160	0	14,575,000	98,406,160	3,841,074	18,416,074
2027	98,406,160	0	9,035,000	89,371,160	3,188,328	12,223,328
2028	89,371,160	0	7,140,000	82,231,160	2,802,223	9,942,223
2029	82,231,160	0	9,141,160	73,090,000	7,112,313 *	16,253,473
2030	73,090,000	0	7,585,000	65,505,000	2,415,736	10,000,736
2031	65,505,000	0	15,565,000	49,940,000	2,209,042	17,774,042
2032	49,940,000	0	17,250,000	32,690,000	1,697,229	18,947,229
2033	32,690,000	0	16,705,000	15,985,000	1,136,443	17,841,443
2034	15,985,000	0	1,775,000	14,210,000	610,661	2,385,661
2035	14,210,000	0	1,855,000	12,355,000	570,677	2,425,677
2036	12,355,000	0	1,925,000	10,430,000	536,052	2,461,052
2037	10,430,000	0	2,000,000	8,430,000	407,523	2,407,523
2038	8,430,000	0	1,690,000	6,740,000	284,493	1,974,493
2039	6,740,000	0	1,750,000	4,990,000	260,117	2,010,117
2040	4,990,000	0	1,115,000	3,875,000	234,805	1,349,805
2041	3,875,000	0	1,150,000	2,725,000	234,805	1,384,805
2042	2,725,000	0	1,190,000	1,535,000	140,811	1,330,811
2043	1,535,000	0	1,230,000	305,000	46,818	1,276,818
2044	305,000	0	305,000	0	46,818	351,818
	$ 126,931,160	$ 0	$ 126,931,160	$ 0	$ 32,259,165	$ 159,190,325

* Assumes maximum exposure if no TIF bonds are redeemed until final maturity. Actual TIF bonds redeemed will be determined by the amount of tax collections and TIF bonds tendered pursuant to the TIF Bond Tender Offer redemption program.

City of Fayetteville, Arkansas
General Government & Miscellaneous Activity
Division Overviews and Performance Measures

Mayor's Administration

Division Overview

The Mayor is the elected Chief Executive Officer for the City of Fayetteville and is the presiding officer for the City Council. As Chief Executive Officer of the City, the Mayor has a statutory duty to oversee the enforcement of City policies, ordinances, administrative rules and state laws, as well as direct City offices and employees to discharge their duties. The Mayor accomplishes this task by providing and maintaining an open door policy for residents, business interests, and other interest parties to discuss City policies, concerns and requests.

Chief of Staff

Division Overview

This division is responsible for the management of the divisions that comprise the Operations Department. This program directs and manages these divisions in a manner that will minimize operational costs and provide excellent service to the customers of the department, which include the citizens of the community and internal City departments/divisions. This division is also responsible for the emergency management of significant emergency events that take place within the City of Fayetteville and manages those events to best utilize resources available, minimize risk to citizens, and ensure a fast response to hazards that impact the City.

Communications & Marketing

Division Overview

This division reports to the Chief of Staff and is the primary point-of-contact for dissemination of public information concerning City activities, programs, and special events and serves as the overall clearinghouse for public information to be provided to the City Council, press, and public. This division maintains the websites (internet and intranet) and the City's social media channels. The director is public policy advisor to the Mayor, develops working relationships that facilitate and promote the City's legislative agenda, and oversees the operations of the Division of Media Services.

City Attorney

Division Overview

This division provides general legal advice, drafts of ordinances, resolutions, contracts, and special services to the City Council, Mayor, Planning Commission, and Board of Adjustments, as well as City departments and staff. This office also represents the City in land condemnation and other civil cases in State and Federal courts and in appeals to State and Federal appellate courts.

City Prosecutor

Division Overview

This office investigates, prepares, and prosecutes cases set for court in District and Circuit courts and takes complaints, which results with a warning letter, issuing a prosecutor subpoena, filing a warrant, or closing the case. The City Prosecutor deals with all misdemeanor crimes as well as City Code violations, which occur within the Fayetteville city limits. The hot check program assists Fayetteville merchants and citizens in regaining lost revenue due to receiving checks returned by financial institutions for insufficient balance or account closed status (hot checks).

FY2024 Highlights & Accomplishments

1. Continued operating the Fingerprint collection equipment for Fayetteville District Court.
2. Collected victim restitution in the amount of $ 12,173.16 by end of July 2024.
3. Collected delinquent HRM taxes in the amount of $ 226,700.53 by end of June 2024.

FY2025 Objectives

1. Continue operating the Fingerprint collection equipment for Fayetteville District Court.

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Complaints	618	575	650	650
2. Code Complaints	264	200	275	325
3. Circuit Court Cases	11	20	20	20
4. Trials - District & Circuit Courts	51	50	50	50
5. Warrant Charges	369	400	400	400
6. Nonwarrant Charges	7,696	7200	8,500	8500
7. DWIs	1,356	1,450	1,375	1,375
8. Batteries - Domestic & Regular	438	400	400	400
9. Other Domestic Cases	164	200	200	200

Fayetteville District Court

Division Overview

The District Judge is an elected position responsible for the adjudication of all criminal and civil cases. This division provides a forum for the prompt resolution of cases filed. The criminal program is responsible for processing all criminal and traffic violations filed by area law enforcement agencies. The small claims and civil program provides a forum for citizens to file lawsuits to recover money or property valued at $25,000 or less. The Court Services Officer is responsible for all public service related programs, court security and issuance of all criminal commitments.

FY2024 Highlights & Accomplishments

1. Small claims and Civil cases continue to decline in that department. Criminal cases continue to increase in 2024 and the court expects the same in 2025.

FY2025 Objectives

1. Return the court to full staff to handle increase in case load and work on collections.

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Criminal Cases Filed	16,065	13,000	15,056	18,500
2. Civil Cases Filed	636	500	616	650
3. Criminal Cases Disposed of	14,784	16,600	17,728	19,200
4. Criminal Trial Settings	7,200	9,600	10,800	12,056
5. Fines/Costs Assessed	$3,391,662	$3,500,000	$3,870,200	$3,950,000
6. Fines/Costs Collected	$1,555,156	$1,750,000	$1,115,350	$1,505,250
7. Public Services Completed	2,580	3,200	3,250	3,322
8. Value of Public Services Completed	$38,700	$48,000	$48,750	$49,830

Economic Development

Division Overview

This division assists the Mayor, City Council, Chief of Staff, Department Directors, Division Heads, and staff in the execution and implementation of the City's guiding economic plan. As the City's economic development arm, the division manages the City's Entrepreneurship & Innovation services contract and functions as a liaison between the City and small businesses, employers, workers, and other community stakeholders. The division's core service areas include industry recruitment, retention, and expansion; workforce development and job skills training; and community development. This includes an emphasis on supporting Fayetteville's small business community, workforce development programming for residents who face persistent barriers, and growth concept oriented development. The division likewise supports the development of stable care networks and affordable housing opportunities and has begun working on childcare initiatives.

FY2024 Highlights & Accomplishments

1. Coordinated with multiple Community Housing and Development Organizations to explore affordable housing development or preservation projects for utilization of the City's HUD HOME funding.
2. Delivered the staff-developed Economic Vitality Master Plan to the Fayetteville City Council.
3. Developed and published a new Request for Proposals for entrepreneurial support services in order to maintain City-funded small business resources.
4. Completed standard operating procedures for all municipal economic vitality activities to ensure department continuity and consistent service delivery.

FY2025 Objectives

1. Begin implementation of the Economic Vitality Master Plan's Small Business, Workforce Development, and Community Development initiatives.
2. Incorporate workforce development and economic equity/mobility special projects into the department's BAU activities, including expansion of job training opportunities for municipal employment.
3. Pro-actively recruit and project manage housing, mixed-use development, and business projects with an emphasis on supporting the transformational 71B Corridor Plan.

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Net New Businesses Opened within Targeted Industry Sectors	207	250	225	200
2. Net New Jobs created within Targeted Industry Sectors	700	500	750	500
3. New Retail/Service establishments	99	100	100	125
4. Inquiries from prospective companies	83	100	75	100
5. Number of Businesses licensed	3,900	4,100	4,150	4,250
6. Number of employment projects	50	60	50	25
7. Number of business retention and expansion projects	80	50	113	50
8. Number of businesses, residents, and brokers assisted	225	250	410	250
9. Number of partner referrals made for residents and businesses	82	75	140	100

Media Services

Division Overview

This division operates the Fayetteville Government Channel (FGC), the Fayetteville Public Access Channel (FPTV) and the Fayetteville Education Channel. The City Television Center is equipped, maintained and configured with technologies suited for government, public access and education (PEG) television, video production and public training. This division also supports City Administration with internal and external media creation.

FY2024 Highlights & Accomplishments

1. Television Center internal server storage system reconfiguration & upgrade
2. New Annex building public meeting room A/V installation
3. Television Center studio camera update

FY2025 Objectives

1. City Hall Room 219 Room and A/V update/reconfiguration (postponed from 2024)
2. City Hall 1st Floor new public meeting room A/V installation

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. FGC Meetings Recorded	342	405	411	400
2. FGC Total Program Hours	485	360	345	350
3. FPTV Class Participations	338	305	280	275
4. FPTV Internal Produced Programs	903	915	1,006	945
5. FPTV External Produced Programs	875	890	974	910

Internal Audit

Division Overview

This division assists the Mayor, City Council, Department Directors, Division Heads, and staff in realizing a satisfactory operation to safeguard the resources and assets of the City. The Internal Auditor objectively reviews and appraises accounting and operating records and internal controls throughout the City, reports exceptions noted, and recommends practical and economic corrective actions to be taken. This program provides an independent evaluation of City activities in order to promote economy, effectiveness, and efficiency in the City by using sound management principles and by maintaining a high level of public trust and confidence in the City's staff and public officials to deliver desired and needed services.

FY2024 Highlights & Accomplishments

1. Reviewed 2023 Financial statements
2. Assisted with grant subrecipient monitoring
3. Completed the 2024 Audit Plan as approved by the Audit Committee
4. Assisted with implementation of new GASB reporting requirements

FY2025 Objectives

1. Review 2024 Financial statements
2. Assist with grant subrecipient monitoring
3. Complete the 2025 Audit Plan as approved by the Audit Committee
4. Assist with implementation of new GASB reporting requirements

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Performance Audits	3	4	4	4
2. Special Projects	17	15	15	15
3. Audit Committee Meetings	3	3	3	3

City of Fayetteville, Arkansas
General Government & Miscellaneous Activity
Division Overviews and Performance Measures

City Clerk/Treasurer

Division Overview

This division maintains the official records and public documents of the City. It also provides support for the City Council by preparing agendas and creating the minutes for the meetings. The City Clerk's Office maintains the City's Code of Ordinances, works in cooperation with the Washington County Election Commission in planning elections, and is responsible for the document retention schedule policy and procedures. This division maintains the City's Boards and Committees, schedules meetings for City rooms, and maintains a 12-month calendar of those meetings. The City Clerk also serves on the Policemen's Pension & Relief Board of Trustees, attends the meetings, prepares the agendas and correspondence, and records and creates the minutes for the meetings.

FY2024 Highlights & Accomplishments

1. Increased training/certifications of team members to stay updated with federal and state laws
2. Utilized 1 on 1 meetings to accurately evaluate team members and processes within the office
3. Focused on teamwork, comradery and correct utilization of technology to create transparency
4. Adaptation of team processes/technologies to ensure team resiliency within new area on 1st floor

FY2025 Objectives

1. Continue to provide training/certification opportunities for team members
2. Revamp process for requesting/scheduling a meeting room utilizing different technologies
3. Review/Evaluate/Update SOPs as changes happen within the City
4. Continued implementation of the new City Retention Schedule Policy
5. Continue to provide support to all city staff with agenda and non-agenda approvals

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Meetings Attended	408	393	426	409
2. Agendas & Minutes Prepared	67/27	65/35	84/42	72/36
3. Ordinances & Resolutions Passed	83/229	125/317	98/330	102/292
4. Committee Vacancies & Applicants	78/184	75/171	77/178	77/178
5. Meeting Rooms Scheduled	1,228	1,470	1,344	1,348
6. Elections Coordinated	2	3	2	1
7. Permanent Record Retention	493,292	400,000	454,788	474,040
8. Policy and Procedure Changes	0	5	5	3
9. Code of Ordinances Updates	53	72	63	58

City of Fayetteville, Arkansas
Finance & Internal Services Activity
Division Overviews and Performance Measures

Chief Financial Officer

Division Overview

This division's primary purpose is to provide leadership and overall direction to the various divisions within the Finance & Internal Services Department. The Chief Financial Officer (CFO) establishes and directs budget parameters to accomplish the Mayor's overall goals and objectives for the fiscal year, advises the Mayor and/or City Council of citywide financial issues, and provides alternative solutions to financial problems or issues. The CFO is also responsible for the monitoring and management of the current year budget on a day-to-day basis and provides advice and support to the Mayor and Chief of Staff on an as-needed basis.

Human Resources

Division Overview

This division is committed to attracting and retaining a diverse, highly qualified and high performing, multi-generational workforce. A diverse and highly talented workforce will support the delivery of excellent services to the citizens of Fayetteville. Staff will administer a competitive total rewards package and support a work environment that is safe, healthy and enriching. Policies and practices will be administered and effectively communicated to support the City in meeting its goals through our most valuable resource - City employees.

FY2024 Highlights & Accomplishments

1. Started Leadership Lab Training
2. NeoGov Performance Review Standardization planning started
3. Expanded recruitment opportunities

FY2025 Objectives

1. 2 classes of Leadership Lab Training
2. NeoGov Performance Review Standardization finalized
3. Continued Recruitment Initiatives

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. New Hires	234	300	300	315
2. Employees Newly Eligible for Retirement Plans	85	130	122	150
3. Job Applications Processed	4,714	6,000	5,550	5,700
4. Workers' Comp Injuries with Medical Treatment	99	90	90	100

City of Fayetteville, Arkansas
Finance & Internal Services Activity
Division Overviews and Performance Measures

Accounting & Audit

Division Overview

The Accounting and Audit Division is responsible for maintaining accurate and timely financial information and reporting this information to the City Administration and to the public. The division oversees the external audit and prepares the Annual Comprehensive Financial Report.

FY2024 Highlights & Accomplishments

1. Successful external 2023 audit
2. Successful implementation of GASB 96 - Subscription-Based Information Technology Arrangement
3. Transitioned Accounts Payable vendors to ACH payments
4. Implemented online reporting for businesses for local tax collection

FY2025 Objectives

1. Successful external 2024 audit
2. Analyze and prepare 2024 Annual Comprehensive Financial Report utilizing new software
3. Update Accounting internal policies

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. External Audit	1	1	1	1
2. Funds Maintained	61	63	64	64
3. Financial Statements Prepared	26	26	26	26
4. Outstanding Bond Issues	6	6	8	9
5. Payrolls prepared	35	26	28	26
6. Pensions Distributed	12	12	12	12

Budget & Information Management

Division Overview

This division is responsible for preparing and monitoring the City's Annual Budget and Work Program, preparing the bi-annual update to the City's Capital Improvements Program and ensuring those funds are expended/expensed as appropriated by City Council. Additionally, the division performs special duties and conducts special studies as requested by the Chief Financial Officer, the Mayor, and the City Council. Finally, the division compiles and reviews performance measures and quarterly reports submitted by other City divisions to ensure the accuracy of the listed statistics relating to the budgeted performance measures.

FY2024 Highlights & Accomplishments

1. Assisted various divisions with special projects and reorganizations
2. Compiled quarterly Executive Management Reports
3. Received GFOA Distinguished Budget Presentation Award

FY2025 Objectives

1. Implement new Cost Allocation software
2. Provide accurate and timely customer service to City staff and citizens

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Budget Submissions Reviewed	142	145	142	142
2. CIP Submissions Reviewed	139	20	0	150
3. Programs Reviewed	285	290	292	295
4. Budget Adjustments Processed	630	650	600	600
5. Funds Reviewed	43	43	43	45

City of Fayetteville, Arkansas
Finance & Internal Services Activity
Division Overviews and Performance Measures

Facilities Management

Division Overview

Facilities Management maintains City-owned buildings to provide a safe and sound working environment for employees and customers. This division also provides repair and replacement services on mechanical, electrical, and plumbing systems and performs custodial and other services on City-owned facilities to keep them in clean working order. Other duties of the division include safe entry and egress to buildings, securing facilities, and providing support for City programs and functions. Project Management services are also provided to ensure construction projects are delivered on time and within budget, adhere to industry quality standards, and meet the facility needs of our customers.

FY2024 Highlights & Accomplishments

1. Cultural Arts Corridor Plaza construction
2. Accessibility audit of five buildings within the downtown campus
3. YRCC Expansion
4. Fire Station 2 relocation construction
5. City Administration building office improvements
6. Porter Apple Warehouse stabilization
7. Woolsey Homestead Restoration: Sweet Potato Smokehouse Design/Bid
8. Roofing improvements to Recycling and Trash transfer station & Water and Sewer building
9. Energy Efficiency projects for City facilities
10. Re-roofing of Town Center, Rock Street Annex and City Administration buildings
11. Rock Street Annex renovation
12. City Hall HVAC replacement
13. Fire Training Expansion
14. Police Department West Avenue Sub-Station

FY2025 Objectives

1. Continuing City Hall building office & meeting room improvements
2. Accessibility audit of buildings including the Airport, Air & Military Museum, Town Center
3. Porter Apple Warehouse interior finish / improvements
4. Woolsey Homestead Restoration: Sweet Potato Smokehouse reconstruction
5. Recycling and Trash Collection transfer station expansion / firing range remediation
6. City Hall HVAC replacement - construction phase
7. Parks Maintenance equipment shed
8. YRCC Expansion
9. Fire Marshal office improvements
10. Development Services building renovation

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. City Owned Buildings	82	85	89	89
2. City Buildings Maintained	76	80	86	86
3. City Buildings Janitorial Services	22	27	28	28
4. Work Order Requests	750	800	723	800
5. Managed Projects <$20,000	15	20	17	20
6. Managed Projects >$20,000	10	15	15	15
7. Preventative Maintenance Inspections	430	450	300	450

City of Fayetteville, Arkansas
Finance & Internal Services Activity
Division Overviews and Performance Measures

Purchasing

Division Overview

This division is responsible for providing oversight of the procurement of commodities, construction, and professional services for all City departments. The Purchasing division also ensures compliance with state/federal procurement law, and city ordinances and policies, manages the City's Surplus disposal program, manages City-wide corporate accounts, as well as track and serve as administrators for City contracts. This division also manages the City's insured and self-insured property and liability programs. Management of the insured programs include the evaluation of insurance needs, risk management and assessment, purchase and renewal of insurance policies, and coordination of all losses and claims. Management of the self-insured program includes the judgement and damages from which all third-party liability and City property damages under deductibles or uninsured are paid.

FY2024 Highlights & Accomplishments

1. Efficiently managed contracts through Ionwave: Audit, renew, amend, solicit, and create new
2. Increased revenue generated from surplus sales through strategy, competition, and speed
3. Mitigated insurance premium increases and improved claim closeout

FY2025 Objectives

1. Reduce the number of auto accidents through training programs
2. Reduce p-card reconciliation and batch times through training and process improvements
3. Increase vendor participation of bids through outreach and information programs

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Purchase Orders Issued	984	1,000	1,000	1,000
2. Purchasing Card Transactions	18,903	17,000	18,000	18,000
3. Purchasing Card Volume	$16,839,512	$14,000,000	$17,000,000	$17,000,000
4. Surplus Auctions Conducted	162	100	100	100
5. Surplus Auction Volume	$998,183	$1,000,000	$1,000,000	$1,000,000
6. Formal Bids/RFPs/RFQs Requested	67	80	75	75
7. Bid/RFP/RFQ Volume	$103,229,562	$50,000,000	$50,000,000	$50,000,000
8. Insurance Claims Processed	120	100	100	100
9. Number of Vehicles and Equipment Insured	950	950	950	950
10. Total Insured Value for Real Property, Equipment, and Vehicles	$535,000,000	$550,000,000	$550,000,000	$550,000,000
11. Active Renewable Contracts Managed	326	325	330	350

Information Technology

Division Overview

This division provides Information Technology (IT) and Geographic Information Systems (GIS) support for City divisions across 53 locations and approximately 900 user accounts. IT strives to ensure technology requests and projects are implemented in accordance with citywide goals and initiatives. IT focuses on implementing processes and procedures to ensure the effective and economical use of IT resources, while improving staff efficiency and improving services to the citizens of Fayetteville. Staff makes every effort to operate equipment to its maximum useful life, but also budgets enough funds to replace equipment when needed to ensure optimal efficiency. To manage the replacement of technology items, IT maintains an accurate inventory and standardized replacement schedule for technology-based products. GIS provides geographic information and geographic data management services to all City departments.

FY2024 Highlights & Accomplishments

1. Continued to automate processes and improve customer service through technology projects
2. Implemented online payments and improved reporting for HMR and SB payments
3. Provided technology support for bond projects (Ramble, Kessler, Parking, Fire Station, Trails)
4. Upgraded the City's utility billing online payment system
5. Provided mapping and analytical support of citywide strategic plans (Climate, Stormwater, etc.)
6. Improved access to technology for Police and Fire through new mobile applications

FY2025 Objectives

1. Continue to install fiber conduit as part of the City's overall digital strategy
2. Support major initiatives such as Climate Action plan and Stormwater Utility via GIS dashboards
3. Provide quarterly cybersecurity user training and host 3 CISA regional cybersecurity events
4. Complete migration of video security cameras to a single vendor to improve quality and management
5. Replace all Public Safety mobile computers as part of annual replacement schedule
6. Facilitate digitalization of services to improve efficiency, accessibility, and citizen satisfaction

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Service Requests - Desktop	1,125	2,500	2,500	2,500
2. Service Requests - Network/Systems	1,751	1,400	1,800	1,800
3. Service Requests - Application Systems	768	800	800	800
4. Service Requests - Fire	230	350	350	350
5. Service Requests - Telecommunications	264	350	350	350
6. Service Requests - Police	1,834	2,000	2,200	2,200
7. Projects	92	100	100	100

City of Fayetteville, Arkansas
Police Activity
Division Overviews and Performance Measures

Central Dispatch

Division Overview

This division is a 24-hour operation, which provides emergency and non-emergency call taking and dispatching for police, fire, and city services, as needed. The center is also the primary answering point for the City of Fayetteville's 911 calls, which includes transferring emergency calls to the appropriate agencies.

FY2024 Highlights & Accomplishments

1. Met National Emergency Number Association (NENA) call-answering standard by answering ninety percent (90%) of all 911 calls within fifteen (15) seconds and ninety-five percent (95%) within twenty (20)
2. Met National Fire Protection Association (NFPA) standard of processing ninety percent (90%) of fire calls within sixty-four (64) seconds and ninety-five percent (95%) within one hundred six (106) seconds.
3. Completed Quality Assurance each month to ensure proper call coding and handling.
4. Implemented Live 911 software which allows responders real time access to 911 calls.

FY2025 Objectives

1. Continue to meet the call-answering standards and fire standards for processing calls.
2. Ensure all trainees meet the state training standard to qualify for certification.
3. Complete Quality Assurance to meet National Center for Missing and Exploited Children (NCMEC) standards.
4. Begin the Police and Fire Radio Replacement project.

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Total Calls for Service	61,314	62,495	58,936	60,115
a. Police	46,265	47,454	43,610	44,482
b. Fire	13,134	13,160	13,246	13,511
c. Citywide	1,915	1,881	2,080	2,122
2. Police Self-Initiated Calls	41,186	39,170	47,116	48,058
3. Telephone (Minus 911)	104,874	111,570	93,374	95,241
4. 911 Calls	45,659	48,334	40,186	40,990
5. Average 911 Calls Per Day	125	132	110	112

City of Fayetteville, Arkansas
Police Activity
Division Overviews and Performance Measures

Police Department

Division Overview

The Fayetteville Police Department has 211 officers and staff, and provides a wide range of protection and enforcement services (patrol, investigative, community outreach, Central Dispatch, etc.) for our residents, visitors, and businesses. The department provides administrative control, logistical support, policy setting, and decision-making relative to all aspects of police operations. Crime reduction and service to our community remains the highest priority of the department, and community outreach and engagement are the foundation for maintaining positive relationships with those we serve. The CALEA and ALEAP accreditation processes ensure the department follows best police practices, and maintains the highest standards of excellence.

FY2024 Highlights & Accomplishments

1. Expanded and enhanced recruitment efforts to attract the most qualified applicants.
2. Achieved 4th accreditation from the Commission on Accreditation for Law Enforcement Agencies.
3. Completed and moved into new Cultural Arts Corridor police substation.
4. Utilized new training facilities to host specialized training for law enforcement for cost savings.
5. Expanded Crisis Intervention Response Team to assist individuals in crisis.

FY2025 Objectives

1. Enhance crime prevention strategies with the launch of the Community Response Unit.
2. Expand the CIRT program to address gaps in mental health crisis response coverage.
3. Invest in employee health and wellness, and recruitment and retention initiatives.
4. Increase supervisory personnel to strengthen accountability and oversight.
5. Support community policing initiatives through partnerships and engagement efforts.

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Calls for Service	46,265	47,454	43,610	44,482
2. Emergency Response Time	5:43	6:04	5:25	5:40
3. Traffic Accidents	3,044	2,861	3,022	3,150
4. Tickets Issued	5,554	5,084	5,984	6,283
5. Warnings Issued	8,426	8,062	9,662	10,145
6. Custodial Arrests Made	3,046	3,089	3,360	3,528
7. DUI/DWI Arrests Made	377	380	346	363
8. Investigative Cases Assigned	1,099	1,243	1,144	1,201
9. Drug Task Force Cases	341	349	294	333
10. Community Outreach Events	124	158	226	237

City of Fayetteville, Arkansas
Fire Activity
Division Overviews and Performance Measures

Fire Department

Division Overview

This department responds to all types of hazards encountered by citizens including fires, situations of entrapment, emergency medical calls, and hazardous materials incidents. The department's goal is to arrive on scene of every fire response in 6 minutes and 20 seconds or less, 90% of the time. This department is responsible for public education, code enforcement/building inspections and fire origin/cause investigations with the goal to investigate 100% of all fires, inspect commercial occupancies in addition to the state mandated inspections, and reach children and adults annually with seasonal safety messages and training. All personnel are provided with effective and realistic training based on fire and medical service standards, information analysis, and emergency response demands. The hazardous materials response program was established through an inter-local co-operation agreement between the City of Fayetteville and all cities, towns and rural areas within Washington County.

FY2024 Highlights & Accomplishments

1. Completion of Station #2 relocation
2. Full implementation of an alerting system for all fire stations
3. Formal accreditation by the Commission on Fire Accreditation International

FY2025 Objectives

1. Remodel of former Station 2 into equipment maintenance station
2. Implementation of the new heavy-duty rescue company in the new Station 2
3. Installation of fencing and gates at existing stations for enhanced security

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Fire Responses	615	680	672	692
2. EMS Responses	9,799	10,333	9,548	9,834
3. Rescue Responses	589	656	520	536
4. Other Responses	2,153	2,437	2,536	2,612

City of Fayetteville, Arkansas
Community Planning & Engineering Activity
Division Overviews and Performance Measures

Development Services

Division Overview

The Development Services Department facilitates changes necessary to accommodate the community's anticipated rapid growth and expansion by continually assisting the community in adjusting its vision for the future, regulatory framework, and capital improvement projects. The Department ensures that developers, builders, and business entrepreneurs investing and building in the community are treated fairly and with consistency and predictability by coordinating the development review process. The Department works across divisional and departmental lines of authority to create a seamless, efficient, and lean regulatory framework and procedures.

FY2024 Highlights & Accomplishments

1. Completed user fee study to recognize levels of public subsidy for applications with the potential for increasing resources for permitting, review, code enforcement, and general responsiveness.
2. Maintained cross-divisional and cross-departmental support and collaboration through current and future planning efforts with Airport, Sustainability, Parks, and others within the City, as well as fostering relationships with public and private regional partners.
3. Developed and executed work plan items reflecting departmental and plan goals, including but not limited to, a 71B rezoning, housing data reporting, and downtown plan initialization.
4. Retained capacity for special projects, including local and regional grant applications, opportunities for collaboration, targeted studies, and ordinance changes.

FY2025 Objectives

1. Reinforce partnerships, including with regional planning, philanthropic groups, and other non-governmental or quasi-governmental groups, to focus on intermunicipal issues like housing.
2. Evaluate late-2024 process changes and positions created with the 2023 budget for improved review times and approvals.
3. Increase integration and collaboration of development reviewers, including with non-municipal entities like franchise utilities.
4. Identify and pursue funding for strategic goals, including comprehensive plan update/revision and development code re-write.

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Business Licenses - New	716	600	640	625
2. Business Licenses - Renewals	3,678	4,100	3,700	3,700

City of Fayetteville, Arkansas
Community Planning & Engineering Activity
Division Overviews and Performance Measures

Development Review

Division Overview

This division manages the administration and enforcement of zoning and development regulations for the City and its planning area; provides professional services and advice to the Mayor, the City Council, the Planning Commission, committees, and other City divisions involved in growth management; processes all land use activity and reviews building permits to ensure compliance; performs field analysis and inspection; formulates recommendations; responds to public inquiries and complaints; and issues violation notices when necessary. As growth continues at high rates, funds are organized to support the essential functions necessary to comply with notification requirements, public hearings, research, and reporting activities. Increased efficiency, productivity, and consistency are priorities for this program.

FY2024 Highlights & Accomplishments

1. Continued to work with Long-Range Planning on appropriate changes to the Unified Development Code to improve process
2. Maintained staff to improve institutional knowledge in the division

FY2025 Objectives

1. Continue to improve process through ordinance changes, staffing, and improved institutional knowledge.
2. Engage more proactively with development community and stakeholders on process improvements.

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Public Meetings & Agenda Sessions	106	110	110	110
2. Development Consultant Meetings/Hours	405/386	300/300	350/350	350/350
3. Planning Reports	652	800	700	700
4. Violations Reported	809	900	990	900
5. Building Permits Reviewed/Staff Hrs	669/334.5	600/300	800/400	700/350

City of Fayetteville, Arkansas
Community Planning & Engineering Activity
Division Overviews and Performance Measures

Long Range Planning

Division Overview

Long Range Planning staff is responsible for changes to the City's zoning code, drafting new ordinances that work toward achieving the goals of City Plan 2040, and coordinating with the citizens and stakeholders of Fayetteville.

FY2024 Highlights & Accomplishments

1. Historic Context Statement for University Heights/Haskell Heights neighborhoods
2. New historical marker recognizing Nelson Orr
3. $40,000 in CLG grant funding for two new historic preservation projects
4. Permit-Ready Building Design Program included in the national Housing Accelerator Playbook
5. Brought forward rezoning of nearly 600 acres along the 71B corridor to allow housing

FY2025 Objectives

1. Launch Downtown Master Plan re-write
2. Successful application for CLG grant funding, completion of HCS, MPDF, and NR nomination
3. Update to the Fayetteville Housing Assessment
4. Regional Greenway planning and sub-area planning project participation and coordination
5. Define purpose and need for comprehensive plan and Unified Development Code updates

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Public Meetings / Agenda Sessions	14/8	40/40	50/24	60/40
2. Planning Project Meetings/Staff Hours	53/500	200/300	30/850	60/1200
3. Planning Reports / LRP Work Group	26/12	40/13	35/12	36/12
4. HDC Meetings / BHPC Meetings	12/11	12/12	12/11	12/12

City of Fayetteville, Arkansas
Community Planning & Engineering Activity
Division Overviews and Performance Measures

Engineering

Division Overview

This division is responsible for all in-house professional engineering design services and contract management of outside engineering and construction services; design review and oversight of waterline, sanitary sewer, storm sewer, drainage, sidewalk, trail, and street projects; engineering design criteria and specifications for all infrastructure work within the City; and technical review of all subdivisions, lot splits, and small and large scale developments for compliance with the City's design criteria. As a participant in the National Flood Insurance Program, this division provides flood hazard program administration and plan review, as well as EPA Phase II NPDES stormwater and erosion control program development and permit compliance. The Active Transportation Manager is responsible for planning design, permitting, and other tasks related to the Trail Construction Program. Other services include acquiring property, easements, and rights-of-way and maintaining those records; providing services for the sale or purchase of property; providing inspection and construction management services for projects designed and/or constructed by City staff; and reviewing compliance on sidewalks and driveways.

FY2024 Highlights & Accomplishments

1. Completion of Phase 1 of Mission Trail from Old Wire to North Street
2. Began construction on Midtown Corridor (Phase 2)
3. Complete cost share with developer for sections of Sang Street Trail & Hamestring Creek Trail
4. Complete Razorback Greenway reroute trail around the Park Hotel in the Upper Ramble
5. Began construction on Prairie and West project

FY2025 Objectives

1. College Avenue (North to Sycamore) Construction
2. Millsap/College Int and Hemlock Construction
3. Completion of Midtown Corridor (Phase 2) Construction
4. Complete Phase 1 & II of Mission Trail from Viewpoint Dr. to North Street
5. Complete the Drake Street Trail Connection
6. Design of Persimmon Trail from Betty Joe to Rupple Road
7. Construction of the Maple Street Improvements and Trail - Garland to Razorback Greenway

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Plan Reviews	611	750	530	700
2. Permit Reviews	6,138	7,000	7,000	7,000
4. Grading Permits Applied for	125	200	110	150
5. ROW Excavation Permits Applied for	168	300	130	250
6. Temp Closure Permits Applied for	110	150	100	150
7. Engineering Inspections	7,635	7,000	7,000	7,500
8. City Projects Completed (Design)	11	6	4	5
9. Easement/ROW Acquisitions	104	135	80	100
10. Trails-Number of Trail Projects	2	2	2	3
11. Trails-Number of Miles Designed	2	2	2	2
12. Bicycle & Pedestrian Projects/Programs/Initiatives	10	10	10	10

City of Fayetteville, Arkansas
Community Planning & Engineering Activity
Division Overviews and Performance Measures

Sustainability & Resilience

Division Overview

This department is focused on guiding the City of Fayetteville towards becoming a resource efficient community of livable neighborhoods that meets present needs while providing opportunities to support the long term health, well-being and prosperity of future generations. The department develops and implements policies and projects that can be quantified through a triple bottom line accounting framework focused on social, environmental and financial performance metrics. The department also provides support and research services to other City departments and divisions and the City Council.

FY2024 Highlights & Accomplishments

1. Constructed additional solar arrays on City property/buildings
2. Began City of Fayetteville fleet electrification
3. Completed construction of The Ramble Civic Plaza (Phase 2)
4. Completed Energy Performance Services Contract construction work on City buildings
5. Adopted and began implementation of Fayetteville Climate Action Plan

FY2025 Objectives

1. Complete construction of additional large ground mount solar
2. Continue implementation of Fayetteville Climate Action Plan
3. Begin implementation of Climate Pollution Reduction Grant with regional partners
4. Assist with waste reduction initiative implementation
5. Continue to pursue federal grant opportunities

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Policy Analysis/Ordinance Adoption	6	6	3	6
2. Intra-Division Projects/Collaborations	17	19	24	19
3. Energy Efficiency & Renewable Energy Projects	14	13	11	7
4. Grants and Award Applications	7	8	6	6

City of Fayetteville, Arkansas
Community Planning & Engineering Activity
Division Overviews and Performance Measures

Building Safety

Division Overview

The Building Safety Division promotes and protects the health, safety, and welfare of the citizens of Fayetteville by assuring that buildings are designed and constructed in accordance with current local, state, and national building codes. The division serves the community by performing inspections and consultations on-site and investigating complaints from the public. The division is also responsible for maintaining a building code reference library, archiving construction documents, and posting construction related information and statistics to the City website.

FY2024 Highlights & Accomplishments

1. Maintained continuous improvement efforts
2. Analyzed all building permit fees and associated fees
3. Revised and updated SOPs and other policies & procedures
4. Created a City Code schedule and program for public information/notification

FY2025 Objectives

1. Maintain continuous improvement efforts
2. Continue to revise and update SOPs and other policies & procedures
3. In-House training program
4. Public outreach program for city and building codes

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Building Permit Applications	1,790	2,000	2,050	1,900
2. Building Permits Issued	1,482	1,800	1,875	1,750
3. Single-Family Permits	730	850	900	800
4. Commercial Permits	110	75	85	65
5. Addition & Alteration Permits	320	560	420	500
6. Inspections Performed	24,566	27,000	28,500	29,000
7. Total Issued Permits - All Types	6,760	7,450	8,800	8,000

City of Fayetteville, Arkansas
Community Planning & Engineering Activity
Division Overviews and Performance Measures

Community Resources

Division Overview

This division is responsible for planning and implementation of projects/programs funded in whole or in part by the HUD Community Development Block Grant (CDBG) and the HUD Special Needs Assistance Programs (SNAPS). The division provides assistance for low and moderate income residents and case management/housing for the homeless. The Equity Program is responsible for researching, planning, and training to ensure that everyone in Fayetteville is treated in fair, equal, and inclusive manner.

FY2024 Highlights & Accomplishments

1. Improved 10 housing units and maintained affordable housing stock
2. Provided taxi coupons to 17 elderly and disabled residents
3. Kept Hearth Program at full capacity
4. Developed Welcome Week Event - Welcome Fayetteville

FY2025 Objectives

1. Improve 15 housing units - maintain affordable housing stock
2. Assist 15 elderly and disabled residents with taxi coupons
3. Keep Hearth Program at full capacity

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Public Hearings	2	2	2	3
2. CDBG & SNAPs Applications	2	2	2	2
3. Sub-Recipient Monitoring	4	6	3	3
4. Housing Projects	19	15	10	15
5. Taxi Coupons Issued	1,940	3,600	1,800	1,800
6. DEI Sr. Management Training Sessions	4	0	0	0
7. DEI Staff Consultation Sessions	1	1	1	1

City of Fayetteville, Arkansas
Community Planning & Engineering Activity
Division Overviews and Performance Measures

Animal Services

Division Overview

This division handles the processing of animal redemptions and adoptions, and educates the public regarding responsible animal ownership. The program provides 24-hour emergency services and enforces the Arkansas Rabies Control Act and City Ordinances. The program provides a clinic staffed with a veterinarian that allows for the animals adopted from the shelter to be spayed/neutered and the operation of an income based low cost spay/neuter clinic for City residents.

FY2024 Highlights & Accomplishments

1. Increased efforts for outreach to low income citizens to provide additional services
2. Continued to maintain a euthanasia rate of less than 10%

FY2025 Objectives

1. Continued to maintain a euthanasia rate of less than 10%
2. Increased effort to reunite pets in the field, rehome pets outside of shelter and increase fosters

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Fayetteville Strays Intake	961	1,100	1,100	1,100
2. Fayetteville Owner Surrenders Intake	356	400	360	360
3. Citizen Service Requests	7,187	7,200	7,200	7,200
4. After Hours Emergency Reponses	651	100	329	700
5. Animal Bite Investigations	64	150	140	140
6. Citations Issued	94	150	140	140
7. Animals Sterilized at Shelter Clinic	1,289	1,700	1,300	1,300

City of Fayetteville, Arkansas
Transportation Services Activity
Division Overviews and Performance Measures

Transportation Services

Division Overview

This division manages and coordinates construction and maintenance of rights-of-way, streets, sidewalks, trails, drainage, and traffic control within the City. Also managed by this division are In-House Pavement Improvements, Sidewalk Improvements, and Trail Development projects which are funded in the City's Sales Tax Capital Fund.

FY2024 Highlights & Accomplishments

1. Replaced 4,000 feet of sidewalks
2. Maintained existing street network through the overlay program
3. Expanded maintenance and repair of drainage infrastructure

FY2025 Objectives

1. Improved walkability and safety by replacing deteriorated sidewalks and installing access ramps
2. Resurface 13 miles of city streets
3. Continue to expand the trail network throughout the city

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. ROW Brush/Tree Trimming Hours	1,569	3,000	1,000	2,000
2. ROW Mowing Hours	6,119	7,000	7,000	7,000
3. Tons of ROW Litter Removed	19.78	30	16	25
4. Street Sweeper Debris (Tons)	579.56	1,000	1,000	1,000
5. Asphalt Overlay (Miles)	10.01	13.00	8	10.00
6. Drain Pipe Installation (Feet)	1619	1,000	3,090	1,500
7. Traffic Signals Maintained	160	155	163	170
8. Trail Construction (Miles)	0.36	3.00	0.8	3.00
9. Sidewalk Construction (Feet)	6,287	4,000	2,901	4,000
10. Curb Construction (Feet)	4,606	3,500	2,200	3,500

City of Fayetteville, Arkansas
Transportation Services Activity
Division Overviews and Performance Measures

Parking Management

Division Overview

The division implements parking rules and enforces parking regulations for the Downtown, Entertainment, and Residential Districts. The division is responsible for increasing public awareness of ordinances which regulate parking and responding to the needs of citizens regarding inquiries and complaints concerning parking matters. The division also manages prepaid event parking for the Walton Arts Center and TheatreSquared and oversees the City's special event permitting process.

FY2024 Highlights & Accomplishments

1. Increased mobile app adoption rate to account for 47% of all parking transactions
2. Advised Downtown Fayetteville Coalition as City representative on Board
3. Opened new West Ave. Deck and updated event parking process

FY2025 Objectives

1. Explore feasibility of additional parking districts near UA campus and existing downtown border
2. Update lighting in surface lots
3. Pursue shared parking agreements with private parking facility owners

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Estimate of Tickets to be Issued	15,226	23,000	24,600	24,000
2. Number of Spaces managed	2,822	2,822	2,850	2,850
3. Number of Special Event Permits	76	75	85	85
4. Event Parking events staffed	0	0	0	0
5. PrePaid Parking Events Staffed	133	0	100	100

City of Fayetteville, Arkansas
Transportation Services Activity
Division Overviews and Performance Measures

Fleet Operations

Division Overview

This division is responsible for the maintenance and replacement of vehicles and equipment to ensure safety and proper performance during operation. The total fleet size of 905 vehicles consists of 330 automotive assets which include sedans, SUVs, Emergency Response vehicles and motorcycles, and work trucks; 119 Over the Road Class 7-8 trucks (including all fire apparatus and recycling and trash trucks); and 456 off-road, specialized equipment, trailers and construction equipment. In-house maintenance is supported by sublet operations such as major accidents, engine rebuilds, automatic transmission repairs or larger operator responsible repairs.

FY2024 Highlights & Accomplishments

1. Shop expansion completed with additional personnel for increased bays
2. Increased on-time preventative maintenance services and repairs surpassing historical highs
3. Decreased vehicle down-time for all departments surpassing historical highs

FY2025 Objectives

1. Install generator tracking telematics and vehicle AVL/telematics on all rolling stock assets to increase preventative and predictive maintenance compliance
2. Continue planning for possible Electric Vehicle infrastructure and replacements where utilization and application allow
3. Continue achieving record uptime/availability and preventative maintenance compliance Fleet wide

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Repair Requests	3,795	7,500	4,600	5,000
2. Vehicle/Equipment Repair Hours	17,406	22,000	23,100	23,500
3. Preventive Maint. Service & Inspections	2,199	2,500	2,800	3,000
4. Preventive Maint. Generated Repairs	1,308	2,500	3,300	3,500
5. Road Failures	126	100	150	150

City of Fayetteville, Arkansas
Parks, Natural Resources and Cultural Affairs Activity
Division Overviews and Performance Measures

Parks, Natural Resources and Cultural Affairs

Division Overview

Parks, Natural Resources and Cultural Affairs (PNRCA) plans for and provides facilities and programs centered around recreation, green spaces, art and culture. These spaces provide a "third space" for Fayetteville residents and visitors to enjoy a wide range of experiences that support individuals' mental and physical health and provide opportunities for socialization through events such as the Dickson Street Mile, YRCC and other summer camps, Square to Square bike ride, and interaction at hundreds of team sporting events, as well as opportunities to improve the environment through tree plantings and tree giveaways such as Celebration of the Trees. PNRCA helps build Fayetteville's social capital.

FY2024 Highlights & Accomplishments

1. Began construction on the YRCC expansion project and completed Wilson Pickleball Courts
2. Completed construction on Gulley Park playground area and Lake Fayetteville ballfields
3. Began aquatics study
4. Bid construction on Bryce Davis, Underwood, and Walker community parks
5. Began design of Combs White River Park and Lake Fayetteville Nature Trail
6. Completed the Urban Forestry Master Plan
7. Completed the Arts and Culture Master Plan

FY2025 Objectives

1. Construct phase one of Walker, Bryce Davis and Underwood Community Parks
2. Complete design of Combs River Park
3. Begin Phase 3 bond projects at Gulley and Combs River Park
4. Plant 463 trees in parks and other public spaces
5. Purchase high priority land for parks
6. Complete aquatic study
7. Create new activations for the entirety of the Ramble and install the first major public art commissions

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Park Properties / Acreage Maintained	74 / 4,204	74 / 4,202	74 / 4,214	74 / 4,214
2. Trail Miles Maint: Hard / Natural Surface	58 / 57.5	58 / 57.6	58 / 58.6	62 / 58.6
3. Park & Trail Volunteer Hours	12,152	12,000	12,500	12,750
4. Recreation Program Participants	7,735	7,700	7,490	7,700
5. Race Series Events / Participants	4,235	5 / 5,500	6 / 5,350	5 / 5,200
6. Gulley Park Concerts / Attendance	6 / 12,500	6 / 13,500	6/ 13,500	6/ 13,500
7. YRCC Programs & Events / Participants	20 /19,658	20 / 22,000	15 / 18,825	20 / 22,000
8. Swimming Pool Attendance	21,000	22,000	23,000	23,000
9. Fishing/Boating Permits Lake Fayetteville	2,960	2,700	2,500	2,700
10. Trees Planted	802	464	464	400
11. Artists Served	150	125	150	170
12. Art Infused Community Events	80	75	75	85

City of Fayetteville, Arkansas
Business-Type Activity
Division Overviews and Performance Measures

Utilities Director

Division Overview

This division is responsible for the management of two divisions - Water, Sewer & Meter Maintenance and Wastewater Treatment Plants (WWTPs) - and coordinates various capital improvement projects. Program outcomes relate to drinking water quality, environmental protection, customer services, and adequate infrastructure. Departmental performance includes tangible and intangible measures with key indicators coming from trackable accomplishments, project advances, issue resolutions and reduction in non-revenue water. The project management team is also included in this division.

FY2024 Highlights & Accomplishments

1. Received results of Noland WWTP Facility Master Plan
2. 24-inch waterline slipline repair on Futrall Dr
3. Advanced West Water Transmission Line project from Elm Springs to Fayetteville

FY2025 Objectives

1. Work toward completion of the west transmission main
2. Work toward completion of ARDOT water & sewer relocation projects

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Water Purchased	$11,948,648	$13,000,000	$14,160,330	$15,331,900
2. Capital Expenditures	$10,566,300	$27,172,806	$27,257,422	$34,005,821
3. Ending Total Net Assets	$398,825,000	$380,000,000	$403,350,900	$405,500,000

Utilities Financial Services

Division Overview

Utilities Financial Services provides monthly billing services to utility customers and collects various revenues for the City. Utility billings include charges for water, sewer, fire protection, recycling and trash, and other charges related to these services. Over 51,000 utility accounts are maintained through monthly billing and the collection of payments across multiple payment channels. City revenues collected include impact fees, court fines, building permits, HMR taxes, and parking tickets. These revenues are reconciled daily by Utilities Financial Services. This division is also responsible for all accounting and financial work/review for operations and capital for the Water and Sewer Fund.

FY2024 Highlights & Accomplishments

1. Updated utility bill online payment modules, giving customers the ability to create accounts, see more billing detail, schedule payment day, or make a one time payment

FY2025 Objectives

1. Updated over the counter payment gateway to help City employees to have more tools to enter, review and reconcile revenues receipted into Tyler Cashiering.
2. Streamline the Leak Adjustment review process to allow customers to submit leak adjustment review requests online.

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Utility Bills Processed	579,208	560,000	580,000	585,000
2. On/Off and Internal Orders Processed	30,084	33,750	30,000	32,000
3. New Accounts Added	1,254	1,000	1,100	1,160
4. Utility Payments Processed	524,267	515,000	525,000	530,000
5. Utility Deposits Processed	7,949	8,000	8,200	8,200
6. Other Cash Receipts Processed	130,697	125,000	125,500	126,000
7. Total Utility Customers Billed	50,091	50,000	51,225	52,000

Water & Sewer Maintenance

Division Overview

This division manages the operations, maintenance, and safety of the water distribution system, water storage tanks and pump stations, sewer mains and manholes, meter reading and maintenance, backflow prevention, both wastewater treatment plants, and new service connections.

FY2024 Highlights & Accomplishments

1. Abandon 14" water line near Curtis Ave and the 36" water line near N. Makeig Ct. to avoid leaks
2. Replaced 1,100' of 6" water line on Green Acres Rd. from N. College to E. Poplar St.
3. Applied root kill treatment to 11,512' of sewer line
4. Installed approximately 4,000 cellular water meters

FY2025 Objectives

1. Address water loss utilizing a newly formed construction crew to replace failing water service lines
2. Replace 900' feet of 2" water line on Woodlawn Dr
3. Apply root kill treatment to a minimum of 10,000' of sewer line reducing the risk of sewer overflows
4. Continued the cellular water meter changeout program with the goal of installing over 4,500 meters

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Water Leaks Repaired	1,210	1,250	1,400	1,650
2. Water Line Constructed (Feet)	0	3,000	3,460	1,000
3. Fire Hydrants Repaired/Installed	35	75	50	60
4. Sewer Lines Cleaned (Feet)	650,169	900,000	1,000,000	1,100,000
5. Sewer Line Replaced/Sliplined (Feet)	10,000	9,500	500	1,000
6. New Water/Sewer Connections	242	350	250	300
7. Meters Read	566,267	564,295	596,794	613,590
8. Meters Installed	3,288	5,400	4,000	4,500
9. Meter Accounts	47,188	49,795	49,732	51,132
10. Meters Tested	4,237	5,400	5,300	5,500
11. Backflow Devices Tested	154	180	134	24

City of Fayetteville, Arkansas
Business-Type Activity
Division Overviews and Performance Measures

Wastewater Treatment

Division Overview

This division manages the operations, maintenance, safety, and compliance of the wastewater treatment facilities, lift stations, SCADA operations, water tanks, pump stations, and the Biosolids Management Site. Additionally, this division monitors and maintains the Woolsey Wet Prairie Wetlands Site.

FY2024 Highlights & Accomplishments

1. Completed integration and automation of the BMS belt dryer
2. Implemented and tracked dryer maintenance tasks
3. Reviewed and developed capital plan for Noland plant based on final master plan
4. Implemented West Side and Noland WRRF's new NPDES Permits
5. Storm Water and No Discharge Permit Renewal application

FY2025 Objectives

1. Develop a capital plan for the Noland Plant based on results of the Facility Master Plan
2. Transition to a new contract operator for the treatment facilities
3. Continue to tune in the belt dryer for optimum performance

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Contract Demand/Workload	$8,012,792	$8,476,468	$8,476,468	$8,898,968
2. Average MGD Treated	15.1	14.6	14.6	14.3
3. Average BOD Loading (lbs/day)	24,439	25,500	23,601	22,660
4. Average TSS Loading(lbs/day)	20,224	22,000	21,608	21,967

Aviation

Division Overview

This division manages the Fayetteville Municipal Airport (Drake Field) to FAR Part 139 Standards, administers Federal and State Aviation Grant funding, and oversees capital development projects, the self-serve fuel facility, tenant leases, and the FBO.

FY2024 Highlights & Accomplishments

1. Fuel Rehab
2. Master Plan Update
3. Taxiway E Extension-Design Phase
4. T-hangar Infrastructure Improvement

FY2025 Objectives

1. ARFF Truck Replacement
2. Street Side Improvements
3. Terminal Building Improvements
4. Equipment Expansion

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Fuel Dispensed (Gallons)	692,402	1,017,100	1,017,100	1,017,100
2. Number of Operations (Landings/Take Offs/Taxi)	25,507	32,000	32,000	32,000

Recycling Trash Collection

Division Overview

This division provides for the collection, transportation, disposal, processing and marketing of trash and recyclables generated within the City. In addition to the commercial and residential collections of trash, recyclables and yard waste, the division also administers other services including bulky waste curbside collection, ward bulky waste clean ups, an Adopt-a Street litter program, apartment recycling, and special event trash and recycling services. Educational programs are provided and include the Recycle Something and Waste Not Use Less campaigns designed to create behavior change toward more sustainable behaviors.

