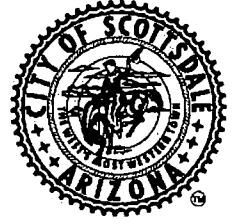


CITY COUNCIL REPORT



Meeting Date: January 9, 2024
General Plan Element: ***Public Services and Facilities***
General Plan Goal: ***Partner with other jurisdictions and agencies to achieve the greatest efficiency in city service delivery.***

ACTION

Adopt Resolution No. 13022 authorizing:

Memorandum of Agreement Contract No. 2024-022-COS with the United States Army Corps of Engineers (USACE), Los Angeles District, for execution of a USACE Water Resources Development Act (WRDA) Section 214 agreement.

BACKGROUND

The purpose of this action is to authorize a Memorandum of Agreement with the USACE for execution of the USACE WRDA Section 214 Agreement program. This program allows for public agencies to provide funds to USACE for coordination and review of Section 408 permit requests. Section 408 permit reviews are required for project that modify USACE-constructed drainage facilities, including the Indian Bend Wash. Section 214 agreements are intended to facilitate and expedite the Section 408 review process through enhanced coordination. The funds allow USACE staff to be able to have additional coordination meetings to ensure the required documentation is prepared sufficiently to provide for a smooth review. Additionally, Section 214 agreements allow for the continuity of review during Congressional budget shortfalls (USACE typically runs out of Section 408 funding from July through September annually). The USACE has also indicated that is not able, without additional resources, to expedite evaluation of City-designated priority Section 408 permit requests. This agreement will streamline and expedite USACE review of high priority projects.

ANALYSIS & ASSESSMENT

Recent Staff Action

On November 17, 2022, Capital Project Management staff issued a Letter of Intent to the USACE to begin the approval process of the WRDA Section 214 agreement. Since that time USACE staff prepared the draft Memorandum of Agreement and has met the required public notice requirements regarding intent to accept and expend funds contributed by the city. The USACE is

now requesting city signature on the Memorandum of Agreement, followed by final execution by the USACE.

RESOURCE IMPACTS

Available funding

Funding for the WRDA 214 reviews will be identified on a project-by-project basis.

Staffing, Workload Impact

Current CPM project management staff will work with the USACE on a project-by-project basis.

OPTIONS & STAFF RECOMMENDATION

Recommended Approach

Staff recommends City Council adopt Resolution No. 13022 authorizing Memorandum of Agreement Contract No. 2024-022-COS with the USACE for a WRDA 214 Agreement.

Proposed Next Steps

Upon Council approval, CPM will submit projects to USACE requiring Section 408 approval on an as needed basis.

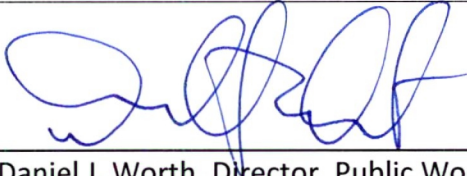
RESPONSIBLE DEPARTMENT(S)

Public Works Division - Capital Project Management Department

STAFF CONTACTS (S)

Alison Tymkiw, City Engineer, 480-312-7760, atymkiw@scottsdaleaz.gov

APPROVED BY



Daniel J. Worth, Director, Public Works

(480) 312-5555, dworth@scottsdaleaz.gov

12-21-23

Date

ATTACHMENTS

1. Resolution 13022
2. Contract 2024-022-COS

RESOLUTION NO. 13022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA APPROVING CONTRACT NO. 2024-022-COS, A MEMORANDUM OF AGREEMENT (MOA) WITH THE UNITED STATES ARMY CORPS OF ENGINEERS (USACE) FOR EXECUTION OF A WATER REOURCES DEVELOPMENT ACT (WRDA) 214 AGREEMENT

WHEREAS, Article 1, Section 3 and Article 8, Section 2 of the City Charter of the City of Scottsdale authorizes the City to enter into this MOA with the United States Corps of Engineers ("USACE"); and

WHEREAS, the City of Scottsdale and the USACE desire to enter into a MOA to facilitate and expedite the 408 permit review process for City projects.

