

Notice of Proposed Changes to the MAG By-Laws

At the September 15, 2014 MAG Executive Committee meeting, an item was heard regarding a new requirement under the federal transportation law, Moving Ahead for Progress in the 21st Century (MAP-21), requiring transit representation on the governing bodies of metropolitan planning organizations (MPO) such as MAG. Since that time, the U.S. Department of Transportation has received significant nationwide interest on this issue. On May 27, 2016, the Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning - Final Rule was posted in the Federal Register outlining the provisions for transit representation on MPO boards. 23 CFR 450.310 (d)(3) provides that a representative of a provider of public transportation may also serve as a representative of a local municipality subject to the by-laws or enabling statute of the MPO. In order to comply with the Final Rule, the MAG by-laws have been recommended to be amended to include a transit representative on the MAG Regional Council.

In addition to the transit representation amendment, a technical amendment to the by-laws has also been proposed for consideration. In the 1996 state legislative session, HB 2172 was passed. This legislation provided for ex-officio membership to the Citizens Transportation Oversight Committee (CTOC) on the MAG Regional Council. On September 25, 1996, the MAG Regional Council approved a change to the by-laws so that "the Chairman of the Citizens Transportation Oversight Committee shall have ex-officio membership in the corporation for matters relating to the regional freeway system only." With the passage of Proposition 400, the range of issue areas for CTOC has broadened beyond the freeway system to the larger Regional Transportation Plan. A technical amendment to the MAG by-laws has been requested for consideration to more accurately reflect the role of CTOC.

On Monday, September 19, 2016, the MAG Executive Committee recommended that the proposed amendments be approved by the MAG Regional Council and that the MAG By-Laws amendment process be initiated. On Wednesday, September 28, 2016, the MAG Regional Council approved the proposed amendments and initiated the By-Laws amendment process to provide for a transit representative to serve on the MAG Regional Council, which serves as the MPO board, and a technical amendment regarding the role of CTOC. Proposed amendments are to be posted for a minimum of 15 days for public consideration. Approval of the amendments will be considered at the October 26, 2016, MAG Regional Council meeting. Members of the public may provide comments to Nathan Pryor, MAG Government Relations Manager at (602) 254-6300 or npryor@azmag.gov.

Both of the proposed amendments would affect Article III, Section I of the By-Laws of the Maricopa Association of Governments.

The proposed amendments are in red font as follows:

ARTICLE III, MEMBERSHIP, Section I

A person shall not be eligible to be a member of this corporation unless he or she is a duly elected member of a governing body of a unit of local government located in Maricopa County, in the Pinal County Area, or in an urbanized area contiguous to Maricopa County, except that the two Arizona Department of Transportation board members for District I shall have ex-officio membership in the corporation for traffic and transportation matters only and the Chairman of the Citizens Transportation Oversight Committee shall have ex-officio membership in the corporation for matters relating to the ~~regional freeway system~~ Regional Transportation Plan only. An elected member of the governing body who also serves as a provider of public transportation shall also serve in the corporation as the representative of operators and providers of public transportation. If the central city provides the major investment in transit and is the designated recipient for transit, it shall serve as the elected member representing transit. If the central city no longer has the major investment in transit, or no longer desires to serve in this capacity, the Regional Council may select another elected member of the governing body that is a provider of public transit to serve as the representative of public transit operators. For the purposes of this section, a unit of local government is defined as a city or town located in Maricopa County or the Pinal County Area, in an urbanized area contiguous to Maricopa County, that portion of an Indian community located in Maricopa County, that portion of an Indian community located in the Pinal County Area that chooses to join MAG, and the Counties of Maricopa and Pinal. The unit of local government shall designate the person among its duly elected governing body that shall serve as a member of the corporation. Not more than (1) member of the governing body may represent any unit of local government at any time. The government of the corporation shall be vested in the membership and shall be collectively known as the "Regional Council."