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FT. SMITH DIST.

IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS  
FORT SMITH DISTRICT  
CIVIL DIVISION

2024 OCT 3 PM 3 54  
CIR. CLERK Crystal Tabet

BRIAN WESTNEY

PLAINTIFF

v.

Case No. 24cfcv-241039-IV

CITY OF FORT SMITH, and  
CARL GEFFKEN, in his official  
capacity as City Administrator

DEFENDANTS

COMES NOW, Plaintiff Brian Westney, by and through his undersigned counsel, and for a cause of action alleges as follows:

**JURISDICTION AND VENUE**

1. This is a civil action brought by Plaintiff Brian Westney in the Circuit Court of Sebastian County, Arkansas, seeking a declaratory judgment regarding the unauthorized actions of the City of Fort Smith and Fort Smith City Administrator Carl Geffken. Plaintiff alleges that the City Administrator exceeded his authority by unilaterally binding the City to significant financial obligations without approval from the Fort Smith Board of Directors (sometimes referred to as the "Board").

2. Jurisdiction and venue are proper in this Court as the events giving rise to this action occurred in Sebastian County, Arkansas, and the parties are located therein.

3. Defendant City of Fort Smith is a municipal corporation located in Sebastian County, Arkansas, and was formed pursuant to the laws of the State of Arkansas.

4. Defendant Carl Geffken is an individual, and upon information and belief, a resident of Fort Smith, Sebastian County, Arkansas. Defendant Geffken is an employee of the City of Fort Smith and serves as its City Administrator.

#### **PARTIES**

5. Plaintiff is a resident of Fort Smith, Sebastian County, Arkansas, and brings this action as a private citizen to challenge the unauthorized actions of City Administrator Carl Geffken and to protect the interests of the City of Fort Smith from commitments made without proper authority.

6. The City of Fort Smith, Arkansas, is a municipal corporation governed by a board of directors and managed by a city administrator. The City of Fort Smith operates under a board of directors form of government, with the board responsible for legislative functions and the city administrator tasked with very specific administrative responsibilities as provided by applicable statutes and ordinances.

7. Carl Geffken is the city administrator of Fort Smith. Pursuant to Arkansas Code § 14-48-117 (2023), Geffken's powers are limited to those expressly delegated by the Board of Directors through ordinance. Geffken's duties and authority are further circumscribed by the Fort Smith Municipal Code, codified through Ordinance No. 68-23, enacted August 1, 2023. The city administrator's authority to bind the City of Fort Smith to financial obligations is strictly limited. This authority includes approving or disapproving payments for obligations out of *previously appropriated funds*, as set forth in Fort Smith Municipal Code § 2-162. Furthermore, the city administrator is authorized to execute contracts for supplies, materials, services, and similar needs without prior board approval, but only under narrowly defined circumstances and within specified financial thresholds. See, for example, Fort Smith Municipal Code §§ 2-181, 2-182 (2023).

Nothing in state law or local ordinances authorizes the Fort Smith city administrator to unilaterally bind the city to substantial financial commitments or to bind the city to the obligations associated with federal grants, without the approval of the Board of Directors.

### **STATEMENT OF FACTS**

8. On April 17, 2023, Defendant Geffken sent a Notice of Intent to the U.S. Environmental Protection Agency (EPA) to accept an offer to participate in the Climate Pollution Reduction Grant (CPRG) program, designating the City of Fort Smith as having "oversight and responsibility for managing grant funds and coordinating activities and deliverables pertaining to the CPRG Planning Grant Program." (See Exhibit A: Notice of Intent to EPA (Apr. 17, 2023)).

9. The CPRG program, initiated by the EPA, allocates federal funding to state and local governments ostensibly aimed at addressing climate change and reducing greenhouse gas emissions. Participation in the CPRG program entails significant obligations. Non-compliance with these obligations can lead to serious repercussions, including, but not limited to, the withholding of payments until deficiencies are corrected, disallowance of costs related to non-compliant activities, suspension or termination of the funding agreement, withholding of future federal awards, and pursuit of other legal remedies against the responsible party.

10. On or about September 26, 2023, Defendant Geffken executed a Memorandum of Agreement (MOA) with the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), related to the CPRG program. (See Exhibit B, Memorandum of Agreement with Arkansas Dep't of Energy & Env't, Div. of Env'tl. Quality (Sept. 26, 2023))

11. Defendant Geffken did not have authority to enter into this MOA with the DEQ. On information and belief, the Fort Smith Board of Directors did not consider, discuss, or approve this agreement in a public meeting prior to its execution by Defendant Geffken.



12. This MOA, unilaterally executed by Defendant Geffken on behalf of the City of Fort Smith, binds the City to numerous significant obligations concerning environmental planning and compliance with state and federal regulations. These obligations impose a range of duties on the City, including the development and submission of both a Priority Action Plan (PAP) and a Comprehensive Action Plan (CAP), which encompass a broader array of issues beyond greenhouse gas reduction, such as providing a benefits analysis of low-income and disadvantaged communities. On information and belief, the PAP is a prerequisite for any Arkansas state or local government agency seeking to apply for funding under the CPRG program.

13. Furthermore, the MOA includes a clause regarding “Pre-award Costs”, which explicitly states that “award recipients may incur allowable project costs 90 calendar days before the Federal awarding.” (See Exhibit B, Page 6, "Preaward Costs" para.) This provision implies that the City could potentially be liable for unreimbursed expenses if federal funding is not approved or is insufficient.

14. Pursuant to the MOA, the City is also obligated to conduct ongoing reporting to DEQ and Metroplan.<sup>1</sup> This reporting includes submitting documentation and data demonstrating adherence to environmental regulations and commitments made under the MOA. The City's activities are subject to such stringent oversight that it must coordinate with the Arkansas Department of Energy regarding all news releases, social media posts, advertisements, and website updates related to the grant.

15. In December 2023, Geffken and the City of Fort Smith submitted an expansive Energy and Environmental Innovation Plan (Innovation Plan) to the EPA pursuant to the September 2023 MOA. (See Exhibit C, Energy & Env't Innovation Plan (Dec. 2023).

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<sup>1</sup> Metroplan is a regional planning organization that coordinates projects and funding for local governments in central Arkansas.

16. The Innovation Plan encompasses a wide range of initiatives, including a commitment to pursuing aggressive transportation policies. The Plan states, “Cities can help drive the adoption of aggressive policies and increase political pressure for policy action at higher levels (state, national, utilities, other cities, and international city platforms).” (See Exhibit C, Page 5). It further states that “[l]ocal commitments to 100% (or nearly 100%) vehicle electrification for government fleets and privately owned vehicles serve as powerful catalysts for policy action and market transformation.” (See Exhibit C, Page 5).

17. The Innovation Plan also states that the City of Fort Smith is committed to the adoption of a comprehensive plan to develop and build electric vehicle (EV) charging stations and advocates for a “...just and equitable transition to transportation electrification.” According to the Plan, “equitable charging” includes “planning for, *requiring*, and/or installing charging infrastructure at workplaces and businesses, public right-of-way, at multi-unit dwelling, and across neighborhoods.” (See Exhibit C, Page 5) (emphasis added).

18. Furthermore, the Innovation Plan includes waste management proposals, stating that the City “intends to upgrade, improve, and expand the current Biomass gasification process.” (See Exhibit C, Page 12). The Plan also asserts that the City is committed to certain carbon removal measures, such as acquiring land easements around River Valley water sources for watershed management. (See Exhibit C, Page 16).

19. The Innovation Plan was neither approved by the Fort Smith Board of Directors nor even discussed in a Board study session before submission.

20. Defendant Geffken has made numerous commitments in the Innovation Plan, seemingly representing himself as the spokesperson for the City of Fort Smith. However, none of

the commitments made to the EPA in the Plan received formal approval from the Fort Smith Board of Directors in a public meeting.

21. On information and belief, the first official acknowledgment of the Innovation Plan's submission to the EPA occurred during a Board study session on January 23, 2024. To date, the Board has never approved the Innovation Plan.

22. On February 29, 2024, Defendant Geffken sent a Letter of Intent to the EPA expressing the City of Fort Smith's intent to enter into an MOA with Metroplan and the "Arkansas Tri-Region Coalition" to jointly apply for the CPRG. (See Exhibit D, Letter of Intent to EPA (Feb. 29, 2024)). The Coalition includes various local governments from three distinct regions of Arkansas: Central Arkansas, Northwest Arkansas, and the Arkansas River Valley.

23. On or about July 23, 2024, the EPA announced that it had awarded the Tri-Region Arkansas Coalition \$99,999,999 as part of the CPRG. Of that amount, \$14.5 million was awarded to the City of Fort Smith.

24. On or about July 23, 2024, Defendant Geffken executed another MOA, this time with Metroplan and the Northwest Arkansas Regional Planning Commission. (See Exhibit E, Climate Pollution Reduction Program: Implementation Grant Coalition MOA (July 23, 2024)). The purpose of this MOA was to establish the agreed-upon roles, responsibilities, and commitments of the signatories in the wake of the EPA awarding CPRG funds. (See Exhibit E, Page 1)

25. In the July 23, 2024, MOA, Defendant Geffken falsely certified that he was "authorized to sign [the] MOA on behalf of the [City of Fort Smith] and commit the [City of Fort Smith] to the agreed-upon terms." (See Exhibit E, Page 6). This statement is untrue, as the Fort



Smith Board of Directors neither approved the memorandum nor granted Defendant Geffken the authority to bind the City to its terms.

26. Under this MOA, the City of Fort Smith is specifically responsible for implementing certain measures ostensibly aimed at reducing greenhouse gas emissions, including projects involving green networks, transportation efficiency, and building efficiency. The City is also obligated to comply with the EPA's subaward policies, manage subawards, oversee contractors and vendors, and hire a regional Energy Ambassador. Additionally, Fort Smith must track and report progress on project implementation, expenditures, and achievements to Metroplan, the entity responsible for disbursing and overseeing the grant's funds.

27. Pursuant to the MOA, the City has staffing obligations, such as hiring a regional Energy Ambassador, and must conduct community outreach within the Arkansas-Oklahoma Metropolitan Statistical Area (MSA). Additionally, the City is obligated to track and report progress on project implementation, expenditures, and milestones to Metroplan and maintain records of accomplishments.

28. The MOA also proposes to directly fund the construction of a geothermal facility at the Little Rock National Airport and an 850 kW DC solar array at a public housing facility in Fort Smith.

29. Despite these substantial commitments, including giving away local control to entities like Metroplan and the EPA, the Fort Smith Board of Directors never approved this MOA, nor did it authorize Defendant Geffken to bind the City to the obligations set forth in the agreement. Nevertheless, Defendant Geffken signed the MOA, falsely certifying that he had the authority to do so on behalf of the City.

**ULTRA VIRES ACTIONS BY DEFENDANT CARL GEFFKEN**

30. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

31. Defendant Carl Geffken, in his capacity as City Administrator, executed two Memoranda of Agreement (MOAs) without the necessary authority from the Fort Smith Board of Directors, thereby exceeding the powers expressly delegated to him under AR Code § 14-48-117 and the Fort Smith Municipal Code.