BE IT RESOLVED by the Council of the City of Scottsdale as follows:

Section 1. The City Council hereby authorizes and directs the Mayor to execute Contract No. 2024-022-COS, an MOA with the USACE for execution of a USACE WRDA 214 agreement.

Section 2. The City Council hereby authorizes the City Manager or designee to execute such documents and take such actions as are necessary to carry out the purposes of this Resolution and Contract No. 2024-022-COS.

PASSED AND ADOPTED by the Council of the City of Scottsdale this ____ day of _____, 2024.

ATTEST:

CITY OF SCOTTSDALE, an
Arizona municipal corporation

By: _____
Ben Lane, City Clerk

By: _____
David D. Ortega, Mayor

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY


Sherry R. Scott, City Attorney
By: Eric C. Anderson, Senior Assistant City Attorney

20110307v1

**MEMORANDUM OF AGREEMENT
BETWEEN
CITY OF SCOTTSDALE DEPARTMENT OF PUBLIC WORKS
AND
U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT**

THIS MEMORANDUM OF AGREEMENT ("MOA") is entered into by and between the City of Scottsdale (hereinafter "City") and the Los Angeles District of the United States Army Corps of Engineers (hereinafter "Corps"), collectively referred to as the "Parties."

RECITALS

WHEREAS, pursuant to section 14 of the Rivers and Harbors Act of 1899, codified at 33 U.S.C. § 408 ("Section 408"), as amended, the Corps has jurisdiction over requests to alter or modify completed water resources development projects constructed by the Corps ("Section 408 Requests");

WHEREAS, section 214 of the Federal Water Resources Development Act of 2000, Public Law 106-541 ("WRDA 2000"), as amended and codified at 33 U.S.C. § 2352, authorizes the Secretary of the Army, after public notice, to accept and expend funds contributed by a non-Federal public entity to expedite the evaluation of a permit application of that entity related to a project or activity for a public purpose under the jurisdiction of the Department of the Army;

WHEREAS, the Secretary of the Army has delegated the responsibility of carrying out section 214 of the WRDA 2000, as amended, to the Chief of Engineers and his delegated representatives;

WHEREAS, Engineering Circular (EC) 1165-2-220 authorizes District and Division Engineers of the Corps to accept and expend funds contributed by non-Federal public entities subject to certain limitations;

WHEREAS, the Corps has indicated it is not able, without additional resources, to expedite the evaluation of City-designated priority Section 408 Requests ("City-designated priority Section 408 Requests") that have a public purpose;

WHEREAS, City is a non-Federal entity and believes it is in its best interest to provide funds to the Corps pursuant to this MOA to streamline and expedite Corps' review of City-designated priority Section 408 Requests, as more fully described in this MOA;

WHEREAS, the Corps issued an initial public notice dated February 16, 2023, regarding its intent to accept and expend funds contributed by City;

WHEREAS, in a memorandum dated July 12, 2023, the District Engineer of the Corps' Los Angeles District determined that expenditure of funds received from City is appropriate, and an informational public notice dated July 24, 2023, regarding the decision has been issued;

WHEREAS, it is understood and acknowledged by all Parties that the Corps' review of City-designated priority Section 408 Requests will be completely impartial and in accordance with all applicable Federal laws and regulations;

WHEREAS, this MOA establishes the responsibilities and operating procedures of the Parties with respect to the Corps' review of City-designated priority Section 408 Requests requiring Corps permission pursuant to Section 408;

WHEREAS, this MOA is intended to: (1) enable the Parties to fully consider, address, and protect environmental resources, including but not limited to impacts to existing and completed Corps water resources development projects and any component feature thereof, early in the development of proposed actions; (2) avoid conflicts late in project development through close coordination during early planning and development stages; (3) provide sufficient information to the Corps for timely analysis of project effects and to assist City in developing appropriate mitigation measures; (4) maximize the effective use of limited Corps resources by focusing attention on projects that would have the most effect on completed federal flood risk management facilities; (5) provide a mechanism for expediting City-designated priority Section 408 Request reviews and coordination when necessary; and (6) provide procedures for resolving disputes in this resource partnering effort.