FY2024 Highlights & Accomplishments

1. Increased landfill diversion with recycling and composting program growth
2. Increased large and small apartment recycling program
3. Continued improvements to Transfer Station operations and recycling processing facility
4. Worked with NWA Council and Regional SW Districts for improving landfill diversion programs
5. Working with Auditing firm to audit Franchise Waste Haulers
6. Hired Consulting firm to begin RTC Rate Study

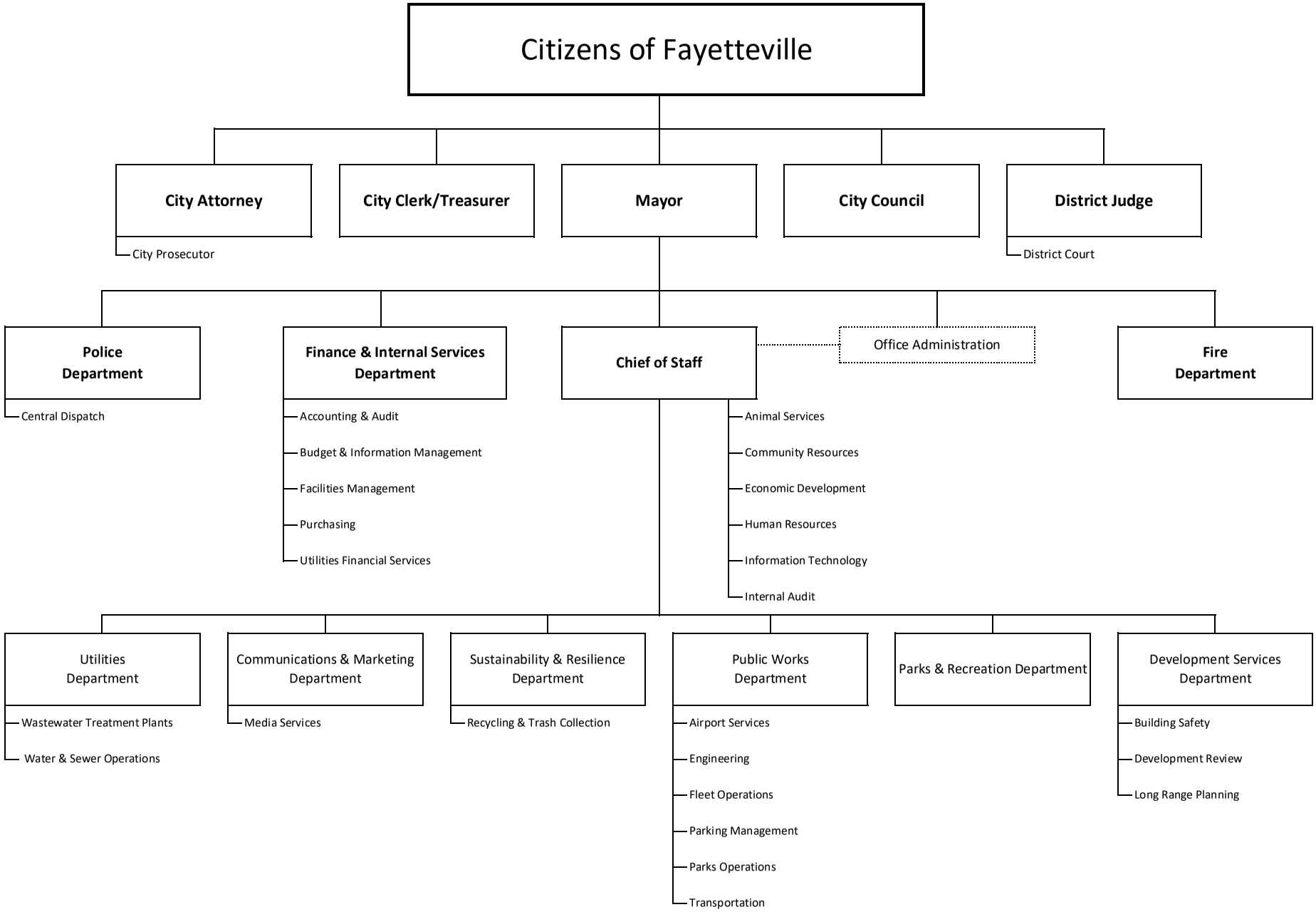
FY2025 Objectives

1. Continued efforts to remediate the old Police Shooting range to be used for RTC operations
2. Continued good inspect behaviors to decrease operator charges
3. Complete RTC Rate Study
4. Continue to increase recycling participation
5. Continue to increase composting programs
6. Explore construction and demolition waste recycling opportunities

Performance Measures	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
1. Commercial Accts - Dumpster	1,433	1,430	1,437	1,440
2. Commercial Accts - Carts	615	700	605	650
3. Commercial Accts - Cardboard	310	305	316	320
4. Commercial Accts - Recycling Bins	270	275	273	275
5. Commercial Accts - Dumpster Recycling	45	46	42	46
6. Apartment Recycling - Units	3,086	4,000	4,000	4,000
7. Residential Carts Collected	26,519	27,000	26,884	28,000
8. Total Drop Box Loads Pulled	4,040	4,000	4,200	4,200
9. Landfilled Waste	77,438	89,000	80,000	82,000
10. Recycling/Compost Tonnage Diverted	11,904	12,000	9,735	11,000
11. Compost/Mulch Sold - Cubic Yards	10,489	11,000	10,981	12,000

City of Fayetteville, Arkansas

Organizational Chart



Officials of the City of Fayetteville, Arkansas

ELECTED OFFICIALS

Mayor	Lioneld Jordan	479.575.8330	mayor@fayetteville-ar.gov
Ward 1, Position 1	Bob Stafford	415.816.9971	ward1_pos1@fayetteville-ar.gov
Ward 1, Position 2	D'Andre Jones	479.283.1358	ward1_pos2@fayetteville-ar.gov
Ward 2, Position 1	Sarah Moore	479.263.6629	ward2_pos1@fayetteville-ar.gov
Ward 2, Position 2	Mike Wiederkehr	805.625.2410	ward2_pos2@fayetteville-ar.gov
Ward 3, Position 1	Scott Berna	479.841.5331	ward3_pos1@fayetteville-ar.gov
Ward 3, Position 2	Sarah Bunch	479.601.1396	ward3_pos2@fayetteville-ar.gov
Ward 4, Position 1	Teresa Turk	206.713.2265	ward4_pos1@fayetteville-ar.gov
Ward 4, Position 2	Holly Hertzberg	479.274.8881	ward4_pos2@fayetteville-ar.gov
City Attorney	Kit Williams	479.575.8313	kwilliams@fayetteville-ar.gov
City Clerk/Treasurer	Kara Paxton	479.575.8323	cityclerk@fayetteville-ar.gov
District Judge	Clinton "Casey" Jones	479.587.3591	district_court@fayetteville-ar.gov

MANAGEMENT STAFF

Executive Staff

Chief of Staff	Susan Norton	479.575.8330	snorton@fayetteville-ar.gov
Chief Financial Officer	Paul A. Becker	479.575.8330	pbecker@fayetteville-ar.gov
Police Chief	Michael Reynolds	479.587.3500	police@fayetteville-ar.gov
Fire Chief	Brad Hardin	479.575.8365	fire@fayetteville-ar.gov

Senior Department Directors

Communications & Marketing Director	Lisa Thurber	479.575.8330	lthurber@fayetteville-ar.gov
Development Services Director	Jonathan Curth	479.575.8308	jcurth@fayetteville-ar.gov
Director of Parks, Nat. Res. & Cultural Affairs	Alison Jumper	479.444.3471	parks_and_recreation@fayetteville-ar.gov
Public Works Director	Chris Brown	479.575.8206	cbrown@fayetteville-ar.gov
Utilities Director	Tim Nyander	479.575.8390	tnyander@fayetteville-ar.gov

Division Heads

Accounting Director	Kristin Cavette	479.575.8281	accounting@fayetteville-ar.gov
Airport Director	Jared Rabren	479.718.7653	jrabren@fayetteville-ar.gov
Assistant Public Works Director - Operations	Terry Gulley	479.575.8228	tgulley@fayetteville-ar.gov
Bond Projects & Construction Manager	Wade Abernathy	479.575.8361	wabernathy@fayetteville-ar.gov
Budget Director	Kevin Springer	479.575.8347	budget_research@fayetteville-ar.gov
Building Safety Director	Dennis Sanders	479.575.8229	dsanders@fayetteville-ar.gov
City Prosecutor	Brian Thomas	479.575.8377	bthomas@fayetteville-ar.gov
Community Resources Director / Equity Officer	Yolanda Fields	479.575.8260	yfields@fayetteville-ar.gov
Deputy Chief Financial Officer	Steve Dotson	479.575.8261	sdotson@fyaetteville-ar.gov
Director of Economic Vitality	Devin Howland	479.575.8221	dhowland@fayetteville-ar.gov
Director of Media Services	Doug Bankston	479.444.3434	dbankston@fayetteville-ar.gov
Dispatch Manager	Kathy Stocker	479.587.3555	police@fayetteville-ar.gov
District Court Administrator	Dena Stockalper	479.587.3591	district_court@fayetteville-ar.gov
Facilities & Building Maintenance Mgr	Quin Thompson	479.575.8346	qthompson@fayetteville-ar.gov
Fleet Operations Superintendent	Ross Jackson Jr.	479.444.3495	fleet@fayetteville-ar.gov
Human Resources Director	Missy Hutcheson	479.575.8278	mhutcheson@fayetteville-ar.gov
Information Technology Director	Keith Macedo	479.575.8367	kmacedo@fayetteville-ar.gov
Internal Auditor	Aaron Colley	479.575.8261	acolley@fayetteville-ar.gov
Long Range Planning / Special Projects Mgr	Britin Bostick	479.575.8262	bbostick@fayetteville-ar.gov
Parking Manager	Justin Clay	479.575.8280	parking@fayetteville-ar.gov
Parks Operations Director	Byron Humphry	479.575.8368	bhumphry@fayetteville-ar.gov
Purchasing Director	Les McGaugh	479.575.8256	purchasing@fayetteville-ar.gov
Environmental Director	Peter Nierengarten	479.575.8268	pnierengarten@fayetteville-ar.gov
Utilities Financial Services Manager	Cheryl Partain	479.521.1258	cpartain@fayetteville-ar.gov
Water & Sewer Operations Manager	Aaron Watkins	479.575.8203	jwatkins@fayetteville-ar.gov

City of Fayetteville, Arkansas
2025 Operating Budget
Outside Agency Funding

General Fund (1010):	Actual 2023	Budgeted 2024	Estimated 2024	Budgeted 2025
Fayetteville Boys & Girls Club	$ 225,000	$ 225,000	$ 225,000	$ 225,000
Community Access Television (Your Media)	207,307	211,216	211,216	220,725
AAANWA (Senior Center)	145,804	153,104	153,104	160,759
Arkansas Air & Military Museum	36,797	41,000	41,000	43,000
7Hills Homeless Center	113,400	119,400	119,400	125,370
*NWA Regional Planning	65,764	79,857	79,857	79,857
*Central Emergency Medical Service	969,974	988,555	988,555	1,007,492
Total General Fund	1,764,046	1,818,132	1,818,132	1,862,203
Street Fund (2100):				
Ozark Regional Transit	$ 698,830	$ 806,457	$ 806,457	$ 846,457
Razorback Transit	345,000	398,136	398,136	420,000
Total Street Fund	1,043,830	1,204,593	1,204,593	1,266,457
Total Outside Agency Funding	$ 2,807,876	$ 3,022,725	$ 3,022,725	$ 3,128,660

* These Outside Agencies Have Interlocal Governmental Agreements.

LISTING OF ACRONYMS

AAANWA.....Area Agency on Aging of Northwest Arkansas
A&P.....Advertising & Promotion
ADA.....Americans with Disabilities Act
ADEQ.....Arkansas Department of Environmental Quality
ADH.....Arkansas Department of Health
AED.....Automated External Deliberator
AEP.....Arkansas Electric Power
AHTD.....Arkansas Highway Transportation Department
AMRR.....Arkansas and Missouri Railroad
APS.....Advanced Public Safety
ARFF.....Aircraft Rescue Fire Fighting
ARPA.....American Rescue Plan Act
A/V.....Audio/Visual
AVL.....Automatic Vehicle Location
BMS.....Bio-Solids Management Site
BWD.....Beaver Water District
CAD.....Computer Aided Design
CALEA.....Commission on Accreditation for Law Enforcement Agencies
CAT.....Community Access Television
CCTV.....Closed Circuit Television
CDBG.....Community Development Block Grant
CFO.....Chief Financial Officer
CIP.....Capital Improvements Program
CMS.....Content Management System
CPI.....Consumer Price Index
CPR.....Cardiovascular Pulmonary Resuscitation
CPU.....Central Processing Unit
DDS.....Data Security Standards
DOT.....Department of Transportation
DTF.....Drug Task Force
DVD.....Digital Versatile Disc
DWI.....Driving While Intoxicated
ECM.....Enterprise Content Management
EDMS.....Electronic Document Management System
EMS.....Emergency Medical Services
EMT.....Emergency Medical Technician
EPA.....Environmental Protection Agency
ERP.....Enterprise Resource Planning
ERS.....Emergency Response Station
ERT.....Emergency Response Team
FAA.....Federal Aviation Administration
FAR.....Federal Aviation Regulation
FASB.....Financial Accounting Standards Board
FBO.....Fixed Based Operator
FCC.....Federal Communication Commission
FEDC.....Fayetteville Economic Development Council
FEEDC.....Fayetteville Expressway Economic Development Corridor
FEMA.....Federal Emergency Management Agency

LISTING OF ACRONYMS, (cont.)

FGC ..... Fayetteville Government Channel
FHWA ..... Federal Highway Administration
FOIA ..... Freedom of Information Act
FPL ..... Fayetteville Public Library
FPTV ..... Fayetteville Public Access Channel
FTE ..... Full-Time Equivalent
GA ..... General Aviation
GAAP ..... Generally Accepted Accounting Principles
GASB ..... Governmental Accounting Standards Board
GFOA ..... Government Finance Officers Association
GHG ..... Greenhouse Gas
GIS ..... Geographic Information System
GPS ..... Global Positioning System
HEARTH ..... Homeless Emergency Assistance and Rapid Transition to Housing Act
HMI ..... Human Machine Integration
HMR ..... Hotel/Motel Restaurant Tax
HOME ..... HOME Grant Program
HR ..... Human Resources
HUD ..... Housing & Urban Development
HVAC ..... Heating, Ventilation, and Air Conditioning
IFS ..... Influent Pump Station
ILS ..... Integrated Library System
IP ..... Internet Protocol
IPP ..... Industrial Pretreatment Program
ISO ..... International Standards Organization
IT ..... Information Technology
LAN ..... Local Area Network
LED ..... Light Emitting Diode
LEED ..... Low Energy Electron Diffraction
LOPFI ..... Local Police and Fire Retirement
LPR ..... License Plate Recognition
MCT ..... Mobile Computer Terminal
MDT ..... Mobile Data Terminal
MGD ..... Million Gallons per Day
MLK ..... Martin Luther King
MMBTU ..... One Million British Thermal Units
MRF ..... Materials Recovery Facility
MSA ..... Metropolitan Statistical Area
MUTCD ..... Manual on Uniform Traffic Control Devices
MVR ..... Mobile Video Recorder
NEA ..... National Endowment for the Arts
NPDES ..... National Pollutant Discharge Elimination System
NWA ..... Northwest Arkansas
NWACC ..... Northwest Arkansas Community College
NWAEDD ..... Northwest Arkansas Economic Development District
NWARPC ..... Northwest Arkansas Regional Planning Commission
O&M ..... Operation & Maintenance
OCLC ..... Online Computer Library Center
ORT ..... Ozark Regional Transit

LISTING OF ACRONYMS, (cont.)

PA..... Public Address
PACE..... Property Assessed Clean Energy
PAPI.....Precision Approach Path Indicator
PC..... Personal Computer
PCI.....Payment Card Industry
PCIDSS.....Payment Card Industry Data Security Standard
PEG ..... Public/Education/Government
PO .....Purchase Order
PRAB. ..... Parks & Recreation Advisory Board
RFID. .....Radio-Frequency Identification
RFP ..... Request for Proposals
RFQ .....Request for Qualifications
ROW..... Right-of-Way
RTC..... Recycling & Trash Collection
RTU ..... Remote Terminal Units
SAN .....Storage Area Network
SCADA .....Supervisory Control & Data Acquisition
SCBA.....Self-Contained Breathing Apparatus
SSMA.....SQL Server Migration Assistant
SNAPS ..... Special Needs Assistance Programs
SQL..... Structured Query Language
SSO.....Sanitary Sewer Overflow
SSRS ..... SQL Server Reporting Services
STAR.....Sustainability Tools for Assessing & Rating
STP .....Surface Transportation Program
SUV .....Sport Utility Vehicle
SWEPCO.....Southwestern Electric Power Company
TIF ..... Tax Increment Financing
TOD..... Transit Oriented Development
TSS ..... Total Suspended Solids
TV..... Television
UDC.....Unified Development Code
UPS..... Uninterruptable Power Supply
USACE ..... United States Army Corps of Engineers
USDA..... United States Department of Agriculture
UTV .....Utility Task Vehicle
UV ..... Ultra Violet
VoIP.....Voice over Internet Protocol
VR.....Video Recorder
W&S, W/S .....Water & Sewer
WAC..... Walton Arts Center
WAN.....Wide Area Network
WORK.....Watershed Conservation Resource Center
WWT.....Wastewater Treatment
WWTP.....Wastewater Treatment Plant
YRCC..... Yvonne Richardson Community Center

GLOSSARY

ACCOUNTING SYSTEM. Records and procedures that discover, record, classify, and report information on the financial position and operations of a governmental unit or any of its funds.

ACCRUAL. Revenue and expenses are recorded when they are incurred.

AD VALOREM. A basis for levy of taxes upon property based on value.

AGENCY FUND. A fund consisting of resources received and held by the governmental unit as an agent for others.

APPROPRIATION. An authorization granted by the board to incur liabilities for specific purposes.

ASSETS. Probable future economic benefits obtained or controlled by a particular entity as a result of past transactions or events.

BALANCED BUDGET. A budget balanced by fund, means the total anticipated revenues are equal to or exceed the budgeted expenditures for that fund.

BOND. A written promise to pay a specified sum of money, called the face value or principal amount, at a specified date or dates in the future, called the maturity date(s), together with periodic interest at a specified rate.

BOND DISCOUNT. The excess of the face value of a bond over the price for which it is acquired or sold.

BOND PREMIUM. The excess of the price at which a bond is acquired or sold over its face value.

BONDED DEBT. The portion of indebtedness represented by outstanding bonds.

BUDGET. A financial operating plan consisting of estimates of proposed expenditures for a given period and the proposed means of financing them.

BUDGET CONTROL. The control or management of the approved Budget for the purpose of keeping expenditures within the limitations of available appropriations and available revenues.

BUDGET DOCUMENT. The instrument used by the budget-making authority to present a comprehensive financial program to the appropriating body.

BUDGET MESSAGE. A general discussion of the budget as presented in writing by the Mayor to the City Council. The message contains an explanation of the principal budget items and recommendations regarding the financial policy for the coming year.

CAPITAL BUDGET. This budget deals with large expenditures for capital items normally financed by borrowing. Usually capital items have long-range returns, useful life spans, are relatively expensive, and have physical presence such as buildings, roads, sewage systems, etc.

CAPITAL IMPROVEMENT. Any property, asset, or improvement with an estimated value greater than five thousand dollars, and estimated life or usefulness of one or more years, including land, interest therein and including constructions, enlargements, and renovations.

CAPITAL IMPROVEMENT PROGRAM. An approach or technique for identifying and forecasting capital outlay decisions that a government expects to make over a five-year period.

CAPITAL OUTLAY. Expenditures that result in the acquisition of or addition to fixed assets.

CAPITAL PROJECTS FUND. A fund created to account for all resources to be used for the acquisition or construction of designated fixed assets.

CASH. Legal tender or coins that can be used in exchange for goods, debt, or services. This includes the value of assets that can be converted into cash immediately

CONSTRUCTION WORK IN PROGRESS. The cost of construction work that has been started but not yet completed and placed in service.

CONTINGENCY FUND. Funds set aside for unforeseen expenses of uncertain amounts or funds set aside for identified expenses, such as salary increases, but for which amounts are uncertain.

CONTRACTUAL SERVICE. An agreement to perform a service or task by external organizational units. A group of accounts which cover the above as well as travel and training and other miscellaneous services.

DEBT SERVICE. The amount of money necessary to pay interest on an outstanding debt, the principal of maturing bonds, and required contributions to a sinking fund for term bonds.

DEBT SERVICE FUND. A governmental type fund used to account for accumulations of resources that are restricted, committed, or assigned to expenditures for principal and interest.

DEMAND. Demand is the external factor that demonstrates the "need" for a program. Demand data enables decision-makers to adjust services and costs to respond to changes in direction for the service.

DEPARTMENT. Departments are the major organizational subdivisions. They have a broad overall purpose. In the City of Fayetteville organization structure, each department is comprised of one or more divisions.

DEPRECIATION. Expiration in the service life of fixed assets, attributable to wear and tear, deterioration, action of the physical elements, inadequacy, and obsolescence.

DESIGNATED FUND. Funds created to account for assets set aside for a specific purpose.

DIVISION. Divisions are the major functional sub-divisions and correspond roughly to the departmental hierarchy used by the City. Each Division reports to one or more departments.

EFFECTIVENESS. Effectiveness data enables decision-makers to see that quality does not suffer as productivity increases, and that constituents are satisfied with services.

ENCUMBRANCE. An account used to record the estimated amount of contracts, salary commitments and purchase orders that are chargeable to an appropriation.

ENTERPRISE FUND. A fund established to finance and account for the acquisition, operation, and maintenance of governmental facilities and services which are entirely or predominantly self-supporting by user charges.

EXPENDITURE. Under the current financial resources measurement focus (modified accrual basis), decreases in net financial resources not classified as other uses.

EXPENSE. An outflow of resources that results in the consumption of net assets by the entity during the reporting period.

FIDUCIARY FUND. Any fund held by a governmental unit as an agent or trustee.

FISCAL YEAR. A 12-month period of time to which the annual budget applies and at the end of which a governmental unit determines its financial position and the results of its operations.

FIXED ASSET. Long-term assets that are intended to be held or used, such as land, buildings, machinery, furniture, and other equipment. Fixed assets depreciate.

FRANCHISE TAX. Fees levied on a corporation in return for granting a privilege sanctioning a monopoly or permitting the use of public property, usually subject to regulation set by the governing body.

FULL-TIME EQUIVALENT POSITION (FTE). A part-time position converted to the decimal equivalent of a full-time position based on 2,080 hours per year. For example, a summer lifeguard working for four months, or 690 hours, would be equivalent to .33 of a full-time position.

FUND. A fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities and residual equities, or balances, and changes therein, which are segregated for the purpose of carrying on specific activities or attaining certain objectives in accordance with special regulations, restrictions, or limitations.

FUND BALANCE. Fund equity of a fund or in Governmental Funds, the amount assets exceed liabilities. Unrestricted Fund Balances are available for appropriation.

FUND EQUITY. The excess of assets over liabilities. A portion of the equity may be reserved, restricted or designated; the remainder is undesignated Fund Balance.

GENERAL FUND. A fund used to account for all transactions of a governmental unit that are not accounted for in another fund.

GOAL. A goal is a statement of desired conditions to be maintained or achieved through the efforts of an organization. Actual total achievement may be impossible, but the goal is a standard against which to measure progress toward ideal conditions. A goal is a definition of results toward which the work of the organization is directed.

GOVERNMENTAL FUND. A generic classification of funds used to account for activities primarily supported by taxes, grants, and similar revenue sources.

GRANT. A contribution by one governmental unit to another unit. The contribution is usually made to aid in the support of a specified function or for the acquisition or construction of fixed assets.

INCOME. A term used to represent the excess of revenues earned over the expenses incurred in carrying on an enterprise operation.

INTERGOVERNMENTAL REVENUE. Revenue from other governments. Grants, entitlements, and shared revenues are types of intergovernmental revenue.

INTERNAL SERVICE FUND. A fund established to finance and account for services and commodities furnished by a designated department to other departments. Amounts expended by the fund are reestablished from either operating earnings or by transfers from other funds.

INVESTMENT. Securities held for the production of income in the form of interest and dividends.

LIABILITY. Probable future sacrifices of economic benefits arising from present obligations of a particular entity to transfer assets or provide services to other entities in the future as a result of past transactions or events.

LINE-ITEM. A detailed classification of an expense or expenditure classified by object within each Division.

LONG-TERM DEBT. Debt with a maturity of more than one year after the date of issuance.

MODIFIED ACCRUAL BASIS. Governmental funds use the modified accrual basis of accounting. Revenues are recognized in the period in which they become both available and measurable. Expenditures are recognized at the time a liability is incurred.

NET INCOME. A term used in governmental enterprise to designate the excess of total revenues over total expenses.

NONOPERATING EXPENSE. Proprietary fund expenses incurred in performance of activities not directly related to supplying the basic service by a governmental enterprise.

NONOPERATING INCOME. Proprietary fund income that is not derived from the basic operations of such enterprises.

OBJECT CODE. Expenditure classification according to the types of items purchased or services obtained; for example, personnel services, materials and supplies, contractual service, and capital.

OBJECTIVE. An objective is a decision about the amount of progress to be made within a specified period of time. It states in measurable and quantitative terms the results to be achieved within a specified time and plans the incremental steps to achieve the goal.

OPERATING TRANSFER. Legally authorized interfund transfers from a fund receiving revenue to the fund that makes expenditures.

ORDINANCE. A formal legislative enactment by the governing board of a municipality. If it is not in conflict with any higher form of law, such as a state statute or constitutional provision, it has the full force and effect of law within the boundaries of the municipality to which it applies.

PERFORMANCE BUDGET. A budget which relates appropriations to work loads. By featuring unit measures, performance budgets are believed to express official and citizen interest in the managerial value of efficiency.

PERFORMANCE MEASURES. Performance measures provide a means of identifying the level of service provided. Performance measures include a measurement of Demand, Workload, Productivity, and Effectiveness.

PROGRAM. Operating units within a Division. Each program represents a specific type of activity within its Division aimed at providing a service for which the City is responsible.

PROGRAM BUDGET. A budget which relates appropriations to goals. Budget makers practicing this approach strive to appropriate sums to non-organization, goal-oriented cost centers. Program budgeting is believed to express official and citizen interest in planning and in the effective use of resources.

PROGRAM OBJECTIVES. A program objective is a decision about the amount of progress to be made within a specified period of time in reducing the gap between real conditions and the ideal conditions described in the Program Description. It states in measurable quantitative terms the results to be achieved within a specified time and plans the incremental steps to achieve them.

PRODUCTIVITY. Unit cost (productivity data) enables decision-makers to measure efficiency, as opposed to total expenditures. Productivity unit costs can also be used to quickly estimate the cost of adding more service or savings realized from reductions in service.

PROPRIETARY FUND. Sometimes referred to as "income-determination" or "commercial-type" funds. Examples are enterprise and internal service funds.

RESERVE. An account that records a portion of the fund equity that must be segregated for some future use and which is not available for further appropriation or expenditure.

RETAINED EARNINGS. The accumulated earnings of an enterprise or internal service fund that have been retained in the fund and that are not reserved for any specific purpose.

REVENUE. Additions to fund financial resources other than from interfund transfers and debt issue proceeds.

SPECIAL REVENUE FUND. A fund established to account for revenues from specific taxes or other earmarked revenue sources that by law are designated to finance particular functions or activities of government.

TAX. A compulsory charge levied by a governmental unit for the purpose of raising revenue. These revenues are used to pay for services or improvements provided for the general public benefit.

UNRESERVED FUND BALANCE. The amount remaining in a fund that is not reserved for some future use and which is available for further appropriation or expenditure.

USER CHARGE. A charge levied against users of a service or purchasers of a product of an enterprise or internal service funds.

WORKLOAD. Workload data answers the question about how much service is being provided, as well as how output is meeting service demand. Workload data is also the basis, along with total expenditures, for unit cost or productivity indicators.

(Page Left Blank Intentionally)

2019 Bonds Program Grant Matching Fund (4601): Category Summary.....111
2019 Bonds Program Grant Matching Fund (4601): Fund Description.....109
2019 Bonds Program Grant Matching Fund (4601): Fund Summary.....110
Acronyms.....312
Administrative Procedures to Adjust the Approved Budget.....7
Airport Fund (5550): Category Summary.....197
Airport Fund (5550): Fund Description.....193
Airport Fund (5550): Operating Budget.....195
American Rescue Plan Act Fund (2246): Category Summary.....61
American Rescue Plan Act Fund (2246): Fund Description.....59
American Rescue Plan Act Fund (2246): Fund Summary.....60
Arts Corridor 2019 Bonds Fund (4608): Category Summary.....139
Arts Corridor 2019 Bonds Fund (4608): Fund Description.....137
Arts Corridor 2019 Bonds Fund (4608): Fund Summary.....138
Arts Corridor 2019 Bonds Fund (4708): Category Summary.....171
Arts Corridor 2019 Bonds Fund (4708): Fund Description.....169
Arts Corridor 2019 Bonds Fund (4708): Fund Summary.....170
Budget Executive Summary.....III
Budget Flowchart.....3
Budget Organizational Structure.....9
Budget Process.....1
Budget Resolution.....XIII
Business-Type Activity - Division Overview.....304
Capital Budget Project Descriptions.....251
Capital Improvement Policy.....5
Capital Improvements Program Comparison.....240
Capital Improvements Program Directional Information.....237
Capital Improvements Program Operating Impacts.....263
Capital Improvements Program Project Summary.....247
Capital Projects Summary by Project Category.....246
Chart of Fund Types - Governmental.....13
Chart of Fund Types - Proprietary & Fiduciary.....14
City Facilities 2019 Bonds Fund (4607): Category Summary.....135
City Facilities 2019 Bonds Fund (4607): Fund Description.....133
City Facilities 2019 Bonds Fund (4607): Fund Summary.....134
City Facilities 2019 Bonds Fund (4707): Category Summary.....167
City Facilities 2019 Bonds Fund (4707): Fund Description.....165
City Facilities 2019 Bonds Fund (4707): Fund Summary.....166
Community Development Block Grant Fund (2180): Category Summary.....53
Community Development Block Grant Fund (2180): Fund Description.....51
Community Development Block Grant Fund (2180): Fund Summary.....52
Community Overview.....XIV
Community Planning & Engineering Activity - Division Overview.....292
Consolidated Fund - Department - Program Structure.....11
Debt Policy.....5
Debt Position.....270
Debt Service Payment Schedule.....274
Debt to Maturity Schedule.....276
Description of Outstanding Bonds.....271
Distinguished Budget Presentation Award (GFOA).....XII
Drainage Projects 2019 Bonds Fund (4604): Category Summary.....123

Drainage Projects 2019 Bonds Fund (4604): Fund Description.....121
Drainage Projects 2019 Bonds Fund (4604): Fund Summary.....122
Drainage Projects 2019 Bonds Fund (4704): Category Summary.....159
Drainage Projects 2019 Bonds Fund (4704): Fund Description.....157
Drainage Projects 2019 Bonds Fund (4704): Fund Summary.....158
Drug Law Enforcement Fund (2930): Category Summary.....77
Drug Law Enforcement Fund (2930): Fund Description.....75
Drug Law Enforcement Fund (2930): Fund Summary.....76
Economic Development 2019 Bonds Fund (4606): Category Summary.....131
Economic Development 2019 Bonds Fund (4606): Fund Description.....129
Economic Development 2019 Bonds Fund (4606): Fund Summary.....130
Expenditure Policy.....4
Finance & Internal Services Activity - Division Overview.....284
Financial Reporting Policy.....6
Fire Activity - Division Overview.....291
Fire Pension Fund (6810): Category Summary.....205
Fire Pension Fund (6810): Fund Description.....203
Fire Pension Fund (6810): Operating Budget.....204
Fire Pension Special Fund (2810): Category Summary.....73
Fire Pension Special Fund (2810): Fund Description.....71
Fire Pension Special Fund (2810): Fund Summary.....72
Fire Projects 2019 Bonds Fund (4610): Category Summary.....147
Fire Projects 2019 Bonds Fund (4610): Fund Description.....145
Fire Projects 2019 Bonds Fund (4610): Fund Summary.....146
Fire Projects 2019 Bonds Fund (4710): Category Summary.....175
Fire Projects 2019 Bonds Fund (4710): Fund Description.....173
Fire Projects 2019 Bonds Fund (4710): Fund Summary.....174
General Fund (1010): Category Summary.....27
General Fund (1010): Fund Description.....17
General Fund (1010): Fund Summary.....26
General Government & Miscellaneous Activity - Division Overview.....277
Glossary.....315
HMR Tax Bonds 2014 Debt Service Fund (3390): Category Summary.....89
HMR Tax Bonds 2014 Debt Service Fund (3390): Fund Description.....87
HMR Tax Bonds 2014 Debt Service Fund (3390): Fund Summary.....88
Impact Fee Fund (2300): Category Summary.....69
Impact Fee Fund (2300): Fund Description.....67
Impact Fee Fund (2300): Fund Summary.....68
Investment and Cash Management Policy.....5
Legal Debt Margin Computation.....275
Library Expansion Bond Fund (3450): Category Summary.....97
Library Expansion Bond Fund (3450): Fund Description.....95
Library Expansion Bond Fund (3450): Fund Summary.....96
List of Elected Officials, Administrative Officials, & Management Staff.....310
Management Agenda.....XXI
Multi-Year Comparison - Adopted Budget Expenditures.....16
Organizational Chart.....309
Outside Agency Funding.....311
Park Projects 2019 Bonds Fund (4605): Category Summary.....127
Park Projects 2019 Bonds Fund (4605): Fund Description.....125
Park Projects 2019 Bonds Fund (4605): Fund Summary.....126

Park Projects 2019 Bonds Fund (4705): Category Summary.....163
Park Projects 2019 Bonds Fund (4705): Fund Description.....161
Park Projects 2019 Bonds Fund (4705): Fund Summary.....162
Parking Deck Bonds Fund (3380): Category Summary.....85
Parking Deck Bonds Fund (3380): Fund Description.....83
Parking Deck Bonds Fund (3380): Fund Summary.....84
Parking Fund (2130): Category Summary.....45
Parking Fund (2130): Fund Description.....43
Parking Fund (2130): Fund Summary.....44
Parks Development Fund (2250): Category Summary.....65
Parks Development Fund (2250): Fund Description.....63
Parks Development Fund (2250): Fund Summary.....64
Parks, Nat Res & Cultural Affairs Activity - Division Overview.....303
Personnel Detail by Activity & Division.....222
Personnel History by Activity 221
Personnel History by Funding Source.....216
Personnel Summary by Activity (FTE).....220
Personnel Summary by Funding Source (FTE).....212
Personnel Summary by Funding Source (Program).....217
Personnel Summary by Organization Chart.....211
Personnel Variation Summary 213
Police Activity - Division Overview.....289
Police Pension Fund (6800): Category Summary.....201
Police Pension Fund (6800): Fund Description.....199
Police Pension Fund (6800): Operating Budget.....200
Police Projects 2019 Bonds Fund (4609): Category Summary.....143
Police Projects 2019 Bonds Fund (4609): Fund Description.....141
Police Projects 2019 Bonds Fund (4609): Fund Summary.....142
Recycling & Trash Collection Fund (5500): Category Summary.....191
Recycling & Trash Collection Fund (5500): Fund Description.....187
Recycling & Trash Collection Fund (5500): Operating Budget.....189
Replacement & Disaster Recovery Fund (4270): Category Summary.....101
Replacement & Disaster Recovery Fund (4270): Fund Description.....99
Replacement & Disaster Recovery Fund (4270): Fund Summary.....100
Reserve Policy.....5
Residential District Parking Fund (2134): Category Summary.....49
Residential District Parking Fund (2134): Fund Description.....47
Residential District Parking Fund (2134): Fund Summary.....48
Revenue Policy.....4
Sales Tax Bond Fund (3440): Category Summary.....93
Sales Tax Bond Fund (3440): Fund Description.....91
Sales Tax Bond Fund (3440): Fund Summary.....92
Sales Tax Capital Improvements Fund (4470): Capital Budget.....108
Sales Tax Capital Improvements Fund (4470): Category Summary.....105
Sales Tax Capital Improvements Fund (4470): Fund Description.....103
Sales Tax Capital Improvements Fund (4470): Fund Summary.....104
Schedule of Bonds Outstanding.....273
Shop Fund (9700): Category Summary.....210
Shop Fund (9700): Fund Description.....207
Shop Fund (9700): Operating Budget.....208
Sources and Uses of Funds.....15

Special Grants Fund (2230): Category Summary.....57
Special Grants Fund (2230): Fund Description.....55
Special Grants Fund (2230): Fund Summary.....56
Street Fund (2100): Category Summary.....40
Street Fund (2100): Fund Description.....37
Street Fund (2100): Fund Summary.....39
Streets Project 2019 Bonds Fund (4602): Category Summary.....115
Streets Project 2019 Bonds Fund (4602): Fund Description.....113
Streets Project 2019 Bonds Fund (4602): Fund Summary.....114
Streets Project 2019 Bonds Fund (4702): Category Summary.....151
Streets Project 2019 Bonds Fund (4702): Fund Description.....149
Streets Project 2019 Bonds Fund (4702): Fund Summary.....150
TIF Bond Fund (3370): Category Summary.....81
TIF Bond Fund (3370): Fund Description.....79
TIF Bond Fund (3370): Fund Summary.....80
Trail Projects 2019 Bonds Fund (4603): Category Summary.....119
Trail Projects 2019 Bonds Fund (4603): Fund Description.....117
Trail Projects 2019 Bonds Fund (4603): Fund Summary.....118
Trail Projects 2019 Bonds Fund (4703): Category Summary.....155
Trail Projects 2019 Bonds Fund (4703): Fund Description.....153
Trail Projects 2019 Bonds Fund (4703): Fund Summary.....154
Transmittal Memo from the Mayor to Council.....I
Transportation Activity - Division Overview.....300
Water & Sewer Fund (5400): Category Summary.....182
Water & Sewer Fund (5400): Fund Description.....177
Water & Sewer Fund (5400): Operating Budget.....180

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-705

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

SUBJECT: **RZN-2024-0051: Rezoning (W. MARTIN LUTHER KING JR. BLVD AND S. SMOKEHOUSE TRL/D&B OF NORTHWEST ARKANSAS LLC, 595): Submitted by GAVIN SMITH CIVIL ENGINEERING for property located southeast of the intersection of W. MARTIN LUTHER KING JR. BOULEVARD AND S. SMOKEHOUSE TRAIL in WARD 1. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 4.49 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is located in southwest Fayetteville, just southeast of the intersection of W. Martin Luther King Jr. Boulevard and S. Smokehouse Trail on the south side of W. Martin Luther King Jr. Boulevard. The property contains one parcel totaling 5.59 acres which is undeveloped and zoned UT, Urban Thoroughfare and RPZD, Residential Planned Zoning District. Hydric soils are not present, and no protected streams or FEMA-designated floodplain and no Hillside/Hilltop Overlay District are present on site. Prior to June 2023, the property was zoned CS, Community Services. At that time, the current RPZD designation was sought to develop the site for hospitality purposes.

Request: The request is to rezone 4.49 acres of the total 5.59 acres of the subject property from RPZD, Residential Planned Zoning District to CS, Community Services.

Public Comment: Staff has not received public comment on this request.

Land Use Compatibility: Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located in west Fayetteville near the southeast corner of the intersection of W. Martin Luther King Jr. Boulevard, S. Rupple Road, and S. Smokehouse Trail. A rezoning to CS, Commercial Services, would allow similar residential development and commercial uses in an area that currently allows a mix of residential and commercial uses. The property's current zoning, RPZD, allows for development that staff finds to be also consistent with current development and zoning patterns in that area given the large lots with low intensity residential development and protected recreation areas to the south. Prior to the rezoning to RPZD in 2023, the subject property had both CS and R-A zoning, and the proposed rezoning would be similar to prior zoning, with additional land area to the south of the prior CS zoning district incorporated.

Land Use Plan Analysis: Staff finds that a rezoning to CS would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood. These areas are intended to support a wide variety of housing and commercial types in walkable urban neighborhoods. Despite the higher zoning entitlements of many nearby properties, the subject property does have an infill score of 4-5 due to the necessary infrastructure for higher intensity development not yet being installed.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **4-5** for this site. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, located at 900 S. Hollywood Ave.)
- Near Water Main (18-inch main, W. Martin Luther King Jr. Boulevard)
- Near City Park (Holland Park, Kessler Mountain Regional Park)
- Near Paved Trail (Side Path Trail)
- Appropriate Future Land Use (City Neighborhood)

DISCUSSION:
At the October 28, 2024 Planning Commission meeting, a vote of 8-0-0 forwarded the request to City Council with a recommendation of approval. Commissioners Payne and McGetrick provided the motion and second respectively. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Staff Report (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-705

RZN-2024-0051: Rezoning (W. MARTIN LUTHER KING JR. BLVD AND S. SMOKEHOUSE TRL/D&B OF NORTHWEST ARKANSAS LLC, 595): Submitted by GAVIN SMITH CIVIL ENGINEERING for property located southeast of the intersection of W. MARTIN LUTHER KING JR. BOULEVARD AND S. SMOKEHOUSE TRAIL in WARD 1. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 4.49 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-51 FOR APPROXIMATELY 4.49 ACRES LOCATED SOUTHEAST OF THE INTERSECTION OF WEST MARTIN LUTHER KING JR. BOULEVARD AND SOUTH SMOKEHOUSE TRAIL IN WARD 1 FROM RPZD, RESIDENTIAL PLANNED ZONING DISTRICT TO CS, COMMUNITY SERVICES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby changes the zone classification of the property shown on the map (Exhibit A) and the legal description (Exhibit B) both attached to the Planning Department's Agenda Memo from RPZD, Residential Planned Zoning District to CS, Community Services.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends the official zoning map of the City of Fayetteville to reflect the zoning change provided in Section 1.

City of Fayetteville Staff Review Form

2024-705

Item ID

11/19/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jonathan Curth	11/1/2024	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

RZN-2024-0051: Rezoning (W. MARTIN LUTHER KING JR. BLVD AND S. SMOKEHOUSE TRL/D&B OF NORTHWEST ARKANSAS LLC, 595): Submitted by GAVIN SMITH CIVIL ENGINEERING for property located southeast of the intersection of W. MARTIN LUTHER KING JR. BOULEVARD AND S. SMOKEHOUSE TRAIL in WARD 1. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 4.49 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

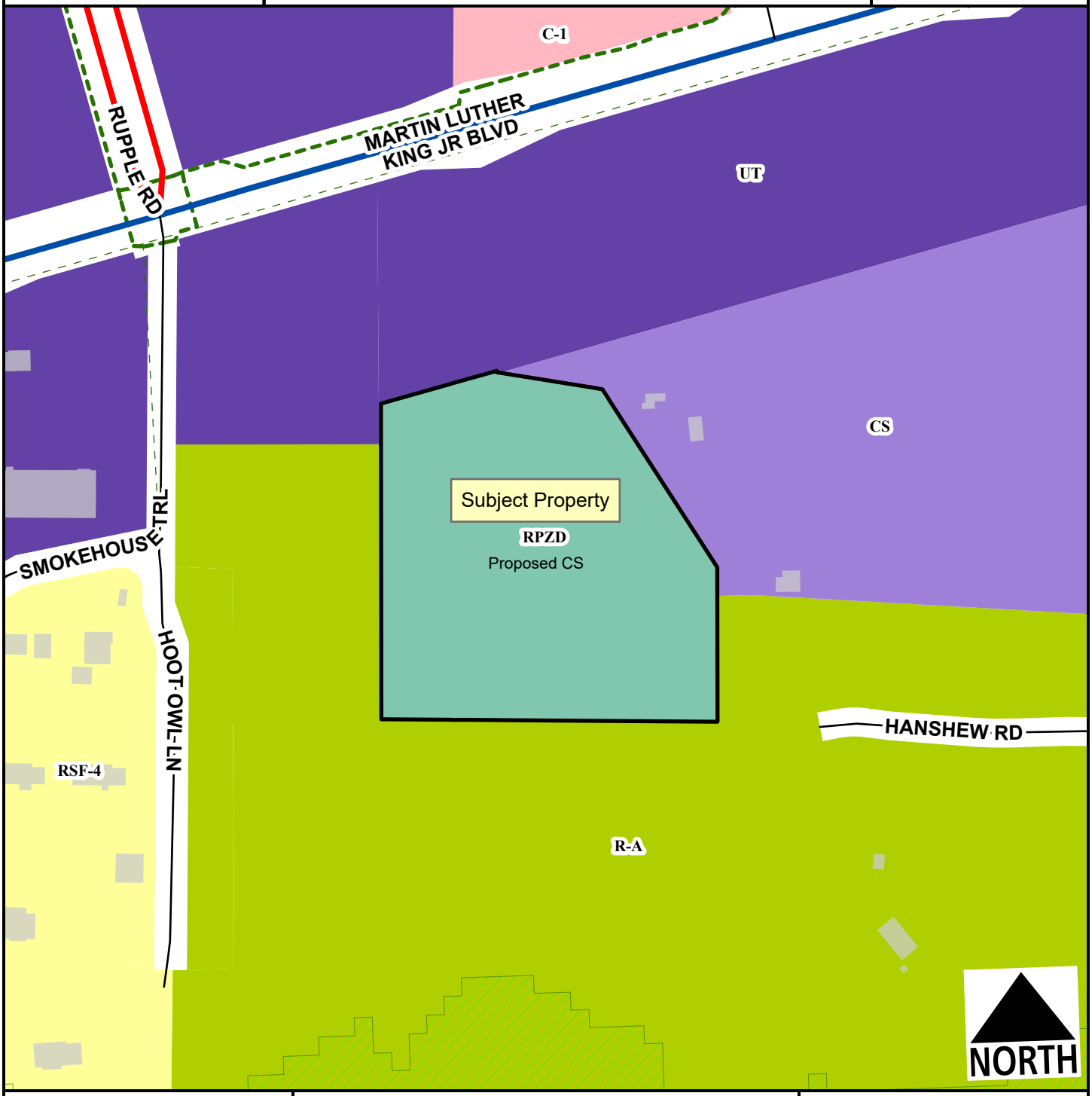
Comments:

RZN-2024-0051

Close Up View

W. MARTIN LUTHER KING JR. BLVD AND S. SMOKEHOUSE

Exhibit 'A'
RZN-2024-0051



- Regional Link
- Regional Link - High Activity
- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
CS	0.0	4.5
R-A	0.0	0.0
RPZD	4.5	0.0
UT	0.0	0.0

Total 4.5 ac

Exhibit 'B'
RZN-2024-0051

GAVIN SMITH
CIVIL ENGINEERING

September 17, 2024

From: Gavin Smith, PE CFM
Gavin Smith Civil Engineering, LLC
393 N Allen Street
Fayetteville, AR 72701

To: Fayetteville Development Services
125 West Mountain Street
Fayetteville, AR 72701

RE: Rezone of Part of Parcel #762-16280-000 – LEGAL DESCRIPTION

LEGAL DESCRIPTION OF PARCEL #762-16280-000:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING STONE MARKING THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND RUNNING THENCE N87°36'10"W 96.00' TO AN EXISTING REBAR, THENCE N01°55'39"E 742.00' TO AN EXISTING REBAR ON THE SOUTH RIGHT-OF-WAY OF U.S. HIGHWAY #62 (MARTIN LUTHER KING JR. BOULEVARD), THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING: N75°58'23"E 57.56' TO AN EXISTING REBAR, S89°47'42"E 82.40' TO AN EXISTING REBAR, N59°44'38"E 26.76' TO AN EXISTING REBAR, THENCE LEAVING SAID SOUTH RIGHT-OF-WAY S01°54'39"W 294.94', THENCE S78°55'38"E 147.57', THENCE S30°52'00"E 293.27', THENCE S01°55'11"W 213.44' TO THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, THENCE ALONG SAID SOUTH LINE N87°36'10"W 369.02' TO THE POINT OF BEGINNING, CONTAINING 5.59 ACRES, MORE OR LESS. SUBJECT TO THAT PORTION IN MARTIN LUTHER KING JR. BOULEVARD MASTER STREET PLAN RIGHT-OF-WAY ON THE NORTH SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

.

LEGAL DESCRIPTION OF AREA TO BE REZONED:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING STONE MARKING THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND RUNNING THENCE N87°36'10"W 96.00' TO AN EXISTING REBAR, THENCE LEAVING SAID SOUTH LINE N01°55'39"E 436.64', THENCE N76°15'06"E 166.64', THENCE S01°54'39"W 2.06', THENCE S78°55'38"E 147.57', THENCE S30°52'00"E 293.27', THENCE S01°55'11"W 213.44' TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST, THENCE ALONG SAID SOUTH LINE N87°36'10"W 369.02' TO THE POINT OF BEGINNING, CONTAINING 4.49 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Britin Bostick, Long Range Planning/Special Projects Manager

MEETING DATE: October 28, 2024 updated w/ meeting results

SUBJECT: **RZN-2024-0051: Rezoning (W. MARTIN LUTHER KING JR. BLVD AND S. SMOKEHOUSE TRL/D&B OF NORTHWEST ARKANSAS LLC, 595):** Submitted by GAVIN SMITH CIVIL ENGINEERING for property located southeast of the intersection of W. MARTIN LUTHER KING JR. BOULEVARD AND S. SMOKEHOUSE TRAIL. The property is zoned RPZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 4.49 acres. The request is to rezone the property to CS, COMMUNITY SERVICES.

RECOMMENDATION:
Staff recommends forwarding **RZN-2024-0051** to the City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **RZN-2024-0051** to the City Council with a recommendation of approval."*

BACKGROUND:
The subject property is located in southwest Fayetteville, just southeast of the intersection of W. Martin Luther King Jr. Boulevard and S. Smokehouse Trail on the south side of W. Martin Luther King Jr. Boulevard. The property contains one parcel totaling 5.59 acres which is undeveloped and zoned UT, Urban Thoroughfare and RPZD, Residential Planned Zoning District. Hydric soils are not present, and no protected streams or FEMA-designated floodplain and no Hillside/Hilltop Overlay District are present on site. Surrounding land uses and zoning are depicted below in *Table 1*.

Table 1:
Surrounding Land Uses and Zoning

Direction	Land Use	Zoning
North	Undeveloped	UT, Urban Thoroughfare
South	City Park/Single-Family Residential	R-A, Residential Agricultural
East	Undeveloped	R-A, Residential Agricultural/UT, Urban Thoroughfare/CS Community Services
West	Undeveloped/City Park	R-A, Residential Agricultural/UT, Urban Thoroughfare

Request: The request is to rezone 4.49 acres of the total 5.59 acres of the subject property from RPZD, Residential Planned Zoning District to CS, Community Services.

Public Comment: Staff has not received public comment on this request.

INFRASTRUCTURE AND ENVIRONMENTAL REVIEW:

Streets: The subject area does not have public street frontage. The overall property has frontage to W Martin Luther King Jr Boulevard, a partially improved regional link high activity street, with asphalt paving and curb and gutter. Any street improvements required in these areas would be determined at the time of development proposal.

Water: Public water is not available to the subject area. The overall property has access to an 18" water line that is present along the south side of W Martin Luther King Jr Boulevard.

Sewer: Sanitary Sewer is not available to the subject area or the overall property.

Drainage: The subject property does not lie within a FEMA-designated floodplain and no protected streams are identified on the subject property or surrounding properties. Hydric soils are not present on site. The subject property is not located within the Hillside/Hilltop Overlay District. Any additional improvements or requirements for drainage will be determined at time of development.

Fire: Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development. Station 6, located at 900 S. Hollywood Ave., protects this site. The property is located approximately 1.8 miles from the fire station with an anticipated drive time of approximately 5 minutes using existing streets. The anticipated response time would be approximately 7.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed zoning district, CS, Community Services, requires **20% minimum canopy preservation**. The current zoning district, RPZD, Residential Planned Zoning District, requires **25% minimum canopy preservation**.

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **City Neighborhood**.