32. The first MOA, executed on September 26, 2023, with the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), imposes significant obligations on the City of Fort Smith concerning environmental planning, including the development and submission of both a Priority Action Plan (PAP) and a Comprehensive Action Plan (CAP).

33. Following the execution of the first MOA, Defendant Geffken submitted an Energy and Environmental Innovation Plan to the EPA in December 2023, which outlined extensive initiatives and commitments but was never voted on or approved by the Fort Smith Board of Directors.

34. The second MOA, executed on July 23, 2024, with Metroplan and the Northwest Arkansas Regional Planning Commission, further obligates the City to implement specific measures aimed at reducing greenhouse gas emissions and managing grant funds, including hiring a regional Energy Ambassador and conducting ongoing reporting to Metroplan.

35. By entering into both MOAs without prior Board approval, Defendant Geffken's actions were *ultra vires* and exceeded the scope of the authority delegated to him, thereby



unilaterally surrendering local control of the City's governance to external entities, specifically the EPA and Metroplan, which undermines the authority of the Fort Smith Board of Directors.

### **DECLARATORY JUDGMENT**

36. Plaintiff incorporates by reference all preceding paragraphs as though fully set forth herein.

37. Defendant Carl Geffken executed two MOAs, specifically the one with DEQ on September 26, 2023, and the one with Metroplan on July 23, 2024, and untruthfully certified that he had the authority to bind the City of Fort Smith to these agreements. However, neither the Fort Smith Board of Directors discussed nor approved these agreements, nor did they delegate such authority to Geffken in accordance with Arkansas Code § 14-48-117 (2023) or the Fort Smith Municipal Code.

38. Plaintiff seeks a declaratory judgment from this Court that the two Memoranda of Agreement executed by Defendant Carl Geffken, as described herein, are void ab initio, and that the lack of proper authorization and certification renders the obligations set forth in the agreements unenforceable against the City of Fort Smith.

39. Furthermore, the Board of Directors of the City of Fort Smith never voted to approve the receipt of grant funds from the Climate Pollution Reduction Grant (CPRG) program. If the receipt of these grant funds is contingent upon the obligations outlined in the MOAs and the Board's approval of the accompanying Innovation Plan, as it appears to be, the City of Fort Smith cannot legally accept these funds.

WHEREFORE, Plaintiff Brian Westney respectfully requests that this Honorable Court enter judgment in favor of Plaintiff and against Defendants, as follows:

1. Declare that the actions taken by Defendant Geffken in executing these MOAs were *ultra vires* and exceeded the scope of his authority delegated by the Fort Smith Board of Directors;
2. Declare that the Memoranda of Agreement (MOAs) executed by Defendant Carl Geffken with the Arkansas Department of Energy and Environment, Division of Environmental Quality on September 26, 2023, and with Metroplan on July 23, 2024, are void ab initio due to the lack of authority and improper certification of authority by Defendant Geffken;
3. Declare that the City of Fort Smith is prohibited from accepting any grant funds from the Climate Pollution Reduction Grant (CPRG) program, as the Board of Directors never voted to approve such receipt, and if acceptance is contingent upon the obligations outlined in the MOAs and the Board's approval of the Innovation Plan, the City cannot legally accept those funds;
4. Grant Plaintiff the costs of this action, including reasonable attorney's fees, as permitted by law, and for any and for all other just and proper relief whether specifically prayed for or not.

Brian Westney, Plaintiff



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Joey McCutchen ABA#88045  
Stephen Napurano ABA#2017071  
McCutchen, Napurano—The Law Firm  
Attorney at Law  
P. O. Box 1971  
Fort Smith, AR 72902  
(479) 783-0036  
Facsimile (479) 783-5168

To: EPA Office of Air and Radiation [[CPRG@epa.gov](mailto:CPRG@epa.gov)]

From: Carl E. Geffken, City Administrator, City of Fort Smith

Fort Smith, AR-OK

Subject: Notice of Intent to Participate in CPRG Planning Grant from City of Fort Smith

On behalf of Fort Smith, AR-OK, I accept EPA's offer to participate in the CPRG Planning Grant program and designate the City of Fort Smith with oversight and responsibility for managing grant funds and coordinating activities and deliverables pertaining to the CPRG Planning Grant program. Letter(s) of support from the following concurring jurisdictions within Fort Smith, AR-OK are attached:

Sebastian County, Arkansas  
Van Buren, Arkansas

Contact information for City of Fort Smith is below.

### Contact Information

|                           | Primary Contact  |
|---------------------------|--|
| <b>Name:</b>              | Carl Geffken   |
| <b>Title:</b>             | City Administrator   |
| <b>Department/Office:</b> | Administration   |
| <b>Email:</b>             | <a href="mailto:cgeffken@fortsmithar.gov">cgeffken@fortsmithar.gov</a> |
| <b>Phone:</b>             | 479-784-2201   |
|                           | Additional Contact(s) (optional – may be more than one)                |
| <b>Name:</b>              | Jeff Dingman   |
| <b>Title:</b>             | Deputy City Administrator  |
| <b>Department/Office:</b> | Administration   |
| <b>Email:</b>             | <a href="mailto:jdingman@fortsmithar.gov">jdingman@fortsmithar.gov</a> |
| <b>Phone:</b>             | 479-784-2201   |

Sincerely,



Carl Geffken  
City Administrator





FUNDING FOR COORDINATED RESEARCH AND DEVELOPMENT OF CPRG  
DELIVERABLES

MEMORANDUM OF AGREEMENT  
BETWEEN  
ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT  
AND  
CITY OF FORT SMITH

**Agreement Number CPRG-CFS-002**

**Federal Award Identification Number (FAIN): 02F35201**

**Federal Funding Accountability and Transparency Act (FFATA):** Climate Pollution  
Reduction Planning Grant Region 6

**Catalog of Federal Domestic Assistance (CFDA) Number and Name:** 66.046 - Climate  
Pollution Reduction Grants

**Subawardee Indirect Cost Rate<sup>1</sup>:** 10%

**Agreement:** This Memorandum of Agreement (MOA) is entered into between Arkansas Department of Energy and Environment (E&E), Division of Environmental Quality (DEQ) and Subawardee City of Fort Smith. Funding for this project is provided by U.S. Environmental Protection Agency (EPA) through the Climate Pollution Reduction Grant (CPRG), awarded June 29, 2023. DEQ has been granted \$3,000,000 through the CPRG to assist in the development of the following deliverables required under the CPRG: Priority Action Plan (PAP), Comprehensive Action Plan (CAP), and a status report on PAP and CAP (collectively "the plans") at the end of the four (4) year grant project period.

DEQ will act as a pass-through entity for the purposes of this funding. City of Fort Smith will act as a Subawardee to provide regional-specific planning and act as additional support to DEQ in the development of the aforementioned deliverables to meet the requirements of the CPRG.

Funds awarded to City of Fort Smith under this MOA that are not expended or committed must be returned to DEQ for reallocation or for return to EPA within sixty (60) days of the project period ending date.

**EPA Award Date:** July 5, 2023

**Subaward Period of Performance:** July 1, 2023, through July 5, 2027

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<sup>1</sup> The indirect rate indicated here may be subject to change during the project period.



**Scope and Objectives:** City of Fort Smith agrees to provide the following region-specific deliverables, services, and equipment through use of the funding. Supplementary items should be provided in the form of modeling, reporting, and other approved forms of demonstration and may be included in DEQ's PAP and CAP submittals as appendices or otherwise cited. These items are in addition to quarterly and final reporting requirements.

| Deliverable   | Due                       |
|---|---------------------------|
| Priority plan supplements                                       | 12/1/2023                 |
| Comprehensive plan supplements                                  | 2/28/2025                 |
| Status report supplements                                       | 3/1/2027                  |
| Quarterly region engagement meetings                            | Summer 2023 – Summer 2025 |
| Semiannual region meetings                                      | Fall 2025 – Fall 2027     |
| Attending E&E Quarterly Intergovernmental Coordination Meetings | Summer 2023 – Fall 2027   |

Deliverable Details are as follows:

**1. Priority plan supplements for regional quantified greenhouse gas reduction (GHG) measures:**

- a. Minimum of three (3) measures, such as policy, pass-through funding program design, or concept paper for a specific project
- b. Each Measure must include the following:
  - i. Anticipated workforce needs to implement measure
  - ii. Review of authority to implement or barriers to implementing measure (laws, ordinances, rules, etc.)
  - iii. Information necessary for DEQ to perform the following analyses:
    1. GHG and Co-pollutant emission reductions or sequestration
    2. Low-Income and Disadvantaged Community (LIDAC) Benefits Analysis (See EPA Benefits Analysis LIDAC Guidance.)<sup>2</sup>

City of Fort Smith is encouraged, but not required, to provide detailed GHG and Co-pollutant emission reductions or sequestration values and a LIDAC Benefits Analysis report.

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<sup>2</sup> For the purpose of this grant, the Low-Income and Disadvantaged Community Benefits Analysis should be conducted using the Climate and Economic Justice Screening Tool (CEJST). CEJST looks at eight (8) key areas: climate change, clean energy and energy efficiency, clean transit, affordable and sustainable housing, training and workforce development, the remediation and reduction of legacy pollution, health burdens and the development of critical clean water infrastructure. If a community is located in a census tract(s) that meets the CEQ criteria for one or more of the eight key areas, then that community would be considered disadvantaged.

- 2. Comprehensive plan supplements for regional quantified GHG measures:**
- a. Minimum of three (3) **additional** measures (policy, pass-through funding program design, or concept paper for a specific project)
  - b. Each Measure must include the following:
    - i. Anticipated workforce needs to implement measure
    - ii. Review of authority to implement or barriers to implementing measure (laws, ordinances, rules, etc.)
    - iii. Information necessary for DEQ to perform the following analyses:
      1. GHG and Co-pollutant emission reductions or sequestration
      2. Low-Income and Disadvantaged Community (LIDAC) Benefits Analysis
  - c. In addition, City of Fort Smith must provide:
    - i. Report for identification of intersecting funding availability to achieve all recommended measures
    - ii. Regional workforce planning analysis.

City of Fort Smith is encouraged, but not required, to provide detailed GHG and Co-pollutant emission reductions or sequestration values and a LIDAC Benefits Analysis report.

- 3. Status report supplements for regional quantified GHG measures:**
- a. Implementation status and updates for each of the GHG reduction measures previously indicated
  - b. Updated regional GHG reductions benefit analysis
  - c. Information necessary for DEQ to perform the following analyses:
    - i. GHG and Co-pollutant emission reductions or sequestration
    - ii. Low-Income and Disadvantaged Community (LIDAC) Benefits Analysis
  - d. Updated review of authority to implement or barriers to implementing measure (laws, ordinances, rules, etc.)
  - e. Updated identification of intersection with other funding availability
  - f. Updated workforce planning analysis
  - g. Detailed report of anticipated next steps and future budgeting and staffing needs.