NOW, THEREFORE, the Parties agree as follows:

AGREEMENT

Article I. PURPOSE AND AUTHORITIES

A. This MOA is entered into by the Parties for the purpose of establishing a mutual framework governing the respective responsibilities of the Parties for the Corps' acceptance and expenditure of funds contributed by City to provide expedited Section 408 Request evaluation-related services for City-designated priority Section 408 Requests. City-designated priority Section 408 Requests shall be listed in Appendix A to this MOA. City will provide the Corps notice of a City-designated priority Section 408 Request when it is identified by City, following consultation with the Corps, and the City-designated priority Section 408 Request will be added to **Appendix A** to this MOA without requiring any further amendment to this MOA. This MOA is not intended as the exclusive means of obtaining permit review of City Section 408 Requests. This MOA is a vehicle by which City will obtain expedited review and evaluation of City-designated priority Section 408 Requests outside of the ordinary Corps review process.

B. City enters into this MOA pursuant to its authority under City's charter, including but not limited to the Scottsdale City Charter, Article 1, Section 3 and Article 8, Section 2.

C. The Corps enters into this MOA pursuant to its authority under 33 U.S.C. § 2352.

D. This MOA is limited to City-designated priority Section 408 Request reviews only. A separate agreement may be required between City and the Corps to expedite environmental technical assistance, coordination services, review, and concurrence of documentation prepared to

comply with section 404 of the Clean Water Act of 1972, as amended, and/or section 10 of the Rivers and Harbors Act of 1899, as amended.

E. City is a non-federal public entity, a municipal government and political subdivision incorporated under the laws of the State of Arizona, and has authority to enter into this MOA as set forth in Recital B.

Article II. SCOPE OF WORK

A. City will provide funds to the Corps to expedite review and evaluation related services for City-designated priority Section 408 Requests as designated in Appendix A and any written, mutually agreed upon additions thereto. The Corps' operations and maintenance expenses are funded as a congressionally appropriated line item in the annual Federal budget. City will provide the Corps with funds in accordance with the provisions of 33 U.S.C. § 2352.

B. The Corps will provide staffing resources dedicated to expediting City-designated priority Section 408 Request reviews, as described in Article II.D., below, and/or other programmatic efforts to support efficient decision-making.

C. The Corps will establish a separate internal financial account to track receipt and expenditure of funds associated with its review of City permit applications for each City-designated priority Section 408 Request designated in Appendix A. Corps' personnel will charge their time and expenses against the appropriate City-designated priority Section 408 Request account when they perform work to either expedite Section 408 Request evaluation related requests for City-designated priority Section 408 Requests or undertake other programmatic efforts (i.e., develop framework and processes to streamline the review and approval of City's projects) to support efficient decision-making related to City's permitting needs.

D. Funds contributed by City hereunder will be expended by the Corps to defray the costs of the Corps' staff (including salary, associated benefits, overhead and travel expenses) and other costs in order to expedite the evaluation of City-designated priority Section 408 Requests. The Corps may expend City funds to perform select duties, including but not limited to technical analyses and writing, Agency Technical Review, real estate evaluation, risk analysis, copying or other clerical/support tasks, acquisition of data, site visits, travel, coordination activities, additional personnel (including support/clerical staff), contracting support for technical services (e.g., structural risk evaluation, geotechnical analysis, hydraulic and hydrological engineering review), construction quality assurance and control, environmental documentation preparation and review; consultation with resource agencies; meeting coordination; and any other permit evaluation related responsibilities that may be mutually agreed upon.

E. The Corps will not expend funds provided by City for costs associated with the review of the Corps' work undertaken by supervisors or other persons or elements of the Corps in the decision-making chain of command. However, if a supervisor is performing staff work and not supervisory oversight, funds provided by City pursuant to this MOA may be used.

F. The Corps will not expend funds provided by City to defray the costs of activities related to the Corps' enforcement functions, but may use funds provided by City to defray costs of activities related to Section 408 permission compliance functions, such as quality assurance activities or reviews of associated Section 408 permission closeout documentation.

G. If the funds provided by City are expended and not replenished, any remaining City-designated priority Section 408 Requests will be handled like those of any regular Section 408 requester and will no longer be expedited.