City Neighborhoods are more densely developed than residential neighborhood areas and provide a mix of non-residential and residential uses. This designation supports the widest spectrum of uses and encourages density in all housing types, from single family to multi-family. Non-residential and commercial uses are primarily located at street intersections and along major corridors. Ideally, commercial uses would have a residential component and vary in size, variety and intensity. The street network should have a high number of intersections creating a system of small blocks with a high level of connectivity between neighborhoods. Building setbacks and landscaping are urban in form with street trees typically being located within the sidewalk zone.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a score range of **4-5** for this site with a weighted score of **5** at the highest level. The following elements of the matrix contribute to the score:

- Adequate Fire Response (Station 6, located at 900 S. Hollywood Ave.)
- Near Water Main (18-inch main, W. Martin Luther King Jr. Boulevard)
- Near City Park (Holland Park, Kessler Mountain Regional Park)
- Near Paved Trail (Side Path Trail)
- Appropriate Future Land Use (City Neighborhood)

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** **Staff finds that the requested rezoning is compatible with surrounding land uses. The subject property is located in west Fayetteville near the southeast corner of the intersection of W. Martin Luther King Jr. Boulevard, S. Rupple Road, and S. Smokehouse Trail. A rezoning to CS, Commercial Services, would allow similar residential development and commercial uses in an area that currently allows a mix of residential and commercial uses. The property's current zoning, RPZD, allows for development that staff finds to be also consistent with current development and zoning patterns in that area given the large lots with low intensity residential development and protected recreation areas to the south. Prior to the rezoning to RPZD in 2023, the subject property had both CS and R-A zoning, and the proposed rezoning would be similar to prior zoning, with additional land area to the south of the prior CS zoning district incorporated.**

Land Use Plan Analysis: **Staff finds that a rezoning to CS would be consistent with the City's adopted land use plans. City Plan 2040's Future Land Use Map designates the property as City Neighborhood. These areas are intended to support a wide variety of housing and commercial types in walkable urban neighborhoods. The property does have a low infill score of 4-5 as this area has higher-intensity zoning entitlements but has not yet seen a lot of the necessary infrastructure for higher intensity development.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **Staff finds that there is sufficient justification for rezoning the property from RPZD to CS. Staff finds that the proposed rezoning is compatible with surrounding properties and consistent with the City's future land use plans. It is also consistent with the zoning of the property prior to the rezoning to RPZD in 2023.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **A rezoning from RPZD to CS has the potential to minimally increase vehicular traffic in the area when considering that the property is currently entitled for similar residential development, and the area proposed to be**

rezoned has several constraints. Between 2019 and 2023, one traffic crash was reported adjacent to the property and forty-seven crashes, four with suspected minor injury, eight with possible injury, and forty-four with no apparent injury, were reported on W, Martin Luther King Jr. Boulevard between with intersections with S. Camelia Lane and S. Rupple Road.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **Rezoning the property from RPZD to CS has minimal potential to alter the population density given the size of the property and surrounding zoning and uses, although CS in combination with other similarly zoned parcels could allow for increased residential or commercial development. Given the property's proximity to public streets, and water, staff finds that the proposed rezoning is not likely to undesirably increase the load on public services. Sewer improvements would be needed for future development, however. Any necessary upgrades or improvements to existing infrastructure would be determined at the time of development. Fayetteville Public Schools did not comment on this request.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

RECOMMENDATION: Planning staff recommend forwarding RZN-2024-0051 to the City Council with a recommendation of approval.

PLANNING COMMISSION ACTION:		**Required**	**YES**
Date: October 28, 2024	❒ **Tabled**	☒ **Forwarded**	❒ **Denied**
Motion: Payne		w/ recommendation of approval	
Second: McGetrick			
Vote: 8-0-0			

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
  - §161.22 Community Services
  - Ord. 6669 for PZD-2023-0002
- Request Letter
- One Mile Map
- Close-Up Map
- Current Land Use Map
- Future Land Use Map

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations*.

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations*.

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

(G) *Minimum Buildable Street Frontage.*50% of the lot width.

Doc ID: 021161930029 Type: REL
Kind: ORDINANCE
Recorded: 07/06/2023 at 03:46:17 PM
Fee Amt: $155.00 Page 1 of 29
Washington County, AR
Kyle Sylvester Circuit Clerk
File 2023-00017259

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

ARCHIVED

Ordinance: 6669

File Number: 2023-776

PLANNED ZONING DISTRICT-2023-0002: (SOUTHEAST OF W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRAIL/SWEET BAY AT KESSLER, 596):

AN ORDINANCE TO APPROVE A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED PZD-2023-002 FOR APPROXIMATELY 4.49 ACRES LOCATED SOUTHEAST OF WEST MARTIN LUTHER KING, JR. BOULEVARD AND SOUTH SMOKEHOUSE TRAIL IN WARD 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves PZD-2023-02 as described in Exhibits "A", "B" and "C" attached to the Planning Division's Agenda Memo which allows the development of 2.93 acres for residential units, 0.49 acres for parkland dedication, and 1.07 acres for primarily natural preservation.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning criteria change provided in Section 1 above.

PASSED and APPROVED on June 6, 2023

Approved:

Lioneld Jordan, Mayor

Attest:

Kara Paxton, City Clerk Treasurer

CITY CLERK / TREASURER CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

This publication was paid for by the City Clerk-Treasurer of the City of Fayetteville, Arkansas. Amount paid: $98.80

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2023-776

MEETING OF JUNE 6, 2023

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Jessica Masters, Development Review Manager

DATE:

SUBJECT: **PZD-2023-0002: Planned Zoning District (SOUTHEAST OF W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRAIL/SWEET BAY AT KESSLER, 596): Submitted by GAVIN SMITH for property located SOUTHEAST OF W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRL. In WARD 1. The property is split zoned R-A, RESIDENTIAL AGRICULTURAL, CS, COMMUNITY SERVICES, and UT, URBAN THOROUGHFARE and contains approx. 5.59 acres. The request is to rezone 4.49 acres of the property to a PLANNED ZONING DISTRICT.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is located in west Fayetteville, southeast of the intersection of W. Martin Luther King Jr. Blvd and S. Rupple Road. While a leg of the overall property has frontage along W. Martin Luther King Jr. Blvd, the area in question is about 300 feet south without access to a public street. Undeveloped and mostly covered in tree canopy, there is an approximately 7% slope upward as the portion of the property in question moves south. The entire property is outside of the Hillside Hilltop Overlay District.

Proposal: The applicant requests to rezone the property to a Residential Planned Zoning District with three Planning Areas, as described below:

- **Planning Area #1 – 2.93 acres:** The intention of this planning area is to provide cabin-style single-family homes at a maximum density of 10 units per acre that are clustered and concentrated to leave additional room in the planning area for parking, detention, and utilities. The allowable uses are similar to but more limited than those allowed in other single-family zoning districts such as RSF-4 or NC, Neighborhood Conservation.
- **Planning Area #2 – 0.49 acres:** This planning area is intended for parkland dedication. The area in question currently includes a portion of a downhill mountain biking trail. Parkland dedication would be required to be evaluated by the Parks and Recreation Advisory Board, and a full evaluation of its suitability for City acquisition would take place during the large-scale development process. The permitted uses are similar to those in the P-1, Institutional zoning district.

- **Planning Area #3 – 1.07 acres:** This planning area is intended for natural preservation. There are limited uses permitted, but it does allow for cultural and recreational facilities and other city-wide uses by right.

Public Comment: Staff received minimal public comment on the request, limited primarily to inquiries, and no comments of outright support or opposition. No public comment was offered at the Planning Commission meeting.

Land Use Compatibility: Staff finds the applicant's request to be compatible with existing surrounding land uses. While zoned for higher entitlements generally, the area in question is minimally developed and well-forested. The applicant's request reflects an incremental increase in density and intensity that both respects the natural features of the site (the slope into Kessler Mountain), while also leaving room at the northern portion of the site for higher intensity uses allowable by-right in its current zoning district. The separation of the PZD into three planning areas indicates a specific intention to work within the confines of existing amenities on the site, including a mountain bike trail that runs into the adjacent property to the west. That same property is also pending transfer to the City of Fayetteville Parks and Recreation Department. The proposed use of single-family cabins is architecturally compatible with the surrounding environment as well. The applicant's request would also allow for short-term rentals. However, since the overall planned zoning district is strictly residential and does not include any commercial or mix of uses, staff finds that any cabins that would like to pursue a short-term rental would require a conditional use permit.

Land Use Plan Analysis: Staff finds that the request is consistent with the City's land use and zoning plans. Recently, the City Council adopted a new street section for Smokehouse Trail to incorporate on-street parking to the adjacent mountain biking trails, including the Fayetteville Traverse. Further, the proposal respects the Future Land Use map distinction by leaving the existing UT zoning as is, to allow for higher intensity uses in the future. Staff finds that the proposal meets City Plan 2040 goals by making appropriate infill a high priority; the infill score for the site is currently quite low, so inserting single-family cabins in the area acts as a good transitional development to future high-density development. The proposal also capitalizes on proximity to the trail network.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix indicates a low infill score for the subject property of 4. The elements vary by the area of the property being considered, and include the following:

- Adequate Fire Response (Station #6, 990 S. Hollywood Avenue)
- Near City Park (Centennial Park)
- Near Paved Trail (S. Rupple Road)
- Appropriate Future Land Use (City Neighborhood Area)

DISCUSSION:

At the May 8, 2023 Planning Commission meeting, a vote of 8-0-0 forwarded the request to City Council with a recommendation of approval, with conditions as recommended by staff. Commissioner Garlock made the motion and Commissioner Brink seconded. Conversation on the item centered mostly around whether short-term rentals would need a conditional use permit in the PZD, and staff explained that short-term rentals are typically permitted by-right in every zoning district since Type 1s (owner-occupied) are always allowed where there are residential uses, and that Type 2s (permanent short-term rentals) would need to acquire a conditional use permit. Commissioner Brink felt that the smaller house type may lend itself to a short-term rental use, though was compatible with the surroundings , and Commissioner Garlock commented that the smaller

housing type met a specific housing need. In the intervening time between the Planning Commission meeting and the City Council meeting, the applicant made minor changes to the PZD booklet as recommended by staff, and also moved all short-term rentals, or STRs, to a conditional use in Planning Area 1. Commissioners in favor found that the level of development was incremental in nature, and there were no votes in opposition. No members of the public spoke during the meeting.

BUDGET/STAFF IMPACT:

ATTACHMENTS: SRF, Exhibit A, Exhibit B, PZD Booklet, Planning Commission Staff Report

File #: 2023-776

PZD-2023-0002: Planned Zoning District (SOUTHEAST OF W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRAIL/SWEET BAY AT KESSLER, 596): Submitted by GAVIN SMITH for property located SOUTHEAST OF W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRL. In WARD 1. The property is split zoned R-A, RESIDENTIAL AGRICULTURAL, CS, COMMUNITY SERVICES, and UT, URBAN THOROUGHFARE and contains approx. 5.59 acres. The request is to rezone 4.49 acres of the property to a PLANNED ZONING DISTRICT.

AN ORDINANCE TO APPROVE A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED PZD-2023-002 FOR APPROXIMATELY 4.49 ACRES LOCATED SOUTHEAST OF WEST MARTIN LUTHER KING, JR. BOULEVARD AND SOUTH SMOKEHOUSE TRAIL IN WARD 1

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves PZD-2023-02 as described in Exhibits "A", "B" and "C" attached to the Planning Division's Agenda Memo which allows the development of 2.93 acres for residential units, 0.49 acres for parkland dedication, and 1.07 acres for primarily natural preservation.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning criteria change provided in Section 1 above.

City of Fayetteville Staff Review Form

2023-776

Item ID

6/6/2023

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth	5/19/2023	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

PZD-2023-0002: Planned Zoning District (SOUTHEAST OF W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRAIL/SWEET BAY AT KESSLER, 596): Submitted by GAVIN SMITH for property located SOUTHEAST OF W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRL. In WARD 1. The property is split zoned R-A, RESIDENTIAL AGRICULTURAL, CS, COMMUNITY SERVICES, and UT, URBAN THOROUGHFARE and contains approx. 5.59 acres. The request is to rezone 4.49 acres of the property to a PLANNED ZONING DISTRICT.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number: _____ **Previous Ordinance or Resolution #** _____

Change Order Number: _____ **Approval Date:** _____

Original Contract Number: _____

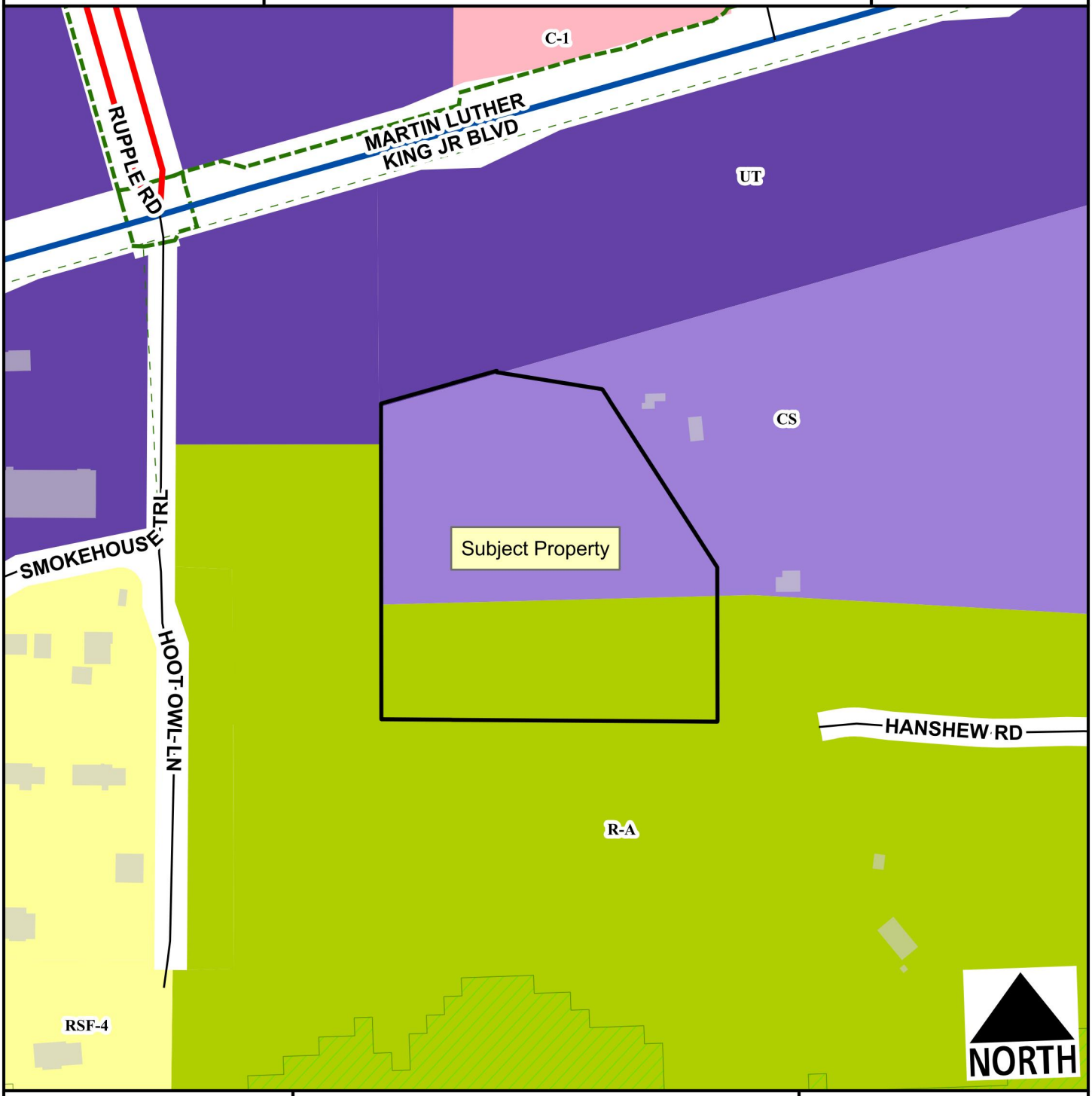
Comments:

PZD-2023-0002

Close Up View

W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE

EXHIBIT 'A'
PZD-2023-0002



- Regional Link
- Regional Link - High Activity
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)

Feet

0 75 150 300 450 600

1:2,400

- Residential-Agricultural
- RSF-4
- C-1
- Urban Thoroughfare
- Community Services

EXHIBIT 'B'
PZD-2023-0002

Bates & Associates, Inc.
Civil Engineering & Surveying
7230 S. Pleasant Ridge Dr / Fayetteville, AR 72704
PH: 479-442-9350 / www.batesnwa.com

March 8, 2023

RE: Legal description of an area of land for a PZD on a portion of "Adjusted Tract 2" from Property Line Adjustment survey 2021-33895

LEGAL DESCRIPTION FOR PZD:
A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING STONE MARKING THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24 AND RUNNING THENCE ALONG THE SOUTH LINE THEREOF N87°36'10"W 96.00' TO AN EXISTING REBAR, THENCE LEAVING SAID SOUTH LINE N01°55'39"E 436.64', THENCE N76°15'06"E 166.64', THENCE S01°54'39"W 2.06', THENCE S78°55'38"E 147.57', THENCE S30°52'00"E 293.27', THENCE S01°55'11"W 213.44' TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24, THENCE ALONG SAID SOUTH LINE N87°36'10"W 369.02' TO THE POINT OF BEGINNING, CONTAINING 4.49 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

Sweet Bay @ Kessler



Revised 5/8/2023

A: Ownership:

D&B of Northwest Arkansas, LLC

PO Box 1146

Farmington, AR 72730

B. Scope & Project

Project Description:

The total property is 5.59 acres. The Planned Zoning District is for the rear 4.49 acre portion of the property. Currently the property, roughly a boot shape, includes 3 different zonings. The front of the project lot borders MLK and is zoned as UT: Urban Thoroughfare; 1.10 acres (19.7%). The middle portion is zoned CS: Community Services; 2.69 acres (48.1%). The rear of the Project is zoned R-A: Residential-Agricultural; 1.80 acres (32.2%).

This proposal only unifies and rezones the back 2 sections, from CS and R-A to RPZD. The front portion will remain UT and be developed for a commercial use appropriate to the frontage. The purpose of this Rezone is to uniformly develop the back portion of the site. Currently the small portion of land at the rear has less than the minimum 2 acres for even a single home. Every effort has been made to tone down the development style of the proposal towards a balanced use of the forested toe of Kessler Mountain.

Scope:

(25) cabin like single family residences and associated roads, parking, natural spaces, and public utilities.

C. General Project Concept

1. Site Major Elements Considerations:
   i. Flexibility – This proposal offers an alternative not available directly though other zoning. By squeezing the parking areas together and distributing the houses on only those portions of land suitable for construction without regard to street frontage, this plan utilizes the site for a residential use, while maximizing and preserving the maximum amount of natural space.
   ii. Compatibility – The surrounding properties are undeveloped, with a high development possibility to the north and a low possibility to the south. This project incorporating a medium density with an emphasis on tree preservation and natural space serves as a gradual transitional area between the undeveloped forest of Mount Kessler and the intense corridor of MLK.
   iii. Harmony – Several design considerations for this project were tree preservation and maintaining the character of the land including the medium mature woodlands and transitional ecological succession character of the former farmland.
   iv. Variety –This PZD offers variety because it includes a preservation approach for the onsite wooded drainage channels, includes a preservation area around the existing bike trail, and includes several small pods of houses that each have a group orientation to create 4 to 5 separate micro communities.
   v. No negative impacts – This project does not create negative impacts for future developments on adjacent properties. The natural drainage pattern changes and other changes are mitigated within the boundary of the site.
   vi. Coordination – The neighboring property owners were all introduced to the project and given an opportunity to discuss the project. Several meetings were held with the owner of the corner property to discuss access. Both the trailblazer group (current owner) and the Fayetteville parks department were approached and invited to give input on the design and location of the PZD proposal. A loose association of the residential neighbors in the nearest neighborhood were

contacted. A presentation was given to them about the proposed development and a subsequent input session to hear their opinions.

vii. Open space – This proposal includes several natural areas adjacent to streams and focuses small clusters of residential units around shared open space and tight porch paths and orients the rears toward natural areas creating a front porch community feel. Neighbors must pass their neighbors' front doors on the way to their cars but can also find privacy.

viii. Natural features – Several natural intermittent channels and trees occupy the site. These areas are left as they are. Tree Preservation is discussed below.

ix. Future Land Use – Please see item J discussed below.

x. Special Features – This land is currently undeveloped. The site is now wooded but was previously farmland. The land is currently not utilized.

xi. Recognized Zoning Considerations – There are no recognized zoning considerations for this site.

2. Streets

Streets are 26' wide asphalt.

3. Trail and Pedestrian Connectivity

A proposed section of the trail would come to the site where it borders MLK giving residents direct access to the greenway system. The immediate trail connectivity would make car-less bicycle living feasible for the adventurous.

4. Lot Layout

This project is conceived as a single owner rental project without any proposed subdivision of lots.

5. Undisturbed Natural Buffer areas

The existing intermittent runoff channels on the site were carefully avoided and buffered against development. Trees adjacent to and in the channels have been left in place. Stream crossings are minimal and situated perpendicular for minimum disturbance.

6. Tree Preservation Areas

A giant and ancient oak tree was immediately identified as a critical tree for preservation. Many aspects of the unconventional layout of the site can be traced directly back to this tree and centering the development around it. Tree preservation areas are also intermittent channel buffering areas. The site layout was predicted to avoid work in and near the channels and preserving tree cover in a strip around the channels. PZDs require 25% of the canopy to be preserved. This proposal preserves slightly more than 30% as presented.

7. Stormwater Detention Areas and Drainage

Stormwater detention is achieved using porous gravel reservoirs situated beneath permeable paver parking areas. For greater rainstorm events like to the 50 and 100 year storms the parking lot is also designed to hold up to 6" of water, which is a great enough quantity to attenuate storm flows, but not enough to flood cars or damage property. Preliminary stormwater models show that the site as designed provides the required stormwater detention and water quality treatment required by the Drainage

Criteria Manual. Stormwater calculations and design will be verified and reviewed as part of a subsequent large-scale development, so while the presented design accounts for stormwater, the city will have additional opportunities for comment, review, and approval.

8. Fire Access and Fire Code

The cabins and roads as shown in the proposed exhibit meet all applicable requirements for fire apparatus access. The roads are 26’ wide. Turn radii are 28’ or greater. Road length from Appendix D compliant turn-arounds are 150’ or less. Two separate fire access roads connect the site to the street system, one at the front of the site to MLK and a second proposed drive connecting to Smokehouse Trail to the west.

9. Site Grading

The parking lots are situated parallel to the natural contours so that slight cut grading up hill and fill grading downhill allows the parking to the flat and double as detention areas. Each cabin is conceived as an elevated slab that preserves the adjacent native grade. Connection paths would be at grade. Necessarily flat areas to connect ADA parking to ADA units are situated on the lower parking area where the native grade is natural much flatter. This technique of following the contours for the graded elements reduces the amount of site grading and soil disturbance usually associated with a development of this size and density.

D. Site Areas

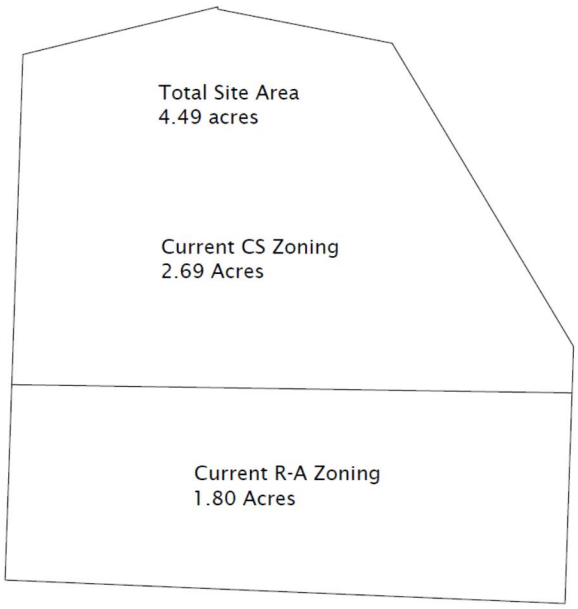


Figure 1 - Site Area of Current Zoning

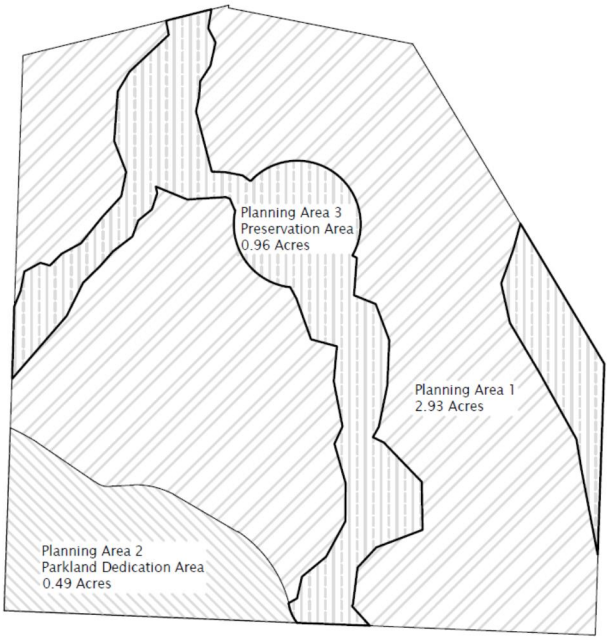


Figure 2 - Site Area of Proposed PZD

E. Existing & Proposed Zoning Standards

Existing RA

Existing CS

Proposed Planning area 1 – Single Family Residential

Proposed Planning Area 2 – Parkland Dedication

Proposed Planning Area 3 – Preservation Area

161.03 - District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities

Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)

(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5195, 11-6-08; Ord. No. 5238, 5-5-09; Ord. No. 5479, 2-7-12; Ord. No. 5945 , §3, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21)

Editor's note— Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

161.22 - Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings

Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories

(G) *Minimum Buildable Street Frontage.*50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800 , §1(Exh. A), 10-6-15; Ord. No. 5921 , §1, 11-1-16; Ord. No. 5945 , §§5, 7—9, 1-17-17; Ord. No. 6015 , §1(Exh. A), 11-21-17; Ord. No. 6223 , §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427 , §§1(Exh. C), 2, 4-20-21; Ord. No. 6497 , §1, 10-19-21)

Editor's note— Ord. No. 6625 , §1 adopted December 6, 2022, "determines that Section 2 of Ordinance 6427 (Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section."

RPZD Sweet Bay @ Kessler
Proposed Zoning

Planning Area 1	Single Family Residential Area.

(A) *Purposes.* *The purpose of this planning area is to provide single family living in a manner that increases community interaction by clustering houses and minimizing ecological disturbance by concentrating parking, detention, and utilities. This PZD creates a buffer between the low density and mostly undeveloped slope of Kessler Mountain and the high intensity of the rapidly growing MLK corridor connecting Fayetteville and Farmington.*

(B) *Uses*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 24	Home occupations
Unit 46	Short-term rentals

(C) *Density*

Units Per Acre	10

(D) *Bulk and Area Regulations*

Lot Width Minimum	None	
Lot Area Minmum	Residential	None
	Nonresidential	None
Lot Area per dwelling unit	None	

(E) *Setback Regulations*

Front	Side	Rear
15 feet	15 feet	15 feet

(F) *Height Requirments.*

3 stories

(G) *Building Area.*

None

RPZD Sweet Bay @ Kessler
Proposed Zoning

Planning Area 2	Park Land Dedication Area

(A) *Purposes.* *The purpose of this planning area is to create an area of park land. This area includes a part of a trailblazers downhill mountain biking trail. Trailblazers is currently in the process of donating the adjacent property to the city for the use of a downhill mountainbiking park. This area is proposed to be dedicated to the City during the large scale development of the subject property for this PZD.*

(B) *Uses*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Faclities

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 36	Wireless communication facilties
Unit 42	Clean technologies

(C) *Density*

Units Per Acre	N/A

(D) *Bulk and Area Regulations*

Lot Width Minimum	None	
Lot Area Minmum	Residential	None
	Nonresidential	None
Lot Area per dwelling unit	None	

(E) *Setback Regulations*

Front	Side	Rear
30 feet	20 feet	25 feet

(F) *Height Requirments.*

There shall be no maximum height limit, provided, however, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.*

On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

RPZD Sweet Bay @ Kessler
Proposed Zoning

Planning Area 3	Natural Preservation Area

(A) *Purposes.* *The purpose of this planning area is to create a buffer around the existing onsite drainage channels. This area is inlcusive of the high priority preservation Post oak tree.*

(B) *Uses*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 42	Clean technologies

(C) *Density*

Units Per Acre	N/A

(D) *Bulk and Area Regulations*

Lot Width Minimum	None	
Lot Area Minmum	Residential	None
	Nonresidential	None
Lot Area per dwelling unit	None	

(E) *Setback Regulations*

Front	Side	Rear
30 feet	20 feet	25 feet

(F) *Height Requirments.*

There shall be no maximum height limit, provided, however, if a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

(G) *Building Area.*

On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

F. Site Analysis

The site is covered evenly by a mixture of scrub to medium mature stands of oak/hickory forest on the lower toe of the Mount Kessler hill.

G. Recreational Facilities

The site is near both hiking trails in the hills above the old smokehouse and bike trails on the neighboring property owned and operated by trail blazers. The regional greenway system comes to the site.

H. Reason for Rezoning

The purpose of this Rezone is to uniformly develop the back portion of the site. This proposal only unifies and rezones the back to 2 sections, from CS and R-A to this PZD. The front portion will remain UT and be developed for mixed commercial use appropriate to the frontage.

I. Relationship to Adjacent Properties

To the North is ultimately MLK Boulevard, but the Large-Scale Development after this rezoning would include a proposed development of small size cluster of commercial spaces.

To the West are two properties, the northern is currently under review for a proposed gas station/convenience store, and the southern is owned by trailblazers and contains bike trails. This project would build an access between these two properties and a trail head for the trailblazer property.

To the East is a currently vacant property that was previously approved for an expansive RV park.

To the South is a lot owned by trailblazers that they are currently offering for sale.

J. Comprehensive Land Use Plan

The entirety of this site is designated as “City Neighborhood” in the 2040 Master Plan and is shown as such on the City’s “future Land Use Plan. The City Plan lays out guiding policies for City Neighborhood. This project complies with the lands use plan by providing:

1. Adequate infrastructure
2. Trail connectivity for walking and biking
3. ADA compliant mixed use
4. Appropriate density for the site
5. Streets and walking paths that suit the land
6. Encourage neighborliness
7. Vernacular materiality of built structures

K. Impact on City Services

This project would add to the water and sewer infrastructure of the city. This project would require trash services.

L. Conceptual Description

1. Screening and Landscape

The proposed landscape material for Sweet Bay @ Kessler shall share the Ozark – Woodland character of the surrounding areas by using plant species native to this region. The landscape palette will range from large shade trees, ornamental trees, to low, space-defining plantings that respond and reflect its context to Mt. Kessler Park. Provided buffers shall meet the required widths and materials as listed in the City of Fayetteville Code of Ordinances. The property is surrounded by commercial or residential-agricultural zones and will not negatively impact the adjacent properties.

2. Traffic Circulation

Traffic will enter the site via an existing curb cut along MLK.

3. Parking Standards

Parking shall be per the minimum requirements for the residential uses in the Unified Development Code in regard to standard spaces and ADA spaces, 2 spots per unit, with 2 ADA spaces.

4. Perimeter treatment

Where possible vegetation shall be left around the perimeter of the site.

5. Sidewalks

Concrete sidewalks shall connect the residential units to the public right of way with a continuous path.

6. Streetlights

Streetlights shall be added as required along streets for minimum lighting requirements. Parking lots shall include lighting. All outdoor lighting shall meet the requirements as set forth in UDC section 176, Outdoor Lighting, and shall be down cast and shielded.

7. Water

Water shall connect to the site via the mains along MLK. All water improvements shall be per the standard details and specifications of the city, reviewed by the city, and contingent upon approval of the Arkansas Department of Health.

8. Sewer

Sewer shall connect to the site via the manhole located at the intersection of MLK and Smoke House trail via a new main built in the existing easement along MLK. The existing easement contains an easement that has sufficient width to include a sewer main with appropriate offset. All water improvements shall be per the standard details and specifications of the city, reviewed by the city, and contingent upon approval of the Arkansas Department of Health.

9. Streets and Drainage

Streets shall be asphalt, 26' in width and capable of support heavy vehicles including fire trucks and trash trucks. Parking areas shall be permeable paver basin structures with void space gravel detention. Roofs shall be hard piped to parking basins. To the greatest extent possible natural surface drainage patterns shall be preserved. Drainage improvements shall meet the requirements of the Drainage criteria manual.

10. Construction of Non-residential Facilities

This PZD is primarily residential in nature. While some non-residential uses are listed in the permitted and conditional uses, no non-residential use is being considered.

11. Proposed Signage

No signage is proposed. Any and all signage shall meet the requirements as set forth in Unified Development Code section 174.

12. View Protection

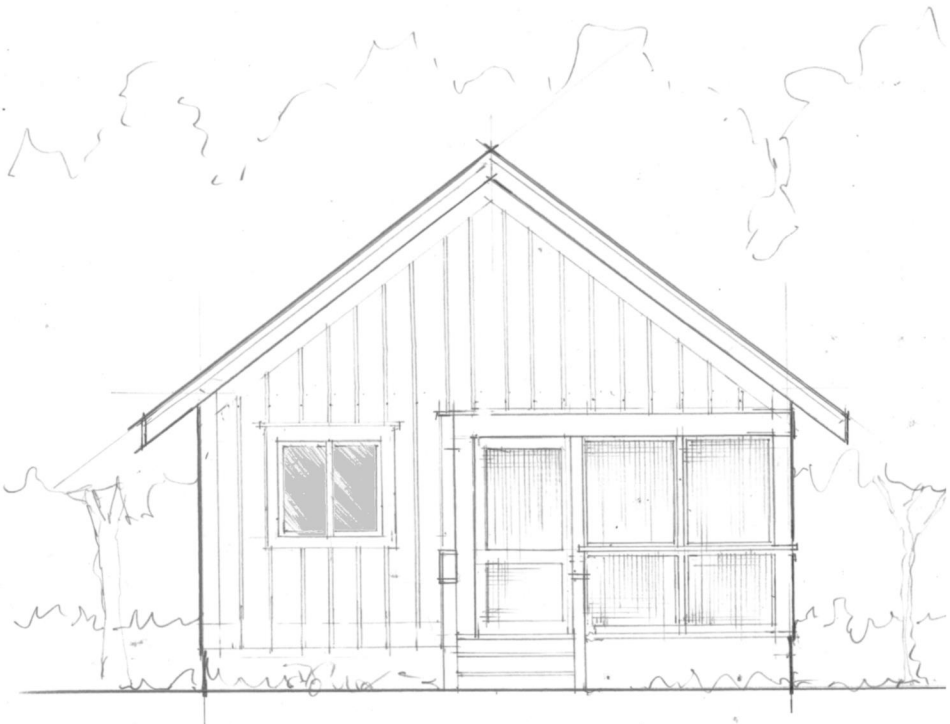
The site is isolated from direct public view by the neighboring properties.

13. Covenants, Trusts, and Homeowner Association

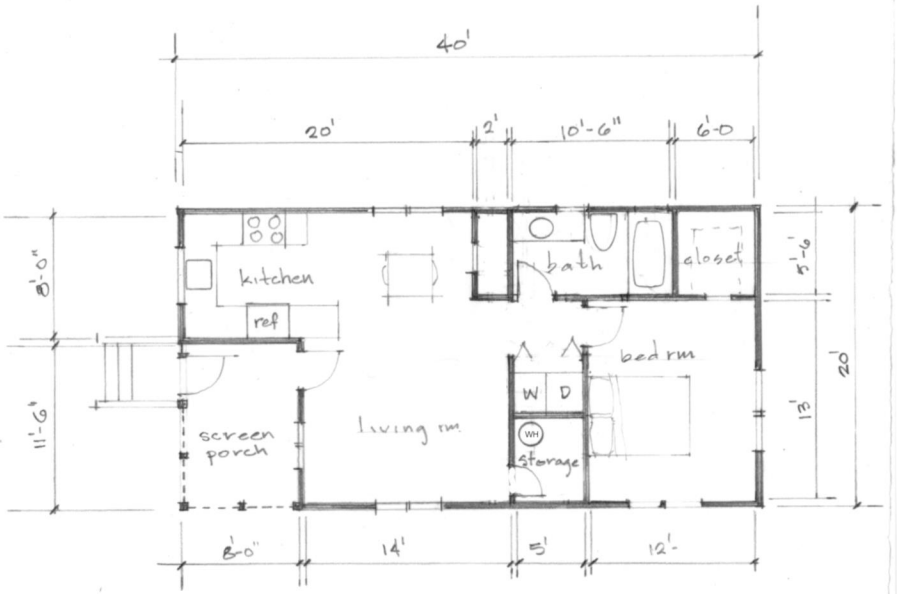
No covenants and no homeowner association are proposed. All common areas and maintenance shall be performed by the owner.

M. Architectural Standards

-Architectural standards shall generally reflect elevations as submitted.



front elevation



plan - 1 bedroom

HEATED SPACE: 700 SF

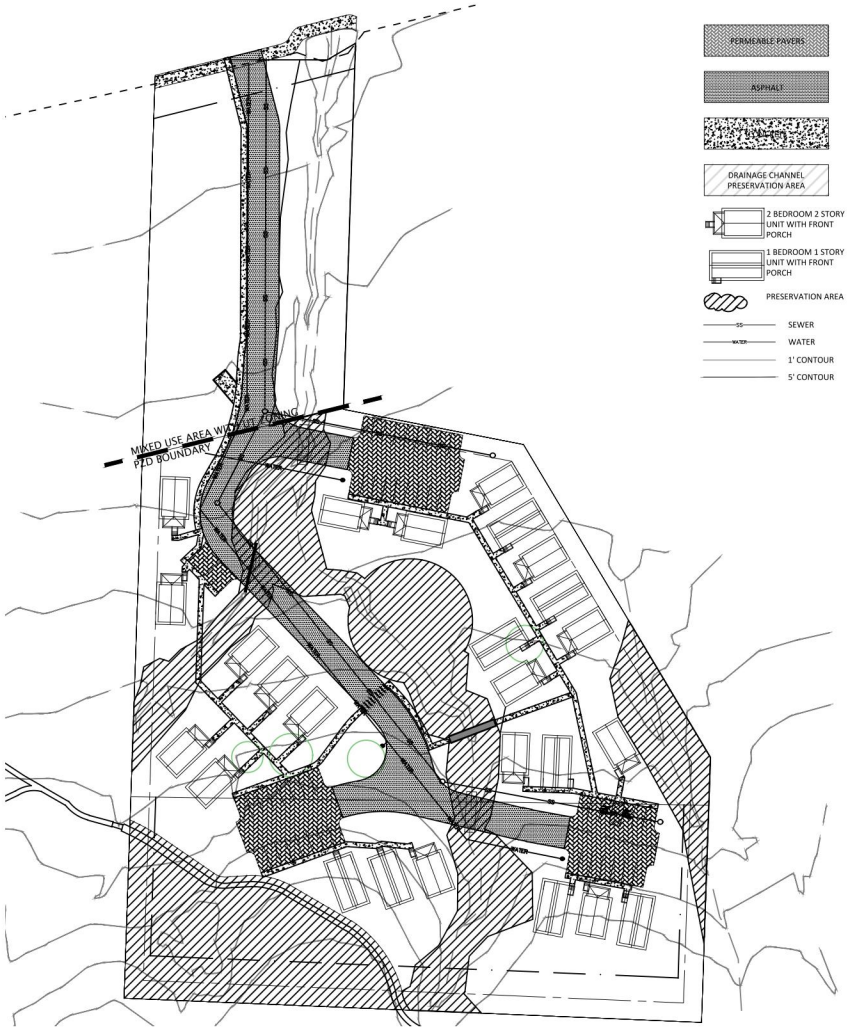
bowerbird design LLC
Michael Cockram
479 799 2404
michael@bowbird.com
232 Adams Street
Fayetteville, AR 72701

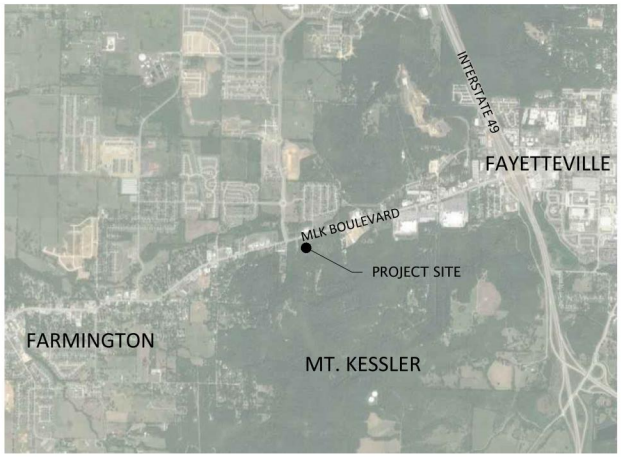
SWEET BAY AT KESSLER D & B OF NWA
FAYETTEVILLE, AR

HEATED SPACE: 1200 SF

N. PZD Exhibits

SWEET BAY @ KESSLER
PLANNED ZONING DISTRICT APPLICATION





VICINITY MAP

LEGAL DESCRIPTION FOR PZD:
A PART OF THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING STONE MARKING THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24 AND RUNNING THENCE ALONG THE SOUTH LINE THEREOF N87°36'10"W 96.00' TO AN EXISTING REBAR, THENCE LEAVING SAID SOUTH LINE N01°55'39"E 436.64', THENCE N76°15'06"E 166.64', THENCE S01°54'39"W 2.06', THENCE S78°55'38"E 147.57', THENCE S30°52'00"E 293.27', THENCE S01°55'11"W 213.44' TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24, THENCE ALONG SAID SOUTH LINE N87°36'10"W 369.02' TO THE POINT OF BEGINNING, CONTAINING 4.49 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

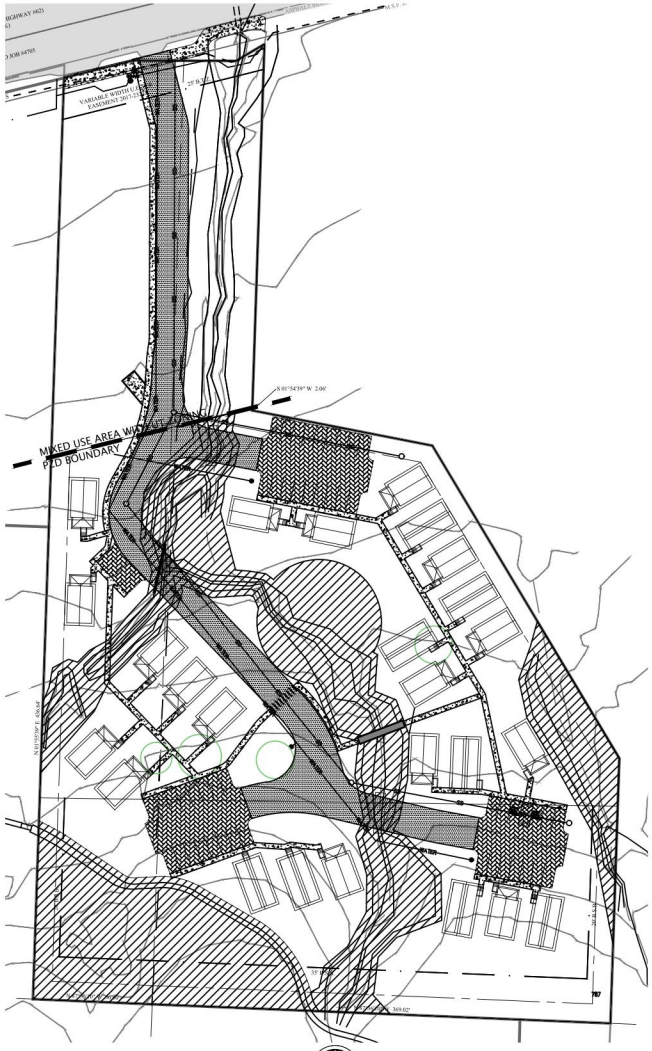
PARKING TABLE		
NUMBER OF SPACES BY USE: RESIDENTIAL - 2 PER UNIT		
REQUIRED	50 STANDARD SPACES TOTAL 1ADA SPACES/ 25 REQUIRED STANDARD SPACES	
PROVIDED	49 SPACES STANDARD 2 ADA SPACE	51 SPACES TOTAL

GAVIN R SMITH
CIVIL ENGINEERING

DATE: 5/8/2023

SWEET BAY @ KESSLER PROPERTY PZD SHEET 1

SWEET BAY @ KESSLER
PLANNED ZONING DISTRICT APPLICATION



NORTH

100 50 0 100

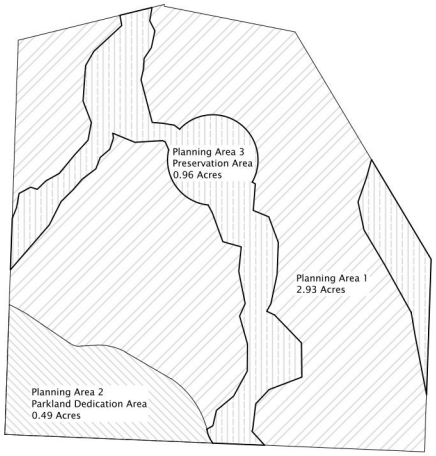
SCALE: 1" = 100'

GAVIN R SMITH
CIVIL ENGINEERING

DATE: 5/8/2023



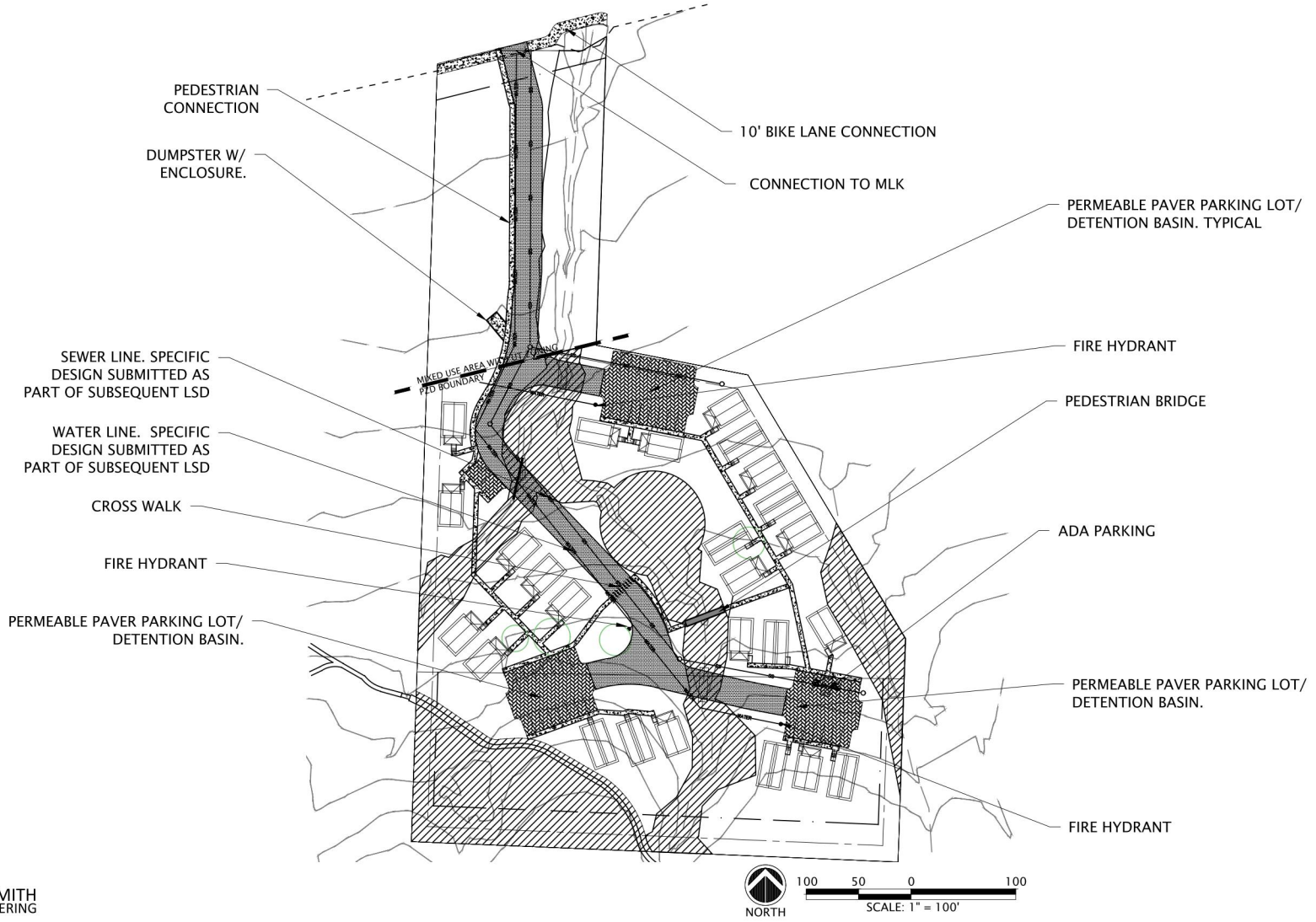
EXISTING ZONING



PROPOSED ZONING PLANNING AREAS

SWEET BAY @ KESSLER LAND USE PZD SHEET 2

SWEET BAY @ KESSLER
PLANNED ZONING DISTRICT APPLICATION



GAVIN R SMITH
CIVIL ENGINEERING

DATE: 5/8/2023

PZD SHEET 3

SWEET BAY @ KESSLER MASTERPLAN

GAVIN SMITH
CIVIL ENGINEERING

September 17, 2024

From: Jason Young
Gavin Smith Civil Engineering, LLC
393 N Allen Street
Fayetteville, AR 72701

To: Fayetteville Development Services
125 West Mountain Street
Fayetteville, AR 72701

RE: Rezone of Part of Parcel #762-16280-000 – Rezoning Request Letter

Dear Planning Staff,

Gavin Smith Civil Engineering (Applicant), of D&B of Northwest Arkansas (Owner), are requesting a Rezoning on part of a parcel within the City Limits of Fayetteville Arkansas.

The property subject to the requested rezoning is 5.59 acres on West Martin Luther King Boulevard, approximately 300 feet East of the intersection of South Rupple Road and South Smokehouse Trail, on the south side of West MLK Blvd. The subject property is assigned Washington County Parcel #765-16280-000, and is currently vacant/undeveloped.

The southern 4.49 acres of Parcel #765-16280-000, which is the area subject to this Rezoning request, is currently zoned as a Residential Planned Zoning District. The zoning designation was approved as PZD-2023-0002 at the June 6, 2023 City Council meeting. The remaining 1.10 in the northern portion of property has a zoning designation of Urban Thoroughfare.

The Applicant and Owner are requesting a rezoning of the 4.49 acres currently under the RPZD to be rezoned to CS, Community Services. The RPZD allows for permitted Use Units 1, 3, 8, and 41, and conditional use Units 2, 4, 24, & 46. A rezoning to Community Services also aligns with the Future Land Use designation of City Neighborhood Area, which encourages greater density as well as Non-Residential and Commercial uses. The rezoning of this area will allow for a significant increase in Permitted and Conditional uses, providing greater flexibility in the future development of this property.

The surrounding zoning designations of the proposed rezoning are a mixture of Urban Thoroughfare along Martin Luther King Boulevard, Community Services directly to the east, Residential-Agricultural to southeast, south, and west. A rezoning to Community Services is compatible with the surrounding area's zoning designations, and therefore will not adversely affect or conflict with the surrounding land uses.

The Applicant and Owner/Developer look forward to discussing this rezoning with Staff throughout the review process. Please contact the Applicant if there are any immediate questions or concerns regarding this application.