City of Fort Smith is encouraged, but not required, to provide additional GHG measures for future implementation and updated GHG and Co-pollutant emission reductions or sequestration values and a LIDAC Benefits Analysis report.

If City of Fort Smith elects to produce its own regional emission inventory and emission projections in support of deliverables 1 – 3, City of Fort Smith must submit to the EPA a quality management plan in accordance with EPA's Quality Management Plan (QMP) Standard and a quality assurance project plan in accordance with EPA QA/R-5: EPA Requirements for Quality Assurance Project Plans. A quality assurance project plan template for work under the CPRG has been included as Attachment A to this MOA.



The terms and funding as described in this Agreement do not establish a precedent regarding any future extension of this Agreement.

**Definitions within Agreement:**

Arkansas Department of Energy and Environment: E&E

Catalog of Federal Domestic Assistance: CFDA

Climate Pollution Reduction Grant: CPRG

Comprehensive Action Plan: CAP

Division of Environmental Quality: DEQ

U.S. Environmental Protection Agency: EPA

Federal Award Identification Number: FAIN

Federal Funding Accountability and Transparency Act: FFATA

Low-Income and Disadvantaged Community Benefits Analysis: LIDAC Benefits Analysis

Memorandum of Agreement: MOA

Priority Action Plan: PAP

**ARKANSAS DEPARTMENT OF ENERGY AND ENVIRONMENT, DIVISION OF ENVIRONMENTAL QUALITY**

By this agreement:

1. DEQ agrees to provide \$440,000 to City of Fort Smith be used for permissible activities. City of Fort Smith agrees to return funds unexpended or uncommitted to DEQ within sixty (60) days of the project period ending on July 5, 2027.
2. DEQ agrees to collaborate and to provide assistance and guidance to City of Fort Smith for the duration of the project.
  - a. E&E personnel commit to the timely review and response to City of Fort Smith regarding any communications and promotional activities conducted in support of this grant.
3. DEQ contacts for this project are as follows:

| Staff Member    | Title                         | Phone          | Email                            |
|-----------------|-------------------------------|----------------|----------------------------------|
| Erika Droke     | SIP & Planning Supervisor     | (501) 682-0542 | erika.droke@adeq.state.ar.us     |
| Mikayla Shaddon | SIP & Planning Epidemiologist | (501) 682-0808 | mikayla.shaddon@adeq.state.ar.us |

**CITY OF FORT SMITH**

By this agreement:

1. City of Fort Smith agrees to return funds unexpended or uncommitted to DEQ within sixty (60) days of the project period ending on July 5, 2027.
2. City of Fort Smith agrees to submit quarterly performance progress reports and a detailed final report to DEQ using DEQ's web-based submission portal or other forms as determined.
  - a. Quarterly reports are due within ten (10) business days after the end of the reporting period

| Reporting Period        |
|-------------------------|
| January 1 – March 31    |
| April 1 – June 30       |
| July 1 – September 30   |
| October 1 – December 31 |

- i. Quarterly reports must include a detailed report for work status, work progress, difficulties encountered, financial expenditures for the reporting period, preliminary data results as available, anticipated activities during the following reporting period, and personnel changes if applicable.
    - b. The final report is due within sixty (60) calendar days of the completion of the grant period.
      - i. The final report should provide a detailed report for work status, work progress, difficulties encountered, financial expenditures for the reporting period, and data results as available.
      - ii. With the final report, City of Fort Smith agrees to provide proof of authorization to return of any residual funds not expended during the four-year term.
3. The following activities are permitted under funding made available through Agreement Number CPRG-CFS-002. City of Fort Smith agrees that funding provided under this agreement will be used only for permitted activities.
  - a. Staffing and contractual costs necessary to develop the deliverables identified in this document;
  - b. Planning and implementing meetings, workshops, and convenings to foster collaboration among and between levels of government, the public, and key stakeholders;
  - c. Outreach and education for stakeholders and members of the public
  - d. Subawards to municipalities, air pollution control agencies, regional planning organizations, non-governmental organizations (NGOs), academic institutions, etc.;
  - e. Modeling and analytical costs, including purchase or licensing of software, data, or tools;
  - f. Studies, assessments, data collection, etc., needed to develop the required deliverables;
  - g. Evaluation and metrics-tracking activities;

- h. Training and staff capacity-building costs;
  - i. Supplies (e.g., office supplies, software, printing, etc.);
  - j. Incidental costs related to the above activities, including but not limited to travel, membership fees, and indirect costs; and,
  - k. Other allowable activities as necessary to complete the required deliverables.
4. City of Fort Smith agrees to coordinate all communication and promotional activities related to this grant including, but not limited to, news releases, social media posts, advertisements, and website updates with E&E prior to publication. Any use of E&E, DEQ, or other state agency branding must receive prior approval before publication or dissemination.
5. The following are contact persons for this project:

| Subawardee Staff Member | Title  | Phone          | Email                      |
|-------------------------|--|----------------|----------------------------|
| Carl Geffken            | City Administrator                                 | (479) 784-2201 | CGeffken@fortsmithar.gov   |
| Joshua Robertson        | Utility Business Administration<br>Deputy Director | (479) 494-3944 | JRobertson@fortsmithar.gov |
| Reese Brewer            | MPO Director                                       | (479) 785-2651 | RBrewer@wapdd.org          |

**Title VI:** Title VI of the Civil Rights Act of 1964 and other Federal statutes and regulations prohibit discrimination based on race, color, national origin, disability, sex, or prior exercise of rights or opposition to actions protected under Federal non-discrimination laws. As a recipient of Federal financial assistance DEQ must comply with Federal non-discrimination laws. Subawardees must also comply with Title VI and other applicable Federal non-discrimination laws or regulations.

Title VI, along with other pertinent nondiscrimination laws and regulations emphasizes the need for ongoing and proactive public involvement at various stages of development, planning, implementation, and enforcement including early and frequent engagement of affected parties during decision-making processes.

**REPORTING SUBAWARDS AND COMPENSATION:** In accordance with the Federal Funding Accountability and Transparency Act (FFATA), if the award is subject to FFATA Subaward and Executive Compensation Reporting Requirements, then the terms and conditions of that award must link to the Operating Divisions' (OPDIV) website that houses the full text or include the full text of the reporting requirements.

**PREAWARD COSTS:** In accordance with § 1500.9 Revision of budget and program plans, EPA award recipients may incur allowable project costs 90 calendar days before the Federal awarding agency makes the Federal award. Expenses more than 90 calendar days pre-award require prior approval of EPA. All costs incurred before EPA makes the award are at the recipient's risk. EPA is under no obligation to reimburse such costs if for any reason the recipient does not receive a Federal award or if the Federal award is less than anticipated and inadequate to cover such costs.



**CONSULTANT FEE CAP:** In accordance with § 1500.10,

- (a) EPA will limit its participation in the salary rate (excluding overhead) paid to individual consultants retained by recipients, and their contractors or subcontractors to the maximum daily rate for level 4 of the Executive Schedule unless a greater amount is authorized by law. (These non-Federal entities may, however, pay consultants more than this amount with non-EPA funds.) The limitation in this paragraph (a) applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. This rate does not include transportation and subsistence costs for travel performed; recipients will pay these in accordance with their normal travel reimbursement practices.
- (b) All contracts between recipients and subrecipients and individual consultants are subject to the procurement standards in subpart D of 2 CFR part 200. Contracts or subcontracts with multi-employee firms for consulting services are not affected by the limitation in paragraph (a) of this section provided the contractor or subcontractor rather than the recipient or subrecipient selects, directs and controls individual employees providing consulting services.
- (c) Borrowers under EPA revolving loan fund capitalization grant programs are not subject to paragraphs (a) and (b) of this section.

**MANAGEMENT FEES:** It is prohibited to use funds allocated through CPRG for paying management fees, as established in DEQ's Notice of Award, included as Attachment B.

**PROCUREMENT:** The Subawardee agrees to follow Procurement Standards as specific in 2 CFR Part 200, including those requiring competition when the subrecipient acquires goods and services from contractors (including consultants). A non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward.

The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327, which includes:

- a. general procurement standards;
- b. competition requirements;
- c. procurement method requirements;
- d. Minority and Women's Business Enterprises (MBE/WBE) contractual requirements;
- e. domestic preference;
- f. recovered materials in accordance with 40 CFR part 247;
- g. contract price and cost analysis, negotiation, and other associated considerations;
- h. all related procurement process documentation unless the Subawardee has received pre-approval of their procurement system;
- i. bonding requirements;
- j. and contract provisions.

**ADDITIONAL REQUIREMENTS:** DEQ maintains the right to require the following additional requirements as authorized by 2 CFR 200.208, including but not limited to:

- a. Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance;
- b. Requiring additional, more detailed financial reports;
- c. Requiring additional project monitoring;
- d. Requiring the subawardee entity to obtain technical or management assistance, and;
- e. Establishing additional prior approvals.

**ACORN:** Memorandum M-IO-02 (Attachment C) guides the use of federal funds regarding the Association of Community Organizations for Reform Now (ACORN). Attachment D is an ACORN Funding Declaration. Please complete the bottom section of the declaration and return this form to DEQ with your signed MOA.

**FISCAL CONTROL:** City of Fort Smith will provide for such fiscal control and fund accounting procedures as may be necessary to ensure the proper disbursement of and accounting for the funds received from DEQ.

**RECORDS:** City of Fort Smith assures DEQ that it will keep records for at least five (5) years and freely share these records with DEQ or EPA upon request. These records include, but are not limited to, all deliverables, reports, and other related documentation.

**NON-APPROPRIATION CLAUSE:** In the event that the State of Arkansas fails to appropriate funds or make monies available for the period covered by the term of this Agreement, this Agreement shall be terminated on the last biennial period for which funds were appropriated or monies made available for such purposes. This provision shall not be construed to abridge any other right of termination DEQ may have.

**TERMINATION:** DEQ may terminate this agreement for failure to perform required actions under this MOA or failure to submit acceptable deliverables as committed above. In the event DEQ provides notice of deficiency under this agreement, City of Fort Smith will have fourteen (14) days to cure identified deficiencies prior to termination.


1. Repayment of Grant Funds: Once notified of termination by DEQ, City of Fort Smith will immediately return all unexpended funds to DEQ. DEQ may require additional information regarding previously expended funds including a justification of use of funds for inadequate or insufficient deliverables. .
2. Mutual Consent for Termination: DEQ and City of Fort Smith may mutually agree to terminate this agreement. Such termination must be in writing. City of Fort Smith will have thirty (30) days to provide DEQ information regarding all funds received under this grant and to return all unexpended funds.

**UEI NUMBER and SAM:** City of Fort Smith agrees to provide the State of Arkansas with their Unique Entity Identifier (UEI). City of Fort Smith agrees to maintain current registrations in the System for Award Management (SAM) ([www.sam.gov](http://www.sam.gov)) at all times during which they have

active federal awards funded. The UEI is required by 2 C.F.R. Part 25 and 2 C.F.R. § 200.332(a)(1)(ii).