H. Expediting of packages shall include review of a submittals within thirty (30) calendar days. Should the package or plans be incomplete in nature, Corps shall reject plans and notify City within seven (7) calendar days of receipt of plans.

Article III. INTERAGENCY COMMUNICATIONS

To provide for consistent and effective communication between the Parties, each party will appoint a Principal Representative to serve as its central point of contact on matters relating to this MOA. Additional representatives may also be appointed to serve as points of contact on specific actions or issues. For the purposes of this MOA, City's Principal Representative will be its City Engineer who is currently Alison Tymkiw, P.E., and the Corps' Principal Representative will be Rafi Talukder, P.E., Engineering Division, Los Angeles District. The Principal Representative for each party may be changed upon written notification to the other party. City's City Engineer shall have the authority to initiate any requests as contemplated by this memorandum and execute any necessary documents incident thereto.

Article IV. RESPONSIBILITIES OF THE PARTIES

A. City will provide adequate resources to fund existing or additional Corps personnel for the purpose of expediting the review of City-designated priority Section 408 Requests and other identified activities in accordance with this MOA. To facilitate the Corps' reviews and activities, City will:

1. Provide adequate information regarding City-designated priority Section 408 Requests, scheduling requirements, and other specific activities to initiate permit evaluation. Information required for the Corps to deem a Section 408 package submittal complete thereby allowing initiation of the Section 408 request review process can be found in applicable Section 408 guidance, including but not limited to EC 1165-2-220, POLICY AND PROCEDURAL GUIDANCE FOR PROCESSING REQUESTS TO ALTER US ARMY CORPS OF ENGINEERS CIVIL WORKS PROJECTS PURSUANT TO 33 USC 408, dated September 10, 2018, a copy of which has been provided to City. Upon request, City shall provide supplemental information necessary to complete the permit application. Additional information required to complete the Section 408 Request evaluation process may exceed what is needed to initiate the process. On a case-by-case basis, if requested by the Corps, City shall provide such additional information as may be necessary to ensure the Corps can effectively accomplish the required review.

2. In consultation with the Corps, establish the specific order of priority of the Section 408 Requests listed in Appendix A to this MOA. The Section 408 requests included in Appendix A and the order of priority of those Section 408 Requests may be changed by City's Principal Representative (changes to evaluation activity budgets in Appendix A require concurrence by the Corps) without requiring an amendment to this MOA. Such changes shall be submitted to the Corps' Principal Representative in writing in the manner provided by Article VI and will be effective upon receipt thereof.

3. To the best of its ability, ensure the participation of all essential City personnel during the Section 408 request evaluation process.

4. Work closely with the Corps to adjust priorities and schedules in order to optimize available Corps staff resources. If overlaps or conflicts occur among City-designated priority Section 408 requests, then City will work with the Corps to prioritize such overlaps.

B. The Corps shall assign qualified personnel to evaluate the City-designated priority Section 408 Requests and prioritize associated tasks within projected funding levels provided under this MOA. The Corps shall use the funds provided to defray the costs of salaries and associated benefits and to reimburse travel expenses in order to:

1. Expedite review of City-designated priority Section 408 Requests as identified in Appendix A or any amendments thereto in accordance with the purpose, terms, and conditions of this MOA or any amendments thereto. The Corps shall not redirect resources from, or otherwise postpone, Section 408 Requests related to non-priority Section 408 requests submitted by City through the standard Corps review process.

2. Following the pre-application meetings and/or discussions to clarify the scope of anticipated priority Section 408 review processes, provide City with an estimated schedule to the best of its ability within fourteen (14) calendar days of receiving City's scheduling requirements as described in Article IV subparagraph A (1) to complete the Section 408 Request evaluation process for each priority Section 408 Request submitted. City shall be able to comment on these schedules and adjust the order of City-designated priority Section 408 Requests included in Appendix A, or provide additional resources per Article V.D, below.

3. Consult on a monthly basis with City regarding an adjustment of priorities or amendments to Appendix A if the current and/or projected workload of priority Section 408 Requests and activities exceeds the Corps' ability to provide the services specified herein or negotiate additional funding in accordance with Article V.D, below.

