MARICOPA ASSOCIATION of GOVERNMENTS

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September 17, 2014

TO: Members of the MAG Regional Council

FROM: Mayor Michael LeVault, Town of Youngtown, Chair

SUBJECT: **REVISED** MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Meeting - 11:30 a.m.
Wednesday, September 24, 2014
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

The next MAG Regional Council meeting will be held at the MAG offices at the time and place noted above. Members of the Regional Council may attend either in person, by videoconference or by telephone conference call. Members who wish to remove any items from the Consent Agenda are requested to contact the MAG office. Supporting information is enclosed for your review. The meeting will include a working lunch.

Please park in the garage underneath the building. Bring your ticket to the meeting, parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Valerie Day at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation. Assisted listening devices are available from MAG staff at the meeting. If you have any questions, please call the MAG Office.

c: MAG Management Committee

MAG REGIONAL COUNCIL
REVISED TENTATIVE AGENDA
September 24, 2014

	COMMITTEE ACTION REQUESTED
1. Call to Order	
2. Pledge of Allegiance	
3. Call to the Audience An opportunity will be provided to members of the public to address the Regional Council ON ITEMS THAT ARE NOT ON THE AGENDA THAT ARE WITHIN THE JURISDICTION OF MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.	3. Information.
4. Executive Director's Report The MAG Executive Director will provide a report to the Regional Council on activities of general interest.	4. Information.
5. Approval of Consent Agenda Council members may request that an item be removed from the consent agenda. Prior to action on the consent agenda, members of the audience will be provided an opportunity to comment on consent items. Consent items are marked with an asterisk (*).	5. Approval of the Consent Agenda.

ITEMS PROPOSED FOR CONSENT*

MINUTES

*5A. Approval of the August 27, 2014, Meeting Minutes	5A. Review and approval of the August 27, 2014, meeting minutes.

GENERAL ITEMS

*5B. Approval of Appointments of the MAG Economic Development Committee Business Member Positions

On August 21, 2013, the Regional Council approved changes to the MAG Committee Operating Policies and Procedures that included changes to the composition of the EDC by increasing the business members from 11 members to 12 members. The EDC business members serve a two-year term, with possible reappointment by recommendation of the Executive Committee and approval of the Regional Council. The EDC business member positions are up for appointment/reappointment. On August 7, 2014, a memorandum was sent to the EDC business members, soliciting letters of interest. On September 15, 2014, the MAG Executive Committee recommended approval of the EDC business member positions, not including one of the two transportation seats. Please refer to the enclosed material.

5B. Approval of the appointments of the Economic Development Committee (EDC) business member positions.

ITEMS PROPOSED TO BE HEARD

6. Coordinating to Save Lives: A Regional Response to Domestic Violence

Domestic violence calls are among the most frequent, dangerous, and costly calls law enforcement responds to throughout the region. The MAG Protocol Evaluation Project has coordinated a regional response to domestic violence through the criminal justice system since 2010. This saves lives, time, and resources. A new partnership with the Maricopa County Attorney's Office proposes to enhance the process to transfer domestic violence cases among Maricopa County and municipalities. Each year, cases are transferred between the County and municipalities when determining if the case will be tried as a felony by the County or by municipalities as a misdemeanor. Pending funding from the Governor's Office for Children, Youth, and Families through a Services, Training, Officers and Prosecution (STOP) grant, this project will

6. Approval of the 2014 resolution supporting October as Domestic Violence Awareness Month.

assess the process currently used to transfer domestic violence cases, identify challenges and gaps, and develop strategies to improve the process. All cities, towns, and Native American Communities are invited to partner on the project and to support events and a resolution supporting October as Domestic Violence Awareness Month. Please refer to the enclosed material.

7. Arizona Water Quality Management Plan and Streamlining of the 208 Water Quality Management Plan Process

The Arizona Department of Environmental Quality (ADEQ) is working to update the Arizona Water Quality Management Plan, which was completed in 1979. ADEQ is also proposing to streamline the 208 Water Quality Management Plan Process, which is conducted by five Councils of Governments (COGs) as well as Yuma, La Paz, and Mohave Counties. ADEQ has been streamlining various processes to issue permits faster. The 208 streamlining approach currently being considered by ADEQ would result in the issuance of permits for wastewater treatment facilities without first going through the MAG 208 Process and receiving Regional Council approval. This approach would jeopardize local control over the desired wastewater treatment configuration identified in the MAG 208 Water Quality Management Plan. On September 10, 2014, the proposed ADEQ 208 streamlining approach was presented to the MAG Management Committee. Several members expressed concern with the streamlining approach and provided comments in support of the current MAG 208 Process. The comments received will be conveyed to ADEQ. Please refer to the enclosed material.

7. Information and discussion.

8. Arizona Center for Law in the Public Interest Petition for Review of the EPA Approval of the MAG 2012 Five Percent Plan for PM-10

On August 20, 2014, the Environmental Protection Agency (EPA) notified MAG that the Arizona Center for Law in the Public Interest filed

8. Approval for MAG's Washington legal counsel to file a motion for MAG to intervene on behalf of the respondent in the lawsuit filed by the Arizona Center for Law in the Public Interest to challenge the EPA approval of the MAG 2012 Five Percent Plan for PM-10.

a petition for review of the EPA approval of the MAG 2012 Five Percent Plan for PM-10 in the U.S. Ninth Circuit Court of Appeals. According to the mediation questionnaire, the Center for Law in the Public Interest indicated that the most significant issue is the reliance upon the EPA Exceptional Events Rule to demonstrate attainment of the standard. The Center for Law in the Public Interest contends that the EPA concurrence in excluding the exceptional event exceedances is an abuse of discretion. The Center's opening brief is due on October 17, 2014, and the respondents' answering brief is due on November 17, 2014. On August 28, 2014, the Arizona Department of Environmental Quality filed a motion to intervene in the lawsuit on behalf of the respondent. The MAG Regional Council will be requested to approve MAG's Washington legal counsel to file a motion for MAG to intervene on behalf of the respondent in the lawsuit filed by the Arizona Center for Law in the Public Interest to challenge the EPA approval of the MAG 2012 Five Percent Plan for PM-10. Please refer to the enclosed material.

9. Legislative Update

An update will be provided on legislative issues of interest.

9. Information, discussion, and possible action.

10. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting will be requested.

10. Information.

11. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

11. Information.

Adjournment

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING

August 27, 2014
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Michael LeVault, Youngtown, Chair
Mayor W. J. "Jim" Lane, Scottsdale, Vice Chair
Vice Mayor Robin Barker, Apache Junction
Mayor Kenneth Weise, Avondale
Mayor Jackie Meck, Buckeye
Councilmember Mike Farrar, Carefree
Councilmember Reginald Monachino, Cave Creek
Mayor Jay Tibshraeny, Chandler
Mayor Lana Mook, El Mirage
* Mayor Tom Rankin, Florence
* President Ruben Balderas, Fort McDowell Yavapai Nation
Mayor Linda Kavanagh, Fountain Hills
Mayor Steven Holt, Gila Bend
* Governor Gregory Mendoza, Gila River Indian Community
Mayor John Lewis, Gilbert
Mayor Jerry Weiers, Glendale
Mayor Georgia Lord, Goodyear
Mayor Rebecca Jimenez, Guadalupe
Mayor Thomas Schoaf, Litchfield Park
Mayor Christian Price, City of Maricopa
* Supervisor Steve Chucri, Maricopa County
* Mayor Alex Finter, Mesa
Mayor Scott LeMarr, Paradise Valley
* Mayor Bob Barrett, Peoria
Mayor Greg Stanton, Phoenix
Supervisor Todd House, Pinal County
Mayor Gail Barney, Queen Creek
* President Diane Enos, Salt River Pima-Maricopa Indian Community
Mayor Sharon Wolcott, Surprise
Mayor Mark Mitchell, Tempe
* Mayor Adolfo Gamez, Tolleson
* Mayor John Cook, Wickenburg
Mr. Roc Arnett, Citizens Transportation Oversight Committee
Mr. Joseph La Rue, State Transportation Board
Mr. Jack Sellers, State Transportation Board

* Those members neither present nor represented by proxy.
# Attended by telephone conference call. + Attended by videoconference

1. Call to Order

The meeting of the MAG Regional Council was called to order by Chair Michael LeVault at 11:31 a.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Mayor Jay Tibshraeny and Mayor Gail Barney joined the meeting by teleconference. Chair LeVault noted that hearing assisted devices were available from MAG staff. Chair LeVault requested that members of the public who would like to comment fill out a blue public comment card for the Call to the Audience agenda item, or a yellow public comment card for Consent Agenda items or items on the agenda for action. Transit tickets for those who purchased a transit ticket to attend the meeting and parking validation were available from staff.

3. Call to the Audience

Chair LeVault noted that the Call to the Audience provides an opportunity to members of the audience who wish to speak on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens are requested to not exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair LeVault recognized public comment from Ms. Dianne Barker, who stated that she is a resident of Phoenix, Maricopa County. Ms. Barker remarked that she was happy to be able to walk to vote on election day and she said that voting in person on election day is a freedom that should be preserved. Ms. Barker commented that she thought that the public had been dumbed down to vote early before all the issues are out. She added that she did not favor the law that says the ballots can be opened seven days ahead of the election by the vendor. Ms. Barker stated that she attended a meeting of New Talk Arizona, a group headed by former U. S. Secretary of Transportation/former ADOT Director Mary Peters, to discuss streets and transit. Ms. Barker stated that she suggested to Ms. Peters that there is an express bus nearby her residence. She encouraged people to take transit and contribute to the farebox revenue. Ms. Barker also expressed her support for high speed rail and to ditch at-grade rail. Chair LeVault thanked Ms. Barker for her comments.

Chair LeVault recognized public comment from Alex Soto, who greeted meeting attendees in his native language. Mr. Soto stated that he was originally from the Tohono O'odham nation in Sells, Arizona, but has resided in the Phoenix area for most of his 27 years. He stated that the Loop 202 freeway will desecrate a site at South Mountain sacred to his people. Mr. Soto noted that this is an ongoing struggle for him and he has spoken at MAG at previous meetings. He denounced the freeway and the public-private-partnership initiative announced on July 3. Mr. Soto stated that the freeway will attack health. He stated that the public-private-partnership shows that ADOT is racist and that he is here to support the Gila River Indian Community residents, who are his relatives. Mr. Soto stated that the Gila River Indian Community has voted in support of no-build. He stated that building the freeway in conjunction with the Sun Corridor and Interstate 11 is preposterous. Mr. Soto stated that ADOT needs to be held accountable and a public review will show discriminatory actions against those trying to protect sacred sites. Mr. Soto stated that the public-private-partnership was (expletive) and he will not give up the fight. Chair LeVault thanked Mr. Soto for his comments.