**CERTIFICATION:** The undersigned verifies that all funds provided through this MOA will be used in accordance with the above agreement.

**SIGNED:**

  
\_\_\_\_\_  
Date 9.26.23  
Caleb J. Osborne,  
Chief Administrator, Environment,  
Arkansas Department of  
Energy and Environment,  
Division of Environmental Quality

  
\_\_\_\_\_  
Date 9/25/23  
Carl Geffken  
City Administrator  
City of Fort Smith



# Energy & Environment Innovation Plan

December 2023





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# Introduction



## CITY OF FORT SMITH PRIORITY ACTION PLAN SUPPLEMENT

The Energy and Environment Innovation (EEI) Priority Action Plan (PAP) Supplement for the City of Fort Smith was collaboratively crafted by City Administration, with instrumental support from the Western Arkansas Planning & Development District (WAPDD). Valuable input from the Fort Smith Climate Lobby and The River Valley Green Energy and Education Program (RV-GEEP) further enriched the planning process.

In September 2023, the City of Fort Smith formalized a Memorandum of Agreement (MOA) with the Arkansas Department of Energy and Environment, Division of Environmental Quality (DEQ), for regional Climate Pollution Reduction Grant (CPRG) planning. The designated Fort Smith Metropolitan Statistical Area (MSA) encompasses five counties, including three in Arkansas and two in Oklahoma, with Fort Smith anchoring this vital region. Boasting a population exceeding 300,000 citizens, this area includes key cities like Van Buren, Ozark, Poteau, and Sallisaw, all strategically positioned under the umbrella of Fort Smith in the western part of Arkansas.

### **GROWTH**

Fort Smith has garnered prestigious recognition as the chosen location by the Department of Air Force for the Foreign Military Sales Pilot Training Center at Ebbing Air National Guard Base, marking a significant milestone in the city's trajectory. Establishing this center solidifies Fort Smith's role as an international hub for aviation excellence, with Singapore maintaining a permanent mission for F-16 and F-35 training. Notably, Poland, Finland, and Switzerland will also partake in F-35 training in Fort Smith, establishing the city as a global center for military aviation instruction.

This strategic initiative is not merely a short-term undertaking; it represents a generational project with far-reaching implications for Fort Smith's growth and prosperity. The anticipated influx of up to 1,500 military staff and their families from diverse countries is poised to create a vibrant and diverse community within Fort Smith. This population growth is a testament to the city's appeal and an opportunity for cultural exchange and community enrichment.

# Introduction



## CITY OF FORT SMITH PRIORITY ACTION PLAN SUPPLEMENT

Economically, this initiative is a game-changer, injecting close to \$1 billion in economic activity into Fort Smith and the broader River Valley region. The positive ripple effects are multifaceted, encompassing increased job opportunities, a stimulated local economy, and heightened community vibrancy. Fort Smith's designation as a hub for international military training underscores its strategic significance and positions the city for sustained economic and demographic growth. In essence, this undertaking is not just about aviation training; it symbolizes Fort Smith's ascent as a global player with enduring positive impacts on its population, economy, and community fabric. Along with the extension of I-49, the Fort Smith MSA is on course to grow substantially in the coming years, and therefore sustainability priorities have increased.

### **PUBLIC ENGAGEMENT**

The City of Fort Smith fostered community involvement by conducting six public meetings dedicated to engaging citizens in discussions about the priorities for energy and environment innovation measures. Recognizing the importance of community input, these public forums served as a platform for open dialogue, allowing residents to share their perspectives, insights, and suggestions on the crucial topics of energy and environmental sustainability. Through these inclusive gatherings, the City sought to ensure that the priorities set forth in its innovation measures align with the aspirations and concerns of its diverse citizenry. By encouraging active participation and valuing community input, Fort Smith aims to cultivate a shared vision reflecting the collective aspirations for a more sustainable and resilient future.

The City actively engaged in a comprehensive state-wide survey, gathering valuable data for priority measures. Input from public meetings and the survey played a pivotal role in guiding the City toward crafting potential measures that resonate with the community's aspirations. This inclusive approach ensures that the City's initiatives are informed by objective data and shaped by the collective ownership and vision of the community. By actively involving residents and aligning priorities with public input, the City underscores its commitment to transparent and community-driven decision-making, fostering a sense of shared responsibility and pride in the initiatives designed for the betterment of the community.

# Measure One



## Public Clean Transportation Refinements & Choices

### **MEASURE SYNOPSIS**

Cities can help drive the adoption of aggressive policies and increase political pressure for policy action at higher levels (state, national, utilities, other cities, and international city platforms). Local commitments to 100% (or nearly 100%) vehicle electrification for government fleets and privately owned vehicles can galvanize strong policy action and send essential market signals. Cities can aim to commit to reaching 100% new EV purchases up to five years earlier than statewide and national targets, meaning cities can aim for 100% by 2030 for buses, light-duty fleets, and taxis and by 2035 for heavy equipment trucks.

Cities play a pivotal role in steering the global transportation paradigm toward sustainability, with a specific focus on promoting environmentally friendly choices in public transportation. By adopting aggressive policies and leveraging their influence, cities can instigate change locally and exert pressure on higher levels of governance, including state, national, utility, inter-city, and international platforms.

A strategic emphasis on public transportation is key to achieving significant reductions in greenhouse gas emissions. Local commitments to 100% (or nearly 100%) vehicle electrification for government fleets and privately owned vehicles serve as powerful catalysts for policy action and market transformation. This commitment addresses the environmental impact of private vehicles and emphasizes the critical role of public transportation in the broader context of sustainable urban mobility.

As pioneers of change, cities can set ambitious targets to expedite the transition to electric vehicles (EVs) in public transportation. By committing to achieving 100% new EV purchases up to five years earlier than statewide and national goals, cities can lead the charge toward a cleaner, more efficient future. This forward-thinking approach translates to a tangible timeline, with cities aiming for 100% electrification in buses, light-duty fleets, and taxis by 2030 and extending this commitment to heavy equipment trucks by 2035.



# Measure One



## Public Clean Transportation Refinements & Choices (continued)

In promoting widespread adoption of electric public transportation, cities contribute significantly to local emission reductions and also serve as exemplars for broader societal change. The impact of such commitments resonates beyond city limits, influencing transportation choices regionally and inspiring a global shift towards sustainable and eco-friendly mobility options. By championing public transportation electrification, cities position themselves as leaders in pursuing a greener, more resilient urban transportation landscape.

City projects and planning concepts include:

- Public Transit Expansion, 24/7 service expanded into MSA
- EV Transit Bus Expansion, CNG possibilities
- Light Rail Transportation connecting Fort Smith MSA
- Smart Intersections
- Public EV Charging Infrastructure
- Complete Streets with expanded E-Bike LIDAC Programs

### **MEASURE RATIONALE**

Fort Smith Transit provides transportation to the public within the City limits. Fixed-route services consist of a bus network that runs through main roads, the downtown area, and several residential areas within the city. All fixed-route buses are equipped with lifts for mobility devices. There are currently seven new CNG buses and 13 bi-fuel buses (CNG/unleaded), each running 200 miles a day. The City of Fort Smith plans to expand the fixed routes to service Low-Income and Disadvantaged Communities (LIDAC) and highly populated urban areas within the entire MSA.

Fort Smith Transit directly benefits from Section 5307 Urbanized Formula Funds, leveraging sufficient accrued federal funds to cover the majority, or 85%, of the costs associated with procuring electric vehicles. Securing a grant to serve as a matching contribution supports the City's electric bus acquisition efforts and proves advantageous for the grant provider, enabling them to facilitate a

# Measure One



## Public Clean Transportation Refinements & Choices (continued)

substantial purchase with a comparatively smaller funding allocation. Presently, the department is actively pursuing the addition of electric buses to its existing fleet. However, challenges arise as electric vehicles are not currently featured on Arkansas Department of Transportation (ARDOT) state bid list. Despite multiple transit agencies expressing interest in electric vehicles, the process has temporarily stalled pending the appointment of a new division head in early January, following a recent change in administration of the public transit division.

In addition, the City intends to increase hours of operation to 24/7, providing an enhanced service to the community for citizens who work overnight and connecting communities in all counties of our MSA. This expanded public transportation service choice would service additional LIDAC areas in the MSA with a population of over 11,000 citizens.

While the impact of GHG reduction or equity benefits is measurable, pursuing policies that accelerate charging infrastructure development is one of the most impactful first steps needed to uptake EVs across all vehicle classes. The City of Fort Smith will put forth efforts to reduce the barriers in creating a robust infrastructure network that is foundational for all citizens and businesses, ultimately leading to transportation electrification across the entire MSA. Additionally, it will enable consumer confidence and support public and private sector fleet transition to EVs.

A municipality can accelerate electric vehicle adoption by establishing a comprehensive plan to increase the availability of charging infrastructure or electric vehicle supply equipment (EVSE). Local government agencies should develop charging infrastructure plans with charging locations optimized to address all vehicle types and population segments. The City plans to provide a public EV Charging infrastructure that will positively impact LIDAC areas and further encourage all citizens to purchase EV vehicles in the near future. Planning for and building out a network of charging infrastructure is critical for a just and equitable transition to transportation electrification. Equitable charging means ensuring EV charging infrastructure is installed in a way that addresses a spectrum of needs. Examples include planning for, requiring, and/or

# Measure One



## Public Clean Transportation Refinements & Choices (continued)

installing charging infrastructure at workplaces and businesses, in the public right-of-way, at multi-unit dwellings, and across neighborhoods. The City plans to work with local business leaders and the public to begin planning the City EV charging infrastructure.

In 2022 and 2023, the City of Fort Smith enacted projects and programs to enhance complete and green streets. In 2023, the Streets and Traffic Control Department proposed 2.72 miles of new sidewalk construction and 0.95 miles of sidewalk repairs. In 2022, the City enacted the Slow Streets Project and Ride4Smilies Bike Share.

The City intends to expand the Ride4Smilies Bike Share Program but lacks the funding to facilitate infrastructure upgrades that allow safe and extended means for EV Bike transportation. The planned expansion of this program would positively impact over 20,000 citizens within the City based on Census tracts that are overburdened and underserved areas. It has the added benefit of transportation choice, reducing the need for low-cost vehicle purchases with high GHG emissions. During our public and stakeholder outreach period, over 50% of public input strongly recommended the City enhance and enrich the Complete and Green Streets in our MSA with community connectivity.

The City of Fort Smith Traffic Control is continuously researching and installing the latest technology in traffic signal control and communications. The City is currently constructing a Traffic Management Center (TMC) to help monitor traffic patterns and analyze data that affect overall traffic flow. This TMC will allow access to real-time traffic data and adjust traffic signal timing more efficiently. This will result in fewer traffic delays throughout the City. Traffic Control also raises awareness of the City's pedestrian traffic with additional signage, crosswalks, and Rectangular Rapid Flashing Beacons (RRFBs).

Ongoing and upcoming Traffic Control improvements will help Fort Smith move closer to Vision Zero, the goal to achieve zero roadway fatalities and serious injuries by the year 2050. In addition, the City is seeking additional funding for Smart Intersections to reduce vehicle idling time and quick routes to decrease overall driving time.