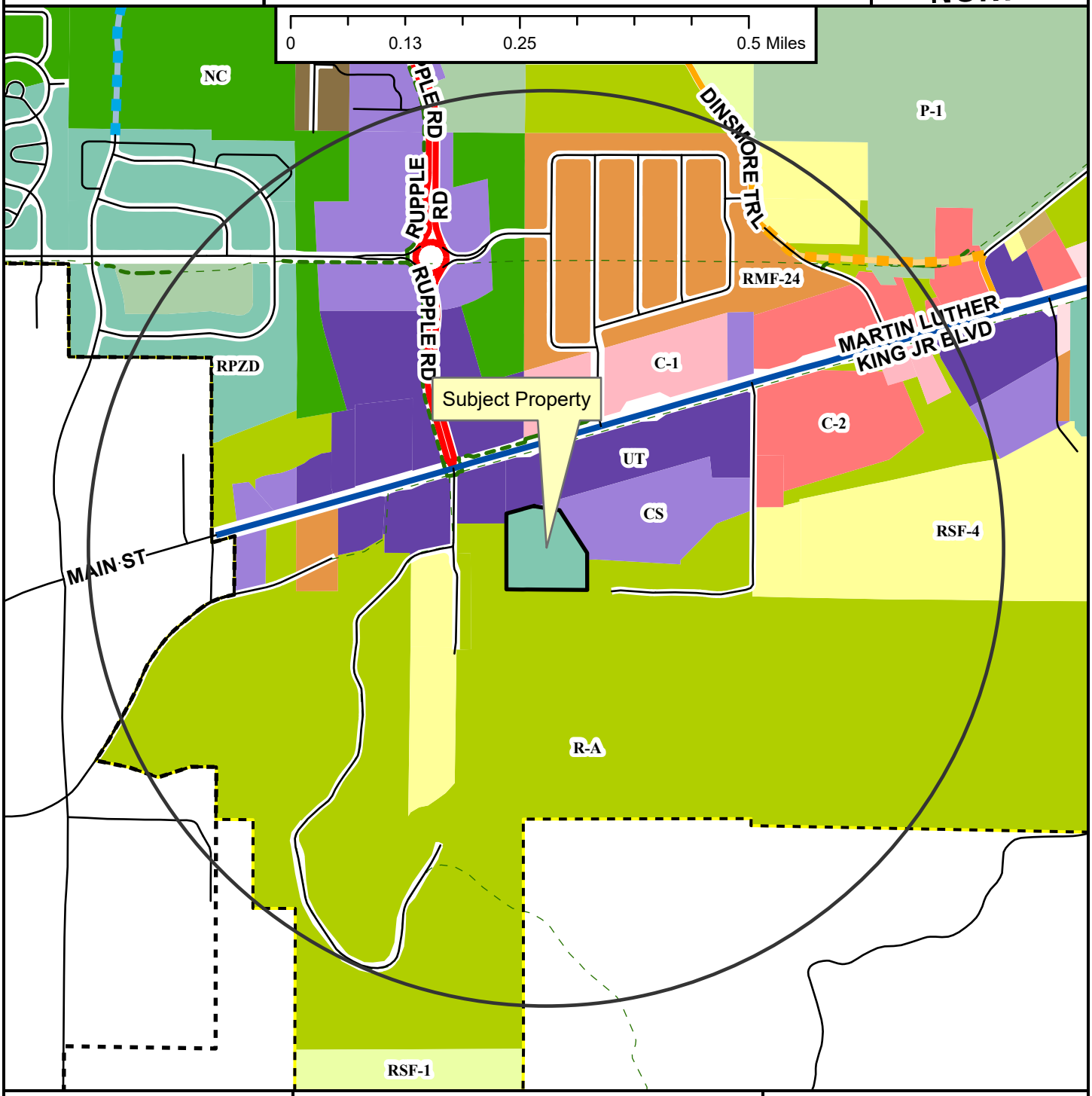
Thank You,
Jason Young

RZN-2024-0051

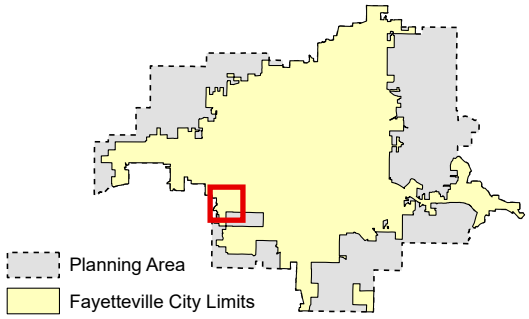
One Mile View

W. MARTIN LUTHER KING JR. BLVD AND S. SMOKEHOUSE

NORTH



Regional Link
Neighborhood Link
Regional Link - High Activity
Unclassified
Alley
Residential Link
Planned Neighborhood Link
Planned Residential Link
Shared-Use Paved Trail
Trail (Proposed)
Fayetteville City Limits
Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-18
RMF-24
RMF-40

INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial

EXTRACTION
E-1

COMMERCIAL
Residential-Office
C-1
C-2
C-3

FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
Main Street Center
Downtown General
Community Services
Neighborhood Services
Neighborhood Conservation

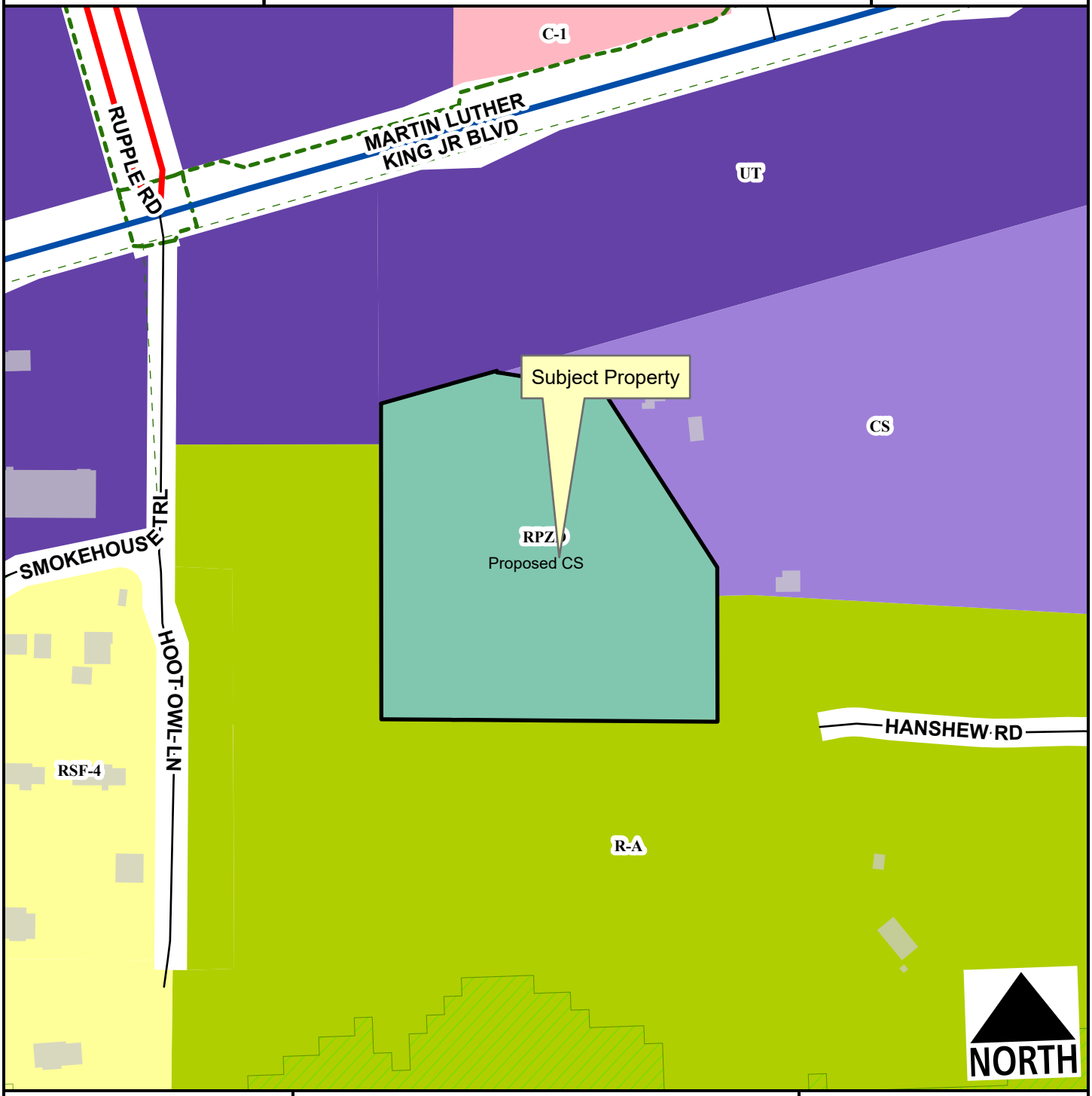
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

RZN-2024-0051

Close Up View

W. MARTIN LUTHER KING JR. BLVD AND S. SMOKEHOUSE



- Regional Link
- Regional Link - High Activity
- Residential Link
- Hillside-Hilltop Overlay District
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 75 150 300 450 600

1:2,400

Zone	Current	Proposed
CS	0.0	4.5
R-A	0.0	0.0
RPZD	4.5	0.0
UT	0.0	0.0

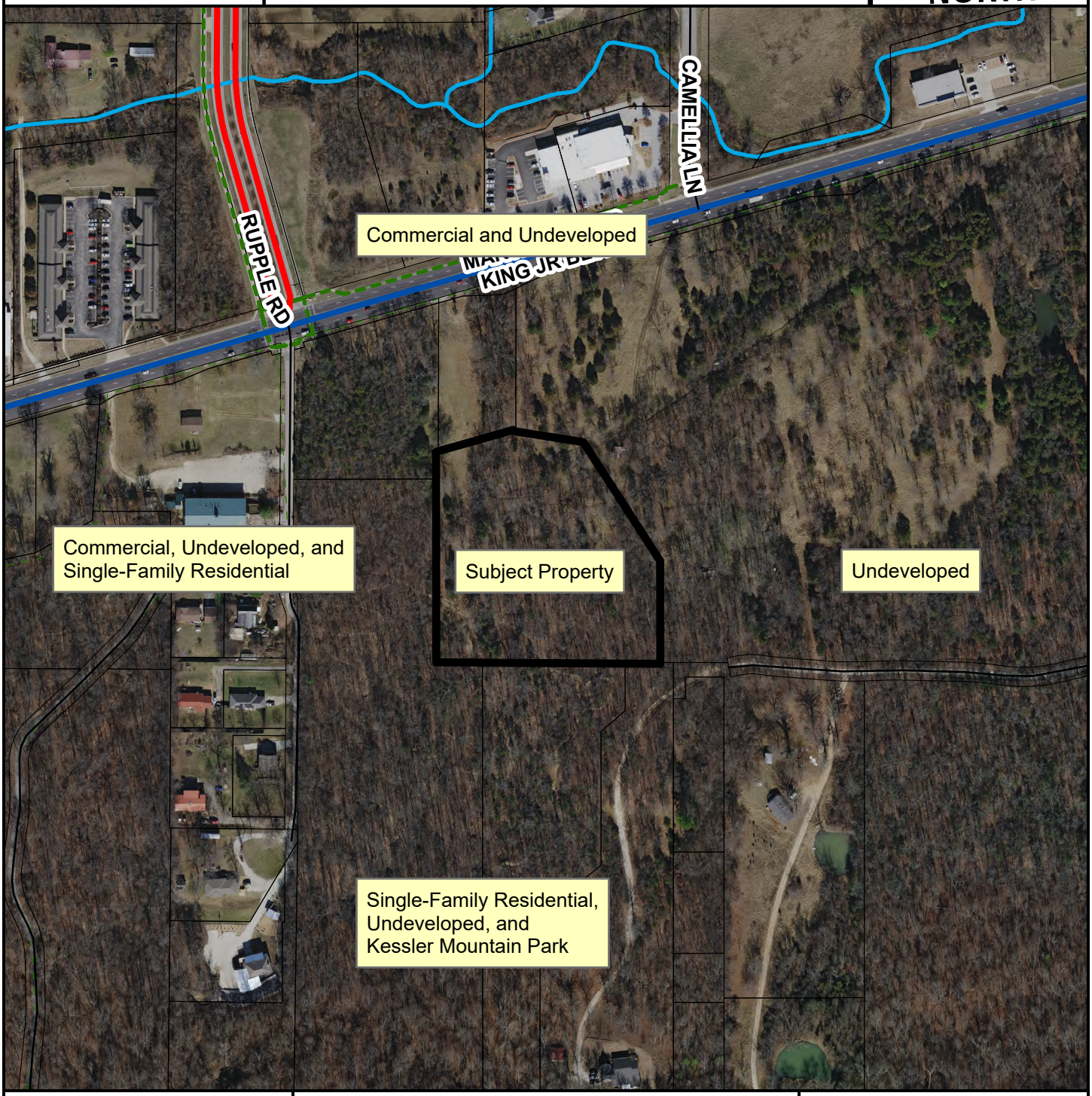
Total 4.5 ac

RZN-2024-0051

Current Land Use

W. MARTIN LUTHER KING JR. BLVD AND S. SMOKEHOUSE TRL

NORTH



- Regional Link
- Regional Link - High Activity
- Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits

Feet

0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

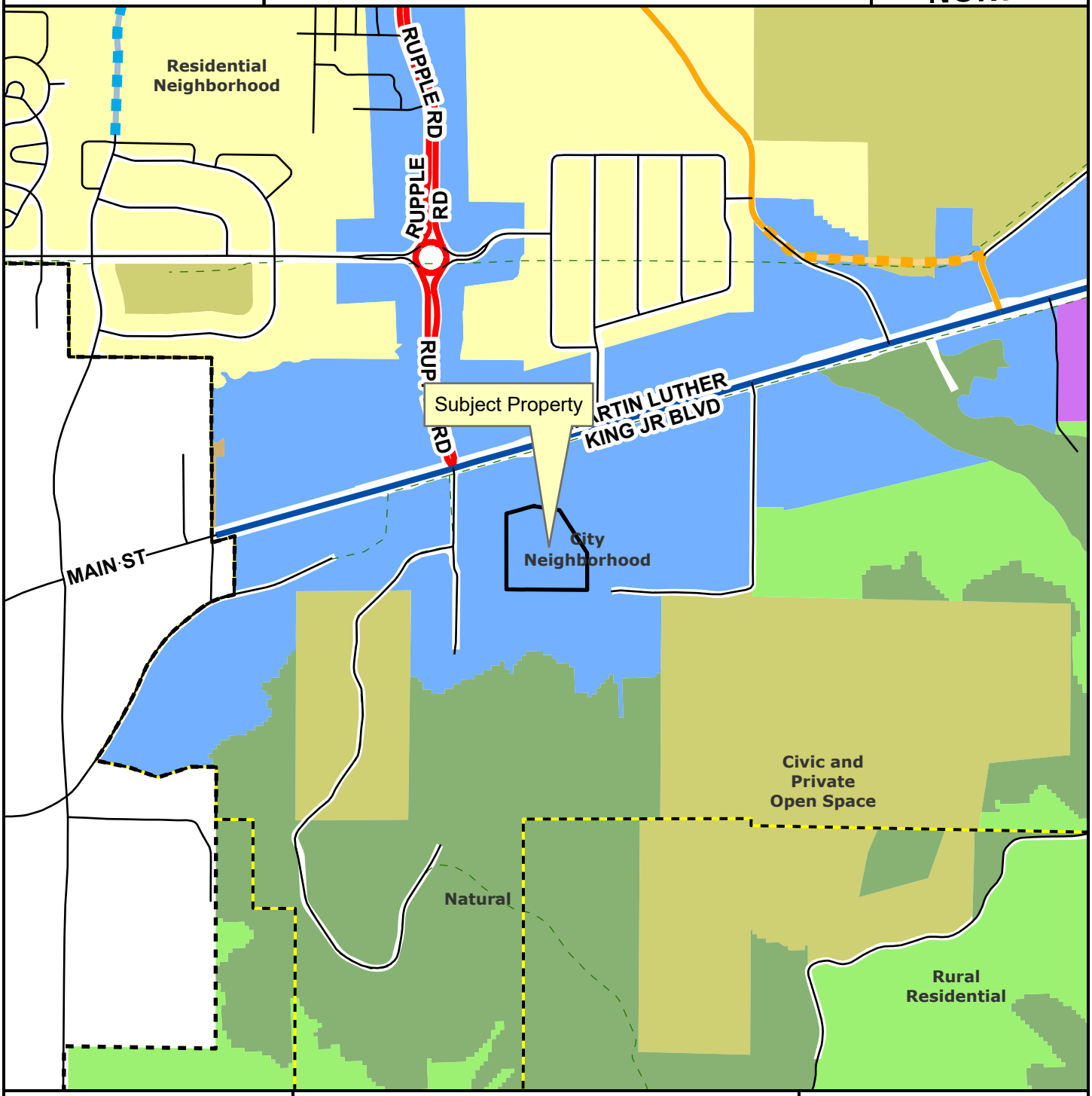
- 100-Year Floodplain
- Floodway

RZN-2024-0051

Future Land Use

W. MARTIN LUTHER KING JR. BLVD AND S. SMOKEHOUSE

NORTH



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Trail (Proposed)

Feet

0 305 610 1,220 1,830 2,440

1:10,000

- City Neighborhood
- Civic Institutional
- Civic and Private Open Space
- Industrial
- Natural
- Non-Municipal Government
- Residential Neighborhood
- Rural Residential
- Urban Center

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-747

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Chris Brown, Public Works Director

FROM: Matt Mihalevich, Active Transportation Manager

SUBJECT: **Safe Streets and Roads for All Grant Agreement**

RECOMMENDATION:
Staff recommends approval of Grant Agreement with the United States Department of Transportation's (USDOT) Federal Highway Administration (FHWA) for acceptance of a grant through the Safe Streets and Roads for All (SS4A) program, approval of a budget adjustment recognizing $25,000,000 in federal-aid funding and $1,250,000 in funding from the University of Arkansas, establishing a new fund (2235) to account for the proceeds of the grant, authorizing the Mayor to sign additional grant documents as necessary to implement the projects and approval of two full time staff positions to manage the federal-aid funding requirements.

BACKGROUND:
The Bipartisan Infrastructure Law (BIL) established the new Safe Streets and Roads for All (SS4A) discretionary program, with $5 billion in appropriated funds over 5 years, 2022-2026. The SS4A program funds regional, local, and Tribal initiatives through grants to prevent roadway deaths and serious injuries. The SS4A program supports the U.S. Department of Transportation's National Roadway Safety Strategy and our goal of zero roadway deaths.

Fayetteville was awarded Federal funding in the amount of $25 million through the SS4A program in December 2023. Funding was approved for Fayetteville's Vison Zero Strategy which focuses on five infrastructure projects as well as community education and awareness programming to be implemented over a five-year period. The University of Arkansas will be contributing half of the required matching funds for the Maple Street Project in the amount of $1,250,000.

DISCUSSION:
The five street sections identified on the high injury network for safety improvements funded through the SS4A grant are: W. Maple Street Garland Ave to Gregg Ave), N. College Avenue (Sycamore St. to Township St.), South School (M.L.K. Blvd to 15th St.), N. Gregg Ave. (North St. to Drake St.) and E. Joyce Blvd. (College Ave to Crossover Rd.) The design of these projects will use the Safe System Approach to reduce and eliminate fatal and serious injury crashes on our transportation system.

In addition to infrastructure improvements, the SS4A funding includes $500,000 for education and awareness. This funding will be used for a variety of safety outreach programs including strategic marketing campaigns, bicycle safety equipment, crosswalk awareness, professional training and resources a for a vision zero task force.

Due to the large scale of this program, two full-time staff positions are needed to support the federal grant administration and project coordination of the Safe Streets and Roads for All grant. This includes managing all aspects of the SSFA grant including the consultant contracts, timeline, reimbursements, procurement and meeting all the requirements from the Federal Highway Administration. Costs associated with these two positions are included in the five-year budget and approved by FHWA.

BUDGET/STAFF IMPACT:
The required 25% match of $7,250,000 has been budgeted through the Street Bond. The staff positions are one Federal Aid Project Manager and one Federal Aid Project Coordinator to be funded for a 5-year period by the SS4 grant. $1,250,000 in matching funds for Maple Street will be contributed by the University of Arkansas for the Maple Street Project.

Because the financial activity will not begin until next year, the Budget Adjustment will be posted on January 1, 2025.

ATTACHMENTS: SRF (#3), BA (#4), Fayetteville Implementation Grant Award Fact Sheet with Map (#5), 11-5-24 FHWA SS4A Agreement - Final (#6), Budget Information - Construction Programs (#7), Financial Summary (#8), Personnel Services - Estimated Cost (#9), Applicant Budget Detail Form - Signed (#10), Education and Awareness Budget (#11), FHWA SS4A Agreement Revised 12-2-24 (#12)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-747

Safe Streets and Roads for All Grant Agreement

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION GRANT IN THE AMOUNT OF $25,000,000.00, THROUGH THE SAFE STREETS AND ROADS FOR ALL PROGRAM, TO APPROVE A GRANT AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION, TO APPROVE TWO NEW FULL TIME STAFF POSITIONS TO MANAGE THE FEDERAL-AID FUNDING REQUIREMENTS, AND TO APPROVE A BUDGET ADJUSTMENT ESTABLISHING A NEW FUND TO ACCOUNT FOR THE PROCEEDS OF THE GRANT

WHEREAS, the Bipartisan Infrastructure Law (BIL) established the new Safe Streets and Roads for All (SS4A) discretionary program, with $5 billion in appropriated funds over 5 years, 2022-2026 to the U.S. Department of Transportation's National Roadway Safety Strategy and our goal of zero roadway deaths; and

WHEREAS, Fayetteville was awarded Federal funding in the amount of $25 million through the SS4A program in December 2023 for Fayetteville's Vison Zero Strategy which focuses on five infrastructure projects as well as community education and awareness programming to be implemented over a five-year period; and

WHEREAS, the University of Arkansas will be contributing half of the required matching funds for the Maple Street Project in the amount of $1,250,000.00; and

WHEREAS, the five street sections identified on the high injury network for safety improvements funded through the SS4A grant are: West Maple Street Garland Avenue to Gregg Avenue, North College Avenue (Sycamore Street to Township Street), South School (M.LK. Blvd to 15th Street), North Gregg Avenue (North Street to Drake Street) and East Joyce Boulevard (College Avenue to Crossover Road) using the Safe System Approach to reduce and eliminate fatal and serious injury crashes on our transportation system; and

WHEREAS, in addition to infrastructure improvements, the SS4A funding includes $500,000.00 for education and awareness. This funding will be used for a variety of safety outreach programs including strategic marketing campaigns, bicycle safety equipment, crosswalk awareness, professional training and resources for a vision zero task force; and

WHEREAS, due to the large scale of this program, two full-time staff positions are needed to support the federal grant administration and project coordination of the Safe Streets and Roads for All grant; and

WHEREAS, the required 25% match of $7,250,000.00 has been budgeted through the Street Bond.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to accept a grant from the Department of Transportation (USDOT) Federal Highway Administration (FHWA) in the amount of $25,000,000.00.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby authorizes Mayor Jordan to sign a Grant Agreement with the Federal Highway Administration to implement the Safe Streets and Roads for Fayetteville, Arkansas – Accelerating Change Toward Vision Zero Project and further authorizes the Mayor to sign additional documents as necessary to receive the grant funds.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby authorizes and approves the addition of two full-time staff positions to manage the federal-aid funding requirements.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, establishing a new fund (2235) to account for the proceeds of the grant.

City of Fayetteville Staff Review Form

2024-747

Item ID

12/4/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Matt Mihalevich	11/13/2024	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Staff recommends approval of Grant Agreement with the United States Department of Transportation's (USDOT) Federal Highway Administration (FHWA) for acceptance of a grant through the Safe Streets and Roads for All (SS4A) program, approval of a budget adjustment recognizing $25,000,000 in federal-aid funding and $1,250,000 in funding from the University of Arkansas, authorizing the Mayor to sign additional grant documents as necessary to implement the projects and approval of two full time staff positions to manage the federal-aid funding requirements.

Budget Impact:

2235.xxx.xxxx-xxxx.xx	2235 - Safe Street and Roads Grant
Account Number	Fund
32401	Safe Street and Roads Grant
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	26,250,000.00
		Remaining Budget	$	**26,250,000.00**

V20221130

Purchase Order Number: _____

Previous Ordinance or Resolution # 115-23

Change Order Number: _____

Approval Date: _____

Original Contract Number: _____

Comments: Budget Adjustment will be posted with a Fiscal Date of January 1, 2025.

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

3 Errors

Budget Year	Division /Org2	Adjustment Number
2025 (BY)	PUBLIC WORKS DIRECTOR (610)	
	Requestor: Matt Mihalevich	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Staff recommends approval of Grant Agreement with the United States Department of Transportation's (USDOT) Federal Highway Administration (FHWA) for acceptance of a grant through the Safe Streets and Roads for All (SS4A) program, approval of a budget adjustment recognizing $25,000,000 in federal-aid funding and $1,250,000 in funding from the University of Arkansas, authorizing the Mayor to sign additional grant documents as necessary to implement the projects and approval of two full time staff positions to manage the federal-aid funding requirements.

RESOLUTION/ORDINANCE

COUNCIL DATE: 12/5/2024

ITEM ID#: **2024-747**

Holly Black
11/13/2024 7:53 AM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE: **1/1/2025**

CHKD/POSTED: /

v.20241029

TOTAL	26,250,000	26,250,000				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
2235.900.9220-4309.00	-	25,000,000	***32401***	***9220***	RE	**Federal Grants - Capital
2235.900.9220-4420.00	-	1,250,000	***32401***	***9220***	RE	**Payments by Property Owners - base
2235.900.9220-5899.00	26,250,000	-	***32401***	***9220***	EX	**Unallocated - Budget
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

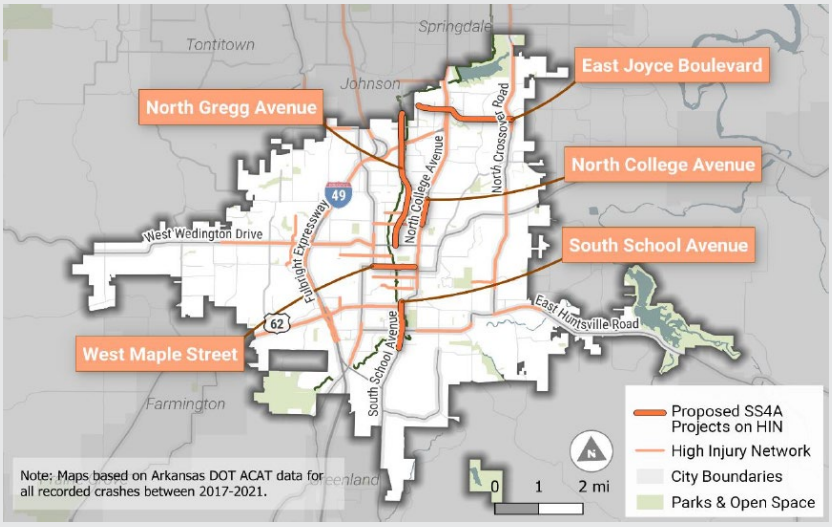
Safe Streets and Roads for Fayetteville, Arkansas - Accelerating Change Toward Vision Zero

Applicant: City of Fayetteville

City of Fayetteville, Arkansas

SS4A Award: $25,000,000

Project Description



The City of Fayetteville is awarded funds to implement its Vision Zero strategy, which addresses safety problems in the City's most critical transportation corridors. These roadways were constructed using outdated auto-oriented designs that invite high-speed driving and lack basic infrastructure for non-vehicular use. These roadways have been identified on Fayetteville's high-injury network, which represents just 12 percent of Fayetteville's roadway miles but accounts for 60 percent of fatal and serious-injury crashes.

This project will implement five major capital improvement projects on high-injury corridors, paired with a community-wide education and awareness campaign (funded as a supplemental planning and demonstration activity). The five major projects will implement Proven Safety Countermeasures including improved lighting and corridor access management; appropriate speed limits; roundabout installation; dedicated left- and right-turn lanes at intersections; and vulnerable road user countermeasures including raised medians, pedestrian refuge islands, road diets, sidewalks, bike lanes, rectangular rapid-flashing beacons, and crosswalk visibility enhancements.

1. Federal Award No.
693JJ32540169

2. Effective Date
See No. 16 Below

3. Assistance Listings No.
20.939

4. Award To
City of Fayetteville
113 W Mountain
Fayetteville, AR 72701-6083

Unique Entity Id.: FKCQRMDULFH9
TIN No.: 71-6018462

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 –
December 31, 2028

7. Total Amount

Federal Share:	$25,000,000
Recipient Share:	$7,250,000
Other Federal Funds:	$0
Other Funds: (University of Arkansas)	$1,250,000
Total:	$33,500,000

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.
HSA240238PR

11. Federal Funds Obligated
Base Phase (Pre-NEPA) $2,015,000

12. Submit Payment Requests To
See Article 5.

14. Accounting and Appropriations Data
15X0174E50.0000.055SR30500.5592000000.41010.61006600 ($375,000)
15X0174E50.0000.055SR40500.5592000000.41010.61006600 ($24,625,000)

13. Description of the Project
The City of Fayetteville will implement a Vision Zero Strategy which consists of five catalyst projects each involving major on construction High Injury Network corridors to implement proven safety countermeasures as well as a community-wide public awareness and education campaign over 5 years.

RECIPIENT

15. Signature of Person Authorized to Sign

_____

Signature Date

Name: Lioneld Jordan

Title: Mayor

FEDERAL HIGHWAY ADMINISTRATION

16. Signature of Agreement Officer

_____

Signature Date

Name: David Villalobos

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 Fayetteville, Arkansas (the "**Recipient**").

This agreement reflects the selection of the Recipient to receive a Safe Streets and Roads for All ("**SS4A**") Grant for the Safe Streets and Roads for Fayetteville, Arkansas – Accelerating change towards Vision Zero.

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: Safe Streets and Roads for Fayetteville, Arkansas – Accelerating Change Towards Vision Zero

Application Date: 07/07/2023

2.2 Award Amount.

SS4A Grant Amount: $25,000,000

2.3 Federal Obligation Information.

Federal Obligation Type: Multiple

Obligation Condition Table		
Phase the Project	**Allocation of the SS4A Grant**	**Obligation Condition**
Base Phase: Pre -NEPA (Preliminary Engineering and Env. Documentation) a. Project 1: College Avenue ($480,000) b. Project 2: S. School Avenue ($520,000) c. Project 3: W. Maple Street ($40,000) d. Project 4: E. Joyce Blvd ($320,000) e. Project 5: N. Gregg Ave. ($280,000) f. Supplemental Action Plan Education and Awareness Activities ($375,000)	$2,015,000	

Obligation Condition Table		
Phase the Project	**Allocation of the SS4A Grant**	**Obligation Condition**
Phase 1: Right-of-Way, and Utility Relocation a. Project 1: College Avenue ($400,000) b. Project 2: S. School Avenue ($304,000) c. Project 3: W. Maple Street ($0) d. Project 4: E. Joyce Blvd ($120,000) e. Project 5: N. Gregg Ave. ($80,000)	$904,000	The Recipient shall not expend any funds (Federal or non-Federal) for, seek reimbursement of eligible costs, or otherwise begin any part of the final design and construction of an Implementation Project unless and until: (1) The requirements of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) ("NEPA"), Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) ("NHPA"), and any other applicable environmental laws and regulations have been met; and (2) FHWA, or a State with applicable NEPA Assignment authority, has approved the NEPA document for the Project and provided the Recipient with a written notice that the environmental review process is complete; and (3) FHWA has obligated additional funds for this phase and notified the Recipient in writing that the Recipient may proceed to the next activity after NEPA approval, and the Recipient has acknowledged receipt in writing of FHWA's notification. Recipient shall not proceed with any such activities until (2) and (3) as described in this section are met. Costs that are incurred before (2) and (3) as described in this section are met are not allowable costs under this agreement. Extent of activities that are permissible before NEPA is complete are those activities constituting "preliminary design" as specified in FHWA Order 6640.1A.

Obligation Condition Table		
Phase the Project	**Allocation of the SS4A Grant**	**Obligation Condition**
Phase 2: Construction a) Project 1: College Avenue ($8,120,000) b) Project 2: S. School Avenue ($2,926,000) c) Project 3: W. Maple Street ($7,460,000) d) Project 4: E. Joyce Blvd ($1,935,000) e) Project 5: N. Gregg Ave. ($1,640,000)	$22,081,000	The Recipient shall not expend any funds (Federal or non-Federal) for, seek reimbursement of eligible costs, or otherwise begin any part of the construction or final design and construction of an Implementation Project unless and until: (1) The requirements of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) ("NEPA"), Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) ("NHPA"), and any other applicable environmental laws and regulations have been met; and (2) FHWA, or a State with applicable NEPA Assignment authority, has approved the NEPA document for the Project and provided the Recipient with a written notice that the environmental review process is complete; and (3) FHWA has obligated additional funds for this phase and notified the Recipient in writing that the Recipient may proceed to the next activity after NEPA approval, and the Recipient has acknowledged receipt in writing of FHWA's notification. Recipient shall not proceed with any such activities until (2) and (3) as described in this section are met. Costs that are incurred before (2) and (3) as described in this section are met are not allowable costs under this agreement. Extent of activities that are permissible before NEPA is complete are those activities constituting "preliminary design" as specified in FHWA Order 6640.1A.

2.4 Budget Period.

Base Phase Budget Period: Effective Date (Block 6 of Page 1) through

a. Project 1: College Avenue: January 31, 2027
b. Project 2: S. School Avenue: January 31, 2027
c. Project 3: W. Maple Street: July 31, 2025
d. Project 4: E. Joyce Blvd: June 30, 2027
e. Project 5: N. Gregg Ave: June 30, 2027
f. Non-Infrastructure: Education & Awareness: December 31, 2028

Option Phase 1 Budget Period: Reserved

a. Project 1: College Avenue: Reserved
b. Project 2: S. School Avenue: Reserved
c. Project 3: W. Maple Street: N/A
d. Project 4: E. Joyce Blvd: Reserved
e. Project 5: N. Gregg Ave: Reserved

Option Phase 2 Budget Period: Reserved

a. Project 1: College Avenue: Reserved
b. Project 2: S. School Avenue: Reserved
c. Project 3: W. Maple Street: Reserved
d. Project 4: E. Joyce Blvd: Reserved
e. Project 5: N. Gregg Ave: Reserved

2.5 Grant Designation.

Designation: Implementation

ARTICLE 3
SUMMARY PROJECT INFORMATION

3.1 Summary of Project's Statement of Work.

Fayetteville's Vision Zero Strategy includes five distinct infrastructure catalyst projects and a community-wide education and awareness campaign. The education and awareness campaign schedule will consist of 1 year of planning and development and 4 years of implementation. Education & awareness funding may be allocated immediately upon approval of the grant agreement to begin selection of consultants and campaign development.

The City of Fayetteville may use hourly rates of City staff time tracked as being in support of SS4A projects as eligible expenses counting toward local matching funds. Additional staff position(s) may also be added for project planning, design, administration, and management of the SS4A grant associated projects.

The infrastructure projects are at various levels of readiness and each project schedule will be independent of other projects' status. Separate NEPA approval will be requested for each infrastructure project and construction is planned to proceed on each project regardless of other projects phasing or NEPA status.

The project will be completed in three phases as follows:

1) Base Phase: Pre-NEPA:
   a. Project 1: College Avenue: Conceptual/preliminary design was completed prior to grant award. Environmental documentation, public review of the preliminary design, and other necessary activities will be completed as required for NEPA approval.
   b. Project 2: S. School Avenue: Corridor study and conceptual design was completed prior to grant award; traffic study and analysis, environmental documentation, and public involvement will be completed in this phase to confirm or modify the concept from the study. Documents for approval of NEPA requirements will be developed.
   c. Project 3: W. Maple Street: Design and NEPA documentation have been developed prior to grant award. Public Involvement and review of design and environmental documentation will be completed in this phase.
   d. Project 4: E. Joyce Blvd: Corridor study to determine most effective safety countermeasures, preliminary design, public engagement, and environmental documentation.
   e. Project 5: N. Gregg Ave: 32 months: Corridor study to determine most effective safety countermeasures, preliminary design, public engagement, and environmental documentation.
   f. Supplemental Action Plan Education and Awareness) Activities: Development and implementation of plan.

2) Option Phase 1: Final Design, Right-of-Way, and Utility Relocation: Development of construction plans and acquisition of necessary rights of way and easements. Procurement of a construction manager for some or all project segments. Each project segment noted in the previous section will proceed as an independent project with separate obligation schedule.

3) Option Phase 2: Construction: Construction of each segment as noted above will proceed; procurement by use of standard bidding procedures or by alternative methods of procurement will be determined as each project proceeds, obligation of funds will be requested by project.

3.2 Project's Estimated Schedule.

Fayetteville's Vision Zero Strategy includes five distinct infrastructure catalyst projects and a community-wide education and awareness campaign. The education and awareness campaign schedule will consist of 1 year of planning and development and 4 years of implementation. Education & awareness funding may be allocated immediately upon approval of the grant agreement to begin selection of consultants and campaign development.

The infrastructure projects are at various levels of readiness and each project schedule will be independent of other projects' status. Separate NEPA approval will be requested for each infrastructure project and construction is to proceed on each project regardless of other projects phasing or NEPA status.

Construction on Maple Street is scheduled to begin 6 to 12 months after the agreement date as Maple Street improvements are fully designed and are expected to be eligible for a categorical exclusion for NEPA approval. Construction is expected to be completed in 12 months; therefore, final completion for Maple Street is expected within 24 months of the project agreement date.

College Avenue and S School Ave improvements have conceptual design. These two projects are expected be ready for NEPA approval in 27 months from agreement date and ready for construction in 35 months. Final completion date is expected in 48 months. Joyce Blvd and Gregg Ave are at the beginning stages of public input and conceptual design comprehensive design and are expected to have NEPA Approval in 32 months, construction in 33 months, and complete construction in 52 months.

The community-wide education campaign will inform key decision makers and members of the public in understanding Vision Zero principles and the Safe System Approach. These efforts may include but not be limited to: purchase of radar speed feedback and other supplementary safety signage on high injury corridors, a Vision Zero public service announcement campaign, staffing of city or regional Vision Zero program manager position, a "Twenty is Plenty" messaging campaign, reporting and website services to support a Vision Zero Taskforce, professional development workshops training and seminars for City and University of Arkansas staff and other local transportation professionals.

(Remainder of this Page Left Blank Intentionally)

Implementation Schedule (Construction)

Milestone	Schedule Date
Planned NEPA Completion Date:	Project 3: W Maple Street, May 31, 2025 Project 1: College Ave, June 30, 2026 Project 2: S School Ave June 30, 2026 Project 5: N Gregg Ave November 31, 2027 Project 4: E Joyce Blvd November 31, 2027
Planned Construction Start Date	Project 3: W Maple Street, September 30, 2025 Project 1: College Ave, June 30, 2027 Project 2: S School Ave, June 30, 2027 Project 5: N Gregg Ave, November 30, 2027 Project 4: E Joyce Blvd, November 30, 2027
Planned Construction Substantial Completion and Open to Public Use Date:	Project 3: W Maple Street, September 30, 2026 Project 1: College Ave, June 30, 2028 Project 2: S School Ave, June 30, 2028 Project 5: N Gregg Ave, November 31, 2028 Project 4: E Joyce Blvd, November 31, 2028
Planned SS4A Final Report Date:	December 31, 2028

Implementation Schedule (Non-Construction)

Milestone	Schedule Date
Planned NEPA Completion Date:	N/A
Planned Activity Completion Date:	December 31, 2028
Planned SS4A Final Report Date:	December 31, 2028

3.3 Project's Estimated Costs.

(a) Eligible Project Costs

Eligible Project Costs	
SS4A Grant Amount:	$25,000,000
Other Federal Funds:	$0
State Funds:	$0
Local Funds:	$7,250,000
In-Kind Match:	$0
Other Funds (University of Arkansas):	$1,250,000
Total Eligible Project Cost:	$33,500,000

(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
Administrative and legal expenses	$1,000,000		$1,000,000
Land, structures, rights-of-way, appraisals, etc.	$1,130,000		$1,130,000
Architectural and engineering fees	$1,700,000		$1,700,000
Project inspection fees	$550,000		$550,000
Construction	$26,133,000		$26,133,000
Equipment	$100,000		$100,000
Miscellaneous	$400,000		$400,000
Contingency	$2,487,000		$2,487,000
Project Total	**$33,500,000**		**$33,500,000**

(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).

Chris Brown
Public Works Director
City of Fayetteville, Arkansas
113 W Mountain Street
Fayetteville, AR 72701
479-575-8207
cbrown@fayetteville-ar.gov

4.2 Recipient Key Personnel.

Name	Title or Position
Chris Brown	Public Works Director
Steven Dodson	Deputy CFO
Lyssie Koscheski	Accounting Manager – Bond, Contract & Grant Reporting
Matt Casey	Engineering Design Services Manager
Matt Mihalevich	Active Transportation Manager
Dane Eifling	Mobility Coordinator

4.3 USDOT Project Contact(s).

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
SS4A.FHWA@dot.gov

and

Agreement Officer (AO)
Federal Highway Administration
Office of Acquisition and Grants Management
HCFA-42, Mail Stop E62-310
1200 New Jersey Avenue, S.E.
Washington, DC 20590
202-493-2402
HCFASS4A@dot.gov

and

Division Administrator – Vivien N. Hoang, Arkansas
Agreement Officer's Representative (AOR)
700 West Capitol
Little Rock, AR 72201
501-324-5625
Vivien.Hoang@dot.gov

and

Valera McDaniel
AR Division Office Lead Point of Contact
Grants Program Manager
700 West Capitol
Little Rock, AR 72201
501-324-5326
Valera.McDaniel@dot.gov

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.

In accordance with 2 CFR 200.308(f)(6), the recipient or subrecipient shall obtain prior written approval from the USDOT agreement officer for the subaward, if the subaward activities were not proposed in the application or approved in the Federal award. This provision is in accordance with 2 CFR 200.308(f)(6) and does not apply to procurement transactions for goods and 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 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.

6.5 The Recipient of an Implementation Grant agrees to update its Action Plan within two years of the date of this agreement to: align with all Comprehensive Safety Action Plan components in Table 1 of the SS4A FY 2023 NOFO corresponding with any "no" responses in the Self-Certification Eligibility Worksheet; ensure that the Action Plan's safety focus includes all road users, including pedestrians, bicyclists, and motor vehicle safety; and ensure that the Action Plan was last updated not more than three years prior.

6.6 The Recipient acknowledges that it is required to conduct certain environmental analyses and to prepare and submit to FHWA, or State with applicable NEPA Assignment authority, documents required under NEPA, and other applicable environmental statutes and regulations before the Government will obligate

funds for Option Phase 1 under this agreement and provide the Recipient with a written notice to proceed with Option Phase 1.

6.7 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.

ATTACHMENT A
PERFORMANCE MEASUREMENT INFORMATION

Study Area: City Boundaries of Fayetteville Arkansas
Baseline Measurement Date: December 31, 2024
Baseline Report Date: December 31, 2028

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

Measure	Category and Description	Measurement Frequency and Reporting Deadline
Outcomes and Benefits [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 changes from application.

Schedule: No changes from application.

Budget: The SF-424C form was corrected for the cost estimate for Project 3: W Maple Street. The design of the irrigation was an error. The cost is for the installation of the irrigation and not the design. The overall budget amounts did not 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	0	0	0	0
Non-Federal Funds	0	0	0	0
Total Previously Incurred Costs	0	0	0	0
Future Eligible Project Costs				
SS4AFunds				
Other Federal Funds		0		0
Non-Federal Funds				
Total Future Eligible Project Costs				
Total Project Costs				

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:

X	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.)*
X	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.
	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.

The City of Fayetteville has adopted the Northwest Arkansas Comprehensive Safety Action Plan which incorporates equity analysis to identify communities that have disproportionate safety impacts. Fayetteville's Safe Streets for All Vision Zero Strategy projects included multimodal mobility improvements that proactively create new connections and opportunities for underserved communities.

The project includes improvements for walking, biking, and rolling for individuals with disabilities. All five projects' areas are in underserved areas and are planned to add sidewalks, protected bicycle infrastructure, crosswalks, reducing vehicular speeds and reallocation of space away from automobiles toward pedestrians and other vulnerable road users.

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:

X	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.)*
X	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.
	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.

Fayetteville's Energy Action Plan outlines the City's goals for reducing greenhouse gas emissions and sustainable transportation alternatives. Fayetteville's SS4A Vizion Zero strategy includes addition of sidewalks, protected bicycle infrastructure and transit improvements which will allow people safely engage in zero-emission active mobility.

Fayetteville's Vision Zero Strategy is focused on retrofitting existing streets in Fayetteville's High-Injury Network and will have negligible environmental impacts. All implementation areas avoid adverse environmental impacts and are within existing dilapidated or underutilized roadways.

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 demonstrates, 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.)*
X	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.
	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.

For construction of the Project, the City of Fayetteville will contract services through a competitive bidding/selection process in accordance with relevant laws and City Policy. Workforce and labor standards are incorporated with the City's purchasing review process, which requires compliance with all Federal and State regulations, including Equal Employment Opportunity (EEO), Disadvantaged Business Enterprise (DBE), and OSHA. The City's Economic Vitality Department is a key partner in managing economic growth driven by development and transportation, including the provision of programming that helps residents pursue high-wage, high-skill, high-demand (H3) jobs. As part of its periodic economic development strategic planning efforts, the City has identified several target industries—including infrastructure—which will be used to guide alignment of the City's future investments in workforce training, K-12 career and technical education, and industry partnership building.

The five catalyst projects associated with this Project will directly benefit Fayetteville's primary commercial districts to better connect hundreds of local businesses and to enable multi-modal access to critical community services. Improvements to N. College Avenue and S. School Avenue will support the implementation of the City's 71B Corridor Plan, which reimagines the region's primary transportation

route and artery of commerce by applying the concept of corridor urbanism. Investment in a safer, multi-modal transportation network better connects workers, students, and residents to the place where they live and work. This Project likewise provides more equitable access to the region's primary engine for economic development, the University of Arkansas, by improving access to the Razorback Greenway.

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:

X	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.
X	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.

The City of Fayetteville's Electronic Communication Policy and Procedures addresses privacy, downloading and installing software, file storage, backups, shared devices and all relevant risks associated with electronic transmission of information, documents and funds.

College Avenue is the only project corridor identified in Fayetteville's Vision Zero Strategy that crosses a floodplain. The roadway uses an existing box culvert crossing of Sublet Creek, stormwater will continue to be directed through existing culverts and storm drains, no drainage upgrades are included in project scope.

OMB Number: 4040-0008
Expiration Date: 02/28/2025

BUDGET INFORMATION - Construction Programs

NOTE: Certain Federal assistance programs require additional computations to arrive at the Federal share of project costs eligible for participation. If such is the case, you will be notified.

COST CLASSIFICATION	a. Total Cost	b. Costs Not Allowable for Participation	c. Total Allowable Costs (Columns a-b)
1. Administrative and legal expenses	$ 1,000,000.00	$	$ 1,000,000.00
2. Land, structures, rights-of-way, appraisals, etc.	$ 1,130,000.00	$	$ 1,130,000.00
3. Relocation expenses and payments	$	$	$
4. Architectural and engineering fees	$ 1,700,000.00	$	$ 1,700,000.00
5. Other architectural and engineering fees	$	$	$
6. Project inspection fees	$ 550,000.00	$	$ 550,000.00
7. Site work	$	$	$
8. Demolition and removal	$	$	$
9. Construction	$ 26,133,000.00	$	$ 26,133,000.00
10. Equipment	$ 100,000.00	$	$ 100,000.00
11. Miscellaneous	$ 400,000.00	$	$ 400,000.00
12. SUBTOTAL *(sum of lines 1-11)*	$ 31,013,000.00	$	$ 31,013,000.00
13. Contingencies	$ 2,487,000.00	$	$ 2,487,000.00
14. SUBTOTAL	$ 33,500,000.00	$	$ 33,500,000.00
15. Project (program) income	$ 0.00	$	$ 0.00
16. TOTAL PROJECT COSTS *(subtract #15 from #14)*	$ 33,500,000.00	$	$ 33,500,000.00

FEDERAL FUNDING

17. Federal assistance requested, calculate as follows: (Consult Federal agency for Federal percentage share.) Enter the resulting Federal share.	Enter eligible costs from line 16c Multiply X 74.6 %	$ 25,000,000.00

2023 SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM - FINANCIAL SUMMARY

	(Project 1) College Ave	(Project 2) S School Ave	(Project 3) W Maple Str	(Project 4) E Joyce Blvd	(Project 5) N Gregg Ave
NEPA Completion:	6/30/2026	6/30/2026	5/31/2025	11/30/2027	11/30/2027
Construction Start Date:	6/30/2027	6/30/2027	9/30/2025	11/30/2027	11/30/2027
Construction End Date:	6/30/2028	6/30/2028	9/30/2026	11/31/2028	11/31/2028

Cost Classification	Federal Share ($)	Federal Share (%)	Non-Federal Share ($)	Bond Issue	University Of Arkansas	Total Costs ($)	(Project 1) College Ave	(Project 2) S School Ave	(Project 3) W Maple Str	(Project 4) E Joyce Blvd	(Project 5) N Gregg Ave	Action Plan Education
Administrative and Legal Expense	746,268.66	74.6%	253,731.34	253,731.34	-	1,000,000	346,000	156,000	314,000	114,000	70,000	-
Land, structures, rights-of-way, appraisals, etc.	843,283.58	74.6%	286,716.42	286,716.42	-	1,130,000	500,000	380,000	-	150,000	100,000	-
Architectural and engineering fees	1,268,656.72	74.6%	431,343.28	431,343.28	-	1,700,000	450,000	540,000	95,000	335,000	280,000	-
Project Inspection fees	410,447.76	74.6%	139,552.24	139,552.24	-	550,000	187,000	75,350	194,700	58,300	34,650	-
Construction	19,502,238.81	74.6%	6,630,761.19	5,380,761.19	1,250,000	26,133,000	8,910,000	3,573,000	9,250,000	2,765,000	1,635,000	-
Equipment	74,626.87	74.6%	25,373.13	25,373.13	-	100,000	-	-	-	-	-	100,000
Miscellaneous	298,507.46	74.6%	101,492.54	101,492.54	-	400,000	-	-	-	-	-	400,000
Contingencies	1,855,970.14	74.6%	631,029.86	631,029.86	-	2,487,000	1,030,240	428,760	500,000	331,800	196,200	-
Total Project Costs	**25,000,000.00**	**74.6%**	**8,500,000.00**	**7,250,000.00**	**1,250,000**	**33,500,000**	**11,423,240**	**5,153,110**	**10,353,700**	**3,754,100**	**2,315,850**	**500,000**
SS4A Grant Allocation - Base Phase Pre-NEPA (Prelim Engr/Env Doc): Pg 3 of 24												
Architectural and engineering fees						1,275,000	337,500	405,000	71,250	251,250	210,000	-
Equipment						75,000	-	-	-	-	-	75,000
Miscellaneous						300,000	-	-	-	-	-	300,000
Administrative and Legal Expense (Reconciling Adjustment)					-	365,000	142,500	115,000	(31,250)	68,750	70,000	-
			Federal Funds Obligated (12/3/2024)			**2,015,000**	**480,000**	**520,000**	**40,000**	**320,000**	**280,000**	**375,000**
SS4A Grant Allocation - Phase 1: Right-Of-Way/Utility Relocations: Pg 4 of 24												
Land, structures, rights-of-way, appraisals, etc.						847,500	375,000	285,000	-	112,500	75,000	-
Administrative and Legal Expense (Reconciling Adjustment)						56,500	25,000	19,000	-	7,500	5,000	-
			Federal Funds Obligated (Based on each Project)			**904,000**	**400,000**	**304,000**	**-**	**120,000**	**80,000**	**-**
SS4A Grant Allocation - Phase 2: Construction: Pg 5 of 24												
Project Inspection fees						412,800	140,300	56,600	146,100	43,800	26,000	-
Construction						19,599,900	6,682,500	2,679,800	6,937,500	2,073,800	1,226,300	-
Contingencies						1,865,400	772,700	321,600	375,000	248,900	147,200	-
Administrative and Legal Expense (Reconciling Adjustment)						202,900	524,500	(132,000)	1,400	(431,500)	240,500	-
			Federal Funds Obligated (Based on each Project)			**22,081,000**	**8,120,000**	**2,926,000**	**7,460,000**	**1,935,000**	**1,640,000**	**-**
					SS4A Grant Allocation - Total	25,000,000	9,000,000	3,750,000	7,500,000	2,375,000	2,000,000	375,000
					University of Arkansas - Portion	1,250,000	-	-	1,250,000	-	-	-
					City of Fayetteville - Portion	7,250,000	2,423,240	1,403,110	1,603,700	1,379,100	315,850	125,000

PERSONNEL SERVICES - ESTIMATED COST:

FEDERAL AID PROJECT MANAGER			YR1	YR2	YR3	YR4	YR5	TOTAL
SALARY REGULAR	-5100.00	*$ 32.31*	$ 67,205	$ 69,893	$ 72,689	$ 75,597	$ 78,621	$ 364,005
FICA TAXES	-5105.00	6.20%	4,167	4,334	4,507	4,687	4,874	$ 22,569
MEDICARE TAXES	.5105.01	1.45%	974	1,013	1,054	1,096	1,140	$ 5,277
HEALTH BUDGET	-5108.00		10,248	10,658	11,084	11,527	11,988	$ 55,505
LTD BUDGET	-5108.01		241	251	261	271	282	$ 1,306
ADD BUDGET	-5108.02		6	6	6	6	6	$ 30
LIFE BUDGET	-5108.03		251	261	271	282	293	$ 1,358
PENSION BUDGET	.5109.06	12.00%	8,065	8,388	8,724	9,073	9,436	$ 43,686
	PERSONNEL TOTAL		$ 91,157	$ 94,804	$ 98,596	$ 102,539	$ 106,640	$ 493,736

FEDERAL AID PROJECT COORDINATOR			YR1	YR2	YR3	YR4	YR5	TOTAL
SALARY REGULAR	-5100.00	*$ 28.58*	$ 59,446	$ 61,824	$ 64,297	$ 66,869	$ 69,544	$ 321,980
FICA TAXES	-5105.00	6.20%	4,167	4,334	4,507	4,687	4,874	$ 22,569
MEDICARE TAXES	.5105.01	1.45%	974	1,013	1,054	1,096	1,140	$ 5,277
HEALTH BUDGET	-5108.00		10,248	10,658	11,084	11,527	11,988	$ 55,505
LTD BUDGET	-5108.01		241	251	261	271	282	$ 1,306
ADD BUDGET	-5108.02		6	6	6	6	6	$ 30
LIFE BUDGET	-5108.03		251	261	271	282	293	$ 1,358
PENSION BUDGET	.5109.06	12.00%	8,065	8,388	8,724	9,073	9,436	$ 43,686
	PERSONNEL TOTAL		$ 83,398	$ 86,735	$ 90,204	$ 93,811	$ 97,563	$ 451,711

CITY OF FAYETTEVILLE OTHER STAFF			YR1	YR2	YR3	YR4	YR5	TOTAL
SALARY REGULAR	-5100.00	*$ 23.00*	$ 7,889	$ 8,205	$ 8,533	$ 8,874	$ 9,229	$ 42,730
BENEFITS		35.50%	2,801	2,913	3,029	3,150	3,276	$ 15,169
	PERSONNEL TOTAL		$ 10,690	$ 11,118	$ 11,562	$ 12,024	$ 12,505	$ 57,899

GRAND TOTAL	$ 185,245	$ 192,657	$ 200,362	$ 208,374	$ 216,708	1,003,346

Budget Detail Form – Construction Programs

Lead Recipient	*City of Fayetteville*
Program Name	*2023 Safe Streets and Roads for All*
Project Title	*Safe Streets and Roads for Fayeteville, Arkansas – Accelerating Change Towards Vision Zero*

PURPOSE

This form is intended to solicit budgetary details from organizations receiving financial assistance (e.g., federal funding) from the Federal Highway Administration (FHWA). These details are necessary for the FHWA Office of Acquisition & Grants Management (HCFA) to document that elements contained in the proposed budget for the anticipated federal award are ***Allowable***, ***Allocable***, and ***Reasonable***, as defined in Title 2 of the Code of Federal Regulations, Part 200 (2 CFR Part 200 Subpart E Cost Principles).