Chair LeVault recognized public comment from Stacy Oleson, who has lived in the Valley for about 15 years. She spoke of a staff member who said at an Interstate 11 forum that those who deal with

demographics and population projections for traffic projections do not take water shortage into account. Ms. Oleson stated that a representative at a forum of the Arizona Department of Water Resources said that politicians and other officials do not take water seriously because reasons for future shortages will not be found until they are out of their terms. At the forum, it was also stated that Arizona will likely need to pipe in desalinized water from the coast of Mexico or California and it would likely be privatized and expensive. Ms. Oleson stated that some mitigation efforts for urban heat islands can have negative consequences. She stated that more expansion is unneeded, especially for roads for the purpose of increasing international trade. Ms. Oleson stated that the South Mountain freeway is a waste of resources and public-private-partnerships is a way to subsidize the private sector and make it seem it is beneficial. She said she, and others, will not make it easy to build the freeway. Chair LeVault thanked Ms. Oleson for her comments.

Chair LeVault recognized public comment from Andrew Pedro from the Gila River Indian Community, who spoke about the Loop 202. He said that the people occupying their lands should give the Native Americans respect. Mr. Pedro stated that you are all settlers on stolen lands and one day, after this world is gone, they will take back the land. He said that more people will come when a sacred site is desecrated. Mr. Pedro stated that the Gila River Indian Community had a vote that supported a no-build option, most recently in 2012, and has had smaller votes that said they do not want a freeway to go through their land. However, MAG and ADOT are supporting Loop 202 and this undermines tribal authority. Mr. Pedro stated that the freeway will cause health effects, both during and after construction, but this does not concern most people because the freeway will be on the other side of the mountain. He asked how much more blood and land of his people will be taken? Chair LeVault thanked Mr. Pedro for his comments.

Chair LeVault recognized public comment from James Matthew, a Phoenix resident, who spoke on Loop 202. Mr. Matthew said Loop 202 is wasteful and destructive, and it is unnecessary to spend $1.8 billion of taxpayer money. He said Loop 202 will be environmentally destructive, impact the water supply, and is racist because the Gila River Indian Community has spoken out against it by voting no-build. Mr. Matthew stated that MAG keeps pushing it forward, which is disrespectful. He said there is no reason to build it – Phoenix is ranked #40 in traffic delays, which is better than Los Angeles, Houston, or New York City. Mr. Matthew stated that building the freeway will not improve traffic congestion, because more people will just fill it up. He requested that the freeway not be built. Chair LeVault thanked Mr. Matthew for his comments.

4. Executive Director's Report

Mr. Dennis Smith, MAG Executive Director, reported on items of interest to the MAG region. Mr. Smith first expressed appreciation to the League of Arizona Cities and Towns for its annual conference that took place on August 19-22, 2014. He said that the League invited MAG to host sessions at the conference. Mr. Smith stated that Mayor Christian Price moderated the panel for the Interstate 11/CANAMEX: International Trade and Economic Development session. Mr. Smith stated that there is not enough funding for the entire corridor, but there are two areas that could be priorities: a bottleneck at SR-189A at Nogales and another one north of Wickenburg, which could lead across the Tillman Bridge and on toward Canada. Mr. Smith stated that Mayor Greg Stanton was the moderator

of the Arizona-Sonora Binational Megaregion session. He pointed that this was the first time that a delegation from Sonora, Mexico, attended the League conference. Mr. Smith stated that an agreement was signed to continue collaboration. He stated that the first meeting of the Arizona-Sonora Binational Megaregion group was moderated by Mayor LeVault. He noted that they are currently working on an organizational structure. Mr. Smith stated that MAG leaders have been invited to attend the group's next event, which will take place in Spring 2015 in Rocky Point, Mexico.

Mr. Smith stated that the announcement for the Western Regional Alliance Transportation Symposium has been sent out. He noted that the agenda will be forwarded to Regional Council members after finalization. Mr. Smith stated that Mr. Michael Gallis will present his second report on the Intermountain West and how political alignment with the Congressional Delegation makes a difference.

Mr. Smith stated that registration on the Building an International Economic Network (BIEN) website, which connects businesses in Arizona with businesses in Canada and Mexico, has now reached 400 businesses. He noted that the official launch will take place when a total of 500 registrants is attained.

Mr. Smith reported that on July 22, 2014, MAG hosted a press conference at the Scottsdale Boys and Girls Club to provide educational outreach for the Don't Trash Arizona litter prevention campaign. He noted that Mayor Jim Lane was the moderator of the event. Mr. Smith played a Don't Trash Arizona video produced by MAG and he encouraged members to broadcast it on their municipal television channels. He noted that the Don't Trash Arizona program is funded through Proposition 400 and is implemented in cooperation with the Arizona Department of Transportation.

Mayor Tom Schoaf asked if the video had already been sent to the channel 11s. Mr. Smith responded that staff would ensure that every agency had received a copy.

5. Approval of Consent Agenda

Chair LeVault noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, and #5J were on the Consent Agenda.

Chair LeVault asked members if they had questions or requests to hear a Consent Agenda item individually. None were noted.

Chair LeVault called for a motion to approve Consent Agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, and #5J. Mayor Georgia Lord moved approval of the Consent Agenda. Mayor Jim Lane seconded, and the motion passed unanimously.

5A. Approval of the June 25, 2014, Meeting Minutes

The MAG Regional Council, by consent, approved the June 25, 2014, meeting minutes.

5B. FY 2015 MAG Transportation Alternatives Non-Infrastructure Safe Routes to School Projects

The MAG Regional Council, by consent, approved advancing projects to FY 2015 from FY 2016 and FY 2017; of the listed Transportation Alternatives Non-Infrastructure Safe Routes to School projects for fiscal year 2015; and to forward the remaining funds to be programmed in a future year with a January 2015 call for projects. The MAG region receives approximately $4.4 million per year in Transportation Alternatives funds. Transportation Alternatives funds can be used to fund two categories of projects: (1) Transportation Alternatives Infrastructure and (2) Transportation Alternatives Non-Infrastructure Safe Routes to School (SRTS) projects. Through previous MAG action a total of $400,000 per year was allocated to fund qualifying SRTS projects that would not involve any road improvements. In January 2014, MAG issued a call for projects for FY 2015-2017. Three project applications were received and recommended, resulting in remaining funds in the amounts of $285,500 in FY 2015 and $310,000 in each FY 2016 and FY 2017. Based on the recommendation of the MAG Transportation Safety Committee, MAG issued a second call for SRTS projects, on May 27, 2014, to help expedite the programming of remaining FY 2015 funds and help meet the June 30, 2015, obligation deadline. Projects from the first call for projects, previously programmed in FY 2016 and FY 2017, were eligible to be advanced to FY 2015 and the funding levels for projects were increased from $45,000 to $135,000. MAG received a total of five project applications. Two of the projects involved the advancement of previously programmed Transportation Alternatives projects to FY 2015 did not require an evaluation. All applications were reviewed by the Transportation Safety Committee and a recommendation generated on July 22, 2014. This item was recommended for approval on July 31, 2014, by the MAG Transportation Review Committee and on August 6, 2014, by the MAG Management Committee. Another call for SRTS projects in FY 2016 - 2017 is anticipated to be issued early in 2015.

5C. ADOT Red Letter Process

The Regional Council approved the Red Letter Process in 1996 to provide early notification of potential development in planned freeway alignments. Development activities include actions on plans, zoning, and permits. Key elements of the process include: (1) Notifications: ADOT will periodically forward Red Letter notifications to MAG. Notifications will be placed on the consent agenda for information and discussion at the Transportation Review Committee, Management Committee, and Regional Council meetings. If a member wishes to take action on a notification, the item can be removed from the consent agenda for further discussion. The item could then be placed on the agenda of a subsequent meeting for action. (2) Advance acquisitions: ADOT is authorized to proceed with advance right-of-way acquisitions up to $2 million per year in funded corridors. Any change in the budgets for advance right-of-way acquisitions constitutes a material cost change as well as a change in freeway priorities and therefore, would have to be reviewed by MAG and would require Regional Council action. With the passage of Proposition 400 on November 2, 2004, the Regional Transportation Plan (RTP) includes funding for right-of-way acquisition as part of the funding for individual highway projects. This funding is spread over the four phases of the Plan. Funding for advance acquisitions may be made available on a case-by-case basis. For information, the ADOT Advance Acquisition policy allows the expenditure of funds to obtain right-of-way where needed to address hardship cases (residential only), forestall development (typical Red Letter case), respond to advantageous offers or, with remaining funds, acquire properties in the construction sequence for which right-of-way acquisition has not already been funded.

In addition to forestalling development within freeway corridors, ADOT, under the Red Letter Process, works with developers on projects adjacent to or close to existing and proposed routes that may have a potential impact on drainage, noise mitigation, and/or access. For this purpose, ADOT needs to be informed of all zoning and development activity within a quarter-mile of any existing and planned facility. Without ADOT input on development plans adjacent to or near existing and planned facilities, there is a potential for increased costs to the local jurisdiction, the region and/or ADOT. ADOT has forwarded a list of notifications from January 1, 2014, to June 30, 2014 . Nine of the 68 notices received have an impact to the state highway system.

5D. Job Access and Reverse Commute Priority Ranking and Funding Recommendations

The MAG Regional Council, by consent, approved programming the project ranking noted in Option 1. On March 26, 2014, the MAG Regional Council approved the Job Access and Reverse Commute (JARC) policy guidelines for inclusion in the Regional Programming Guidelines for Federal Transit Formula Funds. In March 2014, MAG initiated a call for projects for funding under the JARC program. Twenty (20) applications totaling $3.5 million in funding requests were received. One project was deemed ineligible. On May 5, 2014, an evaluation panel composed of representatives from the MAG Transit Committee interviewed the project applicants and ranked the project applications. On May 8, 2014, the MAG Transit Committee reviewed the project rankings and funding recommendations made by the evaluation panel and requested additional information from MAG staff prior to taking action. On July 10, 2014, after presentation and discussion of three programming options, the Transit Committee recommended approval of funding option number one. Option number one was recommended for approval on July 31, 2014, by the MAG Transportation Review Committee and on August 6, 2014, by the MAG Management Committee.

5E. MAG Federally Funded, PM-10 Street Sweeper Policy Revision

The MAG Regional Council, by consent, approved revising the MAG policies for determining eligibility for replacement (useful life) of certified PM-10 Street Sweepers. Revised Policy: PM-10 certified street sweepers are eligible for purchase with Congestion Mitigation and Air Quality Improvement (CMAQ) funds if they replace an existing unit that has not been certified by South Coast Rule 1186, replace an older Rule 1186 certified unit, increase the frequency of sweeping, expand the area that is swept, or a combination of these functions. For replacement of an older Rule 1186 certified unit, the unit must be at least eight years old or have recorded 12,000 hours or 96,000 miles of operation. Member agencies have requested that MAG review the replacement policies for useful life of the federally funded PM-10 certified street sweepers. Many agencies maximize their equipment by sweeping larger areas, or by increasing the frequency of sweeping for units. Staff researched and developed a proposal that includes an hours used and miles of operation for policy modification consideration. Current Policy: PM-10 certified street sweepers are eligible for purchase with Congestion Mitigation and Air Quality Improvement (CMAQ) funds if they replace an existing unit that has not been certified by South Coast Rule 1186, replace a Rule 1186 certified unit that is at least eight years old, increase the frequency of sweeping, expand the area that is swept, or a combination of these functions. A modification to the MAG PM-10 Street Sweeper replacement policy was recommended by the MAG Street Committee on

June 10, 2014. The revised policy was recommended for approval on July 31, 2014, by the MAG Transportation Review Committee and on August 6, 2014, by the MAG Management Committee.