# Measure One



## Public Clean Transportation Refinements & Choices (continued)

### **WORKFORCE NEEDS**

Climate adaptation is now a well-documented need in the transportation sector, and there are strong conceptual frameworks for the adaptation process. Since climate adaptation is an emerging field, the pathways for developing the skills and competencies for adaptation careers are not well established. The increased value placed on adaptation-related expertise by state departments of transportation and regional transportation agencies, as well as the emergence of new educational and training opportunities in climate adaptation available in higher education and professional organizations, indicates the potential for rapid growth in this area.

Engineering, design, and implementation services will be required if an implementation grant is pursued for one or more of the concepts listed. Additional staffing within the City will be required to maintain the expanded public services and to maintain newly implemented programs properly.

### **AUTHORITY TO IMPLEMENT**

In pursuing an implementation or planning grant to support this initiative, the City of Fort Smith is empowered to enact impactful measures through ordinance and/or resolution sanctioned by the City Board of Directors. This strategic approach, backed by substantial and accessible funding, ensures that the city exercises its authority effectively to bring about meaningful progress in implementing this measure. The program design prioritizes granting authority to the eligible municipality or coalition, empowering them to implement one or more components of this initiative directly.

Fort Smith City Administration has the capability and sanction to work with county representatives and tribal leaders in the MSA to implement measures within this plan. This approach ensures that the municipal body and collaborating MSA entities exercise authoritative control over the program.



# Measure One



## Public Clean Transportation Refinements & Choices (continued)

### **POTENTIAL FOR EMISSIONS REDUCTION**

Reducing reliance on private automobiles and encouraging public transportation options overall will reduce GHG emissions. Initial experience in US cities has shown that between 5%-25% of bike share trips replace a motor vehicle trip (either personal vehicle or taxi). Based on recent reporting, the City of Fort Smith Ride4Smilies bike share program, over 1,300 users took advantage of bikes (some of which were e-bikes) for 8,152 total miles since inception in May 2022. Based on the program survey, 36% of users indicated that bike trips replaced personal vehicle trips. Therefore, approximately 1,700 miles of personal vehicle trips are eliminated annually within the current program.

Electric buses have the advantage of not producing any pollutant emissions directly from their operation, and their emissions are entirely “upstream” related to the fuel production of electricity. National averages show significant GHG from public transit with .32 pounds CO<sub>2</sub> less per passenger mile than private auto. Expanding the public transit with EV buses will further decrease the GHG in the City of Fort Smith MSA including tribal areas.

Smart Intersections lessen carbon emissions by reducing the amount of time vehicles idle at red lights, a significant source of greenhouse emissions that generates up to 30 million tons of carbon dioxide each year, according to the U.S. Department of Energy.

# Measure Two



## Waste Management & Recycling

### **MEASURE SYNOPSIS**

Over the past 10-20 years, the City has prioritized waste management as a crucial strategy for environmental protection. Waste management plays a vital role in reducing pollution, preserving resources, and safeguarding ecosystems. As the City of Fort Smith continues to expand, there is a growing demand for landfill and recycling services to accommodate the public and sustain a green initiative in the MSA.

This proposed measure includes the following concepts:

- City-owned and operated Materials Recovery Facility
- Expanded recycling and vegetative composting
- Upgrades and expansion of Biomass Gasification

### **MEASURE RATIONALE**

The City of Fort Smith Department of Solid Waste Services' landfill is a regional landfill that accepts debris from select counties in Arkansas and Oklahoma. Every year, on average, the landfill accepts 240,000 tons for disposal in an environmentally friendly manner.

The City of Fort Smith Landfill accepts debris from the following counties:

Arkansas: Sebastian, Crawford, Franklin, Logan, Scott, and Washington

Oklahoma: LeFlore and Sequoyah

The municipality also offers a comprehensive recycling program, encompassing pickup services for a wide array of recyclable items and drop-off services tailored for E-Waste, White Goods, and Glass. Fort Smith's strategic vision extends to establishing and managing a municipally operated Materials Recovery Facility (MRF). Under City administration, this facility would play a pivotal role in the meticulous sorting, separating, and storing of plastics, thereby facilitating the integration of new recyclable products and materials into an expanded recycling initiative. The implementation of the MRF is

# Measure Two



## Waste Management & Recycling (continued)

poised to optimize resource utilization, mitigate emissions, and concurrently stimulate job creation and economic prosperity across the MSA. The operational processes within the City MRF are anticipated to yield substantial improvements in recycling rates, particularly through the efficient segregation of plastics from the heterogeneous waste stream, mitigating contaminants and diverting a noteworthy volume of plastics from landfill disposal. Furthermore, adopting recycling practices within the city-operated MRF is anticipated to curtail greenhouse gas emissions linked to producing specific materials, specifically virgin polymer.

The City of Fort Smith recently solidified an agreement, by Board of Directors approved Resolution, with Sloan Vazquez McAfee (SVM) for waste management consulting services to complete a strategic master planning document for the Solid Waste Services. This agreement will provide a waste composition study that will provide the material makeup of the recycling program to assist in the feasibility study and development plan of a MRF and/or future RFPs for recyclable processing. It will include a rate study for refuse collection for two different models: pay-as-you-throw versus the all-inclusive current system. SVM will work with SCS engineers to ensure landfill rates are inclusive of the findings. SVM will also develop a departmental 20-year strategic plan that creates a roadmap for the Department's operations; this differs from SCS's plan in that SCS provides a site planning strategic document.

The City collects landfill gases (LFG) and then turns the biogas into a renewable fuel, compressed natural gas (CNG) fuel. The LFG is made up of roughly 50% methane and 50% carbon dioxide, but there are trace amounts of water, nitrogen, oxygen, and hydrogen. The methane is collected and treated for pipeline injection while excess gas is flared or burned. The City's partnership with Morrow Renewables generates approximately \$1 million in annual revenue that the City uses to sustain the landfill operations, fund future expansion, and replace associated equipment.

The City intends to upgrade, improve, and expand the current Biomass Gasification process. The expansion will ensure the City can continue its efforts on methane capture at the landfill as the City continues to grow.

# Measure Two



## Waste Management & Recycling (continued)

### **WORKFORCE NEEDS**

The measure for expanded waste management and recycling will require multiple skillsets and specializations to operate a City-owned MRF. It will require engineering, design, procurement, and construction services to bring a fully operational MRF to the City of Fort Smith Landfill. The opportunities for an expanded workforce will benefit the River Valley, providing diverse jobs within waste management.

### **AUTHORITY TO IMPLEMENT**

Financial viability is a critical challenge for a City owned and operated MRF. Establishing and operating the facility involves high initial investment and upfront costs for infrastructure development and equipment installation. Moreover, the operational costs of running an MRF can also be influenced by various factors such as maintenance costs for machinery used, labor expenses, energy consumption, etc. These expenses can be substantial, and if not managed efficiently, they can impact the facility's financial viability and performance.

In pursuing an implementation or planning grant to support this initiative, the City of Fort Smith is empowered to enact impactful measures through ordinance and/or resolution sanctioned by the City Board of Directors. This strategic approach, backed by substantial and accessible funding, ensures that the city exercises its authority effectively to bring about meaningful progress in implementing this measure. The program design prioritizes granting authority to the eligible municipality or coalition, empowering them to implement one or more components of this initiative directly.

Fort Smith City Administration has the capability and sanction to work with county representatives and tribal leaders in the MSA to implement measures within this plan. This approach ensures that the municipal body and collaborating MSA entities exercise authoritative control over the program.



# Measure Two



## Waste Management & Recycling (continued)

### **POTENTIAL FOR EMISSIONS REDUCTION**

Municipal Solid Waste (MSW) poses a notable environmental concern due to its predominantly degradable composition, leading to a substantial increase in GHG emissions. The presence of readily biodegradable organics in MSW significantly contributes to the release of GHG. Notably, municipal solid waste landfills stand as the third-largest source of human-related methane emissions in the U.S., accounting for approximately 14% of methane emissions in 2021. Of particular concern is the substantial contribution of wasted food, responsible for a staggering 58% of landfill methane emissions.

To address this environmental challenge, the City of Fort Smith is strategically positioned to make a significant impact by implementing a City-operated Material Recovery Facility (MRF) and a robust Composting Program. These initiatives hold immense potential for removing greenhouse gases within the River Valley region. By diverting organic waste away from landfills and into composting programs, the City aims to curtail the release of methane and other GHG associated with decomposing organic matter. Additionally, a well-operated MRF can enhance recycling efficiency, further reducing the overall environmental footprint of MSW.

This comprehensive approach aligns with the city's commitment to environmental sustainability and positions Fort Smith as a proactive contributor to reducing GHG emissions. Through the effective management of MSW, the City addresses immediate environmental concerns and sets the stage for a greener and more sustainable future in the River Valley.

# Measure Three



## Carbon Removal Measures

### **MEASURE SYNOPSIS**

Reducing emissions that result from local government activities is critical to meeting state and federal obligations for reducing greenhouse gases. In the short to medium term, there will still be some emissions that are very challenging to reduce or avoid. The City of Fort Smith proposes concepts and initiatives in this measure to face and overcome these challenges and produce better results for long-term outcomes.

Proposed concepts and initiatives for this measure:

- Watershed management expansion
- Land conservation easements
- Expanded trail system
- Dam Hydroelectric Power upgrades and expansion
- Port operation enhancements for energy efficiency

### **MEASURE RATIONALE**

The Water Utilities Department's Environmental Quality program comprises three distinct sections: Analytical Laboratory, Environmental Monitoring, and Watershed Management. The Watershed Management division, a cornerstone since its integration, is tasked with the strategic oversight of critical watershed areas, aligning with municipal priorities to safeguard water resources and maintain ecological balance. This tripartite structure underscores the department's municipal commitment to environmental stewardship and the delivery of high-quality water services to our community.

Established in 1987, the Environmental Quality program stands as a cornerstone in our commitment to safeguarding public health and the environment through the application of environmental forensic practices. At its inception, the program's primary objective was to guarantee adherence to environmental regulations, conduct responsible environmental management, and advocate for these principles among our citizens. Over the years, the program has evolved to encompass critical facets such as Watershed Management and Environmental Monitoring. The Watershed Management section, initiated in 1990 in

# Measure Three



## Carbon Removal Measures (continued)

tandem with the Lee Creek Project, holds responsibility for overseeing the Lee Creek Watershed and the Frog Bayou Watershed. This program, rooted in environmental stewardship, continues to play a pivotal role in upholding the highest standards of environmental quality and ensuring the well-being of our community.

The City of Fort Smith remains dedicated to enhancing the quality of life for its residents by prioritizing initiatives that preserve the environment and contribute to the overall well-being of the community. The ongoing efforts to acquire land easements for watershed management around River Valley water sources are integral to this commitment. Expanding the Watershed Management Program is envisioned not just as a conservation measure but as an investment in the long-term protection of water sources, ensuring a sustainable and high-quality water supply for current and future generations. By safeguarding these areas, the City aims to create an environment where residents can enjoy clean water resources, fostering a healthier and more vibrant community.