This form is ***not*** intended to duplicate information contained in the recipient's application, as submitted. Should the application, as submitted, contain any of the applicable information requested below, recipients may insert that data into this form, or provide a citation for its location in the application, to include the document title, section, and page number.

STANDARD FORMS

If the forms submitted in the application contain outdated and/or revised information, please provide the Standard Forms (SFs) listed below. Forms are available at: **https://www.grants.gov/forms/forms-repository/sf-424-family**

Those SF's include the following:

- **SF-424:** Application for Federal Assistance
- **SF-424C:** Budget Information – Construction Programs **Updated SF-424C Provided**

PROJECT BUDGET SUMMARY

Table 1 -- Project Budget Summary – See Attachment A for detailed summary

Cost Classification	Federal Share ($)	Non-Federal Share ($)	Total Costs ($)
Administrative and Legal Expense	$746,268.66	$253,731.34	$1,000,000.00
Land, structures, rights-of-way, appraisals, etc.	$843,283.58	$286,716.42	$1,130,000.00
Relocation expenses and payments	$0.00	$0.00	$0.00
Architectural and engineering fees	$1,268,656.72	$431,343.28	$1,700,000.00
Other architectural and engineering fees	$0.00	$0.00	$0.00
Project Inspection fees	$410,447.76	$139,552.24	$550,000.00
Site Work	$0.00	$0.00	$0.00
Demolition and Removal	$0.00	$0.00	$0.00
Construction	$19,502,238.81	$6,630,761.19	$26,133,000.00
Equipment	$74,626.87	$25,373.13	$100,000.00
Miscellaneous	$298,507.46	$101,492.54	$400,000.00
Contingencies	$1,855,970.14	$631,029.86	$2,487,000.00
Total Project Costs*	**$ 25,000,000.00**	**$ 8,500,000.00**	**$ 33,500,000.00**

Total Project Costs Row above contain auto-sum formulas. After entering estimated costs, select the table and press F9 to update those totals. ***These totals must align with those contained in the SF-424 and SF424C. If they do not, those forms must be revised and resubmitted to FHWA.

COST SHARE

Provide a table with the sources of cost share, the type of cost share and the amounts.

Cost Share Sources Table

Entity	*Type of Cost Share*	*Amount ($)*
University of Arkansas	**Direct construction funding contribution – Maple Street**	$ **1,250,000.00**
City of Fayetteville	**Local Sales Tax Funding**	**$7,250,000.00**

i. **Evidence of Commitment**: Provide letters of commitment from entities providing cost share, to include the pledged amount from each entity.

Attachment B – Funding commitment Letter from Chancellor Charles Robinson.
(Note: Letter says 10% match from U of A, this was based on an early 20% overall match. We are actually matching 25% with local funds so the actual commitment will be 12.5% ($1,250,000) from the U of A.

COST CLASSIFICATION

1) Administrative and legal expenses
(Note: Sections 1a to 1f are for costs budgeted for the lead applicant/recipient only.)

a) Personnel

i. General: Does the recipient's project budget contain costs for the lead recipient's personnel within the administrative expenses?

☒ Yes ***(Complete Section below)***

☐ No ***(Move on to 1.c. Travel Section)***

ii. Personnel Summary Table: Provide a budget table that includes the anticipated lead recipient's personnel costs and basis of personnel estimate. See Appendix A for an example of a Personnel summary table if needed.

Labor Category	*Hourly Labor Rate ($)*	*Estimated Hours*	*Estimated Personnel Costs ($)*
Federal Aid Project Manager	$35.00	10,400	$364,000
Federal Aid Project Coordinator	$31.00	10,400	$322,000
City of Fayetteville Other Staff	$31.00	1,717	$53,277
Total Estimated Personnel Costs		**22,517**	**$739,277**

iii. Escalation Rate: Identify the annual direct labor escalation rate and its basis. Indicate when and how escalation will be calculated/implemented.

4% annual escalation rate included and averaged across a five-year period.

b) Fringe Benefits

i. General: Does the lead applicant/recipient's project budget contain direct costs for the lead recipient's fringe benefits within the administrative expenses?

☒ Yes ***(Complete Section below)***

☐ No ***(Move on to 1.c. Travel Section)***

ii. Fringe Benefit Summary Table: Provide the lead recipient's fringe benefit rate(s), basis of the fringe rate, and anticipated total costs. See Appendix A for an example of a Fringe Benefits summary table if needed.

Basis of Rate (Labor Category or Individual Labor)	*Estimated Total Direct Labor Costs ($)*	*Period (FY)*	*Fringe Benefit Rate (%)*	*Estimated Fringe Benefits Costs ($)*
Federal Aid Project Manager	$364,000	FY25-30	35.5%	$125,000
Federal Aid Project Coordinator	$322,000	FY25-30	35.5%	$116,600
City of Fayetteville Other Staff	$53,277	FY25-30	35.5%	$19,123
Total Estimated Fringe Benefits Costs				**$260,723**

Total Estimated Personnel Costs $1,000,000

Total Benefits including

iii. **Supporting Documentation**: Provide evidence verifying that the basis fringe rate has been approved within the organization. Examples could include a letter or other document from the cognizant authority (e.g., CFO or Controller) within the recipient's organization.

<u>Attachment C</u> - June 28th 2024 E-mail from City of Fayetteville Deputy CFO Steven Dotson

c) Travel

i. **General**: Does the recipient's project budget contain costs for the lead applicant/recipient's travel within the administrative expenses?
   - ☐ Yes ***(Complete Section below)***
   - ☒ No ***(Move on to 1.d – Equipment Section)***

ii. **Travel Summary Table**: Provide a budget table that includes the anticipated travel costs. See Appendix A for an example of a Travel summary table if needed.

d) Equipment

i. **General**: Does the recipient's project budget contain acquisition costs for the lead recipient's equipment within the administrative expenses?
   - ☐ Yes ***(Complete Section below)***
   - ☒ No ***(Move on to 1.e - Supplies Section)***

ii. **Equipment Summary Table:** Provide a budget table that includes the anticipated acquisition equipment costs. See Appendix A for an example of an Equipment summary table if needed.

e) Supplies

i. **General**: Does the recipient's project budget contain costs for the lead recipient's supplies within the administrative expenses?
   - ☐ Yes ***(Complete Section below)***
   - ☒ No ***(Move on to 1.f – Indirect Costs Section)***

ii. **Supplies Summary Table**: Provide a budget table that describes the estimates for all planned supply purchases. See Appendix A for an example of a Supplies summary table if needed.

f) Indirect Costs

i. **General**: Does the lead recipient's project budget contain lead recipient's indirect costs within the administrative expenses?
   - ☐ Yes ***(Complete section below)***
   - ☒ No ***(Move on to 1.g – Legal Expenses Section)***

ii. **Rate Type**:
☐ Approved indirect cost rate according to 2 CFR Part 200 ***(See 8.iii)***
☒ No current negotiated (including provisional) rate and elects to use de minimis rate of 10% of modified total direct costs (MTDC) on all Federal awards in accordance with 2 CFR 200.414 (f).

iii. **Indirect Cost Rate Supporting Documentation:** Provide the Negotiated Indirect Cost Rate Agreement, Proposal, or Cost Allocation Plan, as applicable. (Note: No documentation is required to justify the 10% de minimis indirect cost rate per CFR 200.414(f))

iv. **Indirect Costs Summary Table:** Provide the lead recipient's indirect rate(s) and anticipated total costs. See Appendix A for an example of an Indirect Costs summary table if needed.

g) Legal Expenses

i. **General**: Does the recipient's project budget contain costs for the lead recipient's legal expenses?
☐ Yes ***(Complete Section below)***
☒ No ***(Move on to Section 2. - Land, structures, rights-of-way, appraisals, etc.)***

ii. **Legal Expenses Summary Table**: Provide a budget table that describes the estimates for all planned legal expenses. See Appendix A for an example of a Legal Expenses summary table if needed.

2) Land, Structures, Rights-of-Way, Appraisals, etc.

i. **General**: Does the project budget contain any land, structures, rights-of-way, appraisals costs?
☒ Yes ***(Complete section below)***
☐ No ***(Move on to Section 3* - Relocation expenses and payments)**

ii. **Land, Structures, Rights-of-Way, Appraisals, etc. Summary Table**: Provide a budget table that includes the anticipated land, structures, right-of-way, and appraisals costs. See Appendix A for an example of a Land, Structures, Rights-of-Way, Appraisals, etc. summary table if needed.

Element	*Brief description of each element and location*	*Basis of the estimate for each element*	*Estimated Land, Structures, Rights-of-Way, Appraisals, etc. Costs ($)*
Right-of-way	College Ave.	Market Estimate	$500,000.00
Right-of-way	S. School Ave.	Market Estimate	$380,000.00
Right-of-way	Joyce Blvd.	Market Estimate	$150,000.00
Right-of-way	Gregg Ave.	Market Estimate	$100,000.00
Total Estimated Land, Structures, Rights-of-Way, Appraisals, etc. Costs			**$1,130,000.00**

3) Relocation Expenses and Payments

i. General: Does the project budget contain any relocation expenses and payment costs?

☐ Yes ***(Complete section below)***

☒ No ***(Move on to Section 4 –* Architectural and engineering fees*)***

ii. Relocation Expenses and Payments Summary Table: Provide a budget that includes the anticipated Relocation expenses and payments costs. See Appendix A for an example of a Relocation Expenses and Payments summary table if needed.

4) Architectural and Engineering (A/E) Fees

Summary: As applicable, this section should include A/E design fees that are not part of the construction contract that are intended to be contracted out separately or performed by the recipients/subrecipients.

i. General: Does the recipient's project budget contain costs for A/E design fees?

☒ Yes ***(Complete section below)***

☐ No ***(Move on to Section 5 - Other architectural and engineering fees)***

ii. A/E Summary Table: Provide a summary table showing the cumulative amount for all the A/E costs and proposed type of competitive procurement method for each contract. See Appendix A for an example of an A/E summary table if needed.

Entity Name	*Work to be Performed/ and Project Section/Task (2 - 3 sentences)*	*Proposed Type of Competitive Procurement Method*	*Estimated A/E Costs ($)*
To Be Determined	Pre NEPA and Design for College Ave., S. School Ave., Maple St., Joyce Blvd., & Gregg Ave.	Qualifications Based	$1,700,000.00
Total Estimated A/E Costs*			**$1,700,00.00**
* Total Costs row above contains an auto-sum formula. After entering estimated costs, **select the table and press F9 to update total**.			

***Some of this work will be preformed in-house by the City of Fayetteville**

iii. **Supporting Documentation**: Provide a detailed budget/supporting documentation for each contractor/consultant/recipient/subrecipient listed in the A/E summary table.

The detailed budget/supporting documentation could be one of the following formats:

- **Cost/Price Analyses**: Detailed cost/price analysis with direct labor, fringe, travel, equipment, supplies, others, and indirect costs. (See Section 1. Administration and Legal fees for additional information required for these cost elements)
- **Independent Estimate:** Provide a current copy of the independent cost estimate or provide the name of the budget file if the cost estimate was provided in the application.
- **Percentage-Based Estimation Justification**: If percentage is being used to estimate the contractor/consultant, provide the basis/justification of percentage being used on the estimated budget. Note, a detailed cost/analysis will be required prior to receiving offers on the proposal if the amount exceeds the Simplified Acquisition Threshold (SAT).

The City of Fayetteville has seen a range of design fee percentages with recent Transportation Projects. Examples of these are College Ave Phase 1 at 15%, Millsap Drive at 8.5%, Center/Harmon Intersection at 5.2% and the Midtown Corridor Project at $7.2%. We evaluated the amount of design work needed and based the work on these previous project examples to establish the following percentages shown in the table below.

Project Name	Percentage of Estimated Construction Cost for Design	Status
N. College	**5%**	**Preliminary Complete - Final design needed**
S. School	**15%**	**Concept Design needs updated and final design**
Maple St.	**1%**	**Design Complete – Only NEPA needed**
Joyce Blvd.	**12%**	**Full design needed**
Gregg Ave.	**17%**	**Full design needed**

5) Other Architectural and engineering (A/E) fees

Summary: As applicable, this section should include archeologist fees, materials testing fees, surveying fees, and etc. that are not part of the A/E contract or the construction contract that either is contracted out separately or performed by the recipients/subrecipients.

i. **General**: Does the recipient's project budget contain costs for Other A/E fees?
☐ Yes ***(Complete section below)***
☒ No ***(Move on to Section 6 - Project Inspection fees)***

ii. **Other A/E Summary Table:** Provide a summary table showing the cumulative amount for all the Other A/E costs and proposed type of competitive procurement method for each contract. See Appendix A for an example of an Other A/E summary table if needed.

iii. **Supporting Documentation**: Provide a detailed budget/supporting documentation for each contractor/consultant/recipient/subrecipient listed in the Other A/E summary table.

The detailed budget/supporting documentation could be one of the following formats:

- **Cost/Price Analyses:** Detailed cost/price analysis with direct labor, fringe, travel, equipment, supplies, others, and indirect costs. (See Section 1. Administration and Legal fees for additional information required for these cost elements)
- **Independent Estimate:** Provide a current copy of the independent cost estimate or provide the name of the budget file if the cost estimate was provided in the application.
- **Percentage-Based Estimation Justification:** If percentage is being used to estimate the contractor/consultant, provide the basis/justification of percentage being used on the estimated budget. Note, a detailed cost/analysis will be required prior to receiving offers on the proposals if the amount exceeds the Simplified Acquisition Threshold (SAT).

6) Project Inspection fees

Summary: As applicable, this section should include project inspection fees performed by an A/E or by the recipients/subrecipients. These fees would not be part of the costs listed in Section 4 - A/E fees.

i. **General**: Does the recipient's project budget contain costs for Project Inspection fees?
☒ Yes ***(Complete section below)***
☐ No ***(Move on to Section 7 – Site Work)***

ii. **Project Inspection Summary Table:** Provide a summary table showing the cumulative amount for all the Project Inspection costs and proposed type of competitive procurement method for each contract. See Appendix A for an example of a Project Inspection summary table if needed.

Entity Name	***Work to be Performed and Project Section/Task***	***Proposed Type of Competitive Procurement Method***	***Estimated Project Inspection Costs ($)***
To Be Determined	Project Inspection for the entire project	Request for Proposal (RFP)	$550,000.00
Total Estimated Project Inspection Costs*			**$550,000.00**
***Total Costs row above contains an auto-sum formula. After entering estimated costs, **select the table and press F9 to update total**.			

*Note: Some Inspection may be by City staff inspectors.

iii. **Supporting Documentation**: Provide a detailed budget/supporting documentation for each contractor/consultant/recipient/subrecipient listed in the Project Inspection summary table.

The detailed budget/supporting documentation could be one of the following formats:

- **Cost/Price Analyses**: Detailed cost/price analysis with direct labor, fringe, travel, equipment, supplies, others, and indirect costs. See Section 1. Administration and Legal fees for additional information required for these cost elements.
- **Independent Estimate**: Provide a current copy of the independent cost estimate or provide the name of the budget file if the cost estimate was provided in the application.
- **Percentage-Based Estimation Justification:** If percentage is being used to estimate the contractor/consultant, provide the basis/justification of percentage being used on the estimated budget. Note, a detailed cost/analysis will be required prior to receiving offers on the proposals if the amount exceeds the Simplified Acquisition Threshold (SAT).

25% of the design fee was used for estimating the inspection costs. This percentage is based on inspection of two recent projects in Fayetteville, Industrial Drive and Center/Harmon. Local consultant McClelland Consulting Engineers did full project management, and the cost was approximately 50% of the design costs. For these SS4A projects, we have deducted the construction management because City staff or design consultants will be covering this work, so we reduced the percentage to 25% for construction inspection only.

7) Site Work

Summary: As applicable, this section should include site work costs that are not part of the larger construction contract and are contracted out separately or performed by the recipients/subrecipients.

i. General: Does the recipient's project budget contain costs for Site Work?
☐ Yes ***(Complete section below)***
☒ No ***(Move on to Section 8 – Demolition and Removal)***

ii. Site Work Summary Table: Provide a summary table showing the cumulative amount for all the Site work costs and proposed type of competitive procurement method for each contract. See Appendix A for an example of a Site Work summary table if needed.

iii. Supporting Documentation: Provide a detailed budget/supporting documentation for each contractor/recipient/subrecipient listed in the Site Work summary table.

The detailed budget/supporting documentation could be one of the following formats:

- **Cost/Price Analyses:** Detailed cost/price analysis with direct labor, fringe, travel, equipment, supplies, others, and indirect costs. See Section 1. Administration and Legal fees for additional information required for these cost elements.

- **Independent Estimate:** Provide a current copy of the independent cost estimate (e.g., engineer's estimate) or provide the name of the budget file if the cost estimate was provided in the application.
- **Other Documentation:** If an independent estimate is not available, explain how the budget estimate was formulated or provide documentation that supports the cumulative amount.

8) Demolition and Removal

Summary: As applicable, this section should include demolition and removal costs that is not part of the larger construction contract and is contracted out separately or is performed by the recipients/subrecipients.

i. General: Does the recipient's project budget contain costs for Demolition and Removal?

☐ Yes ***(Complete section below)***
☒ No ***(Move on to Section 9 – Construction)***

ii. Demolition and Removal Summary Table: Provide a summary table showing the cumulative amount for all the Demolition and Removal costs and proposed type of competitive procurement method for each contract. See Appendix A for an example of a Demolition and Removal summary table if needed.

iii. Supporting Documentation: Provide a detailed budget/supporting documentation for each contractor/recipient/subrecipient listed in the Demolition and Removal summary table.

The detailed budget/supporting documentation could be one of the following formats:

- **Cost/Price Analyses:** Detailed cost/price analysis with direct labor, fringe, travel, equipment, supplies, others, and indirect costs. See Section 1. Administration and Legal fees for additional information required for these cost elements.
- **Independent Estimate:** Provide a current copy of the independent cost estimate (e.g., engineer's estimate) or provide the name of the budget file if provided in the application.
- **Other Documentation:** If an independent estimate is not available, explain how the budget estimate was formulated or provide documentation that supports the cumulative amount.

9) Construction

Summary: As applicable, this section should include construction costs that is contracted out separately or is performed by the recipients/subrecipients.

i. General: Does the recipient's project budget contain costs for Construction?

☒ Yes ***(Complete section below)***

☐ No ***(Move on to Section 10 – Equipment)***

ii. Construction Summary Table: Provide a summary table showing the cumulative amount for all the Construction costs and proposed type of competitive procurement method for each contract. See Appendix A for an example of a Construction summary table if needed.

Entity Name	***Description of Work***	***Proposed Type of Competitive Procurement Method****	***Anticipated Project Delivery Type*****	***Estimated Construction Costs ($)***
To Be Determined	General contractor to perform construction for **College Ave.**	Sealed Bid	Design-Bid-Build	**$8,910,000.00**
To Be Determined	General contractor to perform construction for **S. School Ave.**	Sealed Bid	Design-Bid-Build	**$3,573,000.00**
To Be Determined	General contractor to perform construction for **Maple Street Improvements**	Selection RFP Request for Proposal with Qualification and Price	Construction Manager/General Contractor (CM/GC)	**$9,250,000.00**
To Be Determined	General contractor to perform construction for **Joyce Blvd.**	Sealed Bid	Design-Bid-Build	**$2,765,000.00**
To Be Determined	General contractor to perform construction for **Gregg Ave.**	Sealed Bid	Design-Bid-Build	**$1,635,000.00**
Total Estimated Construction Costs***				**$26,133,000.00**

*If a noncompetitive procurement is necessary, indicate the circumstance that applies in accordance with 2 CFR 200.320(c) and request approval, if applicable**.**

****Design-Bid-Build or Design-Build or Construction Manager/General Contractor (CM/GC (as known as Construction Manager at Risk (CMAR)))

*****Total costs row above contains an auto-sum formula. After entering estimated costs, **select the table and press F9 to update total**.

iii. Supporting Documentation: Provide a detailed budget/supporting documentation for each contractor/recipient/subrecipient listed in the Construction summary table.

The detailed budget/supporting documentation could be one of the following formats:

- **Cost/Price Analyses:** Detailed cost/price analysis with direct labor, fringe, travel, equipment, supplies, others, and indirect costs. See Section 1. Administration and Legal fees for additional information required for these cost elements.

- **Independent Estimate:** Provide a current copy of the independent cost estimate (e.g., engineer's estimate) or provide the name of the budget file if provided in the application.

***Cost Estimation is based on bid tabulations from recently bid construction projects in the City of Fayetteville including Harmon & Center intersection, Archibald Yell improvements, Midtown Corridor and College Avenue (North St. to Sycamore). Detailed cost estimates based on the bid tabulations is provided in the attachments as shown below.**

(i) **College Avenue** – See **Attachment D**
(ii) **South School –** See **Attachment E**
(iii)**Maple Street Improvements –** See **Attachment F**
(iv)**Joyce Blvd.** – See **Attachment G**
(v) **Gregg Ave.** – See **Attachment H**

- **Other Documentation:** If an independent estimate is not available, explain how the budget estimate was formulated or provide documentation that supports the cumulative amount.

10) Equipment

Summary: As applicable, this section should include equipment costs that is not part of the larger construction contract or administrative expenses section and is contracted out separately.

i. General: Does the recipient's project budget contain acquisition costs for the project equipment?

☒ Yes ***(Complete Section below)***
☐ No ***(Move on to 11 - Miscellaneous)***

ii. Equipment Summary Table: Provide the anticipated acquisition equipment costs and basis of the estimate.

Expense Category	Specifications/Details	5-Year Budget
Speed Awareness (radar feedback sign equipment on high-injury network roadways)	MUTCD Compliant high visibility sign with programmable digital display minimum 24"x30" sign with minimum 12" digital characters. Procured through City of Fayetteville standard low-bid process according to 2CFR, installed by City of Fayetteville crews in locations on High Injury roadways. For State highway locations, a permit will be obtained and will comply with ARDOT standards. All materials be purchased through the City of Fayetteville's standard procurement process and according to 2CFR. Final quantities of materials will be determined by unit cost to be determined through competitive process based on available budget. Cost estimate is based on public available vendor cost sheets.	$100,000

11) Miscellaneous

Summary: The "Miscellaneous" cost classfication may include, but is not limited to, any additional fees (e.g., TERO fees for Federally Recognized Tribe Recipients) that will be assessed against the total project cost. Miscellaneous items are not part of any costs in the sections above.

i. **General**: Does the recipient's project budget contain Miscellaneous costs?
   ☒ Yes ***(Complete section below)***
   ☐ No ***(Move on to 12 - Contingencies)***

ii. **Miscellaneous Costs Summary:** Describe the estimates for all items in the 'Miscellaneous' cost classfication, including:

Miscelaneous Costs Category is being used for the Vision Zero Education & Awareness with a total cost of $400,000.00. Expense categories are described with specifications and detailed in Attachment J. Procurement of all items will be in accordance with 2CFR.

12) Contingencies

i. **General**: Does the project budget contain Contingencies costs for the construction project?
   ☒ Yes ***(Complete section below)***
   ☐ No ***(Move on to Certifications)***

ii. **Contingency Amount**: Provide the anticipated contingencies amount/percent for the Site Work costs, Demolition and Removal costs, and construction costs for the project.

Project	Percentage of Estimated Construction Cost	Total Cost
North College	**11.6%**	**$1,030,240.00**
South School	**12%**	**$428,760.00**
***Maple Street**	**5.4%**	**$500,000.00**
Joyce Blvd.	**12%**	**$331,800.00**
Gregg Ave.	**12%**	**$196,200.00**
	Total	**2,487,000.00**

***Maple Street has fixed contingency cost of $500,000.00 or 5.4%**

iii. **Basis of Estimation**: Provide a brief justification how the amount/percent was determined.

The contingencies below are based on the level of previous design development that has already been completed specific to the project. Contingency percentage is based on the estimated construction cost per project that was generated from recent bid tabulations of construction projects in Fayetteville and provided on Attachments D through H.

CERTIFICATIONS

To the best of its knowledge, the recipient certifies the following:

1. The costs and information detailed above are correct and complete for the purposes set forth in the associated application for Federal Assistance.

2. The budget detailed above does not include any previously incurred expenses, or costs to be incurred before the time of award and obligation, unless otherwise approved.

3. The recipient confirms that the proposed cost sharing amount complies with 2 CFR § 200.306 (Cost sharing or matching).

4. The recipient certifies that it does not have any potential or actual conflicts of interest, as defined in 2 CFR § 200.112 and by 2 CFR § 200.318, to disclose.

5. The recipient certifies that its financial management is in accordance with 2 CFR § 200.302 and has written procedures/policies in place.

6. The recipient has established and documented procedures that are consistent with 2 CFR 200 Subpart D - Property Standards 2 CFR § 200.310-316, for the equipment and real property required under a federal award or subaward.

7. The recipient has established and documented procurement procedures that are consistent with applicable State, local, and tribal laws and regulations and 2 CFR 200 Subpart D - Procurement Standards 2 CFR § 200.317-327, for the acquisition of property or services required under a federal award or subaward.

8. All proposed costs in the budget are allowable in accordance with 2 CFR § 200.403, reasonable in accordance with 2 CFR § 200.404, and allocable per 2 CFR § 200.405 for the purpose of the federal award.

9. The recipient certifies that its indirect costs is in accordance with 2 CFR 200 Subpart E - Direct and Indirect (F&A) Costs 2 CFR § 200.414-415.

Signature of Authorized Entity Representative

I hereby certify on behalf of ***City of Fayetteville, Arkansas*** that the information entered in this document is current, and accurate.

Recoverable Signature

X Chris Brown

Signed by: c6fdafd2-f06b-49b7-8e01-570283488fd2

Name: Chris Brown **Date: 7/30/24**

Title: Public Works Director

Expense Category	Specifications/Details	5-Year Budget
Consultant Fees (campaign design and strategy development)	City of Fayetteville will contract qualified marketing and mass communication professional services to develop a strategic planning document for the education and awareness campaign to include guidance on allocation of advertising funds effective messaging and compliance with Federal 2CFR requirements. Cost is estimated based on similar programs in the Region.	$50,000
Advertisements (print, radio, digital, signage)	Strategic purchase of mass and targeted marketing space in a print, radio, online and signage. Placement of public service announcements and messages to be determined by strategic plan. Cost is estimated based on local market rates.	$105,000
Contract Services (media production, videography, photography, graphic design)	A professional media company will be selected acording to 2CFR to produce marketing materials, educational video content, photography and graphic design elements to be distributed on City communicaition platforms and marketing campains. City of Fayetteville Media Services division may produce some or all of the video content. Cost estimated based on similar marketing campaigns in the Region.	$65,000
Bicycle and Micromobility Safety (bicycle helmets, lights)	Materials to be procured by city of Fayetteville through standard low-bid process (minimum of 3 quotes) and according to 2CFR. Materials to be distributed to the public by the City and no cost limited to one of each item per person. Bike Helmets must meet Consumer Product Safety Commission (CPSC) standards and incorporate Multi-directional Impact Protection System (MIPS) technology. Bicycle lights must be LED, include rechargeable battery and emit a minimum of 500 lumens. All products will comply with Buy America requirements. Cost is estimated based on vendor product sheets. Quantities of materials will be determined by unit cost to be determined through competitive process based on available budget.	$60,000
Pedestrian Safety (SafeAcross campaign)	The SafeAcross campaign created by the City of Springfield, Missouri offers resources and materials to educate the public on the importance of pedestrian safety. Funding to purchase signage and materials specific to this program has been estimated based on costs from Springfield.	$50,000
Professional Training (Vision Zero and Safe System framework workshops/seminars for public employees, designers, traffic engineers and public officials)	City of Fayetteville will contract qualified professional services from an education consultant firm with substantial experience and expertise in Vision Zero and Safe System Approach to conduct in-person trainings/workshops that will comply with American Public Works Association (APWA) Continuing Education Credit Standards or Certificate Workshops standards. The goal is to train approximately 300 people with an emphasis on participation from those who are engaged in the operation, management and design of Fayetteville's transportation network. Cost is estimated based on similar trainings in the Region.	$30,000
Vision Zero Taskforce (road safety auditing, annual reports, meetings, demonstration projects)	Funds to be used provide resources for a Vision Zero Taskforce (VZT) comprised of approximately 5 City staff. VZT will be tasked with post-crash responses for fatal and serious injury crashes and may initiate demonstration projects using low-cost temporary materials to evaluate possible interventions using proven safety countermeasures to reduce risks on high-injury network streets. VZT will provide an annual report of KSI crashes in Fayetteville. Cost is estimated based on recent quick build projects in Fayetteville.	$30,000
Outreach Expenses (mailers, tabling materials, literature)	City will procure materials and provide staff support to be used for in-person public engagement outreach activities to distribute bicycle lights/helmets and other educational materials at a minimum of 5 public events per year. Cost is estimated based on vendor price sheets.	$10,000
Total		**$400,000**

1. Federal Award No.
693JJ32540169

2. Effective Date
See No. 16 Below

3. Assistance Listings No.
20.939

4. Award To
City of Fayetteville
113 W Mountain
Fayetteville, AR 72701-6083

Unique Entity Id.: FKCQRMDULFH9
TIN No.: 71-6018462

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 –
December 31, 2028

7. Total Amount

Federal Share:	$25,000,000
Recipient Share:	$7,250,000
Other Federal Funds:	$0
Other Funds: (University of Arkansas)	$1,250,000
Total:	$33,500,000

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.
HSA240238PR

11. Federal Funds Obligated
Base Phase (Pre-NEPA) $2,015,000

12. Submit Payment Requests To
See Article 5.

14. Accounting and Appropriations Data
15X0174E50.0000.055SR30500.5592000000.41010.61006600 ($375,000)
15X0174E50.0000.055SR40500.5592000000.41010.61006600 ($24,625,000)

13. Description of the Project
The City of Fayetteville will implement a Vision Zero Strategy which consists of five catalyst projects each involving major on construction High Injury Network corridors to implement proven safety countermeasures as well as a community-wide public awareness and education campaign over 5 years.

RECIPIENT

15. Signature of Person Authorized to Sign

_____
Signature Date
Name: Lioneld Jordan
Title: Mayor

FEDERAL HIGHWAY ADMINISTRATION

16. Signature of Agreement Officer

_____
Signature Date
Name: David Villalobos
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 Fayetteville, Arkansas (the "**Recipient**").

This agreement reflects the selection of the Recipient to receive a Safe Streets and Roads for All ("**SS4A**") Grant for the Safe Streets and Roads for Fayetteville, Arkansas – Accelerating change towards Vision Zero.

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: Safe Streets and Roads for Fayetteville, Arkansas – Accelerating Change Towards Vision Zero

Application Date: 07/07/2023

2.2 Award Amount.

SS4A Grant Amount: $25,000,000

2.3 Federal Obligation Information.

Federal Obligation Type: Multiple

Obligation Condition Table		
Phase the Project	**Allocation of the SS4A Grant**	**Obligation Condition**
Base Phase: Pre -NEPA (Preliminary Engineering and Env. Documentation) a. Project 1: College Avenue ($480,000) b. Project 2: S. School Avenue ($520,000) c. Project 3: W. Maple Street ($40,000) d. Project 4: E. Joyce Blvd ($320,000) e. Project 5: N. Gregg Ave. ($280,000) f. Supplemental Action Plan Education and Awareness Activities ($375,000)	$2,015,000	

Obligation Condition Table		
Phase the Project	**Allocation of the SS4A Grant**	**Obligation Condition**
Phase 1: Right-of-Way, and Utility Relocation a. Project 1: College Avenue ($400,000) b. Project 2: S. School Avenue ($304,000) c. Project 3: W. Maple Street ($0) d. Project 4: E. Joyce Blvd ($120,000) e. Project 5: N. Gregg Ave. ($80,000)	$904,000	The Recipient shall not expend any funds (Federal or non-Federal) for, seek reimbursement of eligible costs, or otherwise begin any part of the final design and construction of an Implementation Project unless and until: (1) The requirements of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) ("NEPA"), Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) ("NHPA"), and any other applicable environmental laws and regulations have been met; and (2) FHWA, or a State with applicable NEPA Assignment authority, has approved the NEPA document for the Project and provided the Recipient with a written notice that the environmental review process is complete; and (3) FHWA has obligated additional funds for this phase and notified the Recipient in writing that the Recipient may proceed to the next activity after NEPA approval, and the Recipient has acknowledged receipt in writing of FHWA's notification. Recipient shall not proceed with any such activities until (2) and (3) as described in this section are met. Costs that are incurred before (2) and (3) as described in this section are met are not allowable costs under this agreement. Extent of activities that are permissible before NEPA is complete are those activities constituting "preliminary design" as specified in FHWA Order 6640.1A.

Obligation Condition Table		
Phase the Project	**Allocation of the SS4A Grant**	**Obligation Condition**
Phase 2: Construction a) Project 1: College Avenue ($8,120,000) b) Project 2: S. School Avenue ($2,926,000) c) Project 3: W. Maple Street ($7,460,000) d) Project 4: E. Joyce Blvd ($1,935,000) e) Project 5: N. Gregg Ave. ($1,640,000)	$22,081,000	The Recipient shall not expend any funds (Federal or non-Federal) for, seek reimbursement of eligible costs, or otherwise begin any part of the construction or final design and construction of an Implementation Project unless and until: (1) The requirements of the National Environmental Policy Act (42 U.S.C. § 4321 et seq.) ("NEPA"), Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) ("NHPA"), and any other applicable environmental laws and regulations have been met; and (2) FHWA, or a State with applicable NEPA Assignment authority, has approved the NEPA document for the Project and provided the Recipient with a written notice that the environmental review process is complete; and (3) FHWA has obligated additional funds for this phase and notified the Recipient in writing that the Recipient may proceed to the next activity after NEPA approval, and the Recipient has acknowledged receipt in writing of FHWA's notification. Recipient shall not proceed with any such activities until (2) and (3) as described in this section are met. Costs that are incurred before (2) and (3) as described in this section are met are not allowable costs under this agreement. Extent of activities that are permissible before NEPA is complete are those activities constituting "preliminary design" as specified in FHWA Order 6640.1A.

2.4 Budget Period.

Base Phase Budget Period: Effective Date (Block 6 of Page 1) through

a. Project 1: College Avenue: January 31, 2027
b. Project 2: S. School Avenue: January 31, 2027
c. Project 3: W. Maple Street: July 31, 2025
d. Project 4: E. Joyce Blvd: June 30, 2027
e. Project 5: N. Gregg Ave: June 30, 2027
f. Non-Infrastructure: Education & Awareness: December 31, 2028

Option Phase 1 Budget Period: Reserved

a. Project 1: College Avenue: Reserved
b. Project 2: S. School Avenue: Reserved
c. Project 3: W. Maple Street: N/A
d. Project 4: E. Joyce Blvd: Reserved
e. Project 5: N. Gregg Ave: Reserved

Option Phase 2 Budget Period: Reserved

a. Project 1: College Avenue: Reserved
b. Project 2: S. School Avenue: Reserved
c. Project 3: W. Maple Street: Reserved
d. Project 4: E. Joyce Blvd: Reserved
e. Project 5: N. Gregg Ave: Reserved

2.5 Grant Designation.

Designation: Implementation

ARTICLE 3
SUMMARY PROJECT INFORMATION

3.1 Summary of Project's Statement of Work.

Fayetteville's Vision Zero Strategy includes five distinct infrastructure catalyst projects and a community-wide education and awareness campaign. The education and awareness campaign schedule will consist of 1 year of planning and development and 4 years of implementation. Education & awareness funding may be allocated immediately upon approval of the grant agreement to begin selection of consultants and campaign development.

The City of Fayetteville may use hourly rates of City staff time tracked as being in support of SS4A projects as eligible expenses counting toward local matching funds. Additional staff position(s) may also be added for project planning, design, administration, and management of the SS4A grant associated projects.

The infrastructure projects are at various levels of readiness and each project schedule will be independent of other projects' status. Separate NEPA approval will be requested for each infrastructure project and construction is planned to proceed on each project regardless of other projects phasing or NEPA status.

The project will be completed in three phases as follows:

1) Base Phase: Pre-NEPA:
   a. Project 1: College Avenue: Conceptual/preliminary design was completed prior to grant award. Environmental documentation, public review of the preliminary design, and other necessary activities will be completed as required for NEPA approval.
   b. Project 2: S. School Avenue: Corridor study and conceptual design was completed prior to grant award; traffic study and analysis, environmental documentation, and public involvement will be completed in this phase to confirm or modify the concept from the study. Documents for approval of NEPA requirements will be developed.
   c. Project 3: W. Maple Street: Design and NEPA documentation have been developed prior to grant award. Public Involvement and review of design and environmental documentation will be completed in this phase.
   d. Project 4: E. Joyce Blvd: Corridor study to determine most effective safety countermeasures, preliminary design, public engagement, and environmental documentation.
   e. Project 5: N. Gregg Ave: 32 months: Corridor study to determine most effective safety countermeasures, preliminary design, public engagement, and environmental documentation.
   f. Supplemental Action Plan Education and Awareness) Activities: Development and implementation of plan.

2) Option Phase 1: Final Design, Right-of-Way, and Utility Relocation: Development of construction plans and acquisition of necessary rights of way and easements. Procurement of a construction manager for some or all project segments. Each project segment noted in the previous section will proceed as an independent project with separate obligation schedule.

3) Option Phase 2: Construction: Construction of each segment as noted above will proceed; procurement by use of standard bidding procedures or by alternative methods of procurement will be determined as each project proceeds, obligation of funds will be requested by project.

3.2 Project's Estimated Schedule.

Fayetteville's Vision Zero Strategy includes five distinct infrastructure catalyst projects and a community-wide education and awareness campaign. The education and awareness campaign schedule will consist of 1 year of planning and development and 4 years of implementation. Education & awareness funding may be allocated immediately upon approval of the grant agreement to begin selection of consultants and campaign development.

The infrastructure projects are at various levels of readiness and each project schedule will be independent of other projects' status. Separate NEPA approval will be requested for each infrastructure project and construction is to proceed on each project regardless of other projects phasing or NEPA status.

Construction on Maple Street is scheduled to begin 6 to 12 months after the agreement date as Maple Street improvements are fully designed and are expected to be eligible for a categorical exclusion for NEPA approval. Construction is expected to be completed in 12 months; therefore, final completion for Maple Street is expected within 24 months of the project agreement date.

College Avenue and S School Ave improvements have conceptual design. These two projects are expected be ready for NEPA approval in 27 months from agreement date and ready for construction in 35 months. Final completion date is expected in 48 months. Joyce Blvd and Gregg Ave are at the beginning stages of public input and conceptual design comprehensive design and are expected to have NEPA Approval in 32 months, construction in 33 months, and complete construction in 52 months.

The community-wide education campaign will inform key decision makers and members of the public in understanding Vision Zero principles and the Safe System Approach. These efforts may include but not be limited to: purchase of radar speed feedback and other supplementary safety signage on high injury corridors, a Vision Zero public service announcement campaign, staffing of city or regional Vision Zero program manager position, a "Twenty is Plenty" messaging campaign, reporting and website services to support a Vision Zero Taskforce, professional development workshops training and seminars for City and University of Arkansas staff and other local transportation professionals.

(Remainder of this Page Left Blank Intentionally)

Implementation Schedule (Construction)

Milestone	Schedule Date
Planned NEPA Completion Date:	Project 3: W Maple Street, May 31, 2025 Project 1: College Ave, June 30, 2026 Project 2: S School Ave June 30, 2026 Project 5: N Gregg Ave November 31, 2027 Project 4: E Joyce Blvd November 31, 2027
Planned Construction Start Date	Project 3: W Maple Street, September 30, 2025 Project 1: College Ave, June 30, 2027 Project 2: S School Ave, June 30, 2027 Project 5: N Gregg Ave, November 30, 2027 Project 4: E Joyce Blvd, November 30, 2027
Planned Construction Substantial Completion and Open to Public Use Date:	Project 3: W Maple Street, September 30, 2026 Project 1: College Ave, June 30, 2028 Project 2: S School Ave, June 30, 2028 Project 5: N Gregg Ave, November 31, 2029 Project 4: E Joyce Blvd, November 31, 2029
Planned SS4A Final Report Date:	December 31, 2029

Implementation Schedule (Non-Construction)

Milestone	Schedule Date
Planned NEPA Completion Date:	N/A
Planned Activity Completion Date:	December 31, 2029
Planned SS4A Final Report Date:	December 31, 2029

3.3 Project's Estimated Costs.

(a) Eligible Project Costs

Eligible Project Costs	
SS4A Grant Amount:	$25,000,000
Other Federal Funds:	$0
State Funds:	$0
Local Funds:	$7,250,000
In-Kind Match:	$0
Other Funds (University of Arkansas):	$1,250,000
Total Eligible Project Cost:	$33,500,000

(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
Administrative and legal expenses	$1,000,000		$1,000,000
Land, structures, rights-of-way, appraisals, etc.	$1,130,000		$1,130,000
Architectural and engineering fees	$1,700,000		$1,700,000
Project inspection fees	$550,000		$550,000
Construction	$26,133,000		$26,133,000
Equipment	$100,000		$100,000
Miscellaneous	$400,000		$400,000
Contingency	$2,487,000		$2,487,000
Project Total	**$33,500,000**		**$33,500,000**

(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).

Chris Brown
Public Works Director
City of Fayetteville, Arkansas
113 W Mountain Street
Fayetteville, AR 72701
479-575-8207
cbrown@fayetteville-ar.gov

4.2 Recipient Key Personnel.

Name	Title or Position
Chris Brown	Public Works Director
Steven Dodson	Deputy CFO
Lyssie Koscheski	Accounting Manager – Bond, Contract & Grant Reporting
Matt Casey	Engineering Design Services Manager
Matt Mihalevich	Active Transportation Manager
Dane Eifling	Mobility Coordinator

4.3 USDOT Project Contact(s).

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
SS4A.FHWA@dot.gov

and

Agreement Officer (AO)
Federal Highway Administration
Office of Acquisition and Grants Management
HCFA-42, Mail Stop E62-310
1200 New Jersey Avenue, S.E.
Washington, DC 20590
202-493-2402
HCFASS4A@dot.gov

and

Division Administrator – Vivien N. Hoang, Arkansas
Agreement Officer's Representative (AOR)
700 West Capitol
Little Rock, AR 72201
501-324-5625
Vivien.Hoang@dot.gov

and

Valera McDaniel
AR Division Office Lead Point of Contact
Grants Program Manager
700 West Capitol
Little Rock, AR 72201
501-324-5326
Valera.McDaniel@dot.gov

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.

In accordance with 2 CFR 200.308(f)(6), the recipient or subrecipient shall obtain prior written approval from the USDOT agreement officer for the subaward, if the subaward activities were not proposed in the application or approved in the Federal award. This provision is in accordance with 2 CFR 200.308(f)(6) and does not apply to procurement transactions for goods and 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 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.

6.5 The Recipient of an Implementation Grant agrees to update its Action Plan within two years of the date of this agreement to: align with all Comprehensive Safety Action Plan components in Table 1 of the SS4A FY 2023 NOFO corresponding with any "no" responses in the Self-Certification Eligibility Worksheet; ensure that the Action Plan's safety focus includes all road users, including pedestrians, bicyclists, and motor vehicle safety; and ensure that the Action Plan was last updated not more than three years prior.

6.6 The Recipient acknowledges that it is required to conduct certain environmental analyses and to prepare and submit to FHWA, or State with applicable NEPA Assignment authority, documents required under NEPA, and other applicable environmental statutes and regulations before the Government will obligate

funds for Option Phase 1 under this agreement and provide the Recipient with a written notice to proceed with Option Phase 1.

6.7 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.

ATTACHMENT A
PERFORMANCE MEASUREMENT INFORMATION

Study Area: City Boundaries of Fayetteville Arkansas
Baseline Measurement Date: December 31, 2024
Baseline Report Date: December 31, 2028

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

Measure	Category and Description	Measurement Frequency and Reporting Deadline
Outcomes and Benefits [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 changes from application.

Schedule: No changes from application.

Budget: The SF-424C form was corrected for the cost estimate for Project 3: W Maple Street. The design of the irrigation was an error. The cost is for the installation of the irrigation and not the design. The overall budget amounts did not 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	0	0	0	0
Non-Federal Funds	0	0	0	0
Total Previously Incurred Costs	0	0	0	0
Future Eligible Project Costs				
SS4AFunds				
Other Federal Funds		0		0
Non-Federal Funds				
Total Future Eligible Project Costs				
Total Project Costs				

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:

X	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.)*
X	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.
	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.

The City of Fayetteville has adopted the Northwest Arkansas Comprehensive Safety Action Plan which incorporates equity analysis to identify communities that have disproportionate safety impacts. Fayetteville's Safe Streets for All Vision Zero Strategy projects included multimodal mobility improvements that proactively create new connections and opportunities for underserved communities.

The project includes improvements for walking, biking, and rolling for individuals with disabilities. All five projects' areas are in underserved areas and are planned to add sidewalks, protected bicycle infrastructure, crosswalks, reducing vehicular speeds and reallocation of space away from automobiles toward pedestrians and other vulnerable road users.

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:

X	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.)*
X	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.
	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.

Fayetteville's Energy Action Plan outlines the City's goals for reducing greenhouse gas emissions and sustainable transportation alternatives. Fayetteville's SS4A Vizion Zero strategy includes addition of sidewalks, protected bicycle infrastructure and transit improvements which will allow people safely engage in zero-emission active mobility.

Fayetteville's Vision Zero Strategy is focused on retrofitting existing streets in Fayetteville's High-Injury Network and will have negligible environmental impacts. All implementation areas avoid adverse environmental impacts and are within existing dilapidated or underutilized roadways.

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 demonstrates, 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.)*
X	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.
	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.

For construction of the Project, the City of Fayetteville will contract services through a competitive bidding/selection process in accordance with relevant laws and City Policy. Workforce and labor standards are incorporated with the City's purchasing review process, which requires compliance with all Federal and State regulations, including Equal Employment Opportunity (EEO), Disadvantaged Business Enterprise (DBE), and OSHA. The City's Economic Vitality Department is a key partner in managing economic growth driven by development and transportation, including the provision of programming that helps residents pursue high-wage, high-skill, high-demand (H3) jobs. As part of its periodic economic development strategic planning efforts, the City has identified several target industries—including infrastructure—which will be used to guide alignment of the City's future investments in workforce training, K-12 career and technical education, and industry partnership building.

The five catalyst projects associated with this Project will directly benefit Fayetteville's primary commercial districts to better connect hundreds of local businesses and to enable multi-modal access to critical community services. Improvements to N. College Avenue and S. School Avenue will support the implementation of the City's 71B Corridor Plan, which reimagines the region's primary transportation

route and artery of commerce by applying the concept of corridor urbanism. Investment in a safer, multi-modal transportation network better connects workers, students, and residents to the place where they live and work. This Project likewise provides more equitable access to the region's primary engine for economic development, the University of Arkansas, by improving access to the Razorback Greenway.

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:

X	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.
X	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.

The City of Fayetteville's Electronic Communication Policy and Procedures addresses privacy, downloading and installing software, file storage, backups, shared devices and all relevant risks associated with electronic transmission of information, documents and funds.

College Avenue is the only project corridor identified in Fayetteville's Vision Zero Strategy that crosses a floodplain. The roadway uses an existing box culvert crossing of Sublet Creek, stormwater will continue to be directed through existing culverts and storm drains, no drainage upgrades are included in project scope.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-687

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Chris Brown, Public Works Director

FROM: Alan Pugh, Staff Engineer

SUBJECT: **Adoption of Chapter 52, Stormwater Management and Water Quality Utility, of the City of Fayetteville Code or Ordinances establishing a Stormwater Management and Water Quality Fund.**

RECOMMENDATION:
Staff recommends adoption of Chapter 52, Stormwater Management and Water Quality Utility, of the City of Fayetteville Code or Ordinances establishing a Stormwater Management and Water Quality Fund

BACKGROUND:
Like many cities throughout the state and nation, the City of Fayetteville experiences issues with management of its stormwater utility system. These issues stem from many sources including, but not limited to, compliance with the mandated Municipal Separate Stormwater System (MS4) requirements, aging infrastructure, maintenance of system capacity, personnel to perform systematic inspections and the lack of formal drainage systems in many older areas of the City. To address these concerns, the City has historically funded the stormwater program through the Sales Tax Capital Improvement Program (CIP) and the Street Fund for capital and operational/maintenance functions, respectively. However, there are many needs within the City that require funding from these sources and, at least in recent years, the funding for stormwater has been inadequate to comprehensively address stormwater management within the City. To develop a comprehensive solution, additional funding is required for personnel and equipment as well as multiple capital projects, many of which will require more than $1 million dollars for each project. Given the current levels, it would take many years to address just one of those projects.

In June 2018, the City Council recognized these needs and approved a consultant contract for a feasibility study (Resolution 131-18) and amended that agreement on two occasions (Resolutions 209-19 and 250-19) to provide additional investigation and details. That study was completed in August 2019 and updated in 2022 with more recent program costs, impervious area and associated fees. The Council also passed a resolution of intent to establish a stormwater utility in July 2022 (Resolution 157-22).

DISCUSSION:
The study recognized several areas that are currently underfunded, with the gap between the funding and actual costs to provide the services increasing every year. These needs include categories such as:

- operation and maintenance
- engineering and planning
- regulatory compliance

- capital improvement projects

The costs associated with these categories were based on a level and extent of service agreed upon by council early in the program discussions as well as estimates of future regulatory compliance costs and expansion of the stormwater system as Fayetteville continues to grow. The costs associated with the recommended stormwater utility program can be found below.

Program Costs	**Current Budget**	**Additional Needs**	**Total Program**
Operation and Maintenance	$998,441	$1,508,000	$2,506,441
Engineering and Planning	$67,000	$122,000	$189,000
Regulatory Compliance	$193,000	$274,000	$467,000
Stormwater CIP	$200,000	$913,400	$1,113,400
Administrative	$0	$324,000	$324,000
Total	**$1,458,441**	**$3,141,400**	**$4,599,841**

In response to the completed study and the need to find a sustainable funding source for the stormwater management program, City staff has drafted Chapter 52, Stormwater Management and Water Quality Utility, for consideration by City Council. The proposed ordinance would establish an equitable funding source based on impervious areas, which can be directly correlated to the impact of any given property to the stormwater system. The fee is proposed to be billed to sewer users with the City limits in a tiered system. Properties with greater impervious areas would have a higher fee than smaller properties due to the increased impact to the system. If there are multiple sewer customers on a single property, the total impervious area would be allocated across those customers and the appropriate portion of the total fee billed to each customer.

The proposed fee would provide funding, in addition to that already being allocated from existing sources, to operate and maintain as well as improve and expand the stormwater system. The fee tiers are as shown below.

Tier	Tier Range (by square footage of impervious area on a property)	Billing Units	Initial Monthly Fee ($1.35 per unit)
1	0≤2,000	1.25	$1.69
2	>2,000 to ≤ 3,500	2.75	$3.71
3	>3,500 to ≤ 5,000	4.25	$5.73
4	>5,000 to ≤ 6,500	5.75	$7.76
5	>6,500 to ≤ 8,000	7.25	$9.79
6	>8,000	Per Calc	Billing Unit x Rate

This fee will close the existing funding gap and will fund a program to adequately manage stormwater within the City of Fayetteville. The proposed program presents a sustainable and equitable method of funding. Staff have worked closely with the City Attorney's office throughout the process and has modified the program to address the concerns that have been raised.