4. If a priority Section 408 permission is issued, provide construction quality assurance and quality control support for permit compliance purposes, which shall consist of reviewing technical submittals and requests for information, field inspections at critical construction milestones, review of proposed change orders that involve the design or design intent of any Section 408 permission, providing technical assistance during construction as requested by the City on a case by case basis and review of construction and Section 408 closeout documentation as applicable.

5. Provide City with a brief quarterly summary report of progress made under this MOA within twenty-one (21) calendar days of the end of each quarter (January 21, April 21, July 21, and October 21). Progress will be itemized for each City-designated priority Section 408 request package during the quarter for each City-designated priority Section 408 Request pending at the end of the quarter. This report will describe achievements, including any improvements the Corps has documented in coordinating and improving the efficiency of City-designated priority Section 408 Request package reviews, and will provide an itemized listing of expenditures for each Section 408 package to date. The report also will identify any recommendations for improving consultation and coordination among the Parties to this MOA and will provide an estimate of costs expected for the ensuing quarter. The report shall not be in excess of five (5) pages of narrative per report.

6. Meet with City representatives as needed to discuss progress under this MOA.

7. Work closely with the City and applicable third parties to determine the applicable Corps standards to be applied and the specific level of detail necessary to be provided in order for the Corps to make a decision for a particular alteration request. The Corps' determination of the appropriate level of detail will be risk-informed and documented in the Corps' review plan. The Corps acknowledges the City is responsible for ensuring a proposed alteration meets current Corps design and construction standards. However, the City is not required to bring those portions or features of the existing Corps project that are not impacted by the alteration up to current Corps design standards.

8. Prior to expiration of the MOA, hold a final meeting with City representatives to review a summary of City-designated priority Section 408 Request review streamlining and other activities under this MOA, as well as provide recommendations for future coordination between the Parties.

Article V. FUNDING

A. Upon execution of this MOA, City shall submit funding to the Corps in the initial amount of TEN THOUSAND DOLLARS (\$10,000) to cover the Corps' administrative activities associated with this MOA. Total funding paid to the Corps under this MOA shall not exceed FOUR HUNDRED THOUSAND DOLLARS (\$400,000).

B. For each City-designated priority Section 408 Request, the Corps will provide to City in writing an estimated cost of the Corps' expedited review of the Request following the pre-application meetings and/or discussions to clarify the scope of anticipated priority Section 408 review processes as set out in Article IV subparagraph B (2).

C. Prior to the Corps incurring any expenditure to expedite each Section 408 Request designated as a priority as specified in **Appendix A** of this MOA, the City will transfer to the Corps the amount specified in the estimate provided by the Corps in accordance with subparagraph B above. Expediting of City-designated priority Section 408 Request evaluation activities as specified in this MOA will be undertaken by the Corps only after funds have been transferred to

the Corps. Payment by City is to be made by check payable to the Finance and Accounting Officer and sent to the following address:

U.S. Army Corps of Engineers, Los Angeles District
Finance and Accounting Officer
915 Wilshire Blvd.
Los Angeles, CA 90053-2325
Attn: Carlos M. Tabares

or by electronic funds transfer in accordance with Standard Operating Procedure UFC 08 Appendix B.

D. The Corps will carry over any unexpended funds from year to year, or will refund such unobligated funds if: (i) this MOA is terminated or expires in accordance with Article X, or (ii) City requests in writing the refund of unexpended funds for a completed City-designated priority Section 408 Request.

E. The Corps will provide City with written notice when 80% of the funding has been expended for each City-designated priority Section 408 Request. If the Corps' actual costs for providing the agreed-upon level of service will exceed the amount of funds available, City will have the option to (i) provide additional funding for this MOA, or (ii) agree to a level of service equivalent to the ordinary Corps review process for a Section 408 review.

F. Following an initial review of a City priority project, the Corps will provide City an estimate of costs that will be incurred to complete Section 408 review. If it is determined that the estimated amount to be incurred exceeds the amount of funding available, City will have the option of (i) provide additional funding for this MOA, or (ii) agree to a reduced level of service.