Recognizing the direct impact of land conservation on residents' quality of life, the City Administration places a significant focus on land conservation easements. The fact that this initiative ranked as the top priority in public surveys and engagements underscores the alignment of community values with the preservation of natural areas. These easements play a vital role in protecting woodlands and other natural landscapes, contributing to the overall aesthetic appeal of the region and providing residents with access to green spaces for recreation and relaxation.

Moreover, the emphasis on avoiding excess greenhouse gas emissions associated with low-density residential development through land conservation aligns with the City's commitment to environmental sustainability. By prioritizing smart growth and limiting the conversion of farmland and woodlands to low-density residential use, the City aims to create a more energy-efficient and ecologically balanced urban environment. This holistic approach contributes to a higher quality of life for residents and positions Fort Smith as a community that values sustainability, resilience, and the well-being of its citizens.

# Measure Three



## Carbon Removal Measures (continued)

The Fort Smith Parks & Recreation Department developed a trails and greenway master plan to facilitate the construction of as many trails and greenways in Fort Smith as possible. There are currently 21 miles of paved trails within the City of Fort Smith. The City intends to continue its efforts to provide additional trails within the City, as well as trails that connect to surrounding counties. Greenways protect important habitats and provide corridors for people and wildlife. They also help improve air and water quality. For example, communities with trails provide enjoyable and safe transportation options, reducing air pollution.

The Lee Creek water treatment plant is equipped with a hydro generator that can produce up to 1500 kW of electricity. Repairs and expansion costs have increased, and funding can be difficult for the municipality to allocate for operation. Hydropower provides benefits beyond electricity generation by providing flood control, irrigation support, and clean drinking water. Hydropower is affordable. Hydropower provides low-cost electricity and durability over time compared to other energy sources. The City is inclined to further research the benefits, cost, and expansion at Lee Creek with the addition of Lake Fort Smith.

The Port of Fort Smith is located at the confluence of the Poteau and Arkansas Rivers. The Port of Fort Smith is a 28-acre facility with access to rivers (Poteau and Arkansas), roads (Interstates 40 and 540 and highways 71 and 64), and rail (UP, BNSF, and KCS). The predominant cargo handled at the Port is steel, including coiled plate, coiled wire rod, and bars. To reach efficient, sustainable, and coordinated port performance the practitioner and local governments need to dedicate resources and funding for upgrades.

The City intends to collaborate with the Port Authority and Five Rivers Distributions to prioritize energy efficiency measures and sustainable practices for potential port upgrades and expansion initiatives. Recognizing the inherent efficiency of maritime transportation, the focus is on maximizing the potential of barge transport, which can significantly outperform traditional truck-based logistics. A single barge has the capacity to transport volumes equivalent to approximately 60 trucks, depending on the nature of the

# Measure Three



## Carbon Removal Measures (continued)

cargo. This transition aligns with the City's commitment to energy-efficient and environmentally conscious operations.

The envisioned clean energy transformation of the Port of Fort Smith involves upgrading operational machinery to incorporate state-of-the-art technologies that enhance energy efficiency. Furthermore, implementing small-grade port shore power represents a tangible step towards achieving additional energy gains. This initiative promotes sustainable practices and contributes to the reduction of carbon emissions associated with port operations.

Beyond the environmental benefits, these enhancements to the port infrastructure are anticipated to yield significant economic advantages. Job creation is a direct outcome, as implementing energy-efficient technologies and expanding distribution capabilities will require skilled and diverse personnel. Moreover, the increased efficiency in distribution and transportation is expected to stimulate commerce in the River Valley region, fostering economic growth and prosperity. The commitment to energy efficiency positions the City as an environmental steward and a driver of sustainable economic development in the local community.

### **WORKFORCE NEEDS**

In the existing workforce structure of the City, there are designated roles such as Land Acquisition, Project Management, and Environmental positions, which can be strategically leveraged to support carbon removal initiatives if the necessary funding and opportunities are made available. These specialized positions are crucial in coordinating and executing measures aimed at carbon removal, aligning with the City's commitment to environmental sustainability.

Additionally, the successful implementation of carbon removal measures may necessitate the engagement of consulting services and other contractual arrangements, particularly in areas like port and hydro-electrical infrastructure. These external services would bring expertise and efficiency to the



# Measure Three



## Carbon Removal Measures (continued)

implementation process, ensuring that the measures are environmentally effective and economically viable. As these carbon removal efforts progress, a positive byproduct will be the creation of diverse job opportunities. Establishing and maintaining carbon removal infrastructure, including ports and hydro-electrical measures, will give rise to a range of employment opportunities spanning various skill sets.

This infusion of new jobs into the local economy has the potential to significantly benefit the job market in the River Valley region. The diversified employment landscape resulting from these carbon removal initiatives can contribute to economic growth and resilience, fostering a more sustainable and prosperous future for the community.

### **AUTHORITY TO IMPLEMENT**

In pursuing an implementation or planning grant to support this initiative, the City of Fort Smith is empowered to enact impactful measures through ordinance and/or resolution sanctioned by the City Board of Directors. This strategic approach, backed by substantial and accessible funding, ensures that the city exercises its authority effectively to bring about meaningful progress in implementing this measure. The program design prioritizes granting authority to the eligible municipality or coalition, empowering them to implement one or more components of this initiative directly.

Fort Smith City Administration has the capability and sanction to work with county representatives and tribal leaders in the MSA to implement measures within this plan. This approach ensures that the municipal body and collaborating MSA entities exercise authoritative control over the program.

### **POTENTIAL FOR EMISSIONS REDUCTION**

The concepts encompassed within this measure are strategically designed to yield immediate and long-term reductions in greenhouse gas emissions. One key facet involves preserving natural-based areas, which serves a dual purpose. Firstly, these preserved areas act as carbon sinks, effectively

# Measure Three



## Carbon Removal Measures (continued)

sequestering carbon dioxide from the atmosphere and contributing to the reduction of overall greenhouse gas emissions. Secondly, by championing the conservation of natural spaces, the community is enhancing its environmental resilience and encouraging collective efforts toward sustained emission reduction. This approach goes beyond a singular focus on emissions, extending to the broader goal of cultivating a community that values and prioritizes environmental stewardship. As a result, the intersection of greenhouse gas reduction strategies and the preservation of natural areas fosters a higher quality of life for residents, creating a healthier and more sustainable living environment in Fort Smith.

# Measure Four



## Solar & Net-Zero Buildings

### **MEASURE SYNOPSIS**

In 2021, the City of Fort Smith initiated efforts for municipal net-zero buildings. This included an Energy Benchmark Study on City facilities and an Energy Master Plan adopted by the City Board of Directors in 2023. Net-zero-carbon buildings are more efficient, cheaper to run, and increase resilience to extreme weather events and the reliability of electricity supply in cities with unreliable or overloaded power grids. In addition, a municipal focus on net-zero building and introducing solar could encourage and incentivize residential and commercial solar and energy efficiency.

The building sector measure would include:

- Large scale City solar plant
- Upgrade Municipal facilities for energy efficiency
- Low Income Solar & Weatherization Programs
- City Parks and Parking Lot Solar Awnings/Canopies

### **MEASURE RATIONALE**

The City of Fort Smith is presently working to bring a solar plant to the River Valley region. Large, off-site projects tend to offer scale and help make a measurable difference toward locally defined renewable energy goals. Decreased emissions and cleaner air are the main goals for a City solar plant, but this local solar project endeavor is to achieve broader community benefits and align with other priorities. These include saving money, creating local jobs, expanding renewable access to low-income residents, and advancing local resilience.

The City Energy Master Plan was executed to significantly reduce cost and improve energy efficiency in municipal facilities. Energy costs are an enormous expense for our municipality and are a large line item in the City budget. In addition, our facilities are significant contributors to the MSA carbon footprint, especially the water and wastewater treatment plants, convention center, and Parrot Island Water Park. The plan outlines goals to improve the City's focus on energy efficiency, reduce energy expenditures, boost the local economy (through upgrade projects), and enhance community relations.

# Measure Four



## Solar & Net-Zero Buildings (continued)

The City of Fort Smith is actively working with OG&E and CLEAResult to implement our master plan through the SAGE Program. The program provides technical and financial assistance for efficiency upgrades. Whether the City retrofits an existing building or incorporates energy efficiency technologies into new construction, the program will identify and implement cost-effective projects that allow the City to use energy more efficiently. The program offers incentive-based credits based on energy efficiency grades. Still, these funds can be limited and small, making it difficult to afford needed upgrades and replacements to meet our efficiency goals. The main goal within the master plan is to reduce energy use by 10% by the end of 2026.

In addition to the Energy Master Plan and SAGE Program, the City is actively seeking resources and planning ventures for all facilities to reach net-zero and powered by solar energy. Attention to operation and maintenance provides the most rapid means of reducing consumption and costs in most buildings. Once each facility is at a certain grade of efficiency, the City will work to provide solar at each site for net-zero goal achievement.

The City is currently working to draft a program that will provide funding, support, and/or incentives for solar power, winterization, and weatherization of residential homes for LIDAC areas within the MSA. Current federally funded programs, such as Solar for All, provide avenues for LIDAC homeowners to receive solar panels. It can be difficult for homeowners to apply and feel comfortable seeking support from these programs. The City intends to adopt a program that assists and ultimately provides residential solar and weatherization directly through the City or partnerships with reputable vendors and agencies.

Recent concepts and ideas have motivated the City to incorporate solar awnings and canopies at local parks and public recreational areas, along with adding solar awnings in public parking lots that host public events such as the local farmers market and annual festivals. These small solar projects will provide energy in our parks and public areas and encourage community adoption of future solar projects in the MSA.

# Measure Four



## Solar & Net-Zero Buildings (continued)

### **WORKFORCE NEEDS**

The City would require specialized consulting and planning services to properly plan and implement concepts and projects in this measure. Needs for this measure would be large and diverse. Partnerships with industry organizations and specialists will be crucial in providing valuable feedback and direction to ensure the apprenticeship process, mentor training, and end-to-end materials are as inclusive and equitable as possible.

This measure will create numerous green energy jobs and bring opportunities for local education programs within our schools and local university. Solar workforce research and development at the U.S. Department of Energy (DOE) Solar Energy Technologies Office (SETO) supports efforts to prepare and sustain this skilled and diverse clean energy workforce. Workforce development initiatives funded by SETO include online and in-person training and education programs, work-based learning opportunities such as internships and apprenticeships, collegiate competitions, certification programs, and support services such as career counseling, mentorship, and job readiness. These programs and services, along with others, will be utilized to support the City's Solar & Net-Zero Buildings initiative.

### **AUTHORITY TO IMPLEMENT**

In pursuing an implementation or planning grant to support this initiative, the City of Fort Smith is empowered to enact impactful measures through ordinance and/or resolution sanctioned by the City Board of Directors. This strategic approach, backed by substantial and accessible funding, ensures that the city exercises its authority effectively to bring about meaningful progress in implementing this measure. The program design prioritizes granting authority to the eligible municipality or coalition, empowering them to implement one or more components of this initiative directly.