Staff have also worked to clarify the impact of this ordinance on the residents of Fayetteville. With the previous resolution of intent to implement the stormwater utility, the council also approved additional funding to complete the utility billing database and billing tool that would allow residents to search for their address and determine the proposed fee. This tool was made available on November 7, 2024, and the sanitary sewer account holders were notified by email if one was on file with the City or post card if no email was available.

This process also allowed staff to take a closer look at the previously identified approximately 13% of the impervious area that was not previously allocated to a property with a sanitary sewer account. Each property was looked at individually during this process and the majority were able to be linked to an adjacent parcel. Currently, 7% of properties with impervious area have not been linked to a parcel with sanitary sewer service. These can be attributed to properties on the fringes of the City that may have a water service but be on septic, stand-alone parking areas and those properties that are exempted at the advice of the City Attorney.

BUDGET/STAFF IMPACT:
The proposal would initially generate approximately $3 million in additional funding to be allocated to the Stormwater Management and Water Quality program.

ATTACHMENTS: SRF (#3), Exhibit A - Stormwater Management and Water Quality (#4), Letter of Support Stormwater Utility BWA (#5), Stormwater Article from Source (#6), IRWP Letter of Support Fayetteville Stormwater Utility (#7), Resolution of Intent to Enact Stormwater Fee – May 21, 2024 (#8), FYAC - Letter of Support (#9)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-687

Adoption of Chapter 52, Stormwater Management and Water Quality Utility, of the City of Fayetteville Code or Ordinances establishing a Stormwater Management and Water Quality Fund.

AN ORDINANCE TO ENACT CHAPTER 52: STORMWATER MANAGEMENT UTILITY FEE INTO THE FAYETTEVILLE CODE OF ORDINANCES

WHEREAS, during the last two decades, the frequency and intensity of major rain storms striking Fayetteville has continued to increase dramatically; and

WHEREAS, the City of Fayetteville has worked diligently with our available revenues to improve and enhance our stormwater management facilities, but unfortunately flooding problems have continued as global warming has increased and created ever larger rain storms threatening to overwhelm our existing stormwater management facilities; and

WHEREAS, the City Council of Fayetteville has enacted improved stormwater management requirements for new developments, but yet even larger and continual investments into the City's stormwater management facilities are necessary to better handle the increasing rain storms that continue to intensify in number and in the amount of rainfall they deliver to Fayetteville; and

WHEREAS, state law now authorizes cities to enact Stormwater Management Utilities to equitability, fairly, and efficiently raise revenue needed to fund necessary stormwater management facilities to better protect citizens' homes, businesses, and institutions from the increasing dangers of flooding that we face now and which is likely to continue increasing in the future; and

WHEREAS, the proposed **Stormwater Management Utility Fee** Chapter has been carefully crafted to ensure it is fair and reasonable and bears a reasonable relationship to the benefits conferred on those paying for and receiving its services.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines and finds that **Chapter 52: Stormwater Management Utility Fee** with its **Sustainable Credit Framework** provision is fair and reasonable and bears a reasonable relationship to the benefits conferred on those paying for and receiving its services.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby enacts **Chapter 52:**

Stormwater Management Utility Fee into the *Fayetteville Code of Ordinances*.

City of Fayetteville Staff Review Form

2024-687

Item ID

11/19/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown	10/30/2024	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Adoption of Chapter 52, Stormwater Management and Water Quality Utility, of the City of Fayetteville Code or Ordinances establishing a Stormwater Management and Water Quality Fund.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

EXHIBIT A

CHAPTER 52: STORMWATER MANAGEMENT UTILITY FEE

ARTICLE I – GENERAL PROVISIONS

52.01 - Purpose

The Stormwater Management Utility Fee is hereby established to create an equitable, efficient, and dedicated funding source for stormwater management services in the City of Fayetteville and provide for the safety, preserve the health and promote the prosperity of Fayetteville residents, businesses and institutions. The purposes for the Stormwater Management Fee further include:

(A) To establish an equitable, fair, efficient and dedicated funding source for stormwater management services in the City of Fayetteville, Arkansas in addition to other taxpayer funds so that better long-range planning can be achieved.

(B) To lessen or deter hazards to persons, property and the environment caused by increased runoff, obstructions to drainage and introduction of excessive silts, debris and pollutants into the drainage system, lakes, ponds, streams, rivers and other water bodies in the City of Fayetteville, and to otherwise promote the public health, safety and welfare of the public.

(C) To fund the City's MS4 Stormwater Management Program for which it is expected to require a series of minimum control measures and report on their progress annually. In addition to new measures with each 5-year permit renewal, the City is projected to meet the population threshold of 100,000 by no later than 2030 and would be designated a medium MS4 community, triggering additional mandated activities.

(D) To administer the National Flood Insurance Program and its Community Rating System which provides property owners with credits to reduce their flood insurance premiums,

(E) To equitably and legally address drainage needs, also known as stormwater management, to protect public health, safety, and welfare and to reduce flooding on city streets thereby ensuring access of emergency vehicles to all properties within the City during flood events, by providing resources for construction, maintenance, and operation of stormwater facilities.

(F) To implement additional watershed improvements of the City's waters in general, and specifically, that of Beaver Lake, the City's drinking water source, and the Illinois River.

52.02 - Definitions

The following definitions shall apply to this chapter:

Billing Unit shall mean the unit by which stormwater utility bills are calculated. A single billing unit shall be equal to 1,000 square feet of impervious area.

Customer shall mean all persons or entities to whom the Stormwater Management Utility Fee is properly billed. A customer is further defined as a person or an entity billed for sanitary sewer services within the City limits.

Credit shall mean a conditional, renewable reduction in the amount of the fee owed by a customer in accordance with the Sustainable Credit Framework.

Public customer shall mean a local public agency including property of a school district within the City of Fayetteville.

Public Stormwater System shall mean all stormwater conveyance systems located within the City of Fayetteville right-of-way or public drainage easements. All other stormwater conveyance systems shall be considered Private Stormwater Systems.

Stormwater Management Utility Fee is the utility fee authorized by state law to provide necessary funds for a city to adequately address stormwater problems and needs through an equitable and fair utility fee derived from an expert analysis of the amount of impervious surface of each property which causes increased stormwater runoff that needs to be managed by the city to reduce or prevent flooding problems for our citizens and businesses.

52.03 - Applicability

(A) The stormwater utility fee shall apply to all real property within the territorial jurisdiction of the City of Fayetteville for which sanitary sewer is provided by the City and upon which the City may constitutionally and legally assess such stormwater utility fee.

(B) City-owned real property constituting the municipal drainage system, including public streets, public rights-of-way, drainage facilities, and related infrastructure is not served by a sanitary sewer and thus is not subject to a stormwater utility fee.

(C) The requirements of this chapter do not relieve landowners, developers, other individuals, and entities from their responsibility for complying with the obligations of other portions of the Unified Development Code.

52.04—52.05 - Reserved

ARTICLE II – STORMWATER MANAGEMENT UTILITY FUND

52.06 - Establishment of a Stormwater Management Utility Fund

Pursuant to A.C.A. § 14-235-201 and other state law, the City of Fayetteville hereby creates a fund entitled the "Stormwater Management Utility Fund" for the purpose of segregating, identifying, and controlling revenues and expenses for operation of the City of Fayetteville Stormwater Management Program and other storm-related equipment, construction, materials, supplies or services attributable to these functions. The following revenue sources shall be deposited in said fund:

(A) All revenue collected by or on behalf of the Stormwater Management Utility Fee.

(B) Revenue from contributions in-lieu of onsite detention or from developers as contributions for required off-site drainage improvements, which may include bridge assessments.

(C) Any interest earned on monies held in the Stormwater Management Utility Fund.

(D) Any other revenue as may be determined appropriate by the City Council, including but not limited to general revenue, bond and grant proceeds.

These revenues shall be used exclusively for the purposes listed in Article I – General Provisions.

EXHIBIT A

52.07 – Authorization of a Stormwater Management Utility Fee

The Stormwater Management Utility Fee is a utility fee that is hereby authorized to be charged on most real property within the City of Fayetteville, Arkansas. The fee shall be billable to the City's Sewer Utility customers. The rate structure for the utility fee shall:

(A) Be based on the square footage of impervious area on a property,

(B) Be owner / customer type (residential, commercial, etc..)-neutral,

(C) Use a billing unit of 1,000 square feet of impervious area,

(D) Slot property within the following six-tier billing unit structure:

Tier	Tier Range (by square footage of impervious area on a property)	Billing Units	Initial Monthly Fee (Billing Unit times Billing Rate)
1	Less than 2,000	1.25	$1.69
2	2,001 to 3,500	2.75	$3.71
3	3,501 to 5,000	4.25	$5.73
4	5,001 to 6,500	5.75	$7.76
5	6,501 to 8,000	7.25	$9.79
6	More than 8,000	See (F)	See (F)

(E) For Tiers 1 through 5, the billing unit in the chart shall be multiplied by the billing rate per unit rounded down to the nearest cent.

(F) For Tier 6, properties with impervious area greater than 8,000 square feet, the actual impervious area is divided by 1,000 and multiplied by the monthly rate per billing unit.

(G) The initial rate per billing unit shall be $1.35. This rate shall be increased by 3% per year beginning in the January 2026 billing period. No rates shall increase after 2031 without a further rate study.

(H) Fees for sewer customers on properties with multiple sewer accounts shall be based on the individual sewer customer's percentage of total impervious area of the property or properties that may be attributed to the customer's account, included any areas of parking, common use areas, or other impervious area on the attributable properties.

(I) Sewer customers or property owners may apply to have the fee for their property mitigated or reduced by the Sustainable Credit Framework.

52.08 – Initial Charge for the Stormwater Management Utility Fee

The initial assessment of the Stormwater Management Utility Fee established shall be charged beginning one year after the effective date of the ordinance.

52.09 – Level and Extent of Service Policies

The level of services funded by the Stormwater Management Utility Fees are dependent upon the amount of revenue generated by this Utility Fee, as well as possible general fund, sales tax bond, grants and other sources. These revenues shall fund the operation and maintenance, engineering and planning, regulatory compliance, stormwater capital improvements and administration of the City of Fayetteville's MS4 Program. The most recently adopted version of the City of Fayetteville Drainage Criteria Manual and Green Stormwater Practices will serve as the basis for the extent of stormwater service related to:

(A) Public roads, public rights of way and public detention ponds(detention pond maintenance limited to activities necessary for proper functionality),

(B) Drainage features within existing dedicated public easements (excluding private commercial detention ponds).

(C) These services extend to the downstream end of the first private infrastructure connected to the City of Fayetteville's drainage system.

(D) Prior to City accepting responsibility for any private stormwater system, its owner must dedicate a drainage easement to the City of sufficient size as determined by the City to allow access to and work on the drainage facilities with appropriate equipment. The City Engineer shall determine the sufficiency of the width and extent of easements.

52.10 - Reserved

ARTICLE III – ADMINISTRATION

52.11 – Administration and Appeals

(A) The City Engineer is responsible for the interpretation and administration of this chapter.

(B) Owners may appeal the initial amount of the Stormwater Management Utility Fee credit allowed denial of exemption or other dispute to the City Engineer, who shall determine the validity of any such appeal. The City Engineer shall set forth the requirements of any such appeal in the Drainage Criteria Manual. The City Engineer shall report the amount of any requested credit to be allowed in writing to the appellant and maintain such record by the Engineering Department for at least one year.

(C) After exhausting administrative means with the City Engineer, customers desiring to further appeal of an impervious area estimate, fee or credit can be heard by The City Water and Sewer Committee pursuant to Chapter 155: Appeals."

52.12 – Sustainable Credit Framework

(A) A Sustainable Credit Framework will be established by the City Council that provides all Stormwater Management Utility customers with an opportunity to reduce their normal fees. Customers may qualify for renewable fee reductions by demonstrating activities or stormwater practices that increase the water quality and thereby reduce the water quality and quantity burden imposed on the City of Fayetteville's drainage system. Activities eligible for credit include the following:

(1) Compliance with an industrial stormwater permit.

(2) Public customers that establish contracts, or Interlocal Cooperation Agreements, with the City under § 25-20-104 will receive a credit recognizing the value of their public efforts to reduce stormwater runoff, in accordance with the terms of the interlocal agreement.

(3) Using shared parking lots to minimize the creation of new impervious area

(4) Property retrofits using Water Quality, Flood, and Tree Mitigation Measures from the Drainage Criteria Manual.

(5) Attendance at approved Stormwater Education Program and Stormwater Stewardship Activities.

(6) Demonstration of no direct discharge of stormwater.

(B) The final Sustainable Credit Framework, including appropriate application forms and instructions, will be developed and available to customers a minimum of 6 months in advance of the effective date of the initial collection of the Stormwater Management Utility Fee.

52.13 - Billing and collection

The Stormwater Management and Fee shall be administered and collected in the same manner as the City's sewer utility.

52.14—52.15 - Reserved

Becky Roark
Executive Director, Beaver Watershed Alliance
PO Box 762
Elkins, AR 72727
Becky@beaverwatershedalliance.org
479-305-9701

April 10, 2024

City of Fayetteville Council Members
113 West Mountain St.
Fayetteville, AR 72701

RE: Support for Stormwater Utility

Dear City of Fayetteville Council Members,

I am writing to express strong support for the implementation of a stormwater utility in Fayetteville and its positive impact on the Beaver Lake watershed. Beaver Watershed Alliance is a 501c3 nonprofit watershed group, formed in 2011, working to protect, enhance and sustain Beaver Lake and the integrity of its watershed. We work closely with the City of Fayetteville and residents to engage the public in conservation stewardship, work alongside city staff to install green infrastructure and have celebrated many success stories in water quality achievements over the past decade. However, with the growth outpacing the resources for water quality protection and restoration needs, we believe that this initiative is crucial for the future of water quality in the Town Branch watershed and West Fork watershed, which are major tributaries to Beaver Lake, and an additional safeguard to keep high-quality drinking water rates low for residents.

Increased urbanization and land development have led to a rise in stormwater runoff, which poses significant threats to water quality and ecosystem health. Pollution from sediment, nutrients, and contaminants can degrade water quality, harm aquatic life, and jeopardize public health. Sediments are costly to the drinking water utilities to remove and dispose.

By implementing a stormwater utility, Fayetteville can take proactive measures to mitigate the adverse effects of stormwater runoff and protect the integrity of the Beaver Lake watershed. The revenue generated from a stormwater utility fee could be invested in critical infrastructure projects, including green infrastructure, detention pond management, and erosion control measures, which help to reduce runoff volume and pollutant loads. Additionally, funding can support educational programs and outreach efforts to raise awareness about the importance of watershed stewardship and encourage sustainable practices among residents and businesses.

We urge you, as members of the City of Fayetteville Council, to consider the positive outcomes from the implementation of a stormwater utility as a critical step towards safeguarding the Beaver Lake watershed and ensuring a sustainable future for generations to come. Your leadership and commitment to environmental stewardship will not only benefit our community and watersheds today but leave a legacy of conservation and responsible resource management in our region.

Thank you for your attention to this matter, and we look forward to seeing the City of Fayetteville continue as a leader in stormwater management and water quality protection.

Sincerely,



Becky Roark
Executive Director
Beaver Watershed Alliance
becky@beaverwatershedalliance.org

Summer 2024

The SOURCE

The Source is a quarterly publication of Beaver Water District

STORMWATER UTILITY MAKES SENSE

By Dr. James A. McCarty, Environmental Quality Manager

In March of 2006, the first agreement was signed between the City of Fayetteville and Beaver Water District (BWD) for the protection of Beaver Lake. This particular agreement centered around potential changes to the discharge permit for the Noland Wastewater Plant and focused on efforts both the City and BWD would do to help reduce nonpoint source nutrients from entering our drinking water supply. That first agreement started what is now a long history of cooperation to protect Beaver Lake and includes two additional agreements. Several of our more notable successes stemming from our cooperation include: the continued efforts by the Noland Wastewater Plant to keep phosphorus concentrations in their effluent well below permitted values, multiple stream-restoration projects along the West Fork and White River with matching contributions from BWD and the City, cooperation on low impact development projects, and most recently, the joint purchase of 225 acres of floodplain property along the West Fork White River in southeast Fayetteville.

In 2018, the City let BWD know that they would be pursuing a study to look at the feasibility of forming a Stormwater Utility. The entire concept was unfamiliar to most people at the time, but the basics of the idea made sense; stormwater infrastructure and maintenance is underfunded, and with a backlog of projects contributing to flooding issues and water quality threats to Beaver Lake, a stormwater utility could help mitigate those issues.

As the study unfolded over the next couple of years and a framework for how a stormwater utility could operate was defined, it became clear that this type of structure could significantly improve water quality. The landowners within the city each have a certain amount of impervious cover on their property which does not allow rainfall to soak in, leading to runoff. The runoff has to be accounted for within the city's stormwater infrastructure, to ensure that it flows properly and reduces flooding risk. This infrastructure is not just the traditional concrete infrastructure for stormwater management, hundreds of miles of pipe/drainage ways underneath the city that carry stormwater off



streets to local streams, it is also the city required stormwater detention, retention, and low impact development features in developments. The city would charge customers a rate based on the total impervious area of their land. This makes sense as the more impervious area one has, the higher the cost to the city to deal with the stormwater runoff from the property.

While most of the proposed funding would be slated for maintenance of existing infrastructure and addressing flooding issues after heavy rain, much of the activity would have a positive impact on water quality. When properly functioning and maintained, concrete infrastructure, water retention/detention ponds, and low impact development features can all be effective at



reducing high flow during storm events and thus, reducing transport of sediments, nutrients, and chemicals to our drinking water supply. This summer, the Fayetteville City Council elected to continue funding updates to the original study and the development of an ordinance for the Stormwater Utility. It has been almost six years since BWD was first made aware of these efforts, and at times it has been a slow process, but now it feels like there is finally light at the end of the tunnel. Beaver Water District continues to support the efforts of the City of Fayetteville to protect Beaver Lake, and the District hopes that the example set by the new Stormwater Utility and other water quality efforts is followed by others. We have a strong history of collaboration and water quality protection to draw from and are looking forward to what comes next.

May 7, 2024

Dear Fayetteville City Council,

I am writing to express support of the Illinois River Watershed Partnership (IRWP) for the implementation of the stormwater utility fee as proposed by the city to support stormwater infrastructure maintenance, operations, water quality monitoring, and other stormwater infrastructure investment needs. Our region's water quality is increasingly impacted by land cover and land use changes, increasing precipitation, and inadequate stormwater management functionality. Addressing stormwater volume and quality has become increasingly crucial not only for our communities and the region's economy but also for our neighbors downstream.

City staff have dedicated many hours to researching the proposed stormwater utility fee, including consulting with IRWP and other partners, that aims to raise necessary funds dedicated to stormwater management, a vital tool for addressing stormwater impacts. Most of the City of Fayetteville's stormwater infrastructure is designed to manage floods. However, this stormwater utility will enable the city to maintain existing stormwater infrastructure, retrofit detention ponds, upgrade surface materials, stabilize streambanks, enhance riparian areas, and add vegetated strips and ditches, bioswales, and other proven best management practices. These types of investments are effective at managing stormwater by simultaneously protecting water quality and downstream property owners located throughout the City and on Clear Creek, Goose Creek, and other tributaries that convey stormwater away from Fayetteville. By developing a sustainable source of funds to invest in stormwater infrastructure, the city is also committing to progress toward meeting the Environmental Protection Agency (EPA) water quality standards, addressing flooding risks caused to downstream property owners and communities.

The City of Fayetteville added 464 acres of impervious area within city limits between 2018 and 2022. With these rates of growth, a modest 1-inch storm is resulting in approximately 5.6 million gallons of additional stormwater runoff in Fayetteville (Table 1).

Table 1: Gallons of Runoff in 1-inch Rain in Natural vs. Urbanized Land Cover

Evapotranspiration	Infiltration	Runoff
Natural Ground Cover		
40% (5,039,782.4)	50% (6,299,728)	10% (1,259,945.60)
Impervious Land Cover (75%-100%)		
30% (3,779,836.8)	15% (1,889,918.4)	55% (6,929,700.8)
-1,259,945.60 gallons	**-4,409,809.60 gallons**	**+5,669,755.20 gallons**

Note: 1 inch rain, 1 acre = 27,154 gallons, 464 acres x 27,154 gallons, 12,599,456 gallons of water.

By funding stormwater practices that improve evapotranspiration, infiltration, and reduce runoff, downstream flooding can be significantly reduced and water quality can be improved. Reductions in nutrients and pollutants can be achieved through the implementation of various green infrastructure BMPs. A summary of estimated reductions are below.

Table 2: Summary of Nutrient and Pollutant Reductions by BMP[1]

Nutrient Reductions:	**Pollutant Reductions:**
Nitrogen (N): Green roofs: 50-60% Bioretention cells: 40-70% Vegetated swales: 20-70% Phosphorus (P): Green roofs: 50-60% Bioretention cells: 40-70% Vegetated filter strips: 30-90%	Sediment: Vegetated filter strips: 37-95% Permeable pavement: 60-90% Heavy Metals (e.g., copper, lead, zinc): Bioretention cells: 50-80% Infiltration trenches: 50-90% E. coli Wetland basin 64-86%

These estimates can vary depending on factors such as design, climate, soil conditions, and maintenance practices. However, green infrastructure BMPs consistently demonstrate significant reductions in nutrients and pollutants compared to traditional stormwater management techniques, making them valuable tools for improving water quality in urban areas.

We commend the city for thoroughly considering the equity in development of this fee. Currently, it is evident that the burden of stormwater falls disproportionately on lower-income residents who may lack the means to address stormwater issues on their properties. By establishing a stormwater utility fee, we can ensure that the costs are shared more fairly among all residents, thus promoting equity within our community.

Furthermore, we commend the efforts to implement a modest annual increase to the fee. This approach provides stability while allowing for adjustments to keep pace with evolving needs and inflation.

I also want to emphasize the potential for partnerships in addressing stormwater management with the many robust conservation organizations servicing Fayetteville. Since a credit system for reduction of impervious surface area is outlined, there are ways IRWP, the city, and others can work together to decrease runoff, educate citizens, and achieve other benefits like ecosystem services, cultural heritage perpetuation, add social infrastructure, and increase biodiversity and resilience in the urban landscape. By involving property owners and developers, we can collectively work towards reducing impervious surface areas where unnecessary and implement green infrastructure solutions that enhance community benefits, reduce heat island effects, and improve surface and groundwater quality. Initiatives such as loan programs for low or no-interest stormwater funds can incentivize developers to incorporate low-impact practices into their projects, reducing maintenance costs and benefiting both the environment and the community. Homeowners can take advantage of educational opportunities

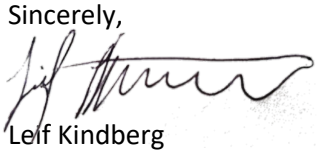
[1]Sources: International Stormwater BMP Database: 2020 Summary Statistics; Minnesota Stormwater Manual, Median pollutant removal percentages for several BMPs; Barnstable/Yarmouth, United States Environmental Protection Agency (EPA), Nitrogen-reducing Green Infrastructure in Environmental Justice Communities; Abimbola, O. et al, (2021), Modeling and Prioritizing Interventions Using Pollution Hotspots for Reducing Nutrients, Atrazine and E. coli Concentrations in a Watershed; and other sources.

and cost-share programs through IRWP and other partners to install practices that qualify for credit. Program opportunities, for example, like through a partnership with the Arkansas Department of Agriculture - Natural Resources Division utilizing Clean Water State Revolving Funds.

In conclusion, I urge the Fayetteville City Council to move forward with the implementation of a stormwater utility fee. As with Hot Springs, it will take a few years to implement and begin realizing the benefits to residents. However, there are many deferred stormwater projects that need to be addressed before the next rainfall. By taking proactive steps now, the city can better protect our community, enhance quality of life, and sustainably manage stormwater for the benefit of all.

Thank you for considering our perspective on this important matter.

Sincerely,



Leif Kindberg
Executive Director
Illinois River Watershed Partnership (IRWP)
Ph. 479.422.5676
leif@irwp.org

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

Resolution: 143-24

File Number: 2024-1836

INTENT TO ENACT STORMWATER UTILITY FEE (RESOLUTION OF INTENT):

A RESOLUTION OF INTENT TO ENACT A STORMWATER UTILITY ORDINANCE AND ESTABLISH A STORMWATER MANAGEMENT AND WATER QUALITY FUND, AUTHORIZE ADDITIONAL SERVICES RELATED TO IMPLEMENTATION AND PUBLIC OUTREACH, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the Engineering Division, the City Council Stormwater Committee, and the City Council Water & Sewer Committee have studied our community's growing need to improve our stormwater management services; and

WHEREAS, with the help of a professional consultant with extensive experience in creating Stormwater Utilities supported by appropriate and fair utility fees, these City Council committees and Engineering staff have devised the fairest Stormwater Management Utility Fee possible and recommend this ordinance to the full City Council for passage; and

WHEREAS, the City Council has determined that the Stormwater Utility Fee is necessary to equitably and efficiently fund stormwater management services in order to provide for the safety, preserve the health, and promote the prosperity of Fayetteville residents, businesses, and institutions; and

WHEREAS, the City Council also agrees with and adopts all the purposes explained in § 52.01 – **Purpose** of the proposed new code section; and

WHEREAS, additional services authorized with this resolution of intent include development of the billing database and billing tool that would allow property owners and residents to view their proposed fee as a portion of the continued public outreach efforts, which could include engaging a consultant or additional temporary staff.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to enact **Chapter 52 Stormwater Management Utility Fee** as shown in Exhibit A attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, to appropriate funds for additional services including development of the billing database and a billing tool to allow property owners and residents to view their proposed fees.

PASSED and APPROVED on May 21, 2024

Approved:

Lioneld Jordan, Mayor

Attest:

Kara Paxton, City Clerk Treasurer

CITY CLERK / TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-1836

MEETING OF MAY 21, 2024

TO: Mayor Jordan and City Council

THRU: Chris Brown, Public Works Director

FROM: Alan Pugh, Staff Engineer

SUBJECT: **Approval of a resolution of intent to adopt Chapter 52, Stormwater Management and Water Quality Utility, of the City of Fayetteville Code or Ordinances establishing a Stormwater Management and Water Quality Fund, authorization to perform additional services and approval of a budget adjustment**

RECOMMENDATION:
Staff recommends approval of a resolution of intent to adopt Chapter 52, Stormwater Management and Water Quality Utility, of the City of Fayetteville Code or Ordinances establishing a Stormwater Management and Water Quality Fund, authorization to perform additional services and approval of a budget adjustment.

BACKGROUND:
Like many cities throughout the state and nation, the City of Fayetteville experiences issues with management of its stormwater utility system. These issues stem from many sources including, but not limited to, compliance with the mandated Municipal Separate Stormwater System (MS4) requirements, aging infrastructure, maintenance of system capacity, personnel to perform systematic inspections and the lack of formal drainage systems in many older areas of the City. To address these concerns, the City has historically funded the stormwater program through the Sales Tax Capital Improvement Program (CIP) and the Street Fund for capital and operational/maintenance functions, respectively. However, there are many needs within the City that require funding from these sources and, at least in recent years, the funding for stormwater has been inadequate to comprehensively address stormwater management within the City. To develop a comprehensive solution, additional funding is required for personnel and equipment as well as multiple capital projects, many of which will require more than $1 million dollars for each project. Given the current levels, it would take many years to address just one of those projects.

In June, 2018, the City Council recognized these needs and approved with a consultant contract for a feasibility study (Resolution 131-18) and amended that agreement on two occasions (Resolutions 209-19 and 250-19) to provide additional investigation and details. That study was completed in August of 2019 and updated in 2022 with more recent program costs, impervious area and associated fees. The Council also passed a resolution of intent to establish a stormwater utility in July of 2022 (Resolution 157-22)

DISCUSSION:
The study recognized several areas that are currently underfunded, with the gap between the funding and actual costs to provide the services increasing every year. These needs include categories such as:

- Operation and Maintenance
- Engineering and Planning

- Regulatory Compliance
- Capital Improvement Projects

The costs associated with these categories were based on a level and extent of service agreed upon by council early in the program discussions as well as estimates of future regulatory compliance costs and expansion of the stormwater system as Fayetteville continues to grow. The costs associated with the recommended stormwater utility program can be found below.

Program Costs	Current Budget	Additional Needs	Total Program
Operation and Maintenance	$998,441	$1,508,000	$2,506,441
Engineering and Planning	$67,000	$122,000	$189,000
Regulatory Compliance	$193,000	$274,000	$467,000
Stormwater CIP	$200,000	$913,400	$1,113,400
Administrative	$0	$324,000	$324,000
Total	**$1,458,441**	**$3,141,400**	**$4,599,841**

In response to the completed study and the need to find a sustainable funding source for the stormwater management program, City staff has drafted Chapter 52, Stormwater Management and Water Quality Utility, for consideration by City Council. The proposed ordinance would establish an equitable funding source based on impervious areas, which can be directly correlated to the impact of any given property to the stormwater system. The fee is proposed to be billed to sewer users with the City limits in a tiered system. Properties with greater impervious areas would have a higher fee than smaller properties due to the increased impact to the system. If there are multiple sewer customers on a single property, the total impervious area would be allocated between those customers and the appropriate portion of the total fee billed to each customer.

Staff have worked closely with the City Attorney's office throughout the process and has modified the program to address the concerns that have been raised. The City Attorney has expressed concern over the legality of billing federal, state and county governments, and recommended that they be exempted. Staff has included a revised monthly fee that reflects this recommendation. The monthly fee is estimated to go to $1.35 per billing unit with those exemptions, which is a slight increase from the $1.30 per billing unit discussed previously. That change is reflected in the table below and in the attached draft of Chapter 52.

The proposed fee would provide funding, in addition to that already being allocated from existing sources, to operate and maintain as well as improve and expand the stormwater system. The fee tiers are as shown below.

Tier	Tier Range (by square footage of impervious area on a property)	Billing Units	Initial Monthly Fee ($1.35 per unit)
1	0≤2,000	1.25	$1.69

2	>2,000 to ≤ 3,500	2.75	$3.71
3	>3,500 to ≤ 5,000	4.25	$5.73
4	>5,000 to ≤ 6,500	5.75	$7.76
5	>6,500 to ≤ 8,000	7.25	$9.79
6	>8,000	Per Calc	Billing Unit x Rate

This fee will close the existing funding gap and will fully fund a program to adequately manage stormwater within the City of Fayetteville. The proposed program presents a sustainable and equitable method of funding.

The additional services authorized with this proposal would include development of the billing database and billing tool that would allow property owners and residents to view their proposed fee as a portion of the continued public outreach efforts. This could include engaging a consultant and/or additional temporary staff. If a consultant is engaged, the contract for the services will be brought back to the council. However, council would be authorizing and to authorize the addition of up to 3.0 temporary full-time equivalent positions for the GIS and utility financial services to backfill existing employees related with the implementation of a Stormwater Utility with this resolution.

This would bring the City one step closer to implementing the program. The anticipated schedule moving forward would be for the billing tool to be available to the public by October of this year and for the council to consider the ordinance adopting the program prior to the end of the year with the goal of the fee being included on sanitary sewer bills by August of 2025. Additional funding is anticipated to be necessary at the time of adoption of Chapter 52 for aerial imagery and impervious data in order to establish the baseline of impervious area for the program.

BUDGET/STAFF IMPACT:
The proposal would initially generate approximately $3 million in additional funding to be allocated to the Stormwater Management and Water Quality program.

ATTACHMENTS: SRF (#3), BA (#4), Exhibit A - Stormwater Management and Water Quality - Final Draft (#5), 2024-4 Letter of Support_Stormwater Utility_BWA (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-1836

Approval of a resolution of intent to adopt Chapter 52, Stormwater Management and Water Quality Utility, of the City of Fayetteville Code or Ordinances establishing a Stormwater Management and Water Quality Fund, authorization to perform additional services and approval of a budget adjustment

A RESOLUTION OF INTENT TO ENACT A STORMWATER UTILITY ORDINANCE AND ESTABLISH A STORMWATER MANAGEMENT AND WATER QUALITY FUND, AUTHORIZE ADDITIONAL SERVICES RELATED TO IMPLEMENTATION AND PUBLIC OUTREACH, AND TO APPROVE A BUDGET ADJUSTMENT

WHEREAS, the Engineering Division, the City Council Stormwater Committee, and the City Council Water & Sewer Committee have studied our community's growing need to improve our stormwater management services; and

WHEREAS, with the help of a professional consultant with extensive experience in creating Stormwater Utilities supported by appropriate and fair utility fees, these City Council committees and Engineering staff have devised the fairest Stormwater Management Utility Fee possible and recommend this ordinance to the full City Council for passage; and

WHEREAS, the City Council has determined that the Stormwater Utility Fee is necessary to equitably and efficiently fund stormwater management services in order to provide for the safety, preserve the health, and promote the prosperity of Fayetteville residents, businesses, and institutions; and

WHEREAS, the City Council also agrees with and adopts all the purposes explained in § 52.01 – **Purpose** of the proposed new code section; and

WHEREAS, additional services authorized with this resolution of intent include development of the billing database and billing tool that would allow property owners and residents to view their proposed fee as a portion of the continued public outreach efforts, which could include engaging a consultant or additional temporary staff.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent to enact **Chapter 52 Stormwater Management Utility Fee** as shown in Exhibit A attached hereto and made a part hereof.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment, a copy of which is attached to this Resolution, to appropriate funds for additional services including development of the billing database and a billing tool to allow property owners and residents to view their proposed fees.

City of Fayetteville Staff Review Form

2024-1836

Item ID

5/21/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Chris Brown	5/2/2024	ENGINEERING (621)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

Approval of a resolution of intent to adopt Chapter 52, Stormwater Management and Water Quality Utility, of the City of Fayetteville Code or Ordinances establishing a Stormwater Management and Water Quality Fund, authorization to perform additional services and approval of a budget adjustment

Budget Impact:

1010.090.6600-5314.00	General Fund
Account Number	Fund
17008.1	Stormwater Feasability Study
Project Number	Project Title

Budgeted Item?	Yes	Total Amended Budget	$	52,685.00
		Expenses (Actual+Encum)	$	52,684.64
		Available Budget	$	0.36
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	Yes	Budget Adjustment	$	150,000.00
		Remaining Budget	$	150,000.36

V20221130

Purchase Order Number:

Previous Ordinance or Resolution # 131-18, 209-19, 250-19, 157-22

Change Order Number:

Approval Date:

Original Contract Number:

Comments:

City of Fayetteville, Arkansas - Budget Adjustment (Agenda)

Budget Year	Division /Org2	Adjustment Number
2024	ENGINEERING (621)	
	Requestor: Chris Brown	

BUDGET ADJUSTMENT DESCRIPTION / JUSTIFICATION:

Approval of a resolution of intent to adopt of Chapter 52, Stormwater Management and Water Quality Utility, of the City of Fayetteville Code or Ordinances establishing a Stormwater Management and Water Quality Fund, authorization to perform additional services and approval of a budget adjustment

COUNCIL DATE: 5/21/2024

ITEM ID#: **2024-1836**

Holly Black
5/3/2024 11:11 AM

Budget Division Date

TYPE: **D - (City Council)**

JOURNAL #:

GLDATE:

RESOLUTION/ORDINANCE

CHKD/POSTED: /

v.2024422

TOTAL	150,000	150,000				
	Increase / (Decrease)		Project.Sub#			
Account Number	Expense	Revenue	Project	Sub.Detl	AT	Account Name
1010.090.6600-5314.00	150,000	-	17008	1	EX	Professional Services
1010.001.0001-4999.99	-	150,000			RE	Use Fund Balance - Current
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				
	-	-				

EXHIBIT A

CHAPTER 52: STORMWATER MANAGEMENT UTILITY FEE

ARTICLE I – GENERAL PROVISIONS

52.01 - Purpose

The Stormwater Management Utility Fee is hereby established to create an equitable, efficient, and dedicated funding source for stormwater management services in the City of Fayetteville and provide for the safety, preserve the health and promote the prosperity of Fayetteville residents, businesses and institutions. The purposes for the Stormwater Management Fee further include:

(A) To establish an equitable, fair, efficient and dedicated funding source for stormwater management services in the City of Fayetteville, Arkansas in addition to other taxpayer funds so that better long-range planning can be achieved.

(B) To lessen or deter hazards to persons, property and the environment caused by increased runoff, obstructions to drainage and introduction of excessive silts, debris and pollutants into the drainage system, lakes, ponds, streams, rivers and other water bodies in the City of Fayetteville, and to otherwise promote the public health, safety and welfare of the public.

(C) To fund the City's MS4 Stormwater Management Program for which it is expected to require a series of minimum control measures and report on their progress annually. In addition to new measures with each 5-year permit renewal, the City is projected to meet the population threshold of 100,000 by no later than 2030 and would be designated a medium MS4 community, triggering additional mandated activities.

(D) To administer the National Flood Insurance Program and its Community Rating System which provides property owners with credits to reduce their flood insurance premiums,

(E) To equitably and legally address drainage needs, also known as stormwater management, to protect public health, safety, and welfare and to reduce flooding on city streets thereby ensuring access of emergency vehicles to all properties within the City during flood events, by providing resources for construction, maintenance, and operation of stormwater facilities.

(F) To implement additional watershed improvements of the City's waters in general, and specifically, that of Beaver Lake, the City's drinking water source, and the Illinois River.

52.02 - Definitions

The following definitions shall apply to this chapter:

Billing Unit shall mean the unit by which stormwater utility bills are calculated. A single billing unit shall be equal to 1,000 square feet of impervious area.

Customer shall mean all persons or entities to whom the Stormwater Management Utility Fee is properly billed. A customer is further defined as a person or an entity billed for sanitary sewer services within the City limits.

Credit shall mean a conditional, renewable reduction in the amount of the fee owed by a customer in accordance with the Sustainable Credit Framework.

Public customer shall mean a local public agency including property of a school district within the City of Fayetteville.

Public Stormwater System shall mean all stormwater conveyance systems located within the City of Fayetteville right-of-way or public drainage easements. All other stormwater conveyance systems shall be considered Private Stormwater Systems.

Stormwater Management Utility Fee is the utility fee authorized by state law to provide necessary funds for a city to adequately address stormwater problems and needs through an equitable and fair utility fee derived from an expert analysis of the amount of impervious surface of each property which causes increased stormwater runoff that needs to be managed by the city to reduce or prevent flooding problems for our citizens and businesses.

52.03 - Applicability

(A) The stormwater utility fee shall apply to all real property within the territorial jurisdiction of the City of Fayetteville for which sanitary sewer is provided by the City and upon which the City may constitutionally and legally assess such stormwater utility fee.

(B) City-owned real property constituting the municipal drainage system, including public streets, public rights-of-way, drainage facilities, and related infrastructure is not served by a sanitary sewer and thus is not subject to a stormwater utility fee.

(C) The requirements of this chapter do not relieve landowners, developers, other individuals, and entities from their responsibility for complying with the obligations of other portions of the Unified Development Code.

52.04—52.05 - Reserved

ARTICLE II – STORMWATER MANAGEMENT UTILITY FUND

52.06 - Establishment of a Stormwater Management Utility Fund

Pursuant to A.C.A. § 14-235-201 and other state law, the City of Fayetteville hereby creates a fund entitled the "Stormwater Management Utility Fund" for the purpose of segregating, identifying, and controlling revenues and expenses for operation of the City of Fayetteville Stormwater Management Program and other storm-related equipment, construction, materials, supplies or services attributable to these functions. The following revenue sources shall be deposited in said fund:

(A) All revenue collected by or on behalf of the Stormwater Management Utility Fee.

(B) Revenue from contributions in-lieu of onsite detention or from developers as contributions for required off-site drainage improvements, which may include bridge assessments.

(C) Any interest earned on monies held in the Stormwater Management Utility Fund.

(D) Any other revenue as may be determined appropriate by the City Council, including but not limited to general revenue, bond and grant proceeds.

These revenues shall be used exclusively for the purposes listed in Article I – General Provisions.

EXHIBIT A

52.07 – Authorization of a Stormwater Management Utility Fee

The Stormwater Management Utility Fee is a utility fee that is hereby authorized to be charged on most real property within the City of Fayetteville, Arkansas. The fee shall be billable to the City's Sewer Utility customers. The rate structure for the utility fee shall:

(A) Be based on the square footage of impervious area on a property,

(B) Be owner / customer type (residential, commercial, etc..)-neutral,

(C) Use a billing unit of 1,000 square feet of impervious area,

(D) Slot property within the following six-tier billing unit structure:

Tier	Tier Range (by square footage of impervious area on a property)	Billing Units	Initial Monthly Fee (Billing Unit times Billing Rate)
1	Less than 2,000	1.25	$1.69
2	2,001 to 3,500	2.75	$3.71
3	3,501 to 5,000	4.25	$5.73
4	5,001 to 6,500	5.75	$7.76
5	6,501 to 8,000	7.25	$9.79
6	More than 8,000	See (F)	See (F)

(E) For Tiers 1 through 5, the billing unit in the chart shall be multiplied by the billing rate per unit rounded down to the nearest cent.

(F) For Tier 6, properties with impervious area greater than 8,000 square feet, the actual impervious area is divided by 1,000 and multiplied by the monthly rate per billing unit.

(G) The initial rate per billing unit shall be $1.35. This rate shall be increased by 3% per year beginning in the January 2026 billing period. No rates shall increase after 2031 without a further rate study.

(H) Fees for sewer customers on properties with multiple sewer accounts shall be based on the individual sewer customer's percentage of total impervious area of the property or properties that may be attributed to the customer's account, included any areas of parking, common use areas, or other impervious area on the attributable properties.

(I) Sewer customers or property owners may apply to have the fee for their property mitigated or reduced by the Sustainable Credit Framework.

52.08 – Initial Charge for the Stormwater Management Utility Fee

The initial assessment of the Stormwater Management Utility Fee established shall be charged beginning one year after the effective date of the ordinance.

52.09 – Level and Extent of Service Policies

The level of services funded by the Stormwater Management Utility Fees are dependent upon the amount of revenue generated by this Utility Fee, as well as possible general fund, sales tax bond, grants and other sources. These revenues shall fund the operation and maintenance, engineering and planning, regulatory compliance, stormwater capital improvements and administration of the City of Fayetteville's MS4 Program. The most recently adopted version of the City of Fayetteville Drainage Criteria Manual and Green Stormwater Practices will serve as the basis for the extent of stormwater service related to:

(A) Public roads, public rights of way and public detention ponds(detention pond maintenance limited to activities necessary for proper functionality),

(B) Drainage features within existing dedicated public easements (excluding private commercial detention ponds).

(C) These services extend to the downstream end of the first private infrastructure connected to the City of Fayetteville's drainage system.

(D) Prior to City accepting responsibility for any private stormwater system, its owner must dedicate a drainage easement to the City of sufficient size as determined by the City to allow access to and work on the drainage facilities with appropriate equipment. The City Engineer shall determine the sufficiency of the width and extent of easements.

52.10 - Reserved

ARTICLE III – ADMINISTRATION

52.11 – Administration and Appeals

(A) The City Engineer is responsible for the interpretation and administration of this chapter.

(B) Owners may appeal the initial amount of the Stormwater Management Utility Fee credit allowed denial of exemption or other dispute to the City Engineer, who shall determine the validity of any such appeal. The City Engineer shall set forth the requirements of any such appeal in the Drainage Criteria Manual. The City Engineer shall report the amount of any requested credit to be allowed in writing to the appellant and maintain such record by the Engineering Department for at least one year.

(C) After exhausting administrative means with the City Engineer, customers desiring to further appeal of an impervious area estimate, fee or credit can be heard by The City Water and Sewer Committee pursuant to Chapter 155: Appeals."

52.12 – Sustainable Credit Framework

(A) A Sustainable Credit Framework will be established by the City Council that provides all Stormwater Management Utility customers with an opportunity to reduce their normal fees. Customers may qualify for renewable fee reductions by demonstrating activities or stormwater practices that increase the water quality and thereby reduce the water quality and quantity burden imposed on the City of Fayetteville's drainage system. Activities eligible for credit include the following:

(1) Compliance with an industrial stormwater permit.

(2) Public customers that establish contracts, or Interlocal Cooperation Agreements, with the City under § 25-20-104 will receive a credit recognizing the value of their public efforts to reduce stormwater runoff, in accordance with the terms of the interlocal agreement.

(3) Using shared parking lots to minimize the creation of new impervious area

(4) Property retrofits using Water Quality, Flood, and Tree Mitigation Measures from the Drainage Criteria Manual.

(5) Attendance at approved Stormwater Education Program and Stormwater Stewardship Activities.

(6) Demonstration of no direct discharge of stormwater.

(B) The final Sustainable Credit Framework, including appropriate application forms and instructions, will be developed and available to customers a minimum of 6 months in advance of the effective date of the initial collection of the Stormwater Management Utility Fee.

52.13 - Billing and collection

The Stormwater Management and Fee shall be administered and collected in the same manner as the City's sewer utility.

52.14—52.15 - Reserved

Received By: Alan Pugh 05/14/2024 3:05 P.M.

BEAVER WATERSHED ALLIANCE

Becky Roark
Executive Director, Beaver Watershed Alliance
PO Box 762
Elkins, AR 72727
Becky@beaverwatershedalliance.org
479-305-9701

April 10, 2024

City of Fayetteville Council Members
113 West Mountain St.
Fayetteville, AR 72701

RE: Support for Stormwater Utility

Dear City of Fayetteville Council Members,

I am writing to express strong support for the implementation of a stormwater utility in Fayetteville and its positive impact on the Beaver Lake watershed. Beaver Watershed Alliance is a 501c3 nonprofit watershed group, formed in 2011, working to protect, enhance and sustain Beaver Lake and the integrity of its watershed. We work closely with the City of Fayetteville and residents to engage the public in conservation stewardship, work alongside city staff to install green infrastructure and have celebrated many success stories in water quality achievements over the past decade. However, with the growth outpacing the resources for water quality protection and restoration needs, we believe that this initiative is crucial for the future of water quality in the Town Branch watershed and West Fork watershed, which are major tributaries to Beaver Lake, and an additional safeguard to keep high-quality drinking water rates low for residents.

Increased urbanization and land development have led to a rise in stormwater runoff, which poses significant threats to water quality and ecosystem health. Pollution from sediment, nutrients, and contaminants can degrade water quality, harm aquatic life, and jeopardize public health. Sediments are costly to the drinking water utilities to remove and dispose.

By implementing a stormwater utility, Fayetteville can take proactive measures to mitigate the adverse effects of stormwater runoff and protect the integrity of the Beaver Lake watershed. The revenue generated from a stormwater utility fee could be invested in critical infrastructure projects, including green infrastructure, detention pond management, and erosion control measures, which help to reduce runoff volume and pollutant loads. Additionally, funding can support educational programs and outreach efforts to raise awareness about the importance of watershed stewardship and encourage sustainable practices among residents and businesses.

We urge you, as members of the City of Fayetteville Council, to consider the positive outcomes from the implementation of a stormwater utility as a critical step towards safeguarding the Beaver Lake watershed and ensuring a sustainable future for generations to come. Your leadership and commitment to environmental stewardship will not only benefit our community and watersheds today but leave a legacy of conservation and responsible resource management in our region.

Thank you for your attention to this matter, and we look forward to seeing the City of Fayetteville continue as a leader in stormwater management and water quality protection.

Sincerely,



Becky Roark
Executive Director
Beaver Watershed Alliance
becky@beaverwatershedalliance.org

Received from Courtney Spohn on 11/27/2024 at 12:43 pm on behalf of the Fayetteville Youth Advisory Council

Good evening Mayor and City Council, my name is Mia Alansari and I live in Ward 3 and I am the Environmental Action and Sustainability Chair for the Fayetteville Youth Advisory Council.

If you have lived in Fayetteville, you have seen how it floods. These floods create runoff that carry pollutants that affect our drinking water. It affects the water we drink so it affects us all.

On April 23rd, I had a meeting with Leif Olson and Chris McNamara, two members of the sustainability department for the City of Fayetteville. Our meeting was to discuss and for me to become familiar with the environmental needs of Fayetteville as the inaugural Environmental Action and Sustainability Chair for the Fayetteville Youth Advisory Council. They brought the stormwater management plan to my attention. After that meeting, I felt it was important to share this with my fellow youth council members.

On April 25th, we had our monthly Youth Advisory Council Meeting. I presented a presentation on the information discussed at my earlier meeting. At the meeting, the Fayetteville Youth Advisory Council made a unanimous vote for a motion to recommend that the City Council support and vote in favor of the Stormwater Management Utility Plan.

I understand that on May 21st, The City Council approved a resolution of intent for this plan. The Fayetteville Youth Advisory Council encourages The City Council to vote in favor of this plan. As representatives of the youth of Fayetteville, we believe your decision affects our future and the residents of Fayetteville's quality of life. We hope this plan can pave the way for areas around us.

Thank you on the behalf of the Fayetteville Youth Advisory Council for your time and have a good evening.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-759

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Kit Williams, City Attorney

FROM: Kit Williams, City Attorney

SUBJECT: **AN ORDINANCE TO AMEND § 111.30 RETAIL**

RECOMMENDATION:
Amend § 111.30 **RETAIL** to authorize Sunday sales of alcoholic beverages.

BACKGROUND:
A citizens' petition presented the question to Fayetteville electors whether or not to allow Sunday sales of alcoholic beverages for off-premises consumption from 10:00 a.m. until midnight. A majority of Fayetteville voters agreed to authorize such sales of alcoholic beverages for off-premises consumption from 10:00 a.m. until midnight on Sundays.

DISCUSSION:

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: Agenda Request - Kit Williams (#3), Current Law - 111.30 (#4), Memo Amendment of 111.30 (#5)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-759

AN ORDINANCE TO AMEND § 111.30 RETAIL

AN ORDINANCE TO AMEND § 111.30 RETAIL TO AUTHORIZE SUNDAY SALES OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM 10:00 AM UNTIL MIDNIGHT AND TO ENACT AN EMERGENCY CLAUSE

WHEREAS, a citizens' petition presented the question to Fayetteville electors whether or not to allow Sunday sales of alcoholic beverages for off-premises consumption from 10:00 a.m. until midnight; and

WHEREAS, a majority of Fayetteville voters agreed to authorize such sales of alcoholic beverages for off-premises consumption from 10:00 a.m. until midnight on Sundays.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 111.30 (A)(2) and (B)(2) *Hours of Operation* by repealing these subsections in their entirety and enacting the replacement subsections (A)(2) and (B)(2) as follows:

"(2) *Hours of Operation.* It shall be unlawful for any person to sell or offer to sell any controlled beverages for off-premises consumption before the hour of 7:00 a.m. or after the hour of 11:00 p.m. on Monday through Thursday, before 7:00 a.m. or after the hour of 12:00 midnight on Friday and Saturday, and before 10:00 a.m. or after midnight on Sunday, at any hour on Christmas Day, or during any twenty-four (24) hour period designated an emergency by the Mayor or the City Council."

Section 2: Emergency Clause. That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance should and will become effective on December 6, 2024 to obey the will of the voters on November 5, 2024 to allow Sunday sales of alcoholic beverages for off-premises consumption and to protect the peace and welfare of our citizens and businesses.

CivicClerk No.: 2024-759

AGENDA REQUEST FORM

FOR: Council Meeting of December 5, 2024

FROM: City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 111.30 **RETAIL** TO AUTHORIZE SUNDAY SALES OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM 10:00 AM UNTIL MIDNIGHT AND TO ENACT AN EMERGENCY CLAUSE

APPROVED FOR AGENDA:

Kit Williams

Nov 12, 2024
Date

Current law

111.30 Retail

(A) *Retail Liquor Off-Premises Permit.* Authorizes the purchase of spirituous and vinous beverages from any person holding a valid wholesale liquor permit and the sale of such beverages at retail to consumers for consumption off the premises; any holder of a liquor off-premises permit may also purchase malt liquors containing more than 5% alcohol by weight from either persons holding a wholesale beer permit or a wholesale liquor permit, and sell such beverages to consumers for consumption off the premises described in the permit. It shall be unlawful for any person to accept retail orders for any spirituous, vinous, or malt liquors for delivery outside of the premises of the store operated by such person.

(1) *Permit Fee.* There is hereby levied an annual permit fee of $250.00 for each and every retail liquor dealer engaged in the business of selling or dispensing, at retail any vinous (except wine), spirituous, or malt liquors for off-premises consumption.

(2) *Hours of Operation.* It shall be unlawful for any person to sell or offer to sell any controlled beverages for off-premises consumption before the hour of 7:00 a.m. or after the hour of 11:00 p.m. on weekdays, after the hour of 12:00 midnight on Friday or Saturday and at any hour on Sunday, on Christmas Day, or during any twenty-four (24) hour period designated an emergency by the Mayor or the City Council.

(B) *Retail Beer and Light Wine Off-Premises Permit.* Authorizes the purchase of beer, light wine, or malt liquor containing less than 5% alcohol by weight from wholesalers holding a valid permit and the sale of such controlled beverages for consumption off the premises described in the permit.