5F. Project Changes – Amendment and Administrative Modification to the FY 2014-2018 MAG Transportation Improvement Program, the FY 2015 Arterial Life Cycle Program and the 2035 Regional Transportation Plan

The MAG Regional Council, by consent, approved amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program, to the FY 2015 Arterial Life Cycle Program, and as appropriate, to the 2035 Regional Transportation Plan. The Fiscal Year (FY) 2014-2018 MAG Transportation Improvement Program (TIP) and 2035 Regional Transportation Plan (RTP) were approved by the MAG Regional Council on June 25, 2014, and have been modified four times. The FY 2015 Arterial Life Cycle Program (ALCP) was approved on June 25, 2014. Since then there is a need to make project changes. Highway and transit project changes are included in Table A. Arterial Life Cycle Project changes are included in Tables B and C. This item was recommended for approval on July 31, 2014, by the MAG Transportation Review Committee, on August 6, 2014, by the MAG Management Committee, and on August 13, 2014, by the Transportation Policy Committee.

5G. Revisions to the National Highway System and Principal Arterial Network in the MAG Region

The MAG Regional Council, by consent, approved map Option 2F that updates the functional classification for the Principal and Minor Arterial network and of the modifications in the National Highway System for the MAG region and, as appropriate, to the 2035 Regional Transportation Plan. The federal transportation law, Moving Ahead for Progress in the 21st Century (MAP-21), added 60,000 miles of roadways classified as principal arterials to the National Highway System (NHS). Approximately 850 miles of these roadways are owned by MAG member agencies and fail to meet federal functional guidelines, and are now subject to increased federal regulation. MAG member agencies have requested to remove and reclassify principal arterials as appropriate. Option 2F was recommended for approval on July 31, 2014, by the MAG Transportation Review Committee, on August 6, 2014, by the MAG Management Committee, and on August 13, 2014, by the Transportation Policy Committee.

5H. MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area

The MAG Regional Council, by consent, adopted the MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area. The Maricopa Association of Governments has prepared the MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area. In accordance with the Clean Air Act Section 202(a)(6), the Environmental Protection Agency (EPA) made a determination that onboard refueling vapor recovery systems are in widespread use throughout the motor vehicle fleet, effective May 16, 2012. Since Stage II is a duplicative system, this plan revision requests that EPA remove the requirement for Stage II vapor recovery in this area for new gasoline dispensing facilities beginning in 2014 and for existing facilities

beginning in October 2016, before a regional disbenefit begins to occur in 2018. On June 3, 2014, a public hearing was conducted on the draft plan and no comments were received. The draft plan was recommended for adoption on June 26, 2014, by the MAG Air Quality Technical Advisory Committee and on August 6, 2014, by the MAG Management Committee.

5I. Conformity Consultation

The Maricopa Association of Governments conducted consultation on a conformity assessment for an amendment and administrative modification to the FY 2014-2018 MAG Transportation Improvement Program and the 2035 Regional Transportation Plan. The amendment and administrative modification involve several projects, including Arizona Department of Transportation projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination.

5J. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement

A status report was provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To address new Federal Highway Administration procedures to minimize inactive obligations and to assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, we are requesting that street sweeper projects for FY 2014 CMAQ funding be purchased and reimbursement requests be submitted to MAG by March 26, 2015.

6. Locally Preferred Alternative and Proposed Major Amendment to Add the Light Rail Transit Extension on Central Avenue: Washington/Jefferson to Baseline Road to the 2035 Regional Transportation Plan

Ms. Eileen Yazzie, MAG staff, reported on the requested approval by Valley Metro Rail and the City of Phoenix of the Locally Preferred Alternative (LPA) for South Central Avenue in Phoenix. Ms. Yazzie stated that the requested motion for this item had two parts: a recommendation for the LPA and a recommendation to proceed on the major amendment process.

Ms. Yazzie explained that a major amendment is needed because the corridor improvement is identified as a bus corridor in the Regional Transportation Plan, and the LPA recommends the transit improvement as a light rail corridor. She displayed a map of future high capacity transit routes in the Valley and noted that the implementation schedule commits to a system of 65 miles, including this project's five miles.

Ms. Yazzie stated that an Alternatives Analysis was initiated in 2012 to develop a recommendation for high capacity transit improvements in the study area. She said that the Alternatives Analysis identifies the mode and the alignment, station location, and street configuration.

Ms. Yazzie addressed the study area, which was six miles in length and extended one mile in either direction east and west on Central Avenue. She noted that the study originally included 11 alternatives

that were narrowed down to three alternatives for evaluation. Ms. Yazzie then displayed a map of the LPA of light rail for the South Central Avenue corridor.

Ms. Yazzie discussed past agency actions. She said that the Phoenix City Council approved the LPA in December 2013. In April 2014, the City of Phoenix formed a community-based committee to prepare a plan for an extension of the Transit 2000 sales tax, to include capital, operations, and maintenance funding for the City of Phoenix, including the South Central Avenue corridor. In June 2014, Valley Metro Rail approved the LPA. Ms. Yazzie advised that the MAG Transit Committee and MAG Transportation Review Committee recommended approval of the Locally Preferred Alternative and proposed major amendment.

Ms. Yazzie noted that the project's capital cost is estimated at $680 million, to be funded by the Phoenix Transit 2000 tax and possible federal discretionary funds. No regional Public Transportation Funds (Proposition 400 funds) would be used for the capital expenses. Ms. Yazzie stated that annual operating costs are estimated at $16 million, to be funded by the Phoenix Transit 2000 tax and the farebox. Ms. Yazzie noted that the schedule anticipates an opening in 2034, with an 8-10 year window of project development, which would begin around 2024.

Ms. Yazzie reviewed the process for major amendments to the RTP. She said that the proposed amendment to the RTP qualifies as a major amendment in accordance with A.R.S. 28-6301, which states that a major amendment means 'the addition or deletion of . . . a fixed guideway transit system that either exceeds one mile in length or exceeds an estimated cost of forty million dollars as provided in the RTP.'

Ms. Yazzie explained that the next steps were approval of the LPA and to initiate the major amendment process. Ms. Yazzie stated that MAG is required to consult with the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority, the Indian Communities, the cities and towns in Maricopa County, and the Citizens Transportation Oversight Committee. She noted that the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority are required to take action on the major amendment. Following these approvals, action would return to the MAG process for a recommendation to perform an air quality conformity analysis, and finally approval of the RTP amendment and air quality conformity analysis.

Chair LeVault thanked Ms. Yazzie for her report and asked if there were questions.

Mayor Jim Lane expressed that his concern was the amount of federal funds that could be used on this project due to seriously limited federal funds. He noted that this proposal would replace a highly successful bus route with a different public transit option, which is different from the overall Plan to replace cars on the road. Mayor Lane asked the extent the approximate $700 million would be used on capital or operations.

Ms. Yazzie replied that the bus route to be replaced is one of the top ten routes in the region in terms of performance. She said that in regard to Mayor Lane's concern for consistency with the Plan to turn

bus routes to light rail, the original 20-mile light rail system replaced three highly successful bus routes that were among the top ten routes in the region in terms of performance. Ms. Yazzie remarked that establishing a light rail route solidifies continued high ridership. She addressed Mayor Lane's concern for federal discretionary funds by saying that reliance on discretionary funds for this project is not expected now, and the City plans to rely on the extension of the Transit 2000 tax. Ms. Yazzie stated that Valley Metro Rail discussed the possibility of pursuing discretionary funding. She stated that the City of Tucson just opened its Modern Streetcar and they relied on a TIGER grant for approximately $60 million. Ms. Yazzie noted that from discussion she has heard, this is the intent of the City of Phoenix and Valley Metro Rail.

Mayor Lane remarked that these are strictly discretionary funds but the application for use is on equal standing with anyone else and might be put in a priority position. He added that this is not a policy change regarding replacing successful bus routes. Ms. Yazzie replied Mayor Lane was correct – no policy was being changed to say that light rail would replace successful bus routes.

Mayor Greg Stanton commented that the South Phoenix light rail line should have been approved in the original light rail plan, but at that time, the City of Phoenix was trying to guide decisions with federal policy that areas with existing high bus ridership were not considered for funding as highly as those projects that took cars off the road. Mayor Stanton noted that this resulted in poor and often minority areas being bypassed for light rail, because residents of those areas had high transit ridership. He stated that this is fundamentally unfair, and those residents should have the same opportunities as residents in other areas of the city and not be at a competitive disadvantage. Mayor Stanton stated that the federal rules have changed and the City of Phoenix is trying to make up for lost time. He remarked that he is confident the light rail line will be hugely successful and South Phoenix will realize some economic development benefits. Mayor Stanton stated that the South Phoenix community is excited about this opportunity. He explained how the City is considering an extension of the existing transit tax. Mayor Stanton stated that the City does not have the resources for significant capital transit projects and has assembled a committee chaired by former U. S. Secretary of Transportation/former ADOT Director Mary Peters and co-chaired by former Phoenix City Councilmember/former State Land Department Director Maria Baier and Mr. Marty Shultz, to make recommendations to the Phoenix City Council on a variety of issues, including funding. Mayor Stanton stated that staff is recommending an economic model that federal funding should not be expected to exceed a 30 percent federal match, which results in a 70 percent local match. He noted that the 19th Avenue light rail extension, which is currently under construction, is 100 percent funded by the City of Phoenix resources. Mayor Stanton stated that the City of Phoenix has done well moving forward without federal dollars, but has not decided whether or not to ask for federal resources in the future, because what will happen with federal dollars is unknown. Mayor Stanton stated that if approved, this will be great for the region and the people of South Phoenix. He requested the support of the Regional Council for this project.

Mayor Sharon Wolcott thanked Mayor Stanton for his explanation, which helps encapsulate the bigger picture and speaks to the evolution of transit and the way the federal government funds projects. She noted that in the past, an 80 percent federal match would be expected, with the local share of 20 percent. Mayor Wolcott stated that they have discussed with the Federal Transit Administration in Washington, D. C., that to demonstrate the viability of a high capacity transit line, you need to start with some sort

of a bus system. Mayor Wolcott stated that she was very interested in seeing how the existing light rail line has increased capacity on shorter trips.

Mayor Stanton added that light rail is very bicycle friendly and adds to a city's bikeability and gets people that extra mile or two beyond the rail line. He stated that light rail increases a city's bikeability more than bus.

With no further questions, Chair LeVault called for a motion. Mayor Sharon Wolcott moved approval of (1) the Locally Preferred Alternative (LPA) for the South Central Avenue project, including light rail transit on Central Avenue from Washington/Jefferson to Baseline Road; and (2) consult with the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority, the Indian Communities, the cities and towns in Maricopa County, and the Citizens Transportation Oversight Committee for the major amendment process, as required by A.R.S. 28-6353, on the proposal to add the five-mile light rail transit (LRT) extension on Central Avenue from downtown Phoenix (near the existing LRT turns at Washington and Jefferson streets) to Baseline Road to the 2035 Regional Transportation Plan, contingent on the finding of air quality conformity. Mayor Kenneth Weise seconded, and the motion passed unanimously.