Fort Smith City Administration has the capability and sanction to work with county representatives and tribal leaders in the MSA to implement measures within this plan. This approach ensures that the municipal body and collaborating MSA entities exercise authoritative control over the program.



# Measure Four



## Solar & Net-Zero Buildings (continued)

### **POTENTIAL FOR EMISSIONS REDUCTION**

A municipality embarking on initiatives related to solar and net-zero buildings is poised to significantly reduce greenhouse gas emissions, marking a pivotal step towards environmental sustainability. Integrating solar energy systems into municipal infrastructure directly contributes to reducing reliance on conventional, fossil-fuel-based power sources. This shift towards renewable energy inherently curtails carbon emissions associated with traditional energy production. Simultaneously, pursuing net-zero buildings, characterized by energy-efficient design and sustainable practices, ensures minimal energy consumption and waste generation. The combined impact of solar adoption and net-zero building strategies results in a substantial decrease in the municipality's overall carbon footprint. By actively investing in and promoting these initiatives, the municipality embraces cleaner and greener energy solutions and becomes a proactive contributor to the global effort to mitigate climate change and enhance environmental quality.

The Solar for All initiative, as outlined in the Federal Program, emphasizes the role of solar energy in significantly curbing greenhouse gas emissions and mitigating air pollutants. Of particular relevance to municipal considerations, the program is dedicated to delivering the advantages of greenhouse gas and air pollution reduction projects to American communities, with specifically focusing on low-income and disadvantaged communities. The municipal perspective aligns seamlessly with the priority action plan measures outlined in the CPRG NOFO and other IRA grants. In pursuit of the goal of Solar & Net-Zero Buildings and a concerted effort to diminish the carbon footprint throughout the Fort Smith MSA, the City is proactively seeking competitive grant funding and alternative financial resources to advance these environmentally impactful objectives.

# Measure Five



## Education & Workforce

### **MEASURE SYNOPSIS**

The Municipal Education & Workforce initiative focuses on fostering knowledge and skill development in the areas of green energy, low-income solar, and weatherization. Through targeted educational programs, the initiative aims to empower individuals with the expertise needed to actively participate in the burgeoning green energy sector. Specifically designed to be inclusive, the program emphasizes low-income solar solutions, ensuring equitable access to renewable energy resources. Additionally, the initiative provides comprehensive training in weatherization techniques, equipping participants with the know-how to enhance energy efficiency in homes and buildings. By addressing educational and workforce needs, this initiative strives to create a skilled and diverse workforce capable of driving sustainable practices and positively impacting the community's environmental and economic resilience.

The City Education & Workforce measure initiatives are as follows;

- Partner with Peak Innovation Center and UAFS for education
- Offer apprenticeships and internships for workforce development
- Conduct public education events for LIDAC

### **MEASURE RATIONALE**

The City of Fort Smith is embarking on a transformative collaboration with the University of Fort Smith, PEAK Innovation, and Fort Smith Public Schools to spearhead initiatives in energy efficiency, green energy adoption, carbon emission reductions, and education in the field of sustainable energy. This pioneering partnership seeks to leverage the collective expertise of these institutions, pooling resources to implement innovative programs that advance environmental sustainability. The University of Fort Smith will play a crucial role in providing cutting-edge research and academic insight, while PEAK Innovation will contribute technological expertise and incubate sustainable energy solutions. Simultaneously, Fort Smith Public Schools will facilitate educational initiatives, fostering a curriculum that prepares the next generation for careers in sustainable energy. Through this concerted effort, the collaboration aims to

# Measure Five



## Education & Workforce (continued)

make Fort Smith a regional leader in sustainable practices and create a robust foundation for job education, ensuring the community's active participation in building a greener and more resilient future.

The City of Fort Smith is committed to fostering workforce development and skill-building within the community by introducing comprehensive apprenticeship and internship programs aligned with the Priority Action Plan. These initiatives will provide invaluable hands-on experience and training opportunities for individuals seeking to engage with each measure outlined in the plan, from energy efficiency and green energy initiatives to carbon emission reduction strategies. By offering apprenticeships and internships, the City aims to cultivate a skilled workforce equipped with the practical knowledge and expertise necessary to contribute actively to the successful implementation of the Priority Action Plan. This proactive approach not only supports individual career growth but also bolsters the overall capacity of the community to address pressing challenges and drive sustainable change.

The City of Fort Smith, in collaboration with the Arkansas Advanced Energy Foundation, is poised to launch a comprehensive initiative to enhance public education and workforce development within our community and schools. This strategic partnership will facilitate the implementation of educational programs focusing on advanced energy, covering topics such as energy efficiency, renewable resources, and sustainable practices. Through workshops, seminars, and community outreach, the initiative seeks to raise awareness and impart essential knowledge about advanced energy solutions. Moreover, with a dedicated focus on schools, the program aims to integrate advanced energy education into the curriculum, ensuring that students are well-versed in the principles of sustainable energy from an early age. By empowering the public and future workforce with a deep understanding of advanced energy, this collaborative effort aims to fortify Fort Smith's position as a hub for innovation and environmentally conscious practices.

# Measure Five



## Education & Workforce (continued)

### **WORKFORCE NEEDS**

Initiating an energy efficiency education and workforce program within a municipality necessitates a thoughtful consideration of workforce needs to ensure its success. This comprehensive program requires skilled professionals in various domains, including energy management, green technologies, and sustainable practices. Trained educators are imperative to impart knowledge and expertise, while specialists in energy efficiency auditing and implementation play a crucial role in executing practical measures.

Workforce development initiatives should encompass training for technicians capable of installing and maintaining energy-efficient systems, and professionals adept at conducting energy assessments and providing tailored solutions. Furthermore, outreach coordinators and community engagement specialists are vital for connecting with residents and local businesses, fostering understanding, and encouraging participation. By addressing these multifaceted workforce needs, a municipality can lay the groundwork for a successful energy efficiency program that enhances sustainability and cultivates a skilled and empowered workforce capable of driving positive change within the community.

### **AUTHORITY TO IMPLEMENT**

In pursuing an implementation or planning grant to support this initiative, the City of Fort Smith is empowered to enact impactful measures through ordinance and/or resolution sanctioned by the City Board of Directors. This strategic approach, backed by substantial and accessible funding, ensures that the city exercises its authority effectively to bring about meaningful progress in implementing this measure. The program design prioritizes granting authority to the eligible municipality or coalition, empowering them to directly implement one or more components of this initiative.

Fort Smith City Administration has the capability and sanction to work with county representatives and tribal leaders in the MSA to implement measures within this plan. This approach ensures that the municipal body and collaborating MSA entities exercise authoritative control over the program.

# Measure Five



## Education & Workforce

### **POTENTIAL FOR EMISSIONS REDUCTION**

Public education holds immense potential for emissions reduction within our community by fostering awareness, instilling eco-conscious practices, and inspiring collective action. Through targeted educational campaigns and initiatives, residents can gain a deeper understanding of the environmental impact of their daily choices. This heightened awareness often translates into more sustainable behaviors, such as energy conservation, waste reduction, and adopting eco-friendly practices.

By equipping individuals with the knowledge to make informed decisions, public education becomes a catalyst for positive change, influencing a widespread shift towards lower-emission lifestyles. Moreover, informed citizens are more likely to support and advocate for community-wide initiatives, policies, and investments prioritizing emissions reduction, creating a ripple effect that extends beyond individual actions.

In essence, public education becomes a potent tool in shaping a community culture that values sustainability and actively contributes to mitigating the overall environmental footprint.



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February 29, 2024

Environmental Protection Agency  
Office of Air and Radiation, 6101A  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

RE: Letter of Intent to sign the Arkansas Tri-Region Coalition's Memorandum of Agreement (MOA)

Dear Office of Air and Radiation:

This letter is intended to express the City of Fort Smith intent to enter into a Memorandum of Agreement (MOA) with Metroplan to participate as a coalition member in the Arkansas Tri-Region Coalition's Climate Pollution Reduction Grant (CPRG) implementation application. The City of Fort Smith fully supports the greenhouse gas reduction actions outlined in the application and will provide critical leadership needed to implement the measures in northwest Arkansas.

The City of Fort Smith is committed to leading initiatives aimed at promoting green energy, fostering community partnerships, and implementing measures to address climate improvement in the River Valley Region. Recognizing the importance of environmental sustainability and the role cities play in mitigating climate change, Fort Smith is dedicated to spearheading efforts that prioritize renewable energy sources and projects that will reduce carbon emissions and enhance energy efficiency. Additionally, the City aims to collaborate with local businesses, organizations, and residents to develop innovative solutions and initiatives that promote sustainability and resilience within the community. By championing these efforts, Fort Smith seeks to create a cleaner, healthier, and more vibrant environment for its residents while contributing to broader regional and global climate action goals.

The City of Fort Smith focus measures are as follows:

- Electric Power Sector
- Transportation Sector
- Carbon Removal Measures
- Workforce Development

The City of Fort Smith is forging strategic partnerships with key stakeholders, including the Western Arkansas Planning & Development District (WAPDD), Peak Innovation, University of Arkansas Fort Smith, Citizens Climate Lobby, Arkansas Advanced Energy Foundation, and the Choctaw Nation, to spearhead comprehensive measures aimed at reducing climate pollution. These collaborative efforts encompass a wide range of initiatives, including the expansion of transit systems, implementation of electric vehicle charging infrastructure, integration of solar panels and weatherization measures into public housing facilities, rehabilitation of complete streets to enhance pedestrian and cyclist safety, and workforce development programs geared towards promoting sustainable practices. By leveraging



the expertise and resources of these esteemed partners, Fort Smith is poised to make significant strides towards creating a more resilient and environmentally-friendly community for all residents. In its role as coalition member, the City of Fort Smith will fulfill the following roles and responsibilities, in addition to any other actions needed to ensure the success of the Arkansas Tri-Region Coalition's CPRG program:

- Complying with subrecipient requirements under EPA's Subaward Policy
- Issuing subawards to local government agencies in the Fort Smith, AR MSA
- Overseeing local government subrecipients, and/or contractors and vendors
- Tracking and reporting to Metroplan on project progress on expenditures and purchases in the City of Fort Smith
- Tracking, measuring, and reporting to Metroplan on accomplishments and proposed timelines and milestones in the City of Fort Smith
- Community and stakeholder outreach and education in the City of Fort Smith

Thank you for considering our letter of intent. Together with the Central Arkansas and Northwest Arkansas MSAs, we are eager to begin the projects outlined in our joint application to reduce greenhouse gas emissions, improve air quality, and provide energy and transportation cost savings to our state and local communities.