G. This initial funding amount may increase at the discretion of City by City providing written notice to the Corps designating additional priority projects and adding them to **Appendix A** without requiring any further amendment to this MOA and without the need for further action by the Parties' governing boards. The Corps shall not expend, and City shall not be required to reimburse the Corps, any amount in excess of the amount of the total City funding as described by this subparagraph.

Article VI. NOTICES

A. Any notice, request, demand, or other communication required or permitted to be given under this MOA shall be deemed to have been duly given if in writing and delivered personally or mailed by first-class, registered, or certified mail, as follows:

If to City:

City of Scottsdale Capital Project Management Office
7447 E. Indian School Road, Suite 205
Scottsdale, AZ 85251
Attn: Alison Tymkiw, City Engineer, Project Management Office

If to the Corps:

U.S. Army Corps of Engineers
Engineering Division
915 Wilshire Blvd., Suite 1109
Los Angeles, CA 90017
Attn: Rafi Talukder, P.E.

With a copy in all instances to:

District Counsel
U.S. Army Corps of Engineers
Los Angeles District
915 Wilshire Blvd., Suite 1535
Los Angeles, CA 90017

B. A party may change the address to which such communications are to be directed by giving written notice to the other party in the manner provided in this Article.

C. Any notice, request, demand, or other communication made pursuant to this Article shall be deemed to have been received by the addressee at the earlier of such time as it is actually received or seven (7) calendar days after it is mailed.

Article VII. APPLICABLE LAWS

The applicable statutes, regulations, policies, directives, and procedures of the United States will govern this MOA and all documents and actions pursuant to it. Unless otherwise required by law, expediting of City-designated priority Section 408 Requests undertaken by the Corps will be governed by Corps regulations, policies, and procedures.

Article VIII. DISPUTE RESOLUTION

In the event of a dispute, the Parties agree to use their best efforts to resolve the dispute in an informal fashion through consultation and communication, or other forms of non-binding alternative dispute resolution mutually acceptable to the Parties. The Parties agree that, in the event such measures fail to resolve the dispute, they shall refer the dispute for resolution to an appropriate forum in accordance with Federal law.

Article IX. PUBLIC INFORMATION

Justification and explanation of City's programs or projects related to or arising out of City-designated priority Section 408 Requests which may be pending before other agencies, departments, and offices will not be the responsibility of the Corps. The Corps may provide, upon request from the City, the assistance necessary to support justification or explanations of activities conducted under this MOA. In general, the Corps is responsible only for public information

regarding Corps regulatory activities. City will give the Corps, as appropriate, advance notice before making formal, official statements regarding activities funded under this MOA.

Article X. AMENDMENT, MODIFICATION, AND TERMINATION

A. This MOA may be modified or amended only by a signed written, mutual agreement of the Parties.

B. Any party reserves the right to terminate its participation in this MOA without cause upon thirty (30) days' written notice to the other party. In the event of termination, City will continue to be responsible for all costs incurred by the Corps in performing expedited City-designated priority Section 408 Requests review services up to the time of notice and for the costs of closing out or transferring any ongoing contracts in support of the provision of services by the Corps under this MOA.

C. Within ninety (90) calendar days of termination of the MOA, or the expiration of the MOA, the Corps shall provide City with a final statement of expenditures. Within sixty (60) calendar days after submittal of the Corps' final statement of expenditures, the Corps, subject to compliance with the Anti-Deficiency Act, codified at 31 U.S.C. §§ 1341 et seq., shall directly remit to City the unexpended balance of the advance payment, if any. Funds may be provided to City either by check or electronic funds transfer.

Article XI. MISCELLANEOUS

A. This MOA will not affect any pre-existing or independent relationships or obligations between the Parties.

B. The Corps' participation in this MOA does not imply endorsement of the City-designated priority Section 408 Requests, nor does it diminish, modify, or otherwise affect Corps' statutory or regulatory authorities.

C. If any provision of this MOA is determined to be invalid or unenforceable, the remaining provisions will remain in force and unaffected to the fullest extent permitted by law and regulation.