7. Funding for Department of Public Safety Officers to Co-Locate in the Arizona Department of Transportation Traffic Operations Center

Sarath Joshua, MAG staff, reported on potential funding for a three-year pilot project for Department of Public Safety (DPS) officers to co-locate in the Arizona Department of Transportation (ADOT) Traffic Operations Center. He noted that $1.47 billion is programmed in the Regional Transportation Plan for corridor improvements on the 35-mile Interstate 10/I-17 Corridor, called the "Spine." Mr. Joshua explained that due to the previous corridor environmental impact statement studies of the Spine being cancelled and a new Corridor Master Plan underway, there was a need for near-term improvements in corridor operations. Mr. Joshua stated that the MAG Intelligent Transportation Systems (ITS) Committee was tasked with developing some near-term options for improving operations on the Spine corridor. He noted that DPS, ADOT, and the Federal Highway Administration participated in this process. He indicated that in May 2013, the ITS Committee recommended an action plan and one of the recommendations was the co-location of DPS officers at the ADOT Traffic Operations Center.

Mr. Joshua stated that this proposal to co-locate the DPS officers at the ADOT Traffic Operations Center was presented at the June 11, 2014, MAG Management Committee meeting. Mr. Joshua stated that the Management Committee requested this item be brought back with answers to a number of questions that were asked by committee members. He noted that a copy of the questions and answers was included in the agenda packet.

Mr. Reza Karimvand, ADOT, continued the presentation. He is the manager of the Transportation Technical Group and is responsible for the ADOT Traffic Operations Center. Mr. Karimvand stated that the urban freeway management system is managed through the ADOT Traffic Operations Center, and coordinates with DPS when a crash occurs.

Mr. Karimvand stated that the ADOT Traffic Operations Center is staffed 24 hours per day, seven days per week, every day of the year. He stated that traffic is constantly monitored using freeway cameras. Mr. Karimvand stated that staff in the ADOT Traffic Operations Center coordinates with DPS in responding to crashes and freeway traffic disruptions. When requested by DPS, the staff in the ADOT Traffic Operations Center dispatch teams to crash sites to provide traffic control barricades and cleanup of debris. Mr. Karimvand stated that ADOT Traffic Operations Center staff also post traffic alerts to motorists on electronic signs and issue media alerts.

Sergeant John Paul Cartier, DPS, continued the presentation. He said that he has been with DPS for 12 years and was assigned to the pilot program at the ADOT Traffic Operations Center July 26, 2014, his position being funded temporarily by ADOT and continuing pending MAG's funding. Sgt. Cartier stated that he could speak of the effectiveness of this program even from the short time he has been working there.

Sgt. Cartier then addressed potential benefits from co-location. He stated that the co-location program could provide the ability by DPS to monitor traffic incidents via ADOT cameras and mobilize and implement an effective response. Sgt. Cartier stated that co-location could help reduce the duration of freeway closures by as much as 25 percent. Sgt. Cartier noted that the Utah Department of Transportation experienced a 25 percent reduction in road closure duration as a result of co-location.

Sgt. Cartier stated that co-location could reduce secondary crashes at the back of the traffic queue by quicker mobilization of responders that will assist in clearing traffic congestion caused by an incident.

Sgt. Cartier stated that the ADOT Traffic Operations Center staff would have access to DPS's Computer Aided Dispatch (CAD) software, which would help gauge the impact of other activities on freeway traffic and keep the information current.

Sgt. Cartier stated that the officer in the ADOT Traffic Operations Center would serve as DPS Point of Contact. He said in the short time he has been at the ADOT Traffic Operations Center, an overwhelming number of calls for service have been received. Sgt. Cartier noted that the DPS officer would coordinate timely updates to police, fire and other first responders during freeway incidents. Sgt. Cartier stated that the more quickly incidents are cleared, the more the safety of first responders and motoring public is improved.

Chair LeVault asked members if they had questions on the presentation so far.

Mayor Wolcott asked how much remained of the ADOT Freeway and Highway Program Management Consultants budget. Mr. Smith replied that the annual amount for consultants is approximately $10 million. Mr. Eric Anderson, MAG Transportation Director, added that approximately $7 million of highway projects were deferred outside the term of the Proposition 400 tax due to the downturn in the economy. He stated that many of the projects still on the table have already gone through preliminary design, and the management consultant contracts, which have been in place since 1996, are being phased out. Mr. Anderson stated that they are looking at ways to repurpose those funds and perhaps bring some projects back into the program. He added that he thought that relative to the size of the highway

program, the DPS officer in the ADOT Traffic Operations Center was a great benefit for a small amount of money.

Mayor Kenneth Weise asked for clarification of the coordination of local assets. Sgt. Cartier responded that he thought having the DPS officer in the ADOT Traffic Operations Center would be beneficial. He explained that currently, the officer in the field assesses the incident and radios the report to the DPS operations communication center, who contacts the appropriate jurisdiction, who then dispatches their fire/emergency medical resources to the scene. Sgt. Cartier noted that having an officer in the ADOT Traffic Operations Center is a critical point because he or she can assess the jurisdiction and dispatch resources, such as ambulances or tow trucks more quickly, without having to wait for an officer to arrive on-scene.

Mayor Weise asked how the change would be communicated to local jurisdictions. Sgt. Cartier replied that incidents would still be contacted through the DPS operations communication center and logged in order to ensure having records for legal purposes, but reporting would be expedited.

Mayor Lane asked for clarification of DPS staffing on the work shifts. Sgt. Cartier replied that they anticipate covering Monday through Friday with one officer per shift and not duplicating effort. He said they would monitor all rush hours. Sgt. Cartier explained that they plan to use the third position, along with the supervisor, to cover the gap in scheduling hours as much as possible and the higher severity times of incidents, such as Friday or Saturday nights when there might be wrong-way drivers or DUI incidents.

Mayor Lane asked for clarification of DPS coverage. Sgt. Cartier responded that they anticipate the supervisor (who is currently Sgt. Cartier) would be assigned to the ADOT Traffic Operations Center throughout the week and at high volume traffic times. He said that the supervisor would also be at the Center to complete administrative tasks and ensure procedures and protocols are being followed.

Councilmember Reg Monachino remarked that this is a commendable goal, and he valued relief after having been trapped in traffic situations himself. He asked for clarification that this project would cost MAG almost $650,000 over three years. Mr. Joshua stated that the funding would be shared between ADOT and MAG. The first year expense to MAG would be $225,000 and $212,000 for each of the next two years after that.

Mr. Joshua returned to the presentation. He stated that a question was asked at the Management Committee meeting about the cost/benefit. Despite anecdotal evidence they could find no studies documenting the cost/benefit of a co-location. He explained that benefits of co-location were estimated through a traffic simulation analysis by MAG staff. Mr. Joshua stated that the scenario used a two-hour closure of Interstate 10 eastbound between 51st and 43rd Avenues on a weekday from 6:00 am - 8:00 am. Based on the experience of the Utah Department of Transportation, the scenario found a 25 percent reduction in road closure duration as a result of co-location. Mr. Joshua reported a reduction in overall traffic congestion (person-hours delay) of 33 percent. He noted that a 33 percent reduction in traffic delay translates to $220,000 in savings per incident. For the year ending June 30, 2014, the segment of Interstate 10 from Loop 303 to Loop 202 experienced 30 closures with an average duration of three

hours. Mr. Joshua stated that the annual value of time savings for this 36-mile segment is estimated at $6.6 million.

Mr. Joshua stated that the pilot program would be a three-year pilot project to fund the co-location of three DPS officers and a DPS supervisor at the ADOT Traffic Operations Center. The project would be jointly funded by ADOT and MAG, and would include an annual evaluation component.

Mr. Joshua stated that MAG will coordinate with DPS and ADOT to establish a data archive for traffic incident management metrics that would be utilized in the annual performance report. He noted that MAG will perform a comparison of freeway operations "before" and "after" DPS co-location to identify potential benefits.

Mr. Joshua stated that the requested action was to approve funding a three-year pilot project, with an evaluation component, to co-locate three Department of Public Safety (DPS) officers and one DPS supervisor in the Arizona Department of Transportation (ADOT) Traffic Operations Center, to equally share the first year cost of $450,000 and subsequent annual cost of $425,000 with ADOT, and to redirect the MAG share from the MAG Regional Freeway and Highway Program Management Consultant funds of $225,000 for the first year and $212,000 annually for the second and third years.

Chair LeVault asked members if they had questions.

Councilmember Monachino asked if any of MAG's funding would pay for salaries. Mr. Joshua replied yes, that MAG's funding would go toward the salaries of the three officers and one supervisor from DPS. Councilmember Monachino asked if any of MAG's funds would go toward construction. Mr. Joshua replied no.

Mayor Jerry Weiers asked Sgt. Cartier if the assignment of additional officers is anticipated during special events. Mayor Weiers stated that during busy rush hours there could be multiple major accidents, and he asked if that could be overwhelming for one person. Sgt. Cartier replied that he already has experienced a busy rush hour, when eight to ten collisions occurred across the Valley on a Friday. He stated that he did not think a second person would necessarily be needed. However, during high stress events, such as the Super Bowl, there is the potential for events on multiple freeways and he and another officer would be on staff at the ADOT Traffic Operations Center to mitigate incidents and deploy resources. Sgt. Cartier stated that they will be able to plan in advance for structured events. He said that for multiple events on freeways, there would be one officer manning the console and responding via the CAD system. Sgt. Cartier stated that the officer would be able to view the incident on camera and deploy the appropriate resources faster. He added that this also frees up officers in the field so they can be available for other services.

Mayor Weiers asked for clarification that there are very few places on the freeway system where camera coverage is not available. Sgt. Cartier replied yes, there was extensive camera coverage, and added that he thought there were approximately 223 cameras.

Mr. Karimvand added that in regard to multiple incidents, the ADOT Traffic Operations Center staff would still be engaged with informing the public and working hand-in-hand with DPS. He noted that most of the freeway system is covered by cameras.

Mayor Weiers noted that there are a lot of places on state highways where no cameras are available. In that case, incidents would be reported as they have been done in the past. Mr. Karimvand replied that they would rely on the CAD system when no cameras are available, and having access to the CAD system makes the DPS officer on-site invaluable.

Councilmember Mike Farrar asked if there currently were dedicated DPS officers working with ADOT and if there are cameras or monitors at DPS. Mr. Joshua replied that no DPS officer worked at the ADOT Traffic Operations Center until July 2014, when ADOT began temporarily funding the position held by Sgt. Cartier. He added that the DPS officer in the ADOT Traffic Operations Center increases coordination opportunities and improves video response time.

Councilmember Farrar asked for clarification of the advantages of having a DPS officer in the ADOT Traffic Operations Center. Sgt. Cartier replied that the DPS officer could immediately and directly enter the information into the CAD system, and communicate with the officers in the field. This instant communication expedites resources, without having to communicate with the DPS operations communication center. Sgt. Cartier noted that in the current manner of reporting, in the time it takes to make a telephone call to a field unit, the information will be outdated. Sgt. Cartier stated that they want to decrease the response times, roadway clearance times, and incident clearance times. He noted that this correlates to a reduction in secondary crashes. Sgt. Cartier stated that every minute a highway is blocked, it takes four minutes to recover its traffic flow pattern.