(1) *Permit Fee.* For the privilege of selling beer and light wine, at retail, for off premises consumption, there is hereby levied an annual permit fee as follows:

(a) For a retailer whose annual gross sales of beer and/or light wine do not exceed $1,000.00, the permit fee shall be $15.00.

(b) For a retailer whose annual gross sales of beer and/or light wine exceed $1,000.00, the permit fee shall be $15.00 plus ½¢ for each dollar of gross sales in excess of $1,000.00.

(c) The permit fee for a new applicant with no sales history shall be $40.00.

(d) For the purpose of renewing an existing permit, annual sales shall be the actual gross sales for the previous calendar year. If the permittee has not been in operation for a full year at December 31st of the previous year, annual sales shall be determined by dividing the total actual sales by the number of months of operation and multiplying the result by twelve (12).

(e) If a new permit was issued between January 1st and June 30th, the first renewal rate (due on June 30th of the issue year) shall be $40.00.

(2) Hours of operation. It shall be unlawful for any person to sell or offer to sell beer or light wine for off-premises consumption before the hour of 7:00 a.m. or after the hour of 11:00

Current law

p.m. on weekdays, after the hour of 12:00 midnight on Friday or Saturday, at any hour on Sunday, on Christmas Day, or during any twenty-four (24) hour period designated an emergency by the Mayor or City Council.

(C) *Retail Beer and Light Wine On-Premises Permit.* Authorizes the purchase of beer, light wine, or malt liquor containing less than 5% alcohol by weight from a wholesaler holding a valid permit and the sale of such controlled beverages for consumption on or off the premises described in the permit.

(1) *Permit Fee.* There is hereby levied an annual permit fee of the same amounts and computed in the same manner as the annual fees for retail beer and light wine off-premises in §111.30(B) above.

(2) *Hours of Operation.* It shall be unlawful for any person to serve, sell, offer for sale, or give away for consumption on-premises any beer or light wine between the hours of 1:00 a.m. and 7:00 a.m. on Monday through Saturday, on Sunday except during the hours of 10:00 a.m. until midnight, on Christmas Day, or during any twenty-four (24) hour interval designated an emergency period by the Mayor, City Council, or any person acting in the Mayor's or the City Council's capacity.

(D) *Private Club Permit.* Authorizes the purchase of any controlled beverages from persons holding an off-premises retail liquor or beer permit who have been designated by the director of the State Alcoholic Beverage Control Board as a private club distributor, and authorizes the dispensing of such beverages for consumption on the premises of the private club to members and guests only of the private club. (Private clubs holding a retail beer on premises permit may purchase beer, light wine, or malt liquor containing not more than 5% alcohol by weight from holders of valid wholesale beer permits).

(1) *Permit Fee.* For the privilege of operating a private club within the city, there is hereby levied an annual permit fee of $250.00. For any new private club permit issued between January 1st and July 1st, the fee shall be $125.00.

(2) *Supplemental Beverage Tax.* In addition to the $250.00 per year permit fee, there is hereby imposed and levied a city supplemental tax of five percent upon the annual gross receipts which are derived by such private club from charges to the members and/or their guests for the following services:

(a) For the preparation and serving of mixed drinks; and

(b) For the cooling and serving of beer, light wine, and wine.

The city's supplemental beverage tax is in addition to the state supplemental tax on private clubs and shall be paid to the appropriate city official, shall be due monthly at the same time that the state supplemental tax is due, and shall be accompanied by one (1) copy of the state supplemental tax return. If any permittee shall fail to remit the supplemental tax within the time period that the state tax is due, a penalty of 12½% of the tax due shall be due and payable in addition to the tax.

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Susan Norton**, Chief of Staff
Paul Becker, Chief Financial Officer

FROM: **Kit Williams**, City Attorney

DATE: **November 12, 2024**

RE: **Amendment of § 111.30 Retail to Authorize Sunday Sales of Alcoholic Beverages for Off-Premises Consumption**

I am proposing two amendments of § 111.30 **Retail** because the City is legally required to remove the existing prohibition of Sunday sales of alcoholic beverages for off-premise consumption by the Fayetteville voters' approval of that issue. Two subsections of 111.30 **Retail** must be amended: (A)(2) and (B)(2). (A)(2) concerns sales of liquor for off-premises consumption. (B)(2) concerns sales of beer and wine for off-premises consumption. The *Hours of Operation* subsections need to be amended to allow the Sunday sale of alcoholic beverages for off-premises consumption from 10:00 a.m. until midnight as approved by the voters.

I have attached the proposed ordinance to amend these subsections for your convenience.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-758

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Kit Williams, City Attorney

FROM: Kit Williams, City Attorney

SUBJECT: **AN ORDINANCE TO AMEND ORDINANCE 6710 AND TO DECLARE AN EMERGENCY**

RECOMMENDATION:
The Ordinance Review Committee recommends extending the sunset date to allow for consideration of amendments to the City's short-term rental regulations and to allow the continued operation of short-term rentals until July 1, 2025 at 7:00 p.m.

BACKGROUND:
The sunset clause in Ordinance 6427, which was passed on April 20, 2021, provides that the ordinance "and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and terminations section." Ordinance 6625, which was passed on December 6, 2022, amended Ordinance 6427 so that the ordinance "and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed, and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset repeal and termination section." Ordinance 6710 passed on November 21, 2023 amended the sunset provision of Ordinance 6625 which provided that all amendments to the code sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed, and become void on December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

DISCUSSION:
The Ordinance Review Committee recommends extending the sunset date to allow for consideration of amendments to the City's short-term rental regulations and to allow the continued operation of short-term rentals until July 1, 2025 at 7:00 p.m.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: Agenda Request - Hertzberg (#3), Extending The Sunset Clause of the Short-Term Rental Ordinance (#4)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-758

AN ORDINANCE TO AMEND ORDINANCE 6710 AND TO DECLARE AN EMERGENCY

AN ORDINANCE TO AMEND ORDINANCE 6710 PASSED ON NOVEMBER 21, 2023 TO EXTEND THE SUNSET CLAUSE EFFECTIVE DATE TO JULY 1, 2025 AT 7:00 P.M. AND TO DECLARE AN EMERGENCY

WHEREAS, the sunset clause in Ordinance 6427, which was passed on April 20, 2021, provides that the ordinance "and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and terminations section"; and

WHEREAS, Ordinance 6625, which was passed on December 6, 2022, amended Ordinance 6427 so that the ordinance "and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed, and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset repeal and termination section"; and

WHEREAS, Ordinance 6710 passed on November 21, 2023 amended the sunset provision of Ordinance 6625 which provided that all amendments to the code sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed, and become void on December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section; and

WHEREAS, the Ordinance Review Committee recommends extending the sunset date to allow for consideration of amendments to the City's short-term rental regulations and to allow the continued operation of short-term rentals until July 1, 2025 at 7:00 p.m.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance should become effective without delay because allowing the City's short-term rental regulation to expire will likely lead to unregulated and illegal operation of short-term rentals not subject to the City's life safety standards and insurance requirements, such that an extension of the sunset clause is necessary for the public peace as well as the health and safety of Fayetteville residents. Therefore, the City Council hereby declares an emergency exists such that this ordinance shall become effective immediately upon its passage and approval.

CivicClerk No.: 2024-

AGENDA REQUEST FORM

FOR: Council Meeting of December 3, 2024

FROM: City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND ORDINANCE 6710 PASSED ON NOVEMBER 21, 2023 TO EXTEND THE SUNSET CLAUSE EFFECTIVE DATE TO JULY 1, 2025 AT 7:00 P.M. AND TO DECLARE AN EMERGENCY

APPROVED FOR AGENDA:

Holly Hertzberg
City Council Member

11/12/24
Date

Kit Williams
Approved as to form

November 12, 2024
Date

Williams, Kit

From: Hertzberg, Holly
Sent: Tuesday, November 12, 2024 3:59 PM
To: Williams, Kit
Cc: Barnes, Stacy
Subject: Re: sunset clause extention
Attachments: scan_holly.hertzberg_2024-11-12-15-56-33.pdf

Thank you Kit! Here is the signed Agenda Request form.

From: Williams, Kit <kwilliams@fayetteville-ar.gov>
Sent: Tuesday, November 12, 2024 12:15 PM
To: Hertzberg, Holly <holly.hertzberg@fayetteville-ar.gov>
Cc: Barnes, Stacy <sbarnes@fayetteville-ar.gov>
Subject: sunset clause extention

Holly,

Attached is the proposed ordinance extending the Short-term rental code sunset date to July 1, 2025 at 7:00 PM. Assuming the STR code is what the city council decides is fine to make permanent on July 1st , we should be able to safely enact the amended code with all previously approved changes at the meeting immediately after the current code will have been automatically voided. We will need an emergency clause then so there will not be a gap long enough to cause any problems for the short-term rentals previously allowed under our current regulations.

Anyway, I have attached the ordinance to extend the current code until July 1st as recommended by the Ordinance Review committee. Also attached is the Agenda Request form for your signature as chair of the Ordinance Review Committee. This is for the December 5th City Council Meeting.

You can sign now and scan it back to me, or I will also have it with me for tonight's meetings.

Thanks,

Kit

OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Mayor Jordan**
City Council

CC: **Susan Norton**, Chief of Staff
Paul Becker, Chief Financial Officer
Jonathan Curth, Development Services Director

FROM: **Kit Williams**, City Attorney

DATE: **November 12, 2024**

RE: **Extending the sunset clause of the Short-Term Rental Ordinance and Code to July 1, 2025**

The Ordinance Review Committee unanimously agreed that the City Council should extend the sunset clause date to July 1, 2025. This should be after the State Legislature Session has adjourned and we can consider any changes in state law that could affect short-term rental regulations.

If no state law changes have been enacted, I hope we will have been able to make any further changes to the *Fayetteville Code* and be safe to enact the fully amended code without any further sunset provision.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE 6710 PASSED ON NOVEMBER 21, 2023 TO EXTEND THE SUNSET CLAUSE EFFECTIVE DATE TO JULY 1, 2025 AT 7:00 P.M. AND TO DECLARE AN EMERGENCY

WHEREAS, the sunset clause in Ordinance 6427, which was passed on April 20, 2021, provides that the ordinance "and all amendments to Code sections ordained or enacted by this ordinance shall automatically sunset, be repealed, terminated, and become void twenty (20) months after the passage and approval of this ordinance, unless prior to that date, the City Council amends this ordinance to repeal this sunset, repeal and terminations section"; and

WHEREAS, Ordinance 6625, which was passed on December 6, 2022, amended Ordinance 6427 so that the ordinance "and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed, and become void on December 31, 2023, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset repeal and termination section"; and

WHEREAS, Ordinance 6710 passed on November 21, 2023 amended the sunset provision of Ordinance 6625 which provided that all amendments to the code sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed, and become void on December 31, 2024, unless prior to that date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section; and

WHEREAS, the Ordinance Review Committee recommends extending the sunset date to allow for consideration of amendments to the City's short-term rental regulations and to allow the continued operation of short-term rentals until July 1, 2025 at 7:00 p.m.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby determines that this ordinance should become effective without delay because allowing the City's short-term rental regulation to expire will likely lead to unregulated and illegal operation of short-term rentals not subject to the City's life safety standards and insurance requirements, such that an extension of the sunset clause is necessary for the public peace as well as the health and safety of Fayetteville residents. Therefore, the City Council hereby declares an emergency exists such that this ordinance shall become effective immediately upon its passage and approval.

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-752

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Kit Williams, City Attorney

FROM: Kit Williams, City Attorney

SUBJECT: **ORDINANCE TO AMEND § 118.01 (E)(1) and (2)**

RECOMMENDATION:
Amend § 118.01 (E)(1) and (2) of the Fayetteville Code

BACKGROUND:

DISCUSSION:
The Ordinance Review Committee has unanimously forwarded the simplified and clarified definitions of Short-Term Rental, Type 1 and Short-Term Rental, Type 2 for City Council Consideration.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: Hertzberg Agenda Request (#3)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-752

ORDINANCE TO AMEND § 118.01 (E)(1) and (2)

AN ORDINANCE TO AMEND § 118.01 (E)(1) and (2) OF THE FAYETTEVILLE CODE TO SIMPLIFY AND CLARIFY THE DEFINITIONS OF SHORT-TERM RENTAL, TYPE 1 AND SHORT-TERM RENTAL, TYPE 2

WHEREAS, the Ordinance Review Committee has unanimously forwarded the simplified and clarified definitions of Short-Term Rental, Type 1 and Short-Term Rental, Type 2 for City Council Consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends § 118.01 (E)(1) and (2) of the Fayetteville Code by repealing them in their entireties and enacting replacement 118.01 (E)(1) and (2) as follows:

"118.01 (E)(1)
Short-Term Rental, Type 1.
A short-term rental is where the owner or long term tenant occupies the principal dwelling or the accessory dwelling unit as their primary full time residence for at least nine months of each calendar year and rents the remaining portion of their residence or their accessory dwelling unit as a short-term rental. An applicant for a Type 1 Short-Term Rental shall provide a copy of the property's Homestead Tax Credit, long term lease agreement or other comparable evidence of long-term residency to the City to prove the long-term residency requirement. The long-term occupant of the property is responsible for the management and control of occupants in the short-term rental, Type 1 to ensure no adverse effects or problems are inflicted upon residential neighbors.

118.01 (E)(2)
Short-Term Rental, Type 2.
If a desired Short-Term Rental does not qualify as a Short-Term Rental, Type 1, a property owner may seek to be approved as a Short-Term Rental, Type 2. A new Short-Term Rental, Type 2 may be permitted in residential zoning districts pursuant to the requirements of § 163.18 and in non-residential and mixed-use zoning districts pursuant to § 164.26. All Short-Term Rentals, Type 2 must also comply with requirements of § 118.01 (E)."

CivicClerk No.: 2024- 752

AGENDA REQUEST FORM

FOR: Council Meeting of December 3, 2024

FROM: City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

AN ORDINANCE TO AMEND § 118.01 (E)(1) and (2) OF THE *FAYETTEVILLE CODE* TO SIMPLIFY AND CLARIFY THE DEFINITIONS OF SHORT-TERM RENTAL, TYPE 1 AND SHORT-TERM RENTAL, TYPE 2

APPROVED FOR AGENDA:

Holly Hertzberg
City Council Member

11/8/24
Date

Kit Williams
Approved as to form

November 7 2024
Date

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-760

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Jessica Masters, Development Review Manager
Jonathan Curth, Development Services Director
Susan Norton, Chief of Staff

FROM: Wesley Frank, Planner

SUBJECT: **VAC-2024-0025: Vacation (639 W. MARTIN LUTHER KING JR BLVD/UNIVERSITY OF ARKANSAS, 522): Submitted by DEVELOPMENT CONSULTANTS INC for property located at 639 W. MARTIN LUTHER KING JR BLVD in WARD 1. The property is zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 0.08 acres. The request is to vacate 0.08 acres of utility easement.**

RECOMMENDATION:
Staff recommends approval of this item as shown in the attached Exhibits 'A' and 'B', and with the following conditions of approval:

1. Any damage or relocation of existing facilities will be at the property owner/developer's expense, and
2. This vacation will not take effect until after the building served by the existing fire hydrant has been demolished.

BACKGROUND:
The subject property is located in central Fayetteville, on the south side of W. Martin Luther King Jr. Blvd. between Hill and Lt. Col. Leroy Pond Avenues to the west and east respectively. The property is owned by the University of Arkansas, and is developed with several existing, new, and under construction structures associated with the University's arts district. The property is zoned I-1, Heavy Commercial and Light Industrial, and is not part of an overlay.

Request: The applicant has applied to vacate 0.08 of utility easement which bisect this property.

DISCUSSION:
City staff recommend in favor of the requested easement vacation, with the conditions listed above. The applicant has submitted all necessary approvals with no objections.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Request Letter (#6), Petition to Vacate (#7), Survey (#8)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-760

VAC-2024-0025: Vacation (639 W. MARTIN LUTHER KING JR BLVD/UNIVERSITY OF ARKANSAS, 522): Submitted by DEVELOPMENT CONSULTANTS INC for property located at 639 W. MARTIN LUTHER KING JR BLVD in WARD 1. The property is zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 0.08 acres. The request is to vacate 0.08 acres of utility easement.

AN ORDINANCE TO APPROVE VAC-24-25 FOR PROPERTY LOCATED AT 639 WEST MARTIN LUTHER KING JR BOULEVARD IN WARD 1 TO VACATE 0.08 ACRES OF UTILITY EASEMENT

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of utility easement is not required for corporate purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates the portion of utility easement as described in Exhibit B attached to the Planning Department's memo.

Section 2: A copy of this Ordinance duly certified by the City Clerk along with the map attached as Exhibit A to the Planning Department's memo shall be filed in the office of the Washington County Circuit Clerk.

Section 3: This vacation approval is subject to the following conditions:

1. Any damage to or relocation of existing facilities will be at the property owner/developer's expense; and
2. This vacation will take effect after the building served by the existing fire hydrant has been demolished.

City of Fayetteville Staff Review Form

2024-760

Legistar File ID

12/4/2024

City Council Meeting Date - Agenda Item Only
N/A for Non-Agenda Item

Jonathan Curth	11/19/2024	Development Services / Development Services Department
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

VAC-2024-0025: Vacation (639 W. MARTIN LUTHER KING JR BLVD/UNIVERSITY OF ARKANSAS, 522): Submitted by DEVELOPMENT CONSULTANTS INC for property located at 639 W. MARTIN LUTHER KING JR BLVD in WARD 1. The property is zoned I-1, HEAVY COMMERCIAL & LIGHT INDUSTRIAL and contains approximately 0.08 acres. The request is to vacate a utility easement.

Budget Impact:

Account Number			Fund	
Project Number			Project Title	
Budgeted Item?	No	Current Budget	$	-
		Funds Obligated	$	-
		Current Balance	$	-
Does item have a cost?	No	Item Cost		
Budget Adjustment Attached?	No	Budget Adjustment		
		Remaining Budget	$	-

V20140710

Previous Ordinance or Resolution #

Original Contract Number:

Approval Date:

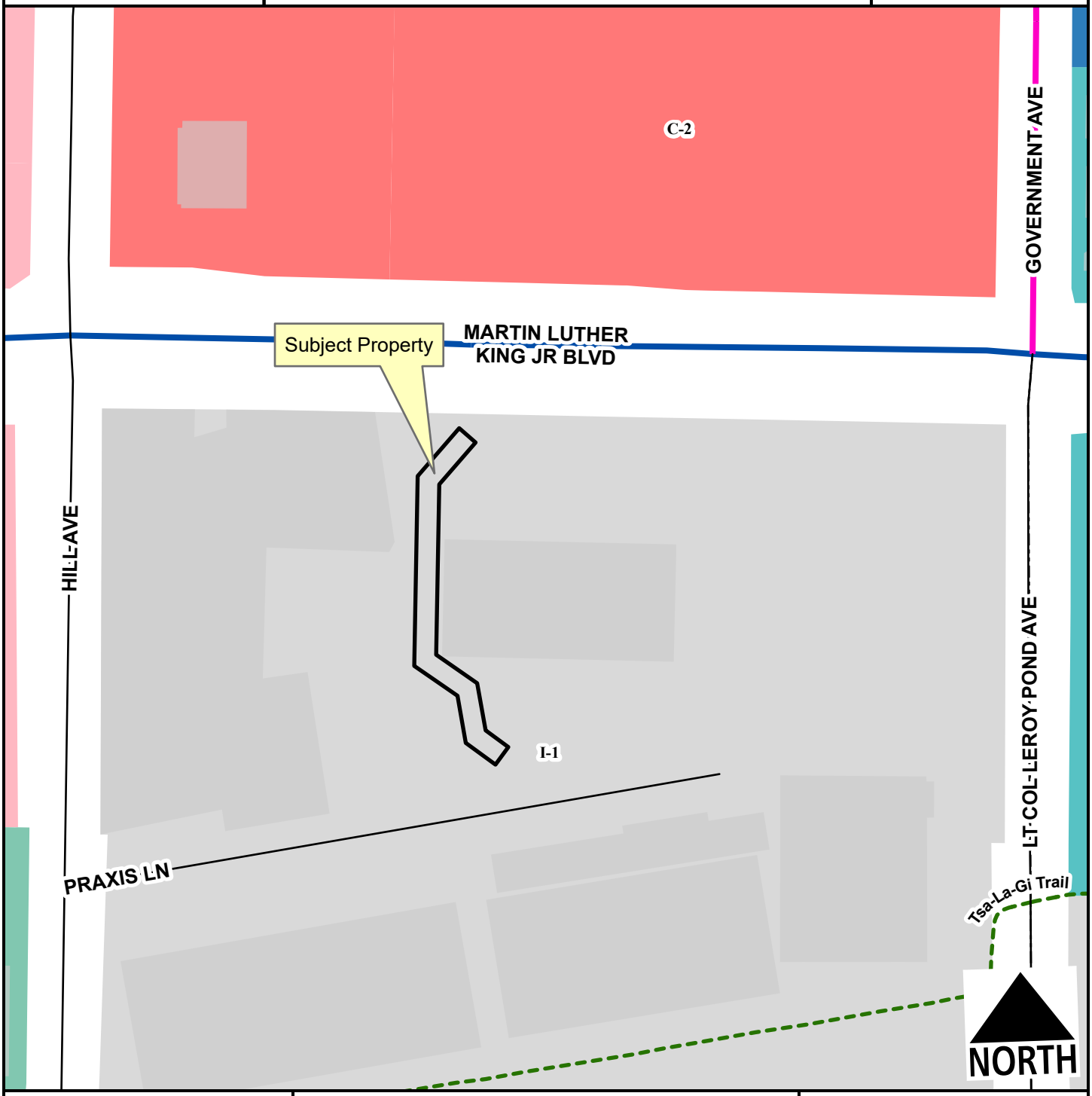
Comments:

VAC-2024-0025

Close Up View

639 W MARTIN LUTHER KING JR BLVD

VAC-2024-0025
Exhibit 'A'



- Regional Link - High Activity
- Urban Center
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Design Overlay District

Feet

0 35 70 140 210 280

1:1,200

- I-1 Heavy Commercial and Light Industrial
- C-1
- C-2
- Main Street Center
- Downtown General
- Commercial, Industrial, Residential

VAC-2024-0025
EXHIBIT ‘B’

Easement Vacant Legal Description:

Part of the NE1/4 NW1/4 of Section 21 and part of the SE1/4 SW1/4 of Section 16, all in Township 16 North, Range 30 West, City of Fayetteville, Washington County, Arkansas, being more particularly described as follows: Commencing at the aforesaid Northwest corner of the NE1/4 NW1/4 of section 21; Thence S 64°05'15" E, a distance of 507.77 feet to the intersection of the East right of way line of Hill Avenue and the Northerly right of way line of the Santa Fe Pacific Corporation c/o Burlington Northern Santa Fe Railroad; Thence N 02°40'45" E along said East right of way line of Hill Avenue, a distance of 114.72 feet; Thence N 01°43'05" E along said East right of way line of Hill Avenue, a distance of 44.24 feet to a filed waterline easement filed at instrument #2021-00031336; Thence along said easement and continuing N 01°43'05" E along said East right of way line of Hill Avenue, a distance of 15.21 feet; Thence N 82°12'22" E, a distance of 270.50 feet; Thence N 39°25'04" E, a distance of 22.37 feet; Thence N 51°6'49”W, a distance of 7.43 feet to the Point of Beginning, Thence continue N 51°56'49”W, 25.46 feet; Thence N 07°57'14" W, a distance of 33.02 feet; Thence N 53°19'48" W, a distance of 36.23 feet; Thence N 02°59'14" E, a distance of 131.40 feet; Thence N 43°08'25" E, a distance of 43.81 feet; Thence S 46°51'35" E, a distance of 15.00 feet; Thence S 43°08'25" W, a distance of 38.33 feet; Thence S 02°59'14" W, a distance of 117.88 feet; Thence S 53°19'48" E, a distance of 34.47 feet; Thence S 07°57'14" E, a distance of 33.23 feet; Thence S 51°56'49" E, a distance of 19.40 feet; Thence S 38°03'10” W, 15.00 feet to the Point of Beginning, containing 0.08 of an acre more or less.

Written request and narrative to accompany petition packet for the
WATERLINE EASMENT VACATION at 639 W. MLK JR BLVD, City of Fayetteville, Arkansas.

To: The Fayetteville City Planning Commission

On behalf of the landowners, I am petitioning the Fayetteville City Planning Commission to accept the waterline easement vacation of the waterline easement located at 639 W. MLK JR BLVD, parcel number 765-13012-000, in the City of Fayetteville, Arkansas.

This property is currently the University of Arkansas School of Art Annex and will be the future home of the University of Arkansas Windgate Galleries.

By accepting this waterline easement vacation request, the current owners would benefit, and no other landowner would be adversely affected.

The public interest and welfare would not be adversely affected by accepting this waterline easement vacation request.



Chase Henrichs, PE, Development Consultants, Inc.

PETITION TO VACATE PART OF A WATER EASEMENT LOCATED IN PART OF THE NE ¼ NW ¼ OF SECTION 21, AND PART OF THE SE ¼ SW ¼ , SECTION 16, ALL IN TOWNSHIP 16 NORTH, RANGE 30 WEST, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and

The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in part of the NE ¼ NW ¼ , Section 21, and part of the SE ¼ SW ¼ , all in Township 16 North, Range 30 West to the City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

Waterline Easement Vacation Description

Part of the NE1/4 NW1/4 of Section 21 and part of the SE1/4 SW1/4 of Section 16, all in Township 16 North, Range 30 West, City of Fayetteville, Washington County, Arkansas, being more particularly described as follows:

Commencing at the aforesaid Northwest corner of the NE1/4 NW1/4 of section 21; Thence S 64°05'15" E, a distance of 507.77 feet to the intersection of the East right of way line of Hill Avenue and the Northerly right of way line of the Santa Fe Pacific Corporation c/o Burlington Northern Santa Fe Railroad; Thence N 02°40'45" E along said East right of way line of Hill Avenue, a distance of 114.72 feet; Thence N 01°43'05" E along said East right of way line of Hill Avenue, a distance of 44.24 feet to a filed waterline easement filed at instrument #2021-00031336; Thence along said easement and continuing N 01°43'05" E along said East right of way line of Hill Avenue, a distance of 15.21 feet; Thence N 82°12'22" E, a distance of 270.50 feet; Thence N 39°25'04" E, a distance of 22.37 feet; Thence N 51°°6'49"W, a distance of 7.43 feet to the Point of Beginning, Thence continue N 51°56'49"W, 25.46 feet; Thence N 07°57'14" W, a distance of 33.02 feet; Thence N 53°19'48" W, a distance of 36.23 feet; Thence N 02°59'14" E, a distance of 131.40 feet; Thence N 43°08'25" E, a distance of 43.81 feet; Thence S 46°51'35" E, a distance of 15.00 feet; Thence S 43°08'25" W, a distance of 38.33 feet; Thence S 02°59'14" W, a distance of 117.88 feet; Thence S 53°19'48" E, a distance of 34.47 feet; Thence S 07°57'14" E, a distance of 33.23 feet; Thence S 51°56'49" E, a distance of 40.32 feet; Thence S 38°03'10" W, 15.00 feet to the Point of Beginning, containing 0.08 of an acre more or less.

That the abutting real estate affected by said abandonment of the water easement are parcels 765-13012-000, 765-13007-000, and 765-13008-000 all belonging to the University of Arkansas.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above-described real estate, subject, however, to the existing water easements as

required, and that the above-described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said water easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said water.

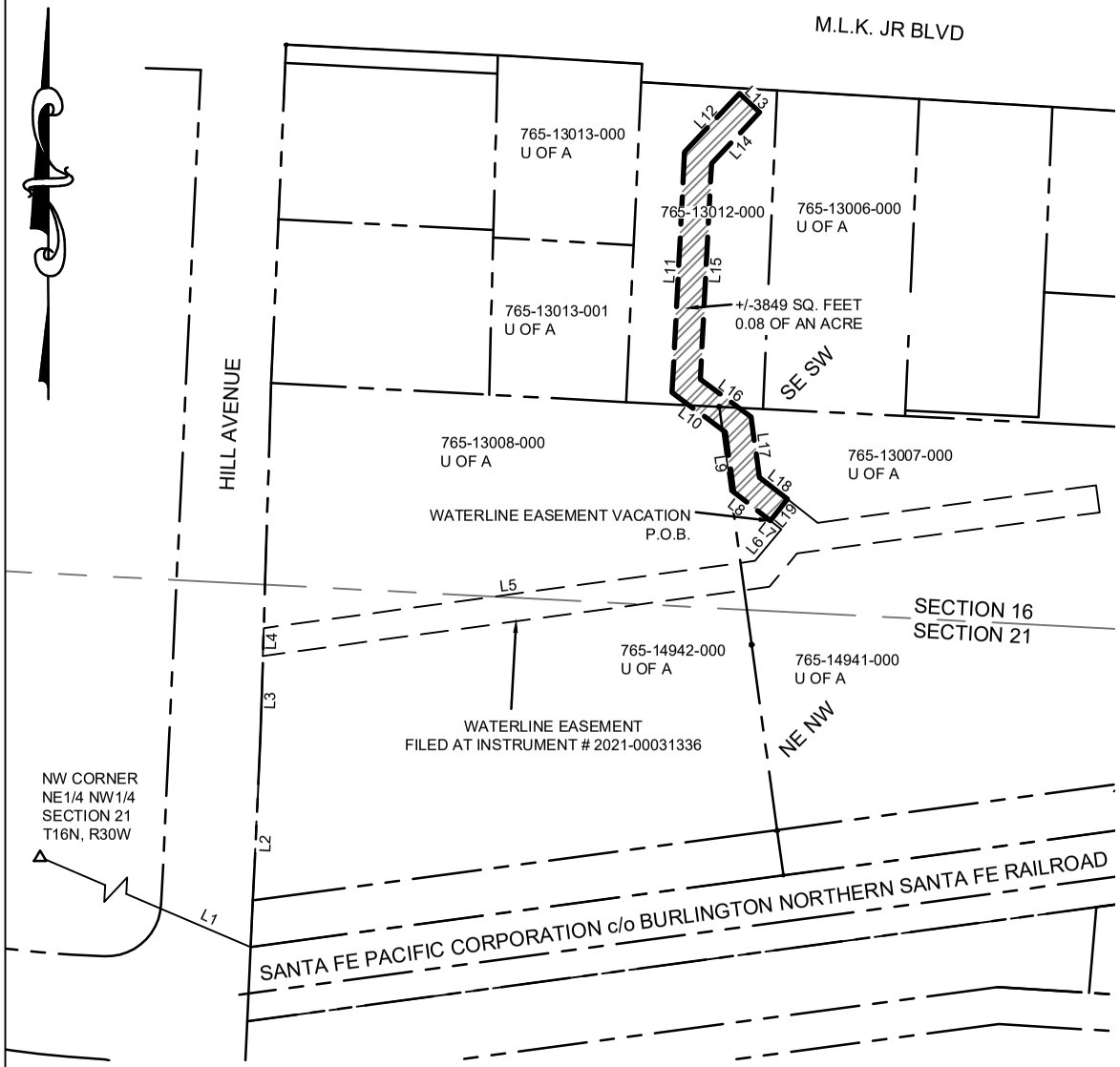
Dated this ___ day of _____, 2024.

Printed Name Donald R. Bobbitt, President

Signature _____

Printed Name _____

Signature _____



GRAPHIC SCALE

0 100' 200'

1 inch = 100 feet

Waterline Easement Vacation Description

Part of the NE1/4 NW1/4 of Section 21 and part of the SE1/4 SW1/4 of Section 16, all in Township 16 North, Range 30 West, City of Fayetteville, Washington County, Arkansas, being more particularly described as follows:

Commencing at the aforesaid Northwest corner of the NE1/4 NW1/4 of section 21; Thence S 64°05'15" E, a distance of 507.77 feet to the intersection of the East right of way line of Hill Avenue and the Northerly right of way line of the Santa Fe Pacific Corporation c/o Burlington Northern Santa Fe Railroad; Thence N 02°40'45" E along said East right of way line of Hill Avenue, a distance of 114.72 feet; Thence N 01°43'05" E along said East right of way line of Hill Avenue, a distance of 44.24 feet to a filed waterline easement filed at instrument #2021-00031336; Thence along said easement and continuing N 01°43'05" E along said East right of way line of Hill Avenue, a distance of 15.21 feet; Thence N 82°12'22" E, a distance of 270.50 feet; Thence N 39°25'04" E, a distance of 22.37 feet; Thence N 51°6'49"W, a distance of 7.43 feet to the Point of Beginning, Thence continue N 51°56'49"W, 25.46 feet; Thence N 07°57'14" W, a distance of 33.02 feet; Thence N 53°19'48" W, a distance of 36.23 feet; Thence N 02°59'14" E, a distance of 131.40 feet; Thence N 43°08'25" E, a distance of 43.81 feet; Thence S 46°51'35" E, a distance of 15.00 feet; Thence S 43°08'25" W, a distance of 38.33 feet; Thence S 02°59'14" W, a distance of 117.88 feet; Thence S 53°19'48" E, a distance of 34.47 feet; Thence S 07°57'14" E, a distance of 33.23 feet; Thence S 51°56'49" E, a distance of 19.40 feet; Thence S 38°03'10" W, 15.00 feet to the Point of Beginning, containing 0.08 of an acre more or less.

LINE	BEARING	DISTANCE
L1	S 64°05'15" E	507.77'
L2	N 02°40'45" E	114.72'
L3	N 01°43'05" E	44.24'
L4	N 01°43'05" E	15.21'
L5	N 82°12'22" E	270.50'
L6	N 39°25'04" E	22.37'
L7	N 51°56'49" W	7.43'
L8	N 51°56'49" W	25.46'
L9	N 07°57'14" W	33.02'
L10	N 53°19'48" W	36.23'
L11	N 02°59'14" E	131.40'
L12	N 43°08'25" E	43.81'
L13	S 46°51'35" E	15.00'
L14	S 43°08'25" W	38.33'
L15	S 02°59'14" W	117.88'
L16	S 53°19'48" E	34.47'
L17	S 07°57'14" E	33.23'
L18	S 51°56'49" E	19.40'
L19	S 38°03'10" W	15.00'

DCI ENGINEERING
CIVIL ENGINEERS
LAND SURVEYORS
1 EAST CENTER STREET
SUITE 200
FAYETTEVILLE, AR 72701
479-443-7900

COPYRIGHT: 2024
SCALE: 1" = 100'
DATE: 09-23-2024
REVISIONS

INCORPORATED
CONSULTANTS
DEVELOPMENT

PROJECT TITLE:
WATER EASEMENT VACATION EXHIBIT MAP
FAYETTEVILLE, ARKANSAS

PROJECT NO: 22-114
SHEET NO: **E-1**

CITY OF FAYETTEVILLE ARKANSAS

CITY COUNCIL MEMO
2024-762

MEETING OF DECEMBER 4, 2024

TO: Mayor Jordan and City Council

THRU: Susan Norton, Chief of Staff
Jonathan Curth, Development Services Director

FROM: Kylee Cole, Long Range & Preservation Planner

SUBJECT: **PZD-2024-0007: Planned Zoning District (8049 W. WEDINGTON DR/ BUFFALO LEASING LLC, 432): Submitted by D&W CONTRACTORS for property located on 8049 W. WEDINGTON DR. in WARD 4. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 3.85 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.**

RECOMMENDATION:
City Planning staff and the Planning Commission recommend approval of a request to rezone the subject property as described and shown in the attached Exhibits 'A' and 'B'.

BACKGROUND:
The subject property is in west Fayetteville, approximately 0.37 miles east of the intersection of N. 85th Ave. and W. Wedington Dr. The property was annexed into Fayetteville city limits and rezoned to its current designation in 2006. It contains approximately 3.85 acres and is zoned R-A, Residential-Agricultural. The property is currently developed with a single-family dwelling and outbuilding and is not part of any overlay or master planning areas. In December 2023, the property was purchased by the current owner with the intent of using it as the office for D&W Contractors. When the applicant applied for a commercial business license at the property, staff noted that the property did not have appropriate entitlement for a commercial office use, leading to the request to rezone the property to a Planned Zoning District.

*Request:*The applicant requests to rezone the property to a Planned Zoning District with one Planning Area, as described below:

- **Planning Area #1 – 3.85 acres:** The intention of this planning area is to permit the adaptive reuse of the existing single-family home for a commercial office.

Public Comment: To date, staff has received no public comment on this item but did receive one general inquiry about the nature of the request.

Land Use Compatibility: Staff finds the applicant's request to be compatible with existing surrounding land uses. An existing nonconforming commercial property, which has housed an auto salvage since at least 2003, is located to the east and south. Single-family properties are located to the north and west. Approximately 0.30-mile west is a C-1 zoned undeveloped property. The applicant's request is not proposing a change in density from the current R-A zoning, but adding Use Unit 21: Warehousing and Wholesale and Use Unit 25:

Offices, Studios, and related services which are not permitted or conditional uses in the current zoning. Staff finds that these added uses are likely compatible with the surrounding land uses.

Land Use Plan Analysis: Staff finds that the request is consistent with the City's land use and zoning plans. The proposed PZD is substantially similar to what could be developed by right under the existing zoning district, with the notable exception of allowing Use Unit 21 and 25 by right. Staff finds that the proposal aligns with the future land use designation for the property. This property is designated as a Rural Residential Area in City Plan 2040. Notably, many areas with this designation were once outside of the City and have historically hosted a variety of agricultural, small-scale commercial, and light industrial uses. This proposal will allow for the flexible use of land on the periphery of the city until an orderly transition to urban development can be accomplished, which may support Goal #2 of City Plan 2040, to discourage suburban sprawl.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix does not include any factors associated with this property.

DISCUSSION:
At the November 12, 2024 Planning Commission meeting, a vote of 9-0-0 forwarded the request to City Council with a recommendation of approval. The commissioners cited future land use compatibility and staff recommendations as noted in the report as reasons for approval.

BUDGET/STAFF IMPACT:
N/A

ATTACHMENTS: SRF (#3), Exhibit A (#4), Exhibit B (#5), Staff Report (#6)

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323

File #: 2024-762

PZD-2024-0007: Planned Zoning District (8049 W. WEDINGTON DR/ BUFFALO LEASING LLC, 432): Submitted by D&W CONTRACTORS for property located on 8049 W. WEDINGTON DR. in WARD 4. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 3.85 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

AN ORDINANCE TO APPROVE A PLANNED ZONING DISTRICT ENTITLED PZD-2024-007 FOR APPROXIMATELY 3.85 ACRES LOCATED AT 8049 WEST WEDINGTON DRIVE IN WARD 4

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves PZD-2024-07 as described in Exhibits “A” and “B” attached to the Planning Division’s Agenda Memo which allows the development of 3.85 acres of a Planned Zoning District to change the use of the existing single-family home to a commercial office.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning criteria change provided in Section 1 above.

City of Fayetteville Staff Review Form

2024-762

Item ID

12/3/2024

City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jonathan Curth	11/15/2024	DEVELOPMENT REVIEW (630)
Submitted By	**Submitted Date**	**Division / Department**

Action Recommendation:

PZD-2024-0007: Planned Zoning District (8049 W. WEDINGTON DR/ BUFFALO LEASING LLC, 432): Submitted by D&W CONTRACTORS for property located on 8049 W. WEDINGTON DR. in WARD 4. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 3.85 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

Budget Impact:

Account Number	Fund
Project Number	Project Title

Budgeted Item?	No	Total Amended Budget	$	-
		Expenses (Actual+Encum)	$	-
		Available Budget	$	-
Does item have a direct cost?	No	Item Cost	$	-
Is a Budget Adjustment attached?	No	Budget Adjustment	$	-
		Remaining Budget	$	-

V20221130

Purchase Order Number:

Previous Ordinance or Resolution #

Change Order Number:

Approval Date:

Original Contract Number:

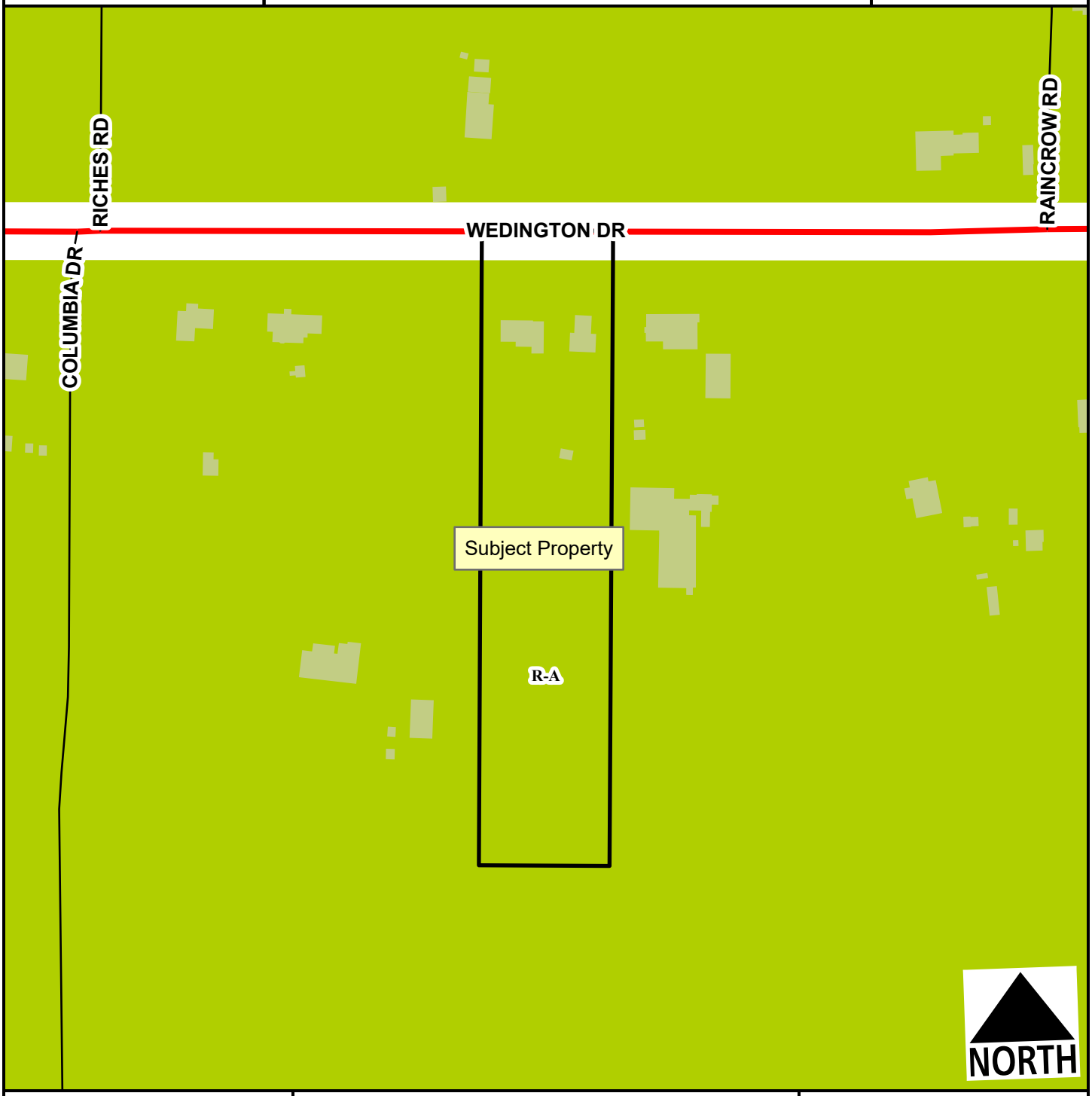
Comments:

PZD-2024-0007

Close Up View

8049 W. WEDINGTON DR

PZD-2024-0007
Exhibit 'A'



Regional Link
Unclassified
Planning Area
Fayetteville City Limits

Feet
0 75 150 300 450 600
1:2,400

Residential-Agricultural

Exhibit 'B'
PZD-2024-0007

Legal Description of 8049 W. Wedington

Part of the Southeast quarter of the Southwest quarter of Section nine (9) in Township sixteen (16) North of Range thirty one (31) West, being more Particularly described as starting 208.7 feet East of the North West corner of said Forty acre tract for a point of beginning, and running, thence East 526.6 feet, thence South 874 feet, thence West 526.6 feet, thence North 874 feet to the point of beginning, containing 10.58 acres, more or less. Subject to that part within the right-of-way of State Highway #16, a/k/a West Wedington Drive and any other easements of record.

LESS AND EXCEPT:

A part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 16 North, Range 31 West, Washington County, Arkansas, and more particularly described as beginning at a point 358.71 feet East of the Northwest corner of said 40 acre tract; thence East 173.6 feet; thence S. 1°23'33" W., 874.0 feet; thence West 323.6 feet; thence N. 1°23'33" E., 583.6 feet; thence East 150.0 feet; thence N. 1°23'33" E., 290.4 feet to the point of beginning, containing 5.493 acres, more or less, and subject to that part within the rightof-way State Highway #16 and any other easements of record.

CITY OF FAYETTEVILLE ARKANSAS

PLANNING COMMISSION MEMO

TO: Fayetteville Planning Commission

THRU: Gretchen Harrison, Senior Planner

FROM: Kylee Cole, Long Range & Preservation Planner

MEETING: November 12, 2024 updated w/ meeting results

SUBJECT: **PZD-2024-0007: Planned Zoning District (8049 W. WEDINGTON DR/ BUFFALO LEASING LLC, 432):** Submitted by D&W CONTRACTORS for property located on 8049 W. WEDINGTON DR. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 3.85 acres. The request is to rezone the property to a PLANNED ZONING DISTRICT.

RECOMMENDATION:
Staff recommends forwarding **PZD-2024-0007** to City Council with a recommendation of approval.

RECOMMENDED MOTION:
*"I move to forward **PZD-2024-0007** to City Council with a recommendation of approval, with conditions as outlined by staff."*

BACKGROUND:
The subject property is in west Fayetteville, approximately 0.37 miles east of the intersection of N. 85th Ave. and W. Wedington Dr. The property was annexed into Fayetteville city limits and rezoned to its current designation in 2006. It contains approximately 3.85 acres and is zoned R-A, Residential-Agricultural. The property is currently developed with a single-family dwelling and outbuilding and is not part of any overlay or master planning areas. In December 2023, the property was purchased by the current owner with the intent of using it as the office for D&W Contractors. When the applicant applied for a commercial business license at the property, staff noted that the property did not have appropriate entitlement for a commercial office use, leading to the request to rezone the property to a Planned Zoning District. Surrounding land uses and zoning is depicted in *Table 1.*

Table 1: Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Single-Family Residential	R-A, Residential Agricultural
South	Commercial (Auto Salvage)	R-A, Residential Agricultural
East	Commercial (Auto Salvage)	R-A, Residential Agricultural
West	Single-Family Residential	R-A, Residential Agricultural

Proposal: The applicant requests to rezone the property to a Planned Zoning District with one Planning Area, as described below:

- **Planning Area #1 – 3.85 acres:** The intention of this planning area is to permit the adaptive reuse of the existing single-family home for a commercial office.

Public Comment: To date, staff have received no public comment on this item but did receive one general inquiry about the nature of the request.

INFRASTRUCTURE:

Streets: The subject area has access to W. Wedington Dr. (State Hwy. 16), and unimproved Regional Link Street with asphalt paving and open ditches along the property's frontage. Any street or drainage improvements required in these areas would be determined at the time of development.

Water: Public water is available to the subject area. The subject property is within Washington Water Authority's service area and there appears to be a 6" water line along the property's W. Wedington Dr. frontage.

Sewer: Sanitary Sewer is not available to the subject area.

Drainage: No portion of the subject area lies within a FEMA floodplain, a protected stream, Hillside-Hilltop Overlay District, or contain hydric soils.

Fire: Station 7, located at 835 N. Rupple Rd., protects this site. The property is located approximately 4 miles from the fire station with an anticipated drive time of approximately 6 minutes using existing streets. The anticipated response time would be approximately 8.2 minutes. Fire Department response time is calculated based on the drive time plus 1 minute for dispatch and 1.2 minutes for turn-out time. Within the City Limits, the Fayetteville Fire Department has a response time goal of 6 minutes for an engine and 8 minutes for a ladder truck. Fire apparatus access and fire protection water supplies will be reviewed for compliance with the Arkansas Fire Prevention Code at the time of development.

Police: The Police Department did not comment on this request.

Tree Preservation:

The proposed PZD, Planned Zoning District, requires **25% minimum canopy preservation.** The current zoning district R-A, Residential-Agricultural requires **25% minimum canopy preservation.**

CITY PLAN 2040 FUTURE LAND USE PLAN: City Plan 2040 Future Land Use Plan designates the property within the proposed rezone as **Rural Residential.**

Rural Residential Areas recognize existing low-density large lot development but are identified to encourage the conservation and preservation of woodlands, grasslands, or agricultural lands that are sparsely settled. These areas may or may not have adequate street and water infrastructure or public services, such as police and fire protection to support urban or suburban densities and development patterns.

CITY PLAN 2040 INFILL MATRIX: City Plan 2040's Infill Matrix does not include an infill score for this property.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: ***Land Use Compatibility:*** **Staff finds the applicant's request to be compatible with existing surrounding land uses. An existing nonconforming commercial property, which has housed an auto salvage since at least 2003, is located to the east and south.[1] Single-family properties are located to the north and west. Approximately 0.30-mile west is a C-1 zoned undeveloped property. The applicant's request is not proposing a change in density from the current R-A zoning, but adding Use Unit 21: Warehousing and Wholesale and Use Unit 25: Offices, Studios, and related services which are not permitted or conditional uses in the current zoning. Staff finds that these added uses are likely compatible with the surrounding land uses.**

Land Use Plan Analysis: **Staff finds that the request is consistent with the City's land use and zoning plans. The proposed PZD is substantially similar to what could be developed by right under the existing zoning district, with the notable exception of allowing Use Unit 21 and 25 by right. Staff finds that the proposal aligns with the future land use designation for the property. This property is designated as a Rural Residential Area in City Plan 2040. Notably, many areas with this designation were once outside of the City and have historically hosted a variety of agricultural, small-scale commercial, and light industrial uses. This proposal will allow for the flexible use of land on the periphery of the city until an orderly transition to urban development can be accomplished, which may support Goal #2 of City Plan 2040, to discourage suburban sprawl.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **Staff finds that the proposed rezoning is justified as it aligns with the City Plan 2040 Future Land Use designation for the site.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed PZD is not likely to have a significant impact on traffic danger or congestion in the area. Vehicular access will be from W. Wedington Dr. and no increase in density is proposed.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

[1] Aerial photos for this area are only available beginning in 2003, when the auto salvage appears to be well established. Washington County Assessor records indicate the property has been under the same ownership since 1974, and the salvage operation may be much older than 2003.

Finding: **The proposed PZD would not alter the population density in a way that would undesirably increase the load on public services. Staff finds that any lack of water and sewer facilities currently are of a limited concern.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

Sec. 161.35. Planned Zoning Districts (PZD)

(B) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned zoning and developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The City Council may consider any of the following factors in review of a Planned Zoning District application.

(1) *Flexibility.* Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
(2) *Compatibility.* Providing for compatibility with the surrounding land uses.
(3) *Harmony.* Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
(4) *Variety.* Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
(5) *No negative impact.* Does not have a negative effect upon the future development of the area;
(6) *Coordination.* Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
(7) *Open space.* Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
(8) *Natural features.* Maximum enhancement and minimal disruption of existing natural features and amenities.
(9) *Future Land Use Plan.* Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.
(10) *Special Features.* Better utilization of sites characterized by special features of geographic location, topography, size or shape.
(11) *Recognized zoning consideration.* Whether any other recognized zoning consideration would be violated in this PZD.

Findings: **As outlined in previous findings, staff finds that the proposal is generally in line with the factors that may be considered with a Planned Zoning District. The proposed PZD is particularly well suited to meet the flexibility, harmony, no negative impact, and natural feature tenets of the ordinance. This proposal emphasizes flexibility by using the existing R-A zoning as a basis and only adding the minimum uses needed to facilitate the business use, without inclusion of undesirable uses permitted in some other zoning districts. Harmony, no negative impact, and natural features are prioritized as the proposal intends to preserve the full 25% required tree canopy preservation, including a vegetative buffer area along the western property line to provide screening from adjacent properties.**

RECOMMENDATION: Staff recommends forwarding **PZD-2024-0007** to City Council, with a recommendation of approval, with conditions as outlined below.

Conditions of Approval:

1. Compliance with UDC 177 Landscape Regulations shall be reviewed with the associated development plans;

2. All signage shall meet the requirements as set forth in UDC section 174.

3. Any parking lots must meet all standard design and development standards as outlined in the Unified Development Code, including, but not limited to, paving and construction, dimensional standards, landscape requirements, and drainage requirements;

4. This approval does not grant permit approval for any future development. Review and approval of development plans and permits shall be required in accordance with city code.