D. This MOA, including any documents incorporated by reference or attachments thereto, but excluding the pre-existing relationships or obligations between the Parties referenced in subparagraph A above, constitute the entire agreement between the Parties. All prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged herein and shall be of no further force or effect.

E. Neither Party's employees will be considered employees of the other Party. Neither Party will, by virtue of this Agreement, be entitled or eligible, by reason of this Agreement, to participate in benefits or privileges given or extended by the other Party to its employees. Each Party will assume full responsibility for the actions of its personnel while performing services under this Agreement, and will be solely responsible for their supervision, daily direction and

control, payment of salary (including income taxes and social security), wages, bonuses, retirement, withholdings, worker's compensation, unemployment compensation, other benefits, taxes and premiums.

Article XII. EFFECTIVE DATE AND DURATION

This MOA and any amendments will be effective on the date of signature by the last Party. Unless amended or modified, this MOA shall remain in force until whichever of these events occurs first: (1) 31 July 2028, per Section 214 of the Water Resources Development Act of 2000 (Public Law 106-541), or (2) the MOA is terminated pursuant to Article X.B.

[REMAINDER LEFT INTENTIONALLY BLANK]

IN WITNESS WHEREOF, this MOA is executed as of the dates indicated below by City, acting by and through its governing board, and by the Corps, acting by and through its authorized officer.

CITY OF SCOTTSDALE, ARIZONA,
a municipal corporation

By: _____
David D. Ortega, Mayor

ATTEST:

Ben Lane, City Clerk, City of Scottsdale

APPROVED

Alison Tymkiw, City Engineer

APPROVED AS TO FORM:

By: _____
Sherry R. Scott, City Attorney
By: Eric C. Anderson, Sr. Asst. City Atty

U.S. ARMY CORPS OF ENGINEERS, LOS ANGELES DISTRICT

COL Andrew J. Baker
Colonel, U.S. Army
Commander and District Engineer

Date: _____

Appendix A: City-Designated Priority Section 408 Requests
Updated: 31 MAR 2023

The list of City -designated Priority Section 408 Requests under this MOA includes the following proposed projects:

Project Name	Budget	City Project Engineer
Program Management	\$10,000/year	Alison Tymkiw

This project list will be updated by the Parties on an as-needed basis.

City of Scottsdale

DATE

USACE

DATE

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
FINANCE CENTER
5722 INTEGRITY DRIVE
MILLINGTON TENNESSEE 38054-5005

CEFC-FD
SOP No. UFC-08

1 June 2004
Revised 1 April 2006

STANDING OPERATING PROCEDURES
ELECTRONIC FUNDS TRANSFERS TO THE CORPS

1. **PURPOSE.** To Standing Operating Procedure (SOP) provides procedures for utilizing Electronic Funds Transfer (EFT) and the Automated Clearing House (ACH) networks in lieu of mailing a check for payment to the Corps.
2. **APPLICABILITY.** The provisions of this SOP apply to the USACE Finance Center (UFC) and activities supported by the UFC.
3. **REFERENCE.** SOP No. UFC-03, Collection/Deposit Procedures.
4. **PROCEDURES.** When a Corps customer wishes to use EFT or ACH processes to transfer of cash contributions in lieu of mailing a check to the UFC, the enclosed procedures must be followed to ensure accurate and timely credit for the funds transferred.
 - a. The customer must notify the supported activity F&A Officer or Project Manager in advance of the pending cash transfer. **The customer's notification should include the date of the transfer, amount, type of transfer (CCD+ or CTX format), and any other known data that will be used to identify the transfer.** The customer's financial institution will transfer the funds via the ACH network using the Cash Concentration or Disbursement Plus (CCD+) or Corporate Trade Exchange (CTX) formats of transactions. The required data elements for these types of transactions are provided in the enclosures.
 - b. Upon notification from the customer or the Project Manager of the pending EFT, the supported activity F&A Officer must enter a Collection Receiving Officer Voucher (ROV) in CEFMS. All EFT collection vouchers must be submitted to the UFC Disbursing Division using Form UFC-DISB-1 (available at: <http://fc.ufc.usace.army.mil/forms/a-ufcdisb1.pdf>). There should only be one EFT transaction per ROV and no other transactions should be attached to an ROV established for EFT purposes.