Councilmember Farrar asked the reason for not having dedicated DPS personnel on a conference call with ADOT personnel, who are all watching the same thing on monitors, but at different locations. Sgt. Cartier noted that DPS not being in the ADOT Traffic Operations Center would require communications via telephone. With multiple incidents, there would be multiple conference calls simultaneously, when a DPS officer could see the incident on a monitor and dispatch resources immediately. Sgt. Cartier stated that there is only one operations dispatcher and if multiple conference calls with multiple dispatchers are going on and they are trying to enter information on the CAD system and might be on the telephone with a victim, it becomes overwhelming, in addition to determining priority. When the officer is at the ADOT Traffic Operations Center, he can make responsive calls to all situations and communicate that through CAD to multiple locations.

Mayor Linda Kavanagh stated that the Arizona State Legislature funds DPS with state-shared revenue, and currently funds are being redirected. She expressed concern how this will affect sweeps on state shared revenue.

Mr. Dennis Smith explained that the management consulting funds at ADOT are half cent sales tax money and not subject to sweeps. He commented that funding the co-location is felt to be a more efficient use of the funding than its current use. Mr. Smith stated that the Spine study proposes concrete improvements to I-10 and I-17, but there could be more benefit from improved operations, such as this

program, which is a best practice in other states. He explained how the co-location project is similar to the Freeway Service Patrol, which was a three-year pilot program. MAG, working with DPS and ADOT, funded the program, proved it worked and turned over the program. Mr. Smith noted there will be an evaluation component of the co-location pilot through an annual report. He said that this is all about safety, fatalities and injuries on the system, not to mention the deployment of city resources such as fire trucks.

Councilmember Monachino asked for clarification of the reason activities of existing ADOT Traffic Operations Center personnel could not be redirected rather than hiring four people. Sgt. Cartier stated that ADOT Traffic Operations Center personnel do not necessarily have the law enforcement training or experience regarding the severity of an incident, police codes, or interfacing with the DPS operations communications dispatchers, etc. He stated that there are also other incidents that could occur in addition to traffic accidents, such as foot pursuits after a DUI accident, fights, or hazardous materials situations, which require immediate response of trained and experienced personnel to deploy effective resources. This in turn, will allow the roadway to be cleared more quickly.

Mayor John Lewis remarked that ADOT, DPS and MAG got together and discussed solutions to some of the problems on the freeway system. He indicated that finding solutions requires going to the experts and that is what MAG did. Mayor Lewis expressed appreciation for this input and for the evaluation program. He remarked that the biggest benefit of this project is the rapid response and the ability to minimize delays. Mayor Lewis asked Sgt. Cartier for clarification that his position being funded already and also asked him to report on positive results he has seen.

Sgt. Cartier responded that ADOT provided the funding for him to be located temporarily at the ADOT Traffic Operations Center and there has already been an immediate benefit. He said that officers in the field rely on receiving up-to-date information immediately. Sgt. Cartier reported that recent examples include the flooding on Interstate 17, Table Mesa, and the New River area, and a semi-truck fatality on Interstate 17 at Dixileta. Sgt. Cartier stated that the responding officers rely on ADOT and DPS information to deal with those types of large-scale or weather situations, and with a DPS officer in the ADOT Traffic Operations Center, those in the field would be able to receive up-to-date information immediately, develop alternative travel routes, and post on message boards and 5-1-1, etc. Sgt. Cartier stated that this results in resources being activated more accurately and efficiently and providing information to the public faster. He stated that the cost savings are there because officers are being deployed to other law enforcement related activities that require a primary investigator versus ADOT personnel to conduct traffic control. Sgt. Cartier stated that information will be disseminated more quickly to the media employed by ADOT to communicate with the public.

Mayor Weiers stated that he was a DPS Code 34 driver before becoming mayor. He stated that he liked the co-location pilot program, but thought the evaluation should be done in 12 months. He indicated that he thought the program would prove itself very quickly. Mayor Weiers stated that if the program is doing well, then it could be a permanent program at that time rather than waiting three years. He added that DPS is understaffed and he supported this program. Mr. Smith noted that an annual evaluation report will be issued.

With no further questions, Chair LeVault called for a motion.

Mayor Jackie Meck moved to approve funding a three-year pilot project, with an evaluation component, to co-locate three Department of Public Safety (DPS) officers and one DPS supervisor in the Arizona Department of Transportation (ADOT) Traffic Operations Center, to equally share the first year cost of $450,000 and subsequent annual cost of $425,000 with ADOT, and to redirect the MAG share from the MAG Regional Freeway and Highway Program Management Consultant funds of $225,000 for the first year and $212,000 annually for the second and third years. Mayor Jerry Weiers seconded, and the motion passed with Councilmember Reg Monachino voting no.

Mr. Dennis Smith stated that a press conference announcing the program will be scheduled for the second week of October and the program partners will be invited: DPS, ADOT, FHWA, the Governor's Office of Highway Safety, and MAG to demonstrate that elected officials understand that safety is a big issue and fatalities need to be reduced.

Mr. Karimvand extended the invitation to tour the ADOT Traffic Operations Center.

8. Appointment of the MAG Economic Development Committee Chair Position

Ms. Denise McClafferty, MAG staff, reported that in September 2013, the MAG Regional Council approved increasing the composition of the Economic Development Committee to include 18 MAG member agency positions that have one-year terms with possible reappointment by recommendation of the Executive Committee and approval of the MAG Regional Council.

Ms. McClafferty further explained that due to the immediate past chair of the Regional Council no longer being a current member of the Council, the Economic Development Committee Chair position is vacant. On July 8, 2014, a memorandum was sent to the MAG Regional Council members soliciting letters of interest for the Economic Development Committee chair position. She noted that one letter of interest, from Mayor John Lewis from the Town of Gilbert, was received. On August 18, 2014, the Executive Committee recommended approval of Mayor Lewis as the Economic Development Committee chair.

Chair LeVault thanked Ms. McClafferty for her report and asked if there were questions. None were noted. No public comment cards were received.

Mayor Mark Mitchell moved approval of the appointment of Mayor John Lewis as the Economic Development Committee Chair. Mayor Jim Lane seconded, and the motion passed unanimously.

Mayor Lewis expressed appreciation for the vote of confidence and that he looked forward to the continued collaboration statewide on economic development.

9. Appointments of the MAG Economic Development Committee Member Agency Positions

Ms. McClafferty stated that in September 2013, the MAG Regional Council approved increasing the composition of the Economic Development Committee to include 18 MAG member agency positions that have one-year terms with possible reappointment by recommendation of the Executive Committee and approval of the MAG Regional Council. On July 8, 2014, a memorandum was sent to the MAG Regional Council members soliciting letters of interest for the member agency positions on the Economic Development Committee.

Ms. McClafferty described the table of member agency seats that was included in the agenda packet. The table showed the dedicated seats from committee appointments, dedicated seats to certain agencies, positions eligible for reappointment, and positions eligible for appointment as a new member. She noted that one letter of interest, from Mayor Kenneth Weise, was received for the vacant West Valley seat and two letters of interest, from Mayor Alex Finter and Councilmember Mike Farrar, were received for the vacant East Valley seat. Ms. McClafferty stated that on August 18, 2014, the Executive Committee recommended approval of the appointments of the member agency positions, including Mayor Weise and Mayor Finter.

Chair LeVault thanked Ms. McClafferty for her report and asked members if they had questions. There were none. No public comment cards were received.

Mayor Jim Lane moved approval of the appointments of the Economic Development Committee member agency positions. Mayor Linda Kavanagh seconded, and the motion passed unanimously.

Chair LeVault expressed his appreciation to all of the Economic Development Committee members for serving. He added his appreciation to Councilmember Farrar for being willing to serve on the committee.

10. Representation by Providers of Public Transportation on MPO Boards

Ms. Yazzie reported on a new requirement under the federal transportation law, Moving Ahead for Progress in the 21st Century (MAP-21), which requires transit representation on the governing bodies of Metropolitan Planning Organizations (MPOs) such as MAG.

Ms. Yazzie noted that on June 2, final guidance was released and stated that the transit representative must be a representative of a provider that operates public transportation in the region and is an elected or appointed member of the provider's board of directors or a senior officer of the provider.

Ms. Yazzie stated that four options for the transit representative position on the MAG Regional Council were developed and have been presented to the Management Committee and Executive Committee. She stated that the material now includes Pros and Cons on the different options, which were developed in response to a request by Mayor Lane at the Executive Committee meeting.

Ms. Yazzie stated that MAG staff has reached out to the National Association of Regional Councils and the Federal Transit Administration to research what other MPOs were doing.

Ms. Yazzie stated that there is an additional area that has come to staff's attention: exemption. She noted that ISTEA, one of the previous federal transportation authorization acts, includes guidance on exemption, and it says that an organization is exempt from certain things in regard to its committee structure and board if the organization was formed prior to 1991. Ms. Yazzie stated that staff is requesting additional time to gather more information from Federal Highway Administration, the National Association of Regional Councils, other metropolitan planning organizations, etc., and then bring back the item in September and October.

Chair LeVault asked if there was a timeframe for implementation. Mr. Smith replied that they originally thought October 1, 2014, was the implementation date, however, other MPOs, are not taking that date as a firm date. In addition, the Federal Transit Administration also has issued new provisions. Mr. Smith stated that a Federal Highway Administration representative in San Francisco inquired if MAG was grandfathered in ISTEA. He explained that prior to the ISTEA Act of 1991, all modes are not required to be represented on a Regional Council for those agencies that existed in statute before 1991, but need to show that the modes have been included in the decision-making process. Mr. Smith stated that Philadelphia and Omaha have filed exemption papers. He stated that staff would like to learn more before going farther because there might be another option.

Chair LeVault asked for clarification that this item would be coming back before the Regional Council after more research is conducted. Ms. Yazzie replied yes.

11. Legislative Update

No report.

12. Request for Future Agenda Items

Topics or issues of interest that the Regional Council would like to have considered for discussion at a future meeting were requested.

Mayor Lewis commented on the citizen comments on Loop 202 at the beginning of the meeting. He requested either an email update or an update on next month's Executive Director's Report, to provide an overview on the event timeline. Mr. Smith stated that staff could provide a report.

13. Comments from the Council

An opportunity was provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mayor Wolcott expressed her appreciation to the mayors who participated in the Third Annual Bowling Challenge. She said that the Surprise Stingers won because of honorary member Mayor Greg Stanton's bowling skills. She presented him with a memento of their team. Mayor Stanton, in accepting the trophy, said he was honored to have bowled with Mayor Wolcott's team.

Mayor Kavanagh expressed her appreciation to Mayor Weiers for organizing the Ice Bucket Challenge. She said that he also issued a challenge the Legislature.

Adjournment

There being no further business, the meeting adjourned at 1:15 p.m.