Sincerely,



Carl E. Geffken  
City Administrator



**CLIMATE POLLUTION REDUCTION GRANT PROGRAM:  
IMPLEMENTATION GRANT COALITION**

MEMORANDUM OF AGREEMENT  
AMONG  
METROPLAN,  
NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION,  
AND  
CITY OF FORT SMITH

**AGREEMENT NUMBER:** 1

**FEDERAL OPPORTUNITY NUMBER:** EPA-R-OAR-CPRGI-23-07

**CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER AND NAME:**  
66.046 - Climate Pollution Reduction Grants

**AGREEMENT:** This Memorandum of Agreement (MOA) is entered into among Metroplan, the Northwest Arkansas Regional Planning Commission, and the City of Fort Smith (hereinafter referred to collectively as “the coalition”).

The purpose of this MOA is to establish agreed upon roles, responsibilities, and commitments among the signatories toward implementation of the following greenhouse gas (GHG) measures if awarded funding under the United States Environmental Protection Agency (EPA) Climate Pollution Reduction Grants (CPRG) Program, Implementation Grants General Competition:

**1. Green Networks**

The coalition proposes to implement projects that sequester carbon and reduce transportation emissions by protecting and restoring natural infrastructure cores and corridors and increasing access to active transportation and transit. The measure focuses on connecting low-income and disadvantaged communities (LIDACs) to jobs, education, and essential services through safe and convenient access to bicycle-pedestrian facilities, e-bike rebates, and natural places.

**2. Transportation Efficiency**

The coalition proposes to incentivize conversion of streetlights to more efficient LED technologies, transition of public fleet vehicles to all-electric equivalents, and deployment of public and fleet electric vehicle charging. This measure focuses on



reducing fossil-fuel energy use from the transportation system and ensuring equitable access to incentivized infrastructure.

### 3. Building Efficiency

The coalition proposes to pilot innovative funding solutions to reduce energy consumption in buildings by establishing a revolving, low-interest loan fund for small and medium Commercial Property Assessed Clean Energy (CPACE) projects in LIDAC communities and providing small grants to reduce barriers to taking advantage of the state's Energy Savings Performance Contracting (ESPC) laws. The coalition proposes to directly fund the construction of a geothermal facility at the Little Rock National Airport and an 850kW DC solar array at a public housing facility in Fort Smith.

The tri-regional coalition will create efficiencies for project implementation, with the three coalition partners working with similar partners towards implementation of awarded measures. This partnership ensures a cohesive approach to reducing greenhouse gas emissions in regions representing half the state's population.

Metroplan will act as a pass-through entity for the purposes of disbursing funding for project implementation and/or administrative costs to coalition members and/or their subrecipients. The Northwest Arkansas Regional Planning Commission and City of Fort Smith will act as subrecipients to support Metroplan in overarching implementation and reporting activities and to perform jurisdiction-specific outreach, tracking, measuring, and reporting. Table 1 further delineates roles and responsibilities within the coalition.

**Table 1. Roles and Responsibilities**

| Entity   | Roles and Responsibilities   |
|--|--|
| <p><b>Metroplan<br/>(Central AR)</b></p> <p><i>Measures to be implemented in Central Arkansas region:</i></p> <ul style="list-style-type: none"> <li>• <i>Green Networks</i></li> <li>• <i>Transportation</i></li> </ul> | <ul style="list-style-type: none"> <li>• Issuing subawards to coalition partners and eligible local government and nonprofit agencies in accordance with <a href="#">EPA's Subaward Policy</a></li> <li>• Overseeing subrecipients, and/or contractors and vendors</li> <li>• Tracking and reporting on project progress on expenditures and purchases</li> <li>• Tracking, measuring, and reporting accomplishments on proposed timelines and milestones</li> <li>• Submitting semi-annual progress reports on grant</li> </ul> |



|  |  |
|--|--|
| <p><i>Efficiency</i></p> <ul style="list-style-type: none"> <li>• <i>Building Efficiency</i></li> </ul>  | <p>implementation and planned activities to EPA</p> <ul style="list-style-type: none"> <li>• Submitting detailed final report to EPA within 120 calendar days of the completion of the period of performance</li> <li>• Community and stakeholder outreach and education within Central AR</li> <li>• Hiring and managing regional Energy Ambassador and Grant Administrator</li> </ul>  |
| <p><b>Northwest Arkansas Regional Planning Commission (NWARPC)</b></p> <p><i>Measures to be implemented in Northwest Arkansas region:</i></p> <ul style="list-style-type: none"> <li>• <i>Green Networks</i></li> </ul>  | <ul style="list-style-type: none"> <li>• Assisting Northwest Arkansas subrecipients to:                     <ul style="list-style-type: none"> <li>○ comply with subrecipient requirements under <a href="#">EPA's Subaward Policy</a></li> <li>○ develop subaward agreements with Metroplan</li> <li>○ track and report to Metroplan on project progress and expenditures</li> </ul> </li> <li>• Tracking, measuring, and reporting to Metroplan on accomplishments and proposed timelines and milestones for projects and programs in Northwest Arkansas</li> <li>• Continuing community and stakeholder outreach and education in Northwest Arkansas</li> </ul>   |
| <p><b>City of Fort Smith (COFS)</b></p> <p><i>Measures to be implemented in Fort Smith region:</i></p> <ul style="list-style-type: none"> <li>• <i>Green Networks</i></li> <li>• <i>Transportation Efficiency</i></li> <li>• <i>Building Efficiency</i></li> </ul> | <ul style="list-style-type: none"> <li>• Complying with subrecipient requirements under <a href="#">EPA's Subaward Policy</a></li> <li>• Determining/managing subawards in the Fort Smith AR-OK MSA</li> <li>• Overseeing local subrecipients and/or contractors and vendors</li> <li>• Hiring and managing regional Energy Ambassador</li> <li>• Tracking and reporting to Metroplan on project progress on expenditures and purchases within the Fort Smith AR-OK MSA</li> <li>• Tracking, measuring, and reporting to Metroplan on accomplishments and proposed timelines and milestones within the Fort Smith AR-OK MSA</li> <li>• Community and stakeholder outreach and education within the Fort Smith AR-OK MSA</li> </ul> |

The \$99,999,999.00 grant amount has been allocated according to regional population. Metroplan will receive a \$48,444,493 allocation for use for staffing, pass-through grants, and subawards for project implementation, plus \$805,506 for

in-house grant administration for a total of \$49,249,999. Northwest Arkansas will receive a \$36,250,000 allocation, which will be subawarded to implementing governmental and nonprofit organizations in the region. The Fort Smith region will receive a \$14,500,000 allocation for staffing, subawards and direct project costs to the City of Fort Smith and nonprofit organizations. Table 2 details the funding allocation for each coalition partner.

**Table 2. Funding Allocation**

| <b>Entity</b>      | <b>Administrative Allocation</b> | <b>Subaward Allocation</b> | <b>Participant Support Allocation</b> | <b>Allocation Totals</b> |
|--------------------|----------------------------------|----------------------------|---------------------------------------|--------------------------|
| Metroplan          | \$1,449,978                      | \$13,805,021               | \$33,995,000                          | \$49,249,999             |
| NWARPC             | \$0                              | \$36,250,000               | \$0                                   | \$36,250,000             |
| City of Fort Smith | \$750,000                        | \$13,750,000               | \$0                                   | \$14,500,000             |
| <b>TOTAL AWARD</b> |                                  |                            |                                       | <b>\$99,999,999</b>      |

Note: NWARPC’s administrative costs will be paid by the agency’s own operations budget.

**METROPLAN**

By this agreement:

1. Metroplan agrees to fulfill the applicable roles and responsibilities outlined in Table 1.
2. Metroplan agrees to accept full responsibility for the performance of the coalition and will be accountable to EPA for effectively carrying out the full scope of work and the proper financial management of the grant.
3. Metroplan agrees to collaborate with coalition partners for the duration of the project. Contacts are as follows:

| <b>Staff Member</b> | <b>Title</b>            | <b>Phone</b> | <b>Email</b>             |
|---------------------|-------------------------|--------------|--------------------------|
| Casey Covington     | Executive Director      | 501-372-3300 | ccovington@metroplan.org |
| Bernadette Rhodes   | Senior Regional Planner | 501-372-3300 | brhodes@metroplan.org    |
| Tammy Gillis        | Accountant              | 501-372-3300 | tgillis@metroplan.org    |

**NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION**

By this agreement:

1. The Northwest Arkansas Regional Planning Commission agrees to fulfill the applicable roles and responsibilities outlined in Table 1.
2. The Northwest Arkansas Regional Planning Commission will be accountable to Metroplan for proper use of EPA funding and successful project implementation.
3. The Northwest Arkansas Regional Planning Commission agrees to collaborate with coalition partners for the duration of the project. Contacts are as follows:

| <b>Staff Member</b> | <b>Title</b>       | <b>Phone</b> | <b>Email</b>        |
|---------------------|--------------------|--------------|---------------------|
| Tim Conklin         | Executive Director | 479-751-7125 | tconklin@nwarpc.org |
| Nicole Gibbs        | Regional Planner   | 479-751-7125 | ngibbs@nwarpc.org   |

**CITY OF FORT SMITH**

By this agreement:

1. The City of Fort Smith agrees to fulfill the applicable roles and responsibilities outlined in Table 1.
2. The City of Fort Smith will be accountable to Metroplan for proper use of EPA funding and successful project implementation.
3. The City of Fort Smith agrees to collaborate with coalition partners for the duration of the project. Contacts are as follows:

| <b>Staff Member</b> | <b>Title</b>                               | <b>Phone</b> | <b>Email</b>               |
|---------------------|--|--------------|----------------------------|
| Carl Geffken        | City Administrator                         | 479-784-2201 | cgeffken@fortsmithar.gov   |
| Joshua Robertson    | Deputy Director of Business Administration | 479-494-3944 | jrobertson@fortsmithar.gov |

**TERMINATION:**

This MOA shall be effective upon signature by all parties and shall remain in effect until one hundred twenty (120) days after completion of the grant period defined in the assistance agreement of the CPRG implementation grant if awarded to the coalition. This MOA may be terminated if the coalition is not awarded an implementation grant under EPA's CPRG Program, General Competition.

**SEVERABILITY:**

If a coalition member fails to receive appropriations or is otherwise unable to perform the roles and responsibilities outlined in this MOA, the coalition member may provide 30-days' notice to Metroplan of their organization's exit from the agreement. The exiting coalition member must return any unspent subaward funds to the lead agency prior to termination of their participation in the agreement. Metroplan, in consultation with the other coalition members, will determine how to re-allocate unspent funds to ensure the full scope of work is carried out. The MOA shall remain in effect for all other parties.

**CERTIFICATION:**

The undersigned verify that they are authorized to sign this MOA on behalf of their organization and commit the organization to the agreed upon terms.

**SIGNED:**

*Casey R. Covington*                      **Date** Jul 23, 2024  
**Casey Covington, Executive Director**  
**Metroplan**

*Tim Conklin*                                      **Date** Jul 23, 2024  
**Tim Conklin, Executive Director**  
**Northwest Arkansas Regional**  
**Planning Commission**

*Carl E. Geffken*                                      **Date** Jul 23, 2024  
**Carl Geffken, City Administrator**  
**City of Fort Smith**