CEFC-FD
SOP No. UFC-08

1 June 2004
Revised 1 April 2006

c. In addition to the enclosed format instructions, the F&A Officer or the Project manager must also provide the following information to the customer for the EFT transfer:

- (1) The District/Division/Laboratory/RBC two-digit EROC
- (2) The CEFMS ROV number
- (3) The Advance Account or Local Cost Share Number

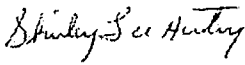
5. **Ca\$hLink II Agency Access System.** Ca\$hLink II is an on-line U.S. Treasury system that allows the UFC to access and confirm our deposit information the next working day after the EFT is posted. The UFC monitors the Ca\$hLink II system daily. Upon verification of the EFT transfer in Ca\$hLink II, the UFC will certify the ROV and confirm the deposit. Funds will be available immediately after the deposit confirmation.

The UFC will not require any additional documentation from the supported activity or the customer provided all required documentation identified above is provided. **If an EFT transaction is received via Ca\$hLink II that cannot be identified, it will be rejected back to the sender.** Before rejecting an EFT, the UFC will research and try to determine the proper supported activity and CEFMS account to update. For those EFT transactions rejected by the UFC, the financial institution (bank) that initiated the EFT will notify the customer (sender) of the rejected transaction.

6. **CHANGES.** Refer all discrepancies, comments or questions regarding this SOP to the Chief, Disbursing Division, Directorate of Finance (CEFC-FD) 901-874-8648.

FOR THE DIRECTOR:

Encls


SHIRLEY L. AUTRY
Deputy Director, Finance

UFC-08

Revised 1 April 2006

U.S. ARMY CORPS OF ENGINEERS FINANCE CENTER
Electronic Funds Transfer
Customer Implementation Data Sheet

ACH CCD+ Format

DATA Element Name	Contents	Size	Position
*Record Type Code	6	1	01-01
*Transaction Code	22	2	02-03
*Receiving ABA	05103670	8	04-11
*Check Digit	6	1	12-12
*Account Number	220025	17	13-29
Payment Amount	Amount of Payment (\$\$\$\$\$cc)	10	30-39
Identification Number	Optional	15	40-54
*Receiver Name	USACE Finance Center	22	55-76
**Discretionary Data	EROC Code of Corp Office	2	77-78
Addenda Indicator	1 (addenda present)	1	79-79
Trace Number	Assigned by Remitter's Bank	15	80-94

ADDENDA RECORD FORMAT

DATA Element Name	Contents	Size	Position
*Record type Code	7	1	01-01
*Addenda Type Code	05	2	02-03
***Payment Related Data	ROV #/Account #;EROC	80	04-83
Sequence Number	Addenda number starting at 0001	4	84-87
Addenda Trace Number	Same as the last 7 numbers of the detail trace number	7	88-94

*Data remains same for every transaction

** EROC Code of Corps District

*** Data supplied by Corps District to Customer - If data is not present, transaction will be rejected

UFC-08

Revised 1 April 2006

U.S. ARMY CORPS OF ENGINEERS FINANCE CENTER
Electronic Funds Transfer
Customer Implementation Data Sheet

ACH CTX Format

DATA Element Name	Contents	Size	Position
*Record Type Code	6	1	01-01
*Transaction Code	22	2	02-03
*Receiving ABA	05103670	8	04-11
*Check Digit	6	1	12-12
*Account Number	220025	17	13-29
Payment Amount	Amount of Payment (\$\$\$\$cc)	10	30-39
Identification Number	Optional	15	40-54
Number of Addenda	Number of Addenda Records attached	4	55-58
*Receiver Name	USACE Finance Center	22	59-74
Reserved	Blank	2	75-76
**Discretionary Data	EROC Code of Corp Office	2	77-78
Addenda Indicator	1 (addenda present)	1	79-79
Trace Number	Assigned by Remitter's Bank	15	80-94

ADDENDA RECORD FORMAT

DATA Element Name	Contents	Size	Position
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