_____
Chair

_____
Secretary

Agenda Item #5B

MAG Economic Development Committee Business Members

POSITION	LETTERS RECEIVED FOR REAPPOINTMENT
Economist	Jim Rounds, Elliott Pollack & Company, VP & Senior Economist
Transportation Industry Representatives (2)	1) Dan Spitza, Vice President of Achen Gardner Construction 2) Vacant
Education (2)	1) Dr. Joseph Cavinato, Professor of Supply Chain Management, Thunderbird 2) Angela Creedon, Assistant Vice President, Community and Municipal Relations, Arizona State University
WESTMARC	William Sheldon, Past Chair of WESTMARC, Vice President & Chief Risk Officer for CopperPoint
East Valley Partnership	Mark Dreher, Chair of East Valley Partnership
Greater Phoenix Economic Council	Steve Betts, GPEC Board Member
Greater Phoenix Leadership	Thomas Franz, President/CEO of the Greater Phoenix Leadership
Development Community	Jim Kenny - El Dorado Holdings Inc.
Phoenix Chamber of Commerce Representative	Todd Sanders, President and CEO of the Phoenix Chamber of Commerce
Arizona Commerce Authority Representative	Sandra Watson, President & CEO

If three (3) consecutive meetings are missed, the position will be considered vacated.

Terms - The business members will have two-year terms with possible reappointment by recommendation of the Executive Committee and approval of the MAG Regional Council.

Economic and Real Estate Consulting

August 19, 2014

Mayor Michael LeVault
MAG Chair at the MAG offices
302 North 1st Avenue,
Suite 300
Phoenix, AZ 85003

Mayor Michael LeVault,

Please accept this letter as my official request to be re-appointed to the Maricopa Association of Governments Economic Development Committee.

Thank you,

Jim Rounds

Elliott D. Pollack & company
7505 East 6th Avenue, Suite 100 Scottsdale, Arizona 85251 ■ PH 480.423.9200 ■ FAX 480.423.5942 ■ info@edpco.com ■ www.arizonaeconomy.com

Joseph L. Cavinato, Ph.D.
15714 EAST GRASSLAND DRIVE
FOUNTAIN HILLS, ARIZONA 85268 • +1.480.836.8398

August 14, 2014

Mayor Michael LeVault
MAG Chair
302 North First Avenue, Suite 300
Phoenix, AZ 85003

Subject: Reappointment to MAG Economic Development Committee

I would very much like to continue membership on the EDC. I have been an educator member since the committee was founded a few years ago, and I enjoy contributing to the energies and activities of it.

I feel I bring much to the EDC. Economic development has been a major part of my career and activities since my Ph.D. program. In recent times it is a strong part of my research and teaching of corporate supply chains at Thunderbird (and soon to be ASU). In the past year I also have been active in assisting the creation of the economic development council for the nation of Sri Lanka.

I look forward to contributing to the economic development of Maricopa County and its extended regional scope.

Regards,

Joseph L. Cavinato

ARIZONA STATE UNIVERSITY

August 20, 2014

Mayor Michael Levault
MAG Chair
302 North 1st Avenue, Suite 300
Phoenix, AZ 85003

RE: Reappointment to MAG Economic Development Committee

Dear Mayor Levault:

I address this letter to you in my pursuit for reappointment to the Economic Development Committee of the Maricopa County Association of Governments. I consider this appointment to be a great honor and meaningful opportunity and look forward to partnering with others to work to build and strengthen the infrastructure of our county and therefore our state. I have years of experience in committee teamwork and feel I have much to offer this organization. I believe that I have exemplified my interest and commitment to this organization over the last few years and I would like to continue in that effort.

Sincerely,

Angela Creedon

Angela Creedon
Assistant Vice President of Public Affairs
Arizona State University

Offiice of Public Affairs

PO Box 877305 Tempe, AZ 85287-7305
(480) 965-4980 Fax: (480) 965-9233

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Mutual Insurance Company

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Email: wsheldon@copperpoint.com
William D. Sheldon
Chief Risk Officer & VP
3030 N 3rd Street | Phoenix AZ | 85012
copperpoint.com

August 26, 2014

Mayor Michael LeVault
MAG Chair
302 North 1st Avenue
Suite 300
Phoenix, AZ 85003

Re: Maricopa Association of Governments, Economic Development Committee

Dear Mayor LeVault,

I write today to formally request consideration for a second term membership in the Maricopa Association of Government's Economic Development Committee. I am the Chief Risk Officer & VP, for CopperPoint Mutual Insurance Company, Arizona's largest workers' compensation insurance provider. I am a past Chairperson of WESTMARC and have served on the organization's Board of Directors for several years. I have also participated in the Economic Development Committee at WESTMARC. I am also the current Chairperson of the West Valley Arts Council.

I would be deeply honored to be appointed for a second term to serve Maricopa County in this capacity.

Thank you, Mayor LeVault, for your consideration.

Sincerely,

William D. Sheldon
Chief Risk Officer & VP

Wallace
Plese +
Dreher

CERTIFIED PUBLIC ACCOUNTANTS + CONSULTANTS

Maricopa Association of Governments
Received
AUG 20 2014

August 18, 2014

Mayor Michael LeVault, MAG Chair
Maricopa Association of Governments
302 N. 1st Street, Suite 300
Phoenix, AZ 85003

Re: Economic Development Committee membership

Dear Mayor LeVault:

I received the request for letters of interest dated August 7, 2014, and would like to request reappointment to the Economic Development Committee for an additional two year term, representing East Valley Partnership.

Please note that beginning August 25, 2014, my address will be:

Mark Dreher
Wallace Plese + Dreher, LLP
500 N. Juniper Drive, Suite 275
Chandler, AZ 85226

Sincerely,

Mark R. Dreher

cc: Roc Arnett, CEO, East Valley Partnership

Wallace, Plese + Dreher, LLP
Scott T. Wallace | Anthony J. Plese | Mark R. Dreher | Stephen J. Rodis
3933 S. McClintock Dr., Suite 500, Tempe AZ 85282
PHONE 480 345 0500 FAX 480 345 7756 wpd-cpa.com
Members: CPAmerica International | FD Alliance

CHANEN DEVELOPMENT COMPANY, INC.

August 18, 2014

Mayor Michael LeVault
MAG Chair
302 N. 1at Avenue, Suite 300
Phoenix, AZ 85003

RE: Business Member Position on the
Economic Development Committee

Dear Mayor LeVault:

Thank you for the opportunity to place my name for consideration as a member of the MAG Economic Development Committee, representing the Greater Phoenix Economic Council. I have enjoyed serving on the committee and would appreciate being reappointed to serve for another two-year term.

I look forward to hearing from you.

Sincerely,

Steven A. Betts
President
Chanen Development Company, Inc.

SAB:jw

Corporate Offices: 3300 North Third Avenue, Phoenix, Arizona 85013 Telephone: 602/266-3600 Fax: 602/285-9268

GREATER PHOENIX LEADERSHIP

400 E Van Buren, #825 | Phoenix, AZ 85004 | (602)252-5667 (O) | (602)252-56[illegible] (F)

August 19, 2014

Mayor Michael LeVault
MAG Chair
302 N. 1st Avenue, Suite #300
Phoenix, AZ 85003

Dear Mayor LeVault,

I am in receipt of your solicitation of interest from the business members of the Economic Development Committee regarding continued service.

I, Tom Franz, President and CEO of Greater Phoenix Leadership, would be pleased to continue to serve as a member of the Maricopa Association of Governments Economic Development Committee for a third 2 year term.

If you have any questions, please feel free to reach me at (602)252-5667x101 or by email at tfranz@gplinc.org.

Respectfully,

Thomas R. Franz
President/CEO
Greater Phoenix Leadership

El Dorado
Holdings, Inc.

August 25, 2014

Mayor Michael LeVault
EDC Chair
Maricopa Association of Governments
302 First Avenue Suite 300
Phoenix, AZ 85003

Re: Reappointment to Economic Development Committee

Dear Mayor LeVault,

Please accept this letter of interest for my reappointment to the MAG's Economic Development Committee.

I have appreciated being able to serve during the committee's past two terms. I continue to appreciate the unique venue the EDC provides for the business community to partner with and learn from our region's municipal leaders.

The EDC's continued focus on infrastructure is important as we continue to work on projects of regional significance such as Interstate 11. My company, El Dorado Holdings, has taken a lead role on this, working with MAG, ADOT and the I-11 coalition to advance the corridor study that is scheduled for completion in the next month or so. My participation and collaboration with EDC will continue to help move this job-creating, transformative project forward to fruition.

As I noted in my last request for reappointment, our company participates with the boards of GPEC, the Arizona Commerce Authority and City of Maricopa's Economic Development Alliance, along with Pinal Partnership and others. This helps us to understand and continue to support MAG and the EDC's regional approach. I look forward to continuing to serve with the EDC.

Thank you for your consideration.

Very truly yours,

James F. Kenny
President, El Dorado Holdings

One Gateway Center
426 North 44th Street, Suite 100 • Phoenix, Arizona 85008 • (602) 955-2424 • FAX (602) 955-3543

GREATER PHOENIX
CHAMBER OF COMMERCE
EST. 1888

August 19, 2014

Mayor Michael LeVault
MAG Chair
Maricopa Association of Governments
302 N. 1st Avenue, Suite 300
Phoenix, AZ 85003

Re: Reappointment to the Economic Development Committee

Dear Mayor LeVault:

It has been an honor to serve on the Economic Development Committee of the Maricopa Association of Governments over the past four years. I would like to continue serving on this Committee for an additional two years and request that my letter of interest be approved at the MAG Executive Committee and Regional Council meetings in September 2014.

Thank you for your consideration.

Sincerely,

Todd Sanders

Todd Sanders
President/CEO

TS/mkc

August 20, 2014

Mayor Michael LeVault
MAG Chair
Maricopa Association of Governments
302 North 1st Avenue, Suite 300
Phoenix, AZ 85003

RE: Reappointment to the Economic Development Committee

Dear Mayor LeVault,

I am interested in reappointment to the Economic Development Committee. Please consider my request.

Best regards,

Sandra Watson
President/Chief Executive Office

Building Arizona Since 1934

Arizona Chapter Associated General Contractors

1825 West Adams St. • Phoenix, Arizona 85007 • (602) 252-3926 • Fax (602) 252-5870

September 15, 2014

Mr. Dennis Smith, Executive Director
Maricopa Association of Governments
302 N. 1st Avenue, Suite 300
Phoenix, AZ 85003

Dear Dennis:

The Arizona Chapter of the Associated General Contractors (AZAGC) would like to nominate Mr. Dan Spitza, Vice President of Achen-Gardner Construction, to MAG's Economic Development Committee. Dan currently services as Second Vice Chairman of AZAGC and he would be a valuable asset to the committee.

Thank you very much for your serious consideration.

Sincerely,

David M. Martin
President

DAN SPITZA, P.E.

Vice President, Co-Owner, Manager of Design Services and Business Development

Achen-Gardner Construction, LLC is a heavy civil general contractor specializing in wet utility, roadway, and highway construction. Our firm has extensive experience in delivering complex infrastructure projects for both private and public sector clients throughout the Southwest. We are committed to providing superior construction and construction management services. Whether your project is Design-Bid-Build, Construction Manager at Risk, Design-Build or Job Order Contracting, our dedication to service and quality stands out among our peers. We are committed to creating win-win relationships with our clients while providing the highest quality products and innovative services available.