Planning Commission Action:	☒ **Forwarded** w/ recommendation of approval	❒ **Tabled**	❒ **Denied**
Meeting Date: November 12, 2024			
Motion: Payne			
Second: Madden			
Vote: 9-0-0			

BUDGET/STAFF IMPACT:
None

Attachments:

- Urban Forestry Memo
- Applicant Request Letter
- PZD Booklet
- One Mile Map
- Close Up Map
- Current Land Use Map
- Future Land Use Map

CITY OF FAYETTEVILLE ARKANSAS

Urban Forestry Memo

TO: Buffalo Leasing, LLC

THRU: Kylee Cole, Long Range Planner

FROM: Melissa Evans, Urban Forester

MEETING DATE: October 16, 2024

SUBJECT: **PZD-2024-0007: BUFFALO LEASING:** Submitted by D&W Contractors for property located at 8049 W. Wedington Dr. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL and contains approximately 3.65 acres. The request is for the property to be zoned PZD, PLANNED ZONING DISTRICT.

RECOMMENDATION:

Urban Forestry Staff recommends approval of PZD-2024-0007 since tree preservation has been addressed in the booklet. The applicant states that, “PZDs require 25% of the canopy to be preserved.”

Since the south side of site is heavily forested, it is highly recommended that as many trees be preserved as possible to meet the minimum requirement for preservation. The buildings, parking, utilities, and other infrastructure elements should be designed around the trees. Preserved trees should be considered to be placed in Tree Preservation Easements.

Trees at the edges of the property need to be preserved in a minimum of 30’ wide areas to help prevent tree loss and die-back on adjacent properties with trees. It is likely that many of the trees on the edges will decline and die. Preservation areas along the property lines should be widened to accommodate tree preservation, and this needs to be considered on the east side of the property.

The PZD booklet does not state that the project will be in compliance with Ch. 177 Landscape Regulations, but they must be met also, including street trees along public or private streets and parking lot trees.

Dear Planning Commissioners,

Please accept the following request to rezone the property at 8049 W. Wedington Dr. to a Planned Zoning District. The purpose of this rezone is to permit the property to be used as the office and storage facility for our business D&W Contractors is a construction contractor involved with historical preservation, residential remodeling, and custom home building. D&W has been in business since 2016. D&W has employs 10 office and management personnel and 7 employees in the field. The CPZD is needed because no existing districts align with the future land use designation for the property, existing zoning districts contain undesirable uses that are not compatible with the area, and requests for existing zoning districts are unlikely to garner support of staff, planning commission, and city council.

Development plans are limited to the modification of the existing house into office space for 10 employees and modification of the outbuilding for storage of materials. Future plans may include expansion of the office or storage and widening of driveway by install a culvert pipe and filling ditch.

Thank you for your consideration,

Garret Reck
D&W Contractors
8049 W. Wedington Dr.
Fayetteville, AR 72704-6143

CPZD Request

Project Description: The total property is approximately 3.85 acres. The proposed CPZD is for the entirety of the property, which is currently zoned R-A, Residential – Agriculture. The purpose of this rezone is to permit the property to be used as the office and storage facility for our business D&W Contractors is a construction contractor involved with historical preservation, residential remodeling, and custom home building. D&W has been in business since 2016. D&W has employs 10 office and management personnel and 7 employees in the field. The CPZD is needed because no existing districts align with the future land use designation for the property, existing zoning districts contain undesirable uses that are not compatible with the area, and requests for existing zoning districts are unlikely to garner support of staff, planning commission, and city council.

Scope: Modify the existing house into office space for 10 employees and modify outbuilding for storage of materials. Future plans may include expansion of the office or storage and widening of driveway by install a culvert pipe and filling ditch.

Legal Description Part of the Southeast quarter of the Southwest quarter of Section nine (9) in Township sixteen (16) North of Range thirty one (31) West, being more Particularly described as starting 208.7 feet East of the North West corner of said Forty acre tract for a point of beginning, and running, thence East 526.6 feet, thence South 874 feet, thence West 526.6 feet, thence North 874 feet to the point of beginning, containing 10.58 acres, more or less. Subject to that part within the right-of-way of State Highway #16, a/k/a West Wedington Drive and any other easements of record.

LESS AND EXCEPT:

A part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 16 North, Range 31 West, Washington County, Arkansas, and more particularly described as beginning at a point 358.71 feet East of the Northwest corner of said 40 acre tract; thence East 173.6 feet; thence S. 1°23'33" W., 874.0 feet; thence West 323.6 feet; thence N. 1°23'33" E., 583.6 feet; thence East 150.0 feet; thence N. 1°23'33" E., 290.4 feet to the point of beginning, containing 5.493 acres, more or less, and subject to that part within the rightof-way State Highway #16 and any other easements of record.

TITLE PAGE

A. Ownership
Buffalo Leasing LLC
Registered Agent: Walter Potapov
8049 W. Wedington Dr.
Fayetteville, AR 72704-6143

B. Scope & Project
   a. Project Description: The total property is approximately 3.85 acres. The proposed CPZD is for the entirety of the property, which is currently zoned R-A, Residential – Agriculture. The purpose of this rezone is to permit the property to be used as the office and storage facility for our business D&W Contractors is a construction contractor involved with historical preservation, residential remodeling, and custom home building. D&W has been in business since 2016. D&W has employs 10 office and management personnel and 7 employees in the field. The CPZD is needed because no existing districts align with the future land use designation for the property, existing zoning districts contain undesirable uses that are not compatible with the area, and requests for existing zoning districts are unlikely to garner support of staff, planning commission, and city council.
   b. Scope: Modify the existing house into office space for 10 employees and modify outbuilding for storage of materials. Future plans may include expansion of the office or storage and widening of driveway by install a culvert pipe and filling ditch.

C. General Project Concept
   a. Considerations:
      i. Flexibility – This proposal offers an alternative not available directly through other zoning. By using the existing R-A zoning and adding the minimal necessary use additions, this plan utilizes this site for a commercial use without the inclusion of undesirable uses permitted in other zoning districts.
      ii. Compatibility – This proposal would not affect the character of the area, since it already contains a variety of residential and nonresidential uses as proposed in this CPZD. The adjacent properties are noted as a fencing contractor and used car lot.
      iii. No adverse effects – This project does not create negative impacts for existing or future developments on adjacent properties.
      iv. Coordination – The neighboring property owners were all introduced to the project and our justification for the request.
      v. Natural features – Several trees occupy the site. Tree preservation shall be at the standard 25% preservation of canopy for a PZD. A undisturbed vegetated buffer area can be maintained along property lines to the west to provide screening between adjacent properties.
      vi. Future Land Use: This property is designated as a Rural Residential Area in City Plan 2040. The City Plan lays out guiding principles for a Rural Residential Area. Notably, many areas with this designation were once

outside of the City and have historically hosted a variety of agricultural, small-scale commercial, and light industrial uses. The rural residential land future land use designation includes guidelines that proposed development should utilize alternative development patterns such as cluster or conservation subdivisions to achieve compatibility with surrounding areas. Similarly, this proposal will allow allowing for the flexible use of land on the periphery of the city until and orderly transition to urban development can be accomplished.

vii. Special Features: No special features of geographic location, topography, size or shape are located on this parcel.

viii. Recognized Zoning Considerations: No other recognized zoning consideration would be violated in this PZD.

b. Streets, Trail and Pedestrian Connectivity, Lot Layout, Stormwater Detention Areas & Drainage, Fire Access & Fire Code, Site Grading: No development is proposed for the site.

c. Tree Preservation Areas: No tree preservation easements are proposed, but PZDs require 25% of the canopy to be preserved.

D. Planning Area
The entire 3.85-acre property is proposed as a single planning area.
Site plans and attached below.

E. Existing and Proposed Zoning Standards

Existing Zoning Detail:

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses*.

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)

(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	20 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the R-A District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

Proposed PZD Detail:

(A) *Purposes.* The purpose of this CPZD is to provide opportunities for single-family dwellings, agricultural uses, and low-intensity commercial uses that are typical in formerly unincorporated areas.

(B) *Uses*.

(1) *Permitted Uses.*

Unit 1	City-wide uses by right

Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 21	Warehousing and wholesale
Unit 25	Offices, studios, and related services
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal boarding and training
Unit 46	Short-term rentals

(2) *Conditional Uses*.

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 35	Outdoor Music Establishments
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half (½)

(D) *Bulk and Area Regulations.*

Lot width minimum	200 feet
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback Requirements.*

Front	Side	Rear
35 feet	5 feet	35 feet

(F) *Height Requirements.* There shall be no maximum height limits in the District, provided, however, if a building exceeds the height of one (1) story, the portion of the building over one (1) story shall have an additional setback from any boundary line of an adjacent residential district. The amount of additional setback for the portion of the

building over one (1) story shall be equal to the difference between the total height of that portion of the building and one (1) story.

(G) *Building area.* None.

F. Zoning Comparison

Zoning Standards	Existing Zoning: R-A, Residential-Agricultural	Proposed PZD
Density	½ per acre	½ per acre
Setbacks	Front: 35 Feet Side: 20 Feet Rear: 35 Feet	Front: 35 Feet Side: 5 Feet Rear: 35 Feet
Height	None.	None.
Building Area	None.	None.

G. Site Analysis: Several trees occupy the site. There are no other known natural resources or natural or manmade hazards.

H. Recreational Facilities: None.

I. Reason for Rezoning: The purpose of this rezone is to permit the property to be used as a contractor's office, which is not a currently permitted or conditional use.

J. Relationship to Adjacent Properties:
The property abuts W. Wedington Dr., designated as a Regional Link Street in the Master Street Plan, to the north. To the west is a 5.8-acre residential property. To the east and south is a 10.5-acre commercial property that was the former location of ABC Auto and includes an office, warehouse/shop, and auto salvage yard.

K. Land Use Plan: This property is designated as a Rural Residential Area in City Plan 2040. The City Plan lays out guiding principles for a Rural Residential Area. Notably, many areas with this designation were once outside of the City and have historically hosted a variety of agricultural, small-scale commercial, and light industrial uses. Although not wholly aligned with this plan designation, this project complements the Plan by providing:

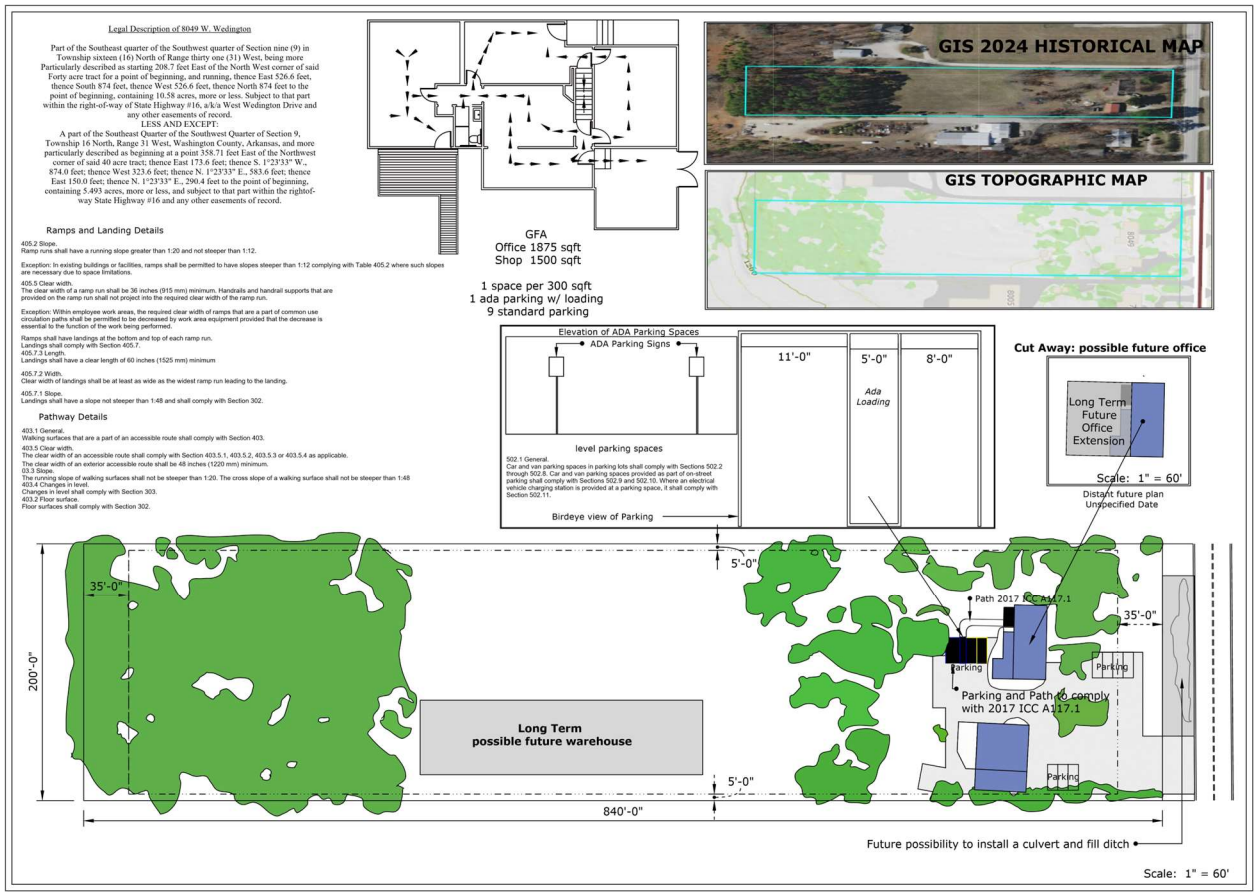
   a. An opportunity to preserve and protect small-scale business (similar to principle #4).

   This proposal also aligns with Goal #2 of City Plan 2040, to discourage urban sprawl, by allowing for the flexible use of land on the periphery of the city until and orderly transition to urban development can be accomplished.

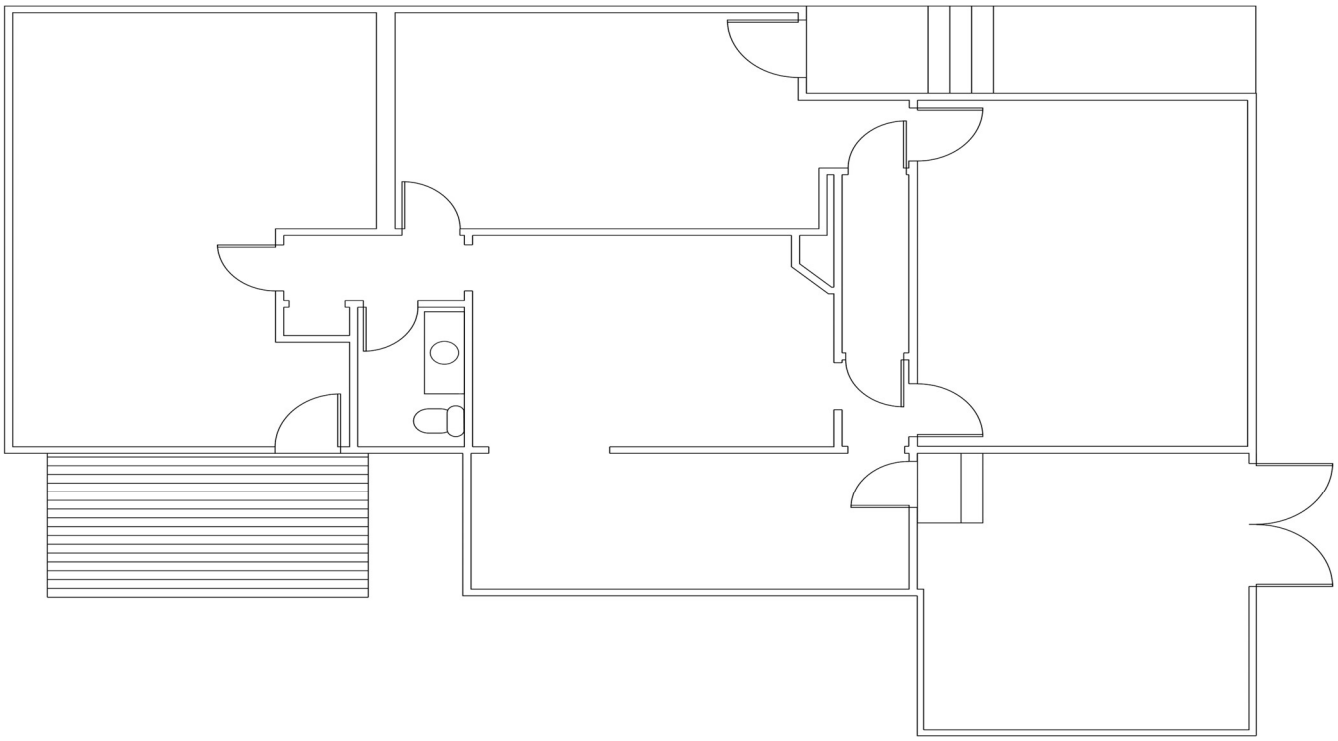
L. Existing Infrastructure:
   a. Water: Washington County Water Authority
   b. Sewer: Septic
   c. Streets: The property abuts W. Wedington Dr., designated as a Regional Link Street in the Master Street Plan, to the north.

Legal Description of 8049 W. Wedington

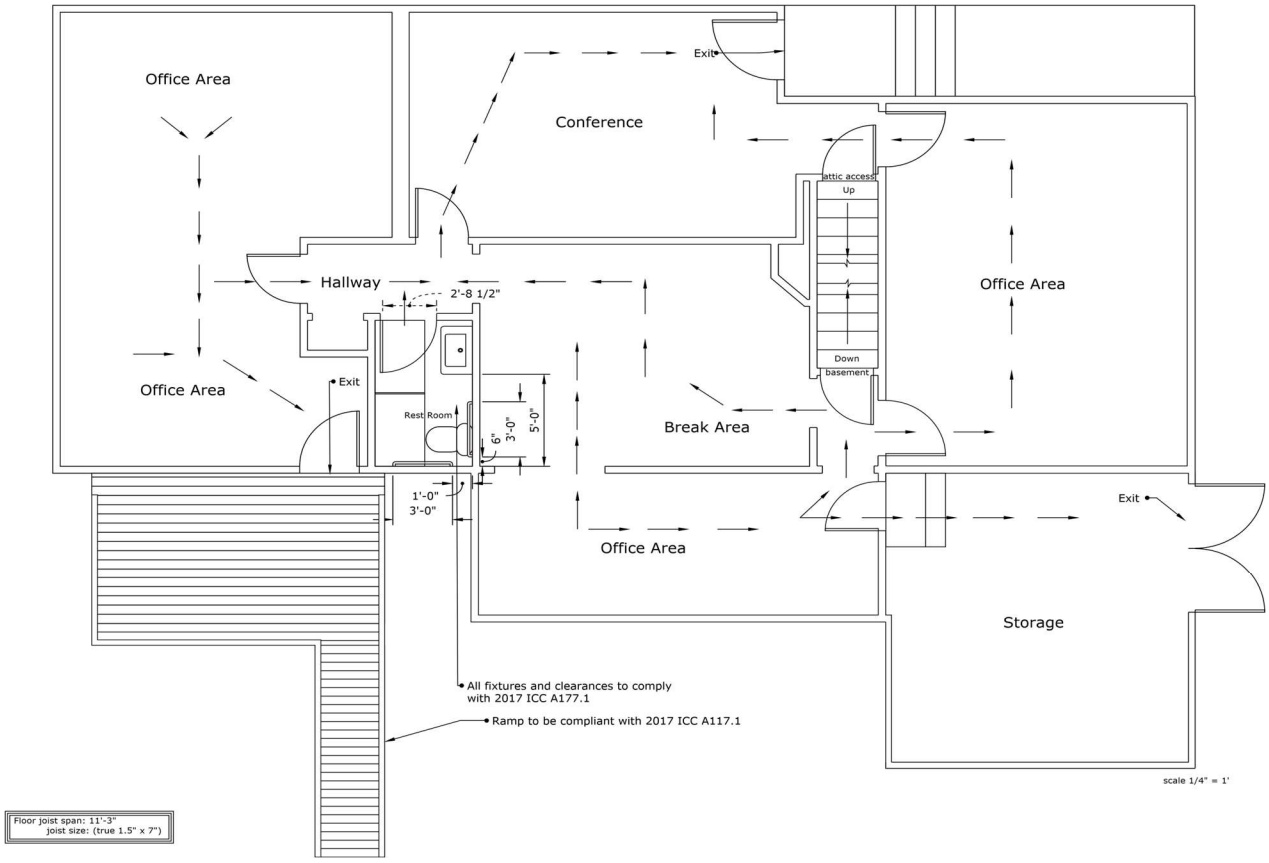
Part of the Southeast quarter of the Southwest quarter of Section nine (9) in Township sixteen (16) North of Range thirty one (31) West, being more Particularly described as starting 208.7 feet East of the North West corner of said Forty acre tract for a point of beginning, and running, thence East 526.6 feet, thence South 874 feet, thence West 526.6 feet, thence North 874 feet to the point of beginning, containing 10.58 acres, more or less. Subject to that part within the right-of-way of State Highway #16, a/k/a West Wedington Drive and any other easements of record.
LESS AND EXCEPT:
A part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 16 North, Range 31 West, Washington County, Arkansas, and more particularly described as beginning at a point 358.71 feet East of the Northwest corner of said 40 acre tract; thence East 173.6 feet; thence S. 1°23'33" W., 874.0 feet; thence West 323.6 feet; thence N. 1°23'33" E., 583.6 feet; thence East 150.0 feet; thence N. 1°23'33" E., 290.4 feet to the point of beginning, containing 5.493 acres, more or less, and subject to that part within the rightof-way State Highway #16 and any other easements of record.


Legal Description of 8049 W. Wedington
Part of the Southeast quarter of the Southwest quarter of Section nine (9) in Township sixteen (16) North of Range thirty one (31) West, being more Particularly described as starting 208.7 feet East of the North West corner of said Forty acre tract for a point of beginning, and running, thence East 526.6 feet, thence South 874 feet, thence West 526.6 feet, thence North 874 feet to the point of beginning, containing 10.58 acres, more or less. Subject to that part within the right-of-way of State Highway #16, a/k/a West Wedington Drive and any other easements of record.
LESS AND EXCEPT:
A part of the Southeast Quarter of the Southwest Quarter of Section 9, Township 16 North, Range 31 West, Washington County, Arkansas, and more particularly described as beginning at a point 358.71 feet East of the Northwest corner of said 40 acre tract; thence East 173.6 feet; thence S. 1°23'33" W., 874.0 feet; thence West 323.6 feet; thence N. 1°23'33" E., 583.6 feet; thence East 150.0 feet; thence N. 1°23'33" E., 290.4 feet to the point of beginning, containing 5.493 acres, more or less, and subject to that part within the rightof-way State Highway #16 and any other easements of record.
Ramps and Landing Details
405.2 Slope.
Ramp runs shall have a running slope greater than 1:20 and not steeper than 1:12.
Exception: In existing buildings or facilities, ramps shall be permitted to have slopes steeper than 1:12 complying with Table 405.2 where such slopes are necessary due to space limitations.
405.5 Clear width.
The clear width of a ramp run shall be 36 inches (915 mm) minimum. Handrails and handrail supports that are provided on the ramp run shall not project into the required clear width of the ramp run.
Exception: Within employee work areas, the required clear width of ramps that are a part of common use circulation paths shall be permitted to be decreased by work area equipment provided that the decrease is essential to the function of the work being performed.
Ramps shall have landings at the bottom and top of each ramp run.
Landings shall comply with Section 405.7.
405.7.3 Length.
Landings shall have a clear length of 60 inches (1525 mm) minimum
405.7.2 Width.
Clear width of landings shall be at least as wide as the widest ramp run leading to the landing.
405.7.1 Slope.
Landings shall have a slope not steeper than 1:48 and shall comply with Section 302.
Pathway Details
403.1 General.
Walking surfaces that are a part of an accessible route shall comply with Section 403.
403.5 Clear width.
The clear width of an accessible route shall comply with Section 403.5.1, 403.5.2, 403.5.3 or 403.5.4 as applicable.
The clear width of an exterior accessible route shall be 48 inches (1220 mm) minimum.
03.3 Slope.
The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of a walking surface shall not be steeper than 1:48
403.4 Changes in level.
Changes in level shall comply with Section 303.
403.2 Floor surface.
Floor surfaces shall comply with Section 302.
GFA
Office 1875 sqft
Shop 1500 sqft
1 space per 300 sqft
1 ada parking w/ loading
9 standard parking
GIS 2024 HISTORICAL MAP
GIS TOPOGRAPHIC MAP
Elevation of ADA Parking Spaces
ADA Parking Signs
11'-0"
5'-0"
8'-0"
Ada Loading
level parking spaces
502.1 General.
Car and van parking spaces in parking lots shall comply with Sections 502.2 through 502.8. Car and van parking spaces provided as part of on-street parking shall comply with Sections 502.9 and 502.10. Where an electrical vehicle charging station is provided at a parking space, it shall comply with Section 502.11.
Birdeye view of Parking
Cut Away: possible future office
Long Term Future Office Extension
Scale: 1" = 60'
Distant future plan Unspecified Date
5'-0"
35'-0"
200'-0"
Long Term possible future warehouse
Path 2017 ICC A117.1
35'-0"
Parking
Parking
Parking and Path to comply with 2017 ICC A117.1
Parking
5'-0"
840'-0"
Future possibility to install a culvert and fill ditch
Scale: 1" = 60'

Existing Floor Plan



Floor Plan

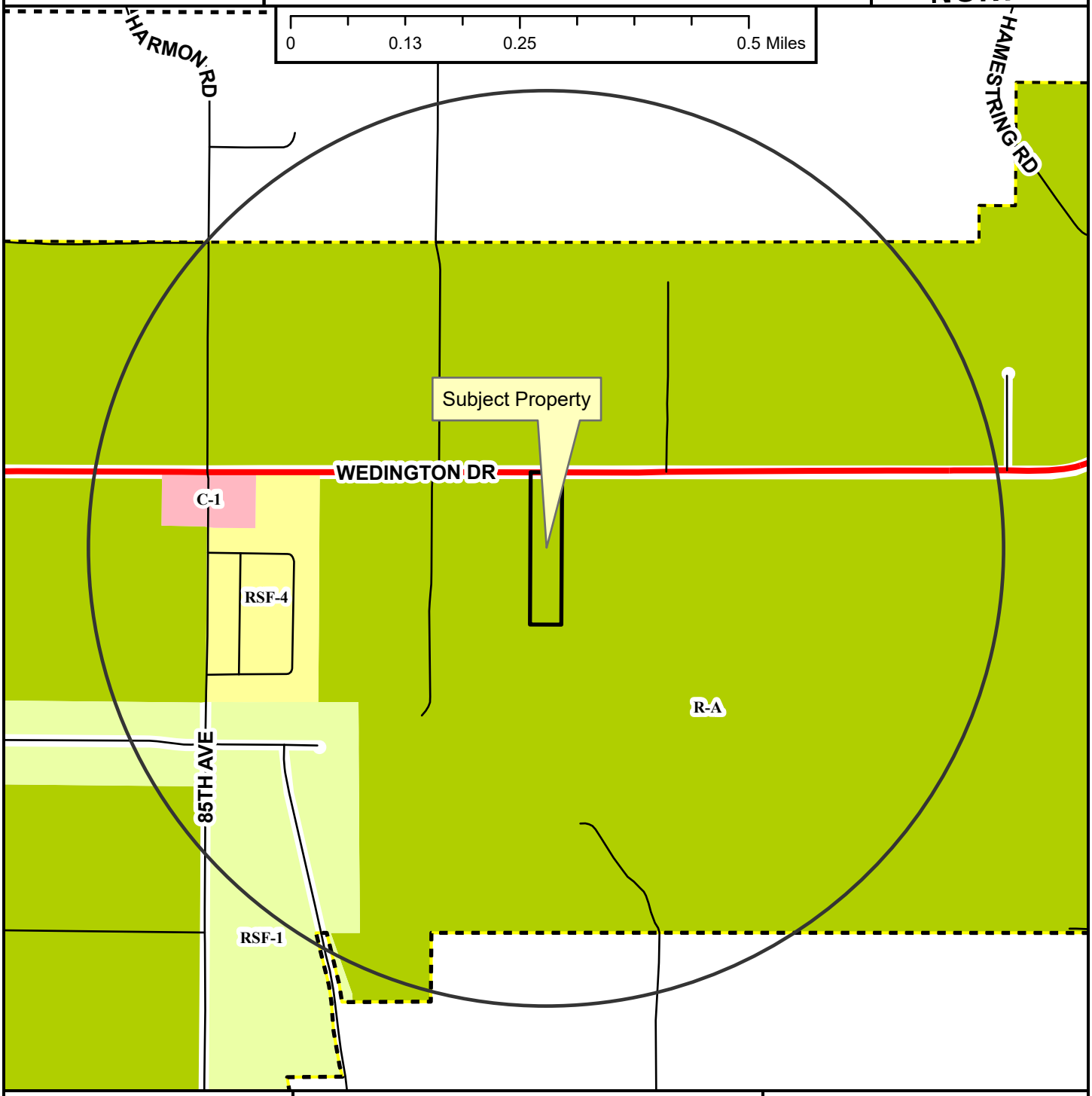

Office Area
Exit
Conference
attic access
Up
Hallway
2'-8 1/2"
Office Area
Office Area
Exit
Rest Room
6"
3'-0"
5'-0"
Down
basement
Break Area
1'-0"
3'-0"
Exit
Office Area
Storage
All fixtures and clearances to comply with 2017 ICC A177.1
Ramp to be compliant with 2017 ICC A117.1
scale 1/4" = 1'
Floor joist span: 11'-3"
joist size: (true 1.5" x 7")

PZD-2024-0007

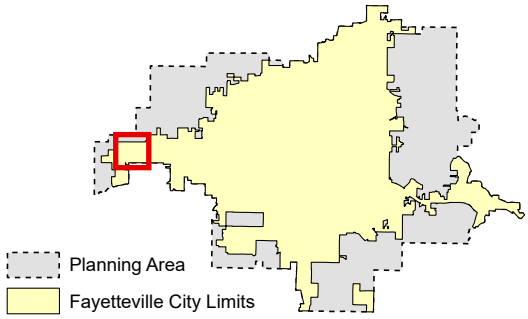
One Mile View

8049 W. WEDINGTON DR

NORTH



- Regional Link
- Unclassified
- Residential Link
- Fayetteville City Limits
- Planning Area



Zoning

RESIDENTIAL SINGLE-FAMILY
NS-G
RI-U
RI-12
NS-L
Residential-Agricultural
RSF-.5
RSF-1
RSF-2
RSF-4
RSF-7
RSF-8
RSF-18

RESIDENTIAL MULTI-FAMILY
RMF-6
RMF-12
RMF-18
RMF-24
RMF-40

INDUSTRIAL
I-1 Heavy Commercial and Light Industrial
I-2 General Industrial

EXTRACTION
E-1

COMMERCIAL
Residential-Office
C-1
C-2
C-3

FORM BASED DISTRICTS
Downtown Core
Urban Thoroughfare
Main Street Center
Downtown General
Community Services
Neighborhood Services
Neighborhood Conservation

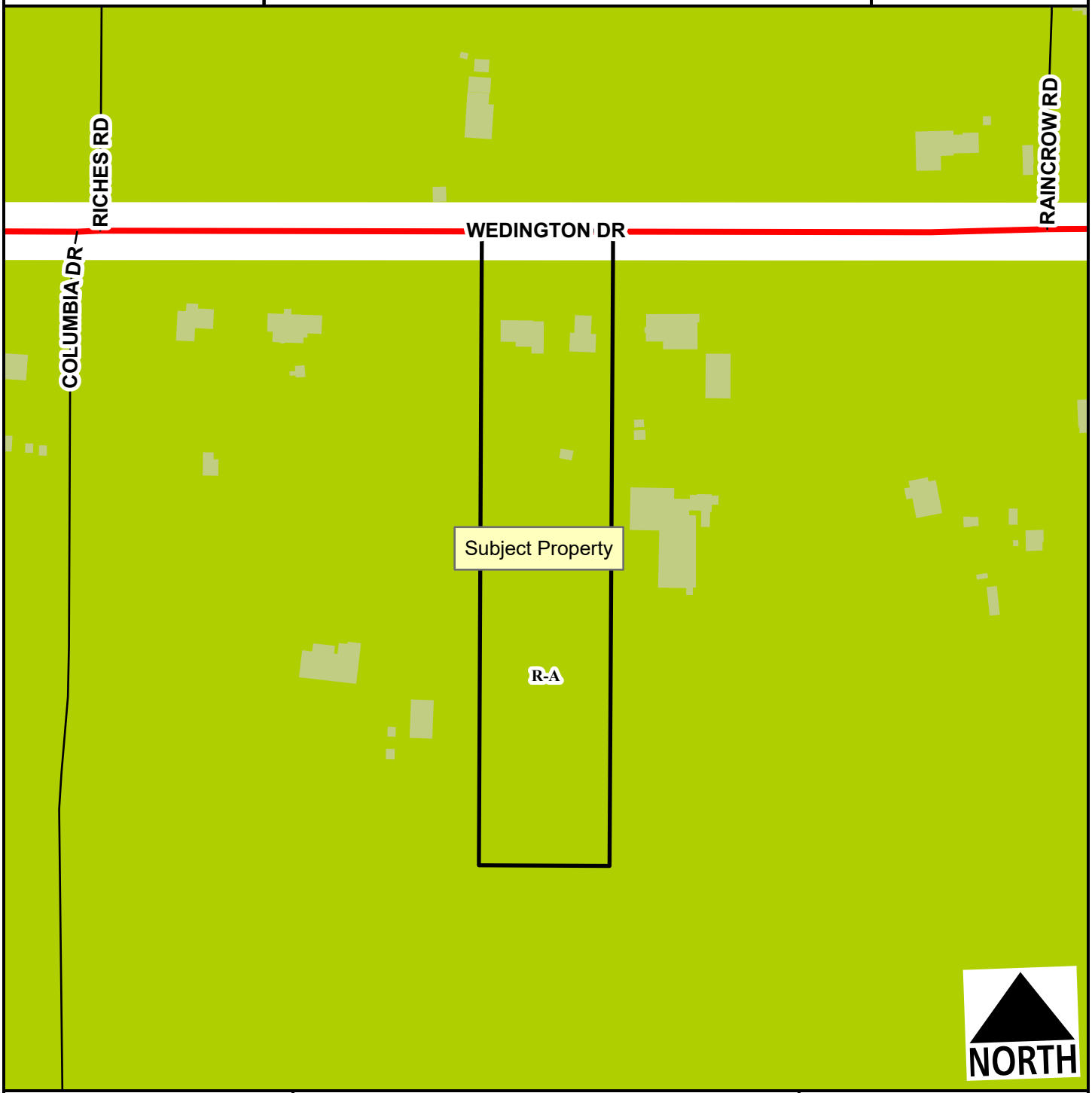
PLANNED ZONING DISTRICTS
Commercial, Industrial, Residential

INSTITUTIONAL
P-1

PZD-2024-0007

Close Up View

8049 W. WEDINGTON DR



Regional Link
Unclassified
Planning Area
Fayetteville City Limits

Feet
0 75 150 300 450 600
1:2,400

Residential-Agricultural

PZD-2024-0007

Current Land Use

8049 W. WEDINGTON DR

NORTH



Regional Link
Unclassified
Planning Area
Fayetteville City Limits

Feet
0 112.5 225 450 675 900

1:3,600

FEMA Flood Hazard Data

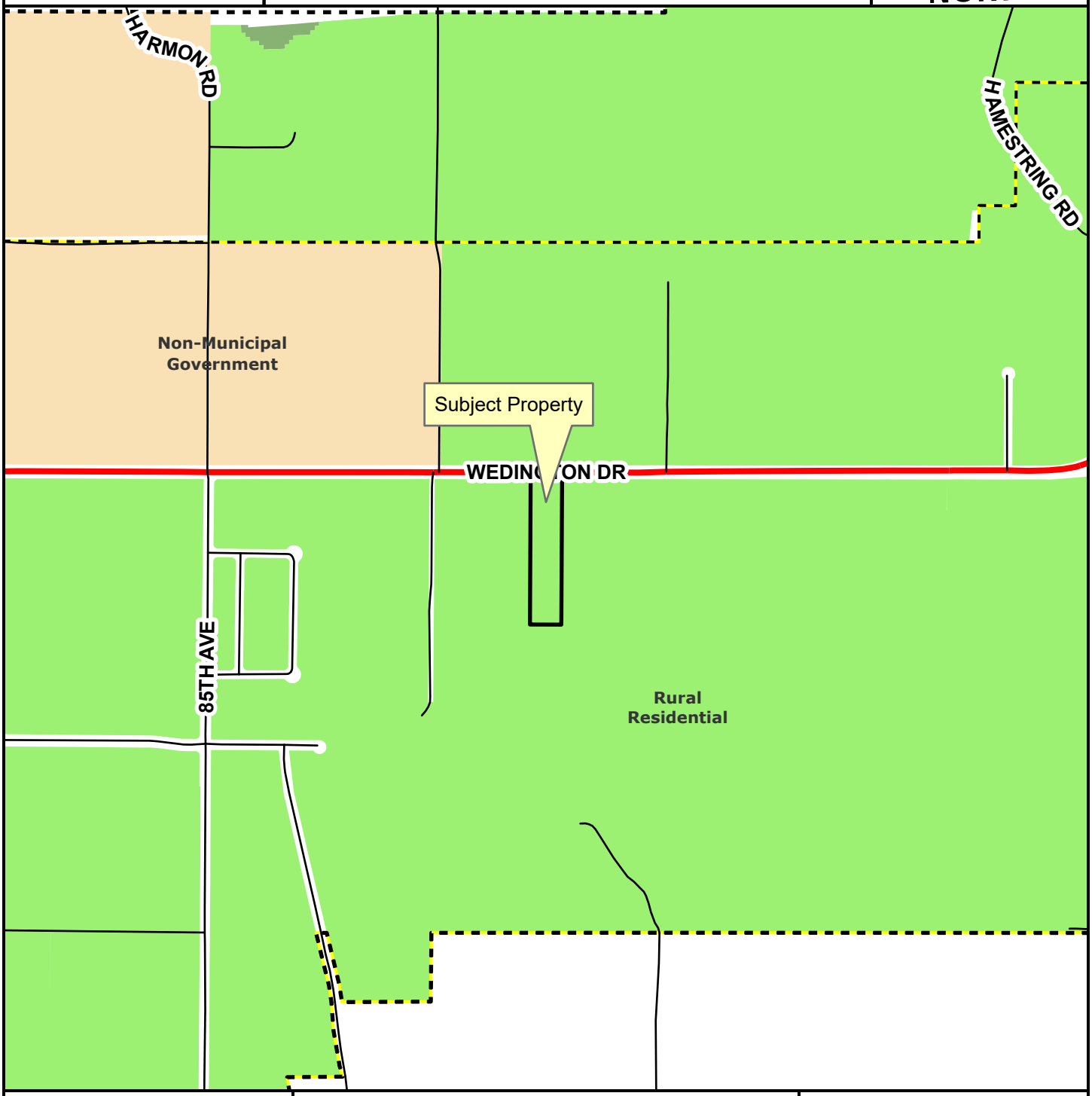
100-Year Floodplain
Floodway

PZD-2024-0007

Future Land Use

8049 W. WEDINGTON DR

NORTH



Regional Link
Unclassified
Residential Link
Planning Area
Fayetteville City Limits

Feet

0 305 610 1,220 1,830 2,440

1:10,000

City Neighborhood
Civic Institutional
Civic and Private Open Space
Industrial
Natural
Non-Municipal Government
Residential Neighborhood
Rural Residential
Urban Center

Received From Housing Task Force @ Agenda Session. 5:55 P.M 11/26/24

Mayor's Housing Crisis Task Force
Initial "First Steps" Recommendations
November 26, 2024

(FOCUS: RENTERS)

1. **Security Deposit Alternative** – City code amendment either (1) mandating or (2) incentivizing landlords to provide alternative option to upfront security deposit for renters. Options are open-ended but may include "flex" deposit surety company (https://flexdeposit.com/spa/home), non-profit assistance, etc. It will be important to understand the cost to tenants with various credit histories to ensure that any services recommended, required or incentivized through this policy are not usurious.
    a. **Staff Contact**: Community Resources
    b. **Staff Feedback**: Support as long as flex deposit surety company costs are not usurious.
    c. **Presenter**: Josh Carson

2. **Utility Deposit "Sharing"** – Work with city and/or utilities to prepare streamline paperwork allowing Landlord to share/assign its utility deposit on its rental units to the benefit of incoming renter. Landlord will provide the upfront deposit, and the utility will simply switch the already-paid deposit to renter benefit when renter transfers utilities helping save renter money out-of-pocket. Same paperwork will revert deposit back to Landlord upon tenant exit. Streamlined paperwork should be non-controversial and help landlord with administration.
    a. **Staff Contact:** Community Resources, Utilities (to be consulted)
    b. **Staff Feedback:** Community Resources supports.
    c. **Presenter:** Josh Carson

3. **Landlord Engagement and Outreach** - Convene all stakeholders currently working to engage landlords, including the City's Community Resources Division, Fayetteville Housing Authority, local Department of Veteran's Affairs and NWA Continuum of Care to understand current efforts to encourage acceptance of Housing Choice Vouchers, and to identify barriers and opportunities to increasing the availability of voucher-assisted housing.
    a. **Staff Contact**: Community Resources, Fayetteville Housing Authority (to be consulted)
    b. **Staff Feedback**: City conducts its own landlord outreach for Hearth program. Support for efforts to coordinate and align landlord engagement and outreach efforts. Preference for Fayetteville Housing Authority to lead.

c. **Presenter:** Keaton Smith

4. **Legal Options for Tenant Protections** - Engage a specialist in Arkansas landlord-tenant law to evaluate state statutes and document what a municipality can and cannot do to support renter's rights and tenant protections. Recommended options for outside counsel include Lynn Foster in Little Rock and Marshall Prettyman in Fayetteville.
    a. **Staff Contact**: Community Resources, City Attorney (to be consulted)
    b. **Staff Feedback**: Community Resources supports.
    c. **Presenter:** Keaton Smith

5. **Review and Grow Existing City Housing Programs** – Increase funding to the City's Community Resources Division and/or Economic Vitality Division in the 2025 budget to expand the amount of CDBG and HOME dollars available for housing services and housing development.
    a. **Staff Contact**: Community Resources, Economic Vitality
    b. **Staff Feedback**: Currently, 20% of CDBG admin (approximately $100,000) is used for program administration. Covering this with City General funds would allow this $100,000 to be added to CDBG budget for housing services and development.
    c. **Presenter**: Keaton Smith

(FOCUS: COST & AVAILABILITY OF HOUSING)

6. **Self-hire inspectors** – Code amendment to allow developers/builders **the option** in lieu of waiting on city inspectors to engage their own third-party certified engineer (or similar) to inspect and submit to city. This would shorten construction timelines and reduce uncertainty for builders, which reduces a barrier to housing construction. This would also free up the time of city inspectors for other projects, which reduces the need to add staff positions, thus reducing salary expenses for the city.
    a. **Staff Contact**: Building Safety, Public Works (to be consulted)
    b. **Staff Feedback**: Inspectors would need to be ICC certified and may be more expensive than City inspectors. Increased cost of inspection could be balanced by faster turn-around times in some cases.
    c. **Presenter:** Josh Carson

7. **Fee-in-lieu for publicly owned infrastructure** – There are instances when public infrastructure may be constructed at a higher quality and at a lower cost by City crews, rather than piece-meal by developers. Amend code (or recommend utilization of current code if already in place) to allow developer/builder (1) to obtain engineer estimate for certain code-required on-site improvements (e.g. sidewalks, road upgrade, etc.) and (2) pay

that estimated amount to city for city's future installation, thereby (3) allowing builder to proceed without making those improvements to save time and expedite completed units. This would reduce uncertainty and shorten construction timelines for housing providers.

a. **Staff Contact**: Public Works, Development Services
b. **Staff Feedback**: While many details remain to be worked out, Public Works and Development Services feel this is worthy of further discussion.
c. **Presenter:** Josh Carson

8. **Legal Options for Development Incentives** - Engage land use and housing attorney to evaluate state statutes and document what a municipality can and cannot do to support and fund public or private housing development. This would include development incentives and potential uses for bond funding.
    a. **Staff Contact**: City Attorney (to be consulted)
    b. **Staff Feedback**:
    c. **Presenter**: Josh Carson

9. **Graduated Impact Fees** – The burden on city infrastructure is directly related to house size and proximity to existing services. A large house with six bathrooms creates more potential water and sewer load than a small cottage with two bedrooms and one bathroom. Police and Fire protection and Public Park use is similar for small versus larger homes, but may differ based on proximity to these public resources. Impact fees should reflect these realities. Doing so would reduce barriers to building smaller, more efficient housing, thus increasing housing choice and reducing cost of construction and sale price. As a first step, the City could hire a consultant to conduct a City impact fee analysis and make formula-based recommendations for changes.
    a. **Staff Contact**: City Attorney (to be consulted), Development Services
    b. **Staff Feedback**: Development Services supports hiring a 3rd party consultant to conduct impact fee analysis.
    c. **Presenter:** Rob Sharp

10. **Streamline & Expedite Permitting Process** – Condensed permit release/approvals times would allow development and construction to move more quickly, saving money and reducing costs for producers and their buyers while expediting availability of new inventory. Making the process more simple and predictable helps providers navigate projects and expectations with consistency. These changes would be particularly beneficial for small-scale, incremental developers. How do we continue to improve this process? Ask the experts – City staff. Staff has good ideas that can improve and streamline the development review process. As a first step, the City could hire a 3rd party facilitator to plan a cross-departmental summit with City development review staff. This conversation would invite internal staff feedback in a collaborative space, catalogue existing strengths

and ongoing initiatives, and implement opportunities for improvement within the development review process.

a. **Staff Contact**: Building Safety, Public Works, Development Services, Economic Vitality
b. **Staff Feedback**: Multiple staff members agreed that permitting timelines are lengthier than optimal. All parties agree that there are a variety of reasons that impact these timelines, including but not limited to staffing levels, project complexity, department workload, and applicant experience. Staff members pointed to several staff-initiated improvements that have already been implemented or are in process, and welcomed further discussion on the topic.
c. **Presenter:** Rob Sharp

11. **Enforce Residential Neighborhood Parking Regulations** – Document clear process for citizens to establish, maintain, and enforce residential neighborhood parking districts. Goal is to proactively address concerns of existing neighborhoods directly adjacent to corridors and neighborhood centers targeted for redevelopment, such as the 71B corridor.
    a. **Staff Contact**: Development Services, Planning Commission, Public Works (to be consulted), Fire (to be consulted)
    b. **Staff Feedback**: This was discussed at Long Range Planning Subcommittee, but more work remains to be done.
    c. **Presenter**: Rob Sharp

12. **Revise Residential Parking Requirements** – Administrative approval option for small projects seeking parking requirement reductions. Similar to success of reduction in commercial parking requirements, a reduction of residential parking requirements – particularly for small-scale projects – will make more efficient use of existing infrastructure, reduce sprawl, preserve green space, expedite new housing availability, promote greater diversity/versatility of design and development options, and reduce costs.
    a. **Staff Contact**: Development Services, Planning Commission
    b. **Staff Feedback**: This was discussed at Long Range Planning Subcommittee, but more work remains to be done.
    c. **Presenter**: Rob Sharp

13. **Remove Barriers to Construction of Small Houses, Cottages, & ADUs** – Re-define lot frontage requirements in code to allow additional "frontage" qualifications. Alleys and Multi-Use Trails should qualify as frontage. This would allow small and multi-generational housing units to be built facing alleys and multi-use trails, which increases housing choice and reduces infrastructure cost. This would also have the effect of encouraging alternative transportation, which reduces cost of living for residents and improves public health.

a. **Staff Contact**: Development Services, Planning Commission
b. **Staff Feedback**: Support in concept. These proposed changes were discussed at the November 21st Planning Commission's Long Range Planning Subcommittee.
c. **Presenter**: Rob Sharp

14. **Accelerate Public-Private Partnerships** - Direct Economic Vitality department to create a map of all tax-exempt property in the City, with a focus on developable land and potential public-private partnerships. The map would include land owned by the City of Fayetteville, University of Arkansas, Fayetteville Public Schools, Washington County, churches and non-profits. Direct Economic Vitality to lead inter-departmental infrastructure assessment project to highlight easily developable sites and sites in need of infrastructure investment – both publicly owned land and privately owned land within targeted development areas, such as 71B and Neighborhood Centers.
    a. **Staff Contact**: Economic Vitality, Development Services, Public Works (to be consulted)
    b. **Staff Feedback**: Economic Vitality has already created this map and supports a cross-departmental effort. Development Services supports this as well.
    c. **Presenter**: Keaton Smith

15. **Nurture Local Real Estate Entrepreneurs and Incremental Development** – Issue RFQ/RFP inviting applicants to form a cohort of local developers to pilot the Permit-Ready Building Program as quickly as possible after program launch. Developers would document their experiences with the program as case studies. Potential incentives for participating developers include availability of publicly-owned land identified in #14, mentorship and support from ULI's REDI program and/or Incremental Development Alliance, and financial support from a Guaranty Fund provided by local philanthropy. Goals include supporting local real estate entrepreneurs, promoting the innovative new Permit-Ready Building program, encouraging on-the-ground examples to be built as quickly as possible, and driving learning and continuous improvement around the Permit-Ready program through early implementation.
    a. **Staff Contact**: Economic Vitality, Development Services
    b. **Staff Feedback**: Economic Vitality and Development Services support in concept.
    c. **Presenter**: Keaton Smith

16. **Build Local Affordable Housing Development Capacity** - Support training, capacity building, pilot programs, and implementation projects for local non-profit and for-profit developers pursuing funding from ADFA housing programs such as HOME and Low-Income Housing Tax Credit. The goal is to increase the number of local developers who have experience utilizing federal housing programs.
    a. **Staff Contact:** Economic Vitality

b. **Staff Feedback:** Support
c. **Presenter:** Keaton Smith

(FOCUS: COMMUNITY ENGAGEMENT / OUTREACH / ADVOCACY)

17. **Proactively Address Student Housing Concerns** – Initiate twice yearly meetings between UA Housing, UA Facilities, and appropriate City departments to discuss housing needs, trends, issues, and potential public-private partnerships. Survey peer college towns – particularly those with growing enrollment - to understand and document various approaches to differentiating between student and non-student rental properties. This would include a review of policy options that reduce the risk of student rental housing becoming concentrated in existing neighborhoods.
    a. **Staff Contact**: Economic Vitality; Task Force Member Nick Thorn to lead this research project, working with Long-Range Planning, Planning Commission, and other stakeholders.
    b. **Staff Feedback**: Support
    c. **Presenter**: Keaton Smith

18. **Leverage Community Volunteer Skill Sets and Support** - Consider launching Skills-Based Volunteering or Time Bank initiative to support existing housing efforts with local volunteers who wish to share expertise in data/systems integration, micro-targeting on social media, marketing, and other needs identified by local housing non-profits. Goal is to leverage interested volunteers in our community to help local non-profits build capacity. For example, individuals with shopper marketing expertise could help housing organizations micro-target first-time homebuyers who may be close to qualifying for the purchase of their first home.
    a. **Staff Contact**: Community Resources
    b. **Staff Feedback**: Support
    c. **Presenter**: Keaton Smith

19. **Expand Local Government Incentive Options by Improving State Policy** – Work with Arkansas Municipal League to amend Act 685 to allow incentivizing housing projects within the Local Economic Development Enhancement Act.
    a. **Staff Contact:** Economic Vitality
    b. **Staff Feedback:** Support
    c. **Presenter:** Keaton Smith

20. **"Home Helpers" Expo (Monthly/Quarterly)** – City, non-profit and/or business sponsored recurring info event to connect those that need homes with those that provide, build, finance, and find homes. This event could include builders, landlords, non-profit organizations, funding agencies, lenders, realtors, insurers, planners, designers, and many others to not only promote their business and products to people who may need them, but to create a direct connection to and dialogue on the topic of housing and the needs of the market. A potential first step would be to convene the Mortgage Bankers Association, Home Builders Association, Realtors Association, Arkansas Renters United, Circles NWA, Habitat for Humanity of Northwest Arkansas, Partners for Better Housing, Community Development NWA, Real Estate Investors NWA, Urban Land Institute NWA, and other relevant stakeholders to plan and organize this effort for maximum positive impact.
    a. **Staff Contact**: Community Resources
    b. **Staff Feedback**: Is this for the public, or is it a forum for stakeholder collaboration? For stakeholders, there is an existing City Connections event being convened by Community Resources and Fayetteville's local affiliate of the Arkansas Community Foundation that includes over two dozen local non-profits who support under-resourced and at-risk community members in various ways. If the event is targeted to the general public, it will likely require the City to allocate budget resources to a non-profit who would organize the event. Answer: the intent is a public-facing event.
    c. **Presenter**: Josh Carson