Industry Experience - Dan started his career in Arizona in 1985 and through the years amassed a diverse infrastructure construction resume including regionally significant projects for ADOT, MCDOT, and almost every public agency in Maricopa County (and several in Pima and Pinal Counties). He joined the Achen-Gardner team as an estimator and project manager in April 1998. His years in the southwest area construction industry, impressive background as a registered professional civil engineer, and grass roots experience having held positions ranging from project engineer to project superintendent to design phase manager have enabled him to effectively evaluate the construction methods and management systems at Achen-Gardner in order to achieve new levels of excellence. His efforts have been rewarded with steady increases in Achen-Gardner's competitiveness, annual volume, and market share. Dan is a registered Arizona professional engineer (AZ Civil No. 24434) and is currently serving on the Executive Committee and Board of Directors for the Arizona Chapter of Associated General Contractors and is an active member of AWA, DBIA, ACE, AACE, MPA, TUCA, AMIGOS, and the Arizona Chapters of AGC, APWA, and ACEC. His expertise and ability to establish important professional relationships has been instrumental in Achen-Gardner's recognition as one of the most respected heavy/highway construction companies in the state of Arizona.

Personal - Dan is a second generation civil engineer born and raised in the Milwaukee, Wisconsin area and holds a B.S. in Civil Engineering from the University of Wisconsin (Madison, WI). Dan is married to Monica and has two boys, Jack (14) and Max (11). Dan and his family have resided in the City of Phoenix since moving here in 1985.

Agenda Item #6

MARICOPA ASSOCIATION of GOVERNMENTS

Domestic Violence Awareness Month

2014 Event Calendar

PLEASE COMPLETE ONE FORM FOR EACH EVENT.

Date_____ Time_____

Event Name_____

Organizing Agency_____

Address_____ City, State & Zip_____

Room location_____ Name of Venue_____

Is this event re-occurring? No Yes If so, what is the schedule: _____
Is there a fee to attend? No Yes If so, what is the fee: _____
Is this event open to the public? No Yes

Contact Person (to be displayed on calendar):

Name_____ Phone Number_____

Email Address_____ Website_____

How would you categorize this event? (Please circle)

Fundraiser Training Presentation Other_____

Please send your event information to Leila Gamiz at MAG.
Fax: (602) 254-6490
E-mail: LGamiz@azmag.gov
Mail: Maricopa Association of Governments
302 N. 1st Ave, Suite 300, Phoenix, AZ 85003

All agencies will be sent an email confirmation. If you do not receive an email confirmation, please contact MAG at lgamiz@azmag.gov or by calling (602) 254-6300.

Agenda Item #7

MARICOPA ASSOCIATION of GOVERNMENTS

302 North 1st Avenue, Suite 300 ▲ Phoenix, Arizona 85003
Phone (602) 254-6300 ▲ FAX (602) 254-6490
E-mail: mag@azmag.gov ▲ Web site: www.azmag.gov

September 16, 2014

TO: Members of the MAG Regional Council

FROM: Julie Hoffman, Environmental Planning Program Manager

SUBJECT: ARIZONA WATER QUALITY MANAGEMENT PLAN AND STREAMLINING OF THE 208 WATER QUALITY MANAGEMENT PLAN PROCESS

The Arizona Department of Environmental Quality (ADEQ) is working to update the Arizona Water Quality Management Plan, which was completed in 1979. ADEQ is also proposing to streamline the 208 Water Quality Management Plan Process, which is conducted by five Councils of Governments (COGs) as well as Yuma, La Paz, and Mohave Counties. ADEQ has been streamlining various processes to issue permits faster. The 208 streamlining approach currently being considered by ADEQ would result in the issuance of permits for wastewater treatment facilities without first going through the MAG 208 Process and receiving Regional Council approval. This approach would jeopardize local control over the desired wastewater treatment configuration identified in the MAG 208 Water Quality Management Plan.

In 1974, MAG was designated by the Governor to serve as the Regional Water Quality Management Planning Agency for Maricopa County. It is in this capacity that MAG prepares the 208 Water Quality Management Plan for the region. The 208 Plan consists of two major elements: the Point Source element and the Nonpoint Source element. The Point Source element describes the preferred wastewater treatment system to serve the needs of the area over a 20 year time period. The Nonpoint Source element primarily describes regional surface and groundwater quality, and federal and state program activities designed to control nonpoint source pollution.

Currently, the MAG 208 Water Quality Management Plan is the key guiding document used by ADEQ and Maricopa County in granting permits for wastewater treatment plants in the region. Consistency is necessary for permit approvals. According to 40 CFR Part 130.6 (f) Consistency, Construction grant and permit decisions must be made in accordance with certified and approved water quality management plans. Consistency with the 208 Plan is required for the Aquifer Protection Permit and Arizona Pollutant Discharge Elimination System Permit issued by ADEQ. Consistency with the 208 Plan is also required for the Approval to Construct issued by the Maricopa County Environmental Services Department. If a proposed facility is not included the MAG 208 Plan, the Plan may be modified through the 208 Amendment Process or the Small Plant Review and Approval Process.

ADEQ PROPOSED STREAMLINING

The Arizona Department of Environmental Quality has recently indicated that they do not see value added by the 208 Amendment Process and plans to ensure water quality through the permits. ADEQ plans to issue permits for proposed new wastewater treatment facilities, expansions, or surface water discharges before the Councils

of Governments/Counties decide whether or not to include them in their 208 Plans. According to ADEQ, the Councils of Governments/Counties could continue to conduct a local public process to make their region aware of new proposed wastewater treatment facilities, expansions, or surface water discharges. ADEQ is proposing a table of wastewater treatment options (see attachment). If a proposed facility falls under one of the options in the table, the proposed facility would be included in a facility inventory that would be used annually update the 208 Plans. Meanwhile, ADEQ would be issuing permits for the facilities in the inventory before the facilities become part of the 208 Plans.

In addition, ADEQ would no longer use the wastewater treatment configuration identified in the Point Source element of the 208 Plan for determining 208 consistency. Instead, ADEQ would determine consistency based on the 208 Plan goals, processes, and the proposed wastewater treatment options table. The options table was designed by ADEQ and included in other rural 208 Plans in the State that have been updated in cooperation with ADEQ. While this may work in some rural areas, there is concern with using this approach in the MAG region. Since 2002, 35 new facilities have been added to the MAG 208 Plan through the MAG 208 Amendment or Small Plant Review and Approval Process. Without the MAG 208 Process, local control in approving wastewater treatment facilities in the region would be significantly jeopardized.

In the MAG 208 Process, it is the jurisdiction in which the facility is located that brings a 208 Amendment or Small Plant Review and Approval forward to MAG. This preserves local government control over the wastewater treatment facilities that are identified in the MAG 208 Plan. The wastewater treatment plants are tied to growth and development and the permits would allow the plants to be built. The streamlining approach proposed by ADEQ would remove local control over growth and development and give it to the State.

If you have any questions, please do not hesitate to contact me at (602) 254-6300.

Attachment

TABLE 5.1 – WASTEWATER TREATMENT OPTIONS

NOTE: Selected option must meet all ***current*** Aquifer Protection Permit (APP), Arizona Pollutant discharge Eliminations System Permit (AZPDES), and adopted local ordinance requirements.

	OPTION 1	OPTION 2	OPTION 3	OPTION 4	OPTION 5
	Existing WWTP with Adequate Capacity	Expand WWTP or Collection System	New Centralized WWTP and Collection System	Individual On-site Wastewater Treatment Systems (up to 24,000 gpd)	Satellite Plants or Communal Facilities*
In a Service Area, Planning Area, or High Priority Area for Sewer Lines*	Connecting to an existing WWTP is generally the best option if feasible.* If sewer lines are not yet available or WWTP capacity insufficient, see Options #2 and #3.	Expanding a WWTP is generally preferable to building new facilities. It is usually more cost effective to delay proposed development until expansion has been completed. However, if unwilling to delay development, an initial phase can be developed (see options #4 and #5.)	Construction of new public service facilities may be the best option, for example if the size of the plant cannot be expanded. New facilities must be provided by the entity assigned the Service Area (or developed under a contract with that entity). If in a High Priority Area, but outside of a Service Area or Planning Area, development of a sanitary district, wastewater improvement district or private utility should be *encouraged.* It is usually more cost-effective in the long- term to delay proposed development until new facilities are complete. However, if unwilling to delay development, an initial phase can be developed under Options #4 and #5.	This option includes septic systems and alternative on-site systems. Both new or replacement individual on-site wastewater systems should be restricted by local ordinance to: • Lots larger than 1 acre with adequate site conditions for the individual on-site wastewater system and a replacement system • Situations where sewer lines are not available If unwilling to delay development until sewer lines are available, individual on-site systems could be used in a "first phase" of development if: • Dry sewer lines are constructed to facilitate connection to a future sewer line; and • A local ordinance requires property owners to connect to sewers when they become available, and a mechanism is in place to notify future property owners of this requirement.	These privately owned facilities may be an option only when sewer lines are not yet available. In a Service Area, this is another alternative to delay development until sewer lines are available under a "first phase" of development if: • There is a written agreement with the WWTP to connect to the collection system when sewer lines become available and properly decommission the treatment system. (This may also require local ordinances.)
All Other Areas	If feasible,* modify the Service Area and connect to the sewer lines. This would require Public review, Consistency Review and possibly revision of the utility's operations plan. (Not a likely option)	If feasible,* modify the Service Area and connect to the sewer lines. This would require Public review, Consistency Review and possibly revision of the utility's operations plan.	If feasible,* establish a Service Area and initiate development of a **new WWTP and collection system.** Establishment of a Service Area may require certification as a DMA or WMU.	A good option on lots larger than 1 acre with no limiting site conditions for conventional systems.	Centralized on-site wastewater treatment facilities include "package plants" and communal septic systems which may be a good option where sewer lines are not available and limiting site conditions restrict use of conventional septic systems. Establishment of a Service Area may require certification as a DMA or WMU.

Wastewater Treatment Facility Permits and Approvals Linked to the MAG 208 Water Quality Management Plan

MAG 208 Water Quality Management Plan
Includes the desired wastewater treatment configuration for the region

Arizona Department of Environmental Quality Permits that Require Consistency with the MAG 208 Plan

- Aquifer Protection Permit (APP)
- Arizona Pollutant Discharge Elimination System Permit (AZPDES)
- Reclaimed Water Permit (requires an APP)

Arizona Department of Water Resources Permits that Require an Aquifer Protection Permit

- Underground Storage Facility Permit
- Water Storage Permit

Maricopa County Environmental Services Department Approvals that Require Consistency with the MAG 208 Plan

- Approval to Construct
- Approval of Construction

Arizona Corporation Commission Approval that Requires an Aquifer Protection Permit

- Certificate of Convenience and Necessity (CC&N)

Notes:

- MAG is not a regulatory agency and does not issue permits for wastewater treatment facilities.
- The permits and approvals listed in this flowchart do not include all permits and approvals necessary for construction and operation of a wastewater treatment facility.

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
415-355-8000

Molly C. Dwyer
Clerk of Court

July 29, 2014

No.: 14-72327
Short Title: Sandra Bahr, et al v. USEPA, et al

Dear Petitioners/Counsel

Your Petition for Review has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case.

The due dates for filing the parties' briefs and otherwise perfecting the petition have been set by the enclosed "Time Schedule Order," pursuant to applicable FRAP rules. These dates can be extended only by court order. Failure of the petitioner to comply with the time schedule order will result in automatic dismissal of the petition. 9th Cir. R. 42-1.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 29 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SANDRA L. BAHR; DAVID MATUSOW,

Petitioners,

v.

U.S. ENVIRONMENTAL PROTECTION AGENCY; GINA MCCARTHY, Administrator, United States Environmental Protection Agency; JARED BLUMENFELD, Regional Administrator, EPA Region IX,

Respondents.

No. 14-72327

Environmental Protection Agency

TIME SCHEDULE ORDER

The parties shall meet the following time schedule.

Tue., August 5, 2014	Mediation Questionnaire due. If your registration for Appellate ECF is confirmed after this date, the Mediation Questionnaire is due within one day of receiving the email from PACER confirming your registration.
Fri., October 17, 2014	Petitioners' opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1.
Mon., November 17, 2014	Respondents' answering brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1.

The optional petitioners' reply brief shall be filed and served within fourteen days of service of the respondents' brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.

Failure of the petitioners to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.

FOR THE COURT:
Molly C. Dwyer
Clerk of Court

Holly Crosby
Deputy Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SANDRA L. BAHR, and DAVID MATUSOW, Petitioners, v. GINA McCARTHY, Administrator United States Environmental Protection Agency; JARED BLUMENFELD, Regional Administrator, EPA Region IX; and UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Respondents.	Case No.: _____ **PETITION FOR REVIEW**

Sandra L. Bahr and David Matusow hereby petition the Court for review of the final action of the above-named respondents, published at 79 Fed. Reg. 33107-33116 (June 10, 2014) entitled "Approval and Promulgation of Implementation Plans—Maricopa County PM–10 Nonattainment Area; Five Percent Plan for Attainment of the 24-Hour PM–10 Standard."

Dated this 29th day of July, 2014.

s/Joy E. Herr-Cardillo
Joy E. Herr-Cardillo (Arizona Bar #009718)
Arizona Center for Law in the Public Interest
2205 E. Speedway.
Tucson, Arizona 85719
(520)529-1798
Counsel for Petitioners

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SANDRA L. BAHR, and DAVID MATUSOW, Petitioners, v. GINA McCARTHY, Administrator United States Environmental Protection Agency; JARED BLUMENFELD, Regional Administrator, EPA Region IX; and UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, Respondents.	Case No.: _____ **CERTIFICATE OF SERVICE OF PETITION FOR REVIEW**

As counsel for Petitioners, I hereby certify that copies of the above-captioned petition for review were mailed via first class mail, postage prepaid, this 29th day of July 2014 to the following:

Gina McCarthy
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Jared Blumenfeld
Regional Administrator
EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105

Kara Christenson
Senior Counsel
U.S. EPA Region 9
75 Hawthorne Street, 16th Floor
San Francisco, CA 94105

Henry R. Darwin
Director
Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007.

s/Joy E. Herr-Cardillo
Joy E. Herr-Cardillo

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office
Phone (415) 355-7900 Fax (415) 355-8566
http://www.ca9.uscourts.gov/mediation

MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are ***not*** confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

9th Circuit Case Number(s): 14-72327

District Court/Agency Case Number(s): EPA–R09–OAR–2013–0762; FRL–9912–01– Region 9

District Court/Agency Location: EPA Region 9, San Francisco, CA

Case Name: Bahr et al v. McCarthy et al

If District Court, docket entry number(s) of order(s) appealed from: n/a

Name of party/parties submitting this form: Sandra Bahr and David Matusow, Petitioners

Please briefly describe the dispute that gave rise to this lawsuit.

This is a Petition for Review challenging EPA's approval of a revision to the Arizona State Implementation Plan under the Clean Air Act. Because the Phoenix metropolitan nonattainment area failed to attain the National Ambient Air Quality Standard (NAAQS) for PM-10 by December 31, 2006, pursuant to section 189(d) of the CAA the state was required to submit "plan revisions which provide for attainment of the PM-10 air quality standard and, from the date of such submission until attainment, for an annual reduction in PM-10 or PM-10 precursor emissions within the area of not less than 5 percent of the amount of such emissions as reported in the most recent inventory prepared for such area." Arizona initially submitted a 5% plan in 2007, but withdrew it in January 2011 when EPA proposed disapproving it. The state then submitted a substitute plan in May 2012, which EPA has now approved.

Briefly describe the result below and the main issues on appeal.

Although Petitioners have raised several issues with the Plan, the most significant issue is the state's reliance upon the exceptional events rule to demonstrate "attainment." According to the monitors, the area continues to violate the NAAQS, particularly during the monsoon season. Consequently, the state has sought to have those violations excluded as "exceptional events." An exceptional event is defined as "an event that affects air quality; is not reasonably controllable or preventable; is an event caused by human activity that is unlikely to recur at a particular location or a natural event." In the case of the 5% plan, the state can only demonstrate "attainment" if 127 exceedances that occurred over 25 days are excluded from the data as "exceptional events." If these exceedances were not excluded, 14 of the 16 monitoring sites that reported exceedances would be violating the standard by a significant measure. We believe EPA's concurrence in excluding these data is an abuse of discretion.

(Please continue to next page)

Describe any proceedings remaining below or any related proceedings in other tribunals.

There were no proceedings below. There was a public comment period during which Petitioners submitted extensive comments.

Provide any other thoughts you would like to bring to the attention of the mediator.

Petitioners in this case were also plaintiffs in two district court actions brought to compel EPA to take action on the 5% plan as required under the CAA. Under the Act, EPA had a nondiscretionary duty to act on the plan by June 2009, and then when the state withdrew and submitted a substitute plan, on February 14, 2013. In both instances, when EPA failed to act by the nondiscretionary deadline, petitioners sued in federal district court for the district of Arizona. Both lawsuits resulted in negotiated consent judgments with agreed upon dates for EPA to act. In both cases, the negotiated deadlines gave EPA significantly more time to take action than is required under the Act.

Any party may provide additional information ***in confidence*** directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

☒ a current service list with telephone and fax numbers and email addresses is attached (see 9th Circuit Rule 3-2).

☒ I understand that failure to provide the Court with a completed form and service list may result in sanctions, including dismissal of the appeal.

Signature s/Joy E. Herr-Cardillo

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for Petitioners Sandra Bahr and David Matusow

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.

Case No. 14-72327

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

SANDRA L. BAHR, and DAVID MATUSOW,

Petitioners,

v.

GINA McCARTHY, Administrator, United States Environmental Protection Agency; JARED BLUMENFIELD, Regional Administrator, EPA Region IX; and UNITED STATED ENVIRONMENTAL PROTECTION AGENCY,

Respondents,

STATE OF ARIZONA ex rel. Henry R. Darwin, Director, Arizona Department of Environmental Quality,

Proposed Intervenor-Respondent.

On Petition for Review of final action, published at 79 Fed. Reg. 33107-33116

STATE OF ARIZONA'S MOTON FOR LEAVE TO INTERVENE ON BEHALF OF RESPONDENT

Tom Horne
Arizona Attorney General
Monique Coady
Assistant Attorney General
1275 W Washington
Phoenix, AZ 85007
602-542-8543
Attorneys for Proposed Intervenor

I. INTRODUCTION

Pursuant to Rule 15(d), Federal Rules of Appellate Procedure, the State of Arizona ex rel. Henry R. Darwin, Director, on behalf of the Arizona Department of Environmental Quality ("ADEQ"), respectfully requests that this Court enter an order granting it leave to intervene as a Respondent in the above-entitled action.

Petitioners Sandra L. Bahr and David Matusow filed a Petition for Review on July 29, 2014, challenging a final rule issued by the United States Environmental Protection Agency ("EPA") approving a State Implementation Plan revision that Arizona submitted to meet the Clean Air Act ("CAA") requirements applicable to the Maricopa County PM-10 Nonattainment Area. *See* 79 Fed. Reg. 33107-33116 (June 10, 2014) (the "Final Rule").

Arizona is subject to the Final Rule and has a direct and substantial interest in the outcome of this matter. Intervention is appropriate and necessary to adequately protect Arizona's interests.

II. BACKGROUND

A. The Respective Roles of EPA and the States

Congress assigned responsibility to EPA for identifying air pollutants and establishing National Ambient Air Quality Standards ("NAAQS"). CAA, 42 U.S.C. §§ 7408-7409. The EPA has established NAAQS for six criteria pollutants,

one of which is PM-10.[1] The states are assigned "the primary responsibility for assuring air quality within [its] entire geographic area." CAA, 42 U.S.C. § 7401(a)(3). To implement the NAAQS, the CAA requires that states adopt and administer State Implementation Plans ("SIPs") that meet certain statutory criteria. CAA, 42 U.S.C § 7410. The states have "wide discretion in formulating [their] plan[s]." *Union Elec. Co. v. EPA*, 427 U.S. 246, 250 (1976). "[S]o long as the ultimate effect of a State's choice of emission limitations is compliance with the national standards for ambient air, the State is at liberty to adopt whatever mix of emission limitations it deems best suited to its particular situation." *Train v. Natural Res. Def. Council, Inc.*, 421 U.S. 60, 79 (1975). If a SIP meets the applicable requirements, EPA is required to approve the SIP in its entirety. CAA, 42 U.S.C. § 7410(k)(3). Alternately, EPA may approve a SIP in part and disapprove a SIP in part if only a portion of the SIP meets the applicable requirements. *Id*.

B. Maricopa County PM-10 Nonattainment Area

Pursuant to state statute, the Maricopa Association of Governments ("MAG") is the lead air quality planning organization for the Maricopa County PM-10 Nonattainment Area, a portion of which is located in Pinal County.

[1] PM-10 means particulate matter 10 micrometers or smaller in diameter. 40 CFR § 50.6(c).

Arizona Revised Statutes § 49-406. The Maricopa County Nonattainment Area has been classified as a serious PM-10 nonattainment area since June 10, 1996.

On July 9, 1999, Arizona submitted to EPA the MAG 1999 Serious Area Particulate Plan for PM-10 with Best Available Control Measures to control PM-10 emissions. Arizona submitted a revised PM-10 SIP in February 2000, which added the Most Stringent Measures in the nation to control PM-10 emissions and included an extension request for attainment. The EPA approved the Serious Area Plan and granted a five-year extension of the attainment date from December 31, 2001 to December 31, 2006. Both decisions were published in the Federal Register on July 25, 2002. *See* 67 Fed. Reg. 48718.

The Maricopa County Nonattainment Area failed to attain the PM-10 NAAQS by the extended deadline of December 31, 2006. This failure triggered a requirement under the CAA that Arizona submit a SIP revision providing for annual reductions of PM-10 or PM-10 precursors of not less than five percent of the most recent emissions inventory until the NAAQS is attained. CAA, 42 U.S.C. § 7513a (d).

Arizona submitted the MAG 2007 Five Percent Plan for PM-10 ("2007 Five Percent Plan") to EPA by the December 31, 2007 deadline. The 2007 Five Percent Plan contained rule revisions in Maricopa County and Pinal County to further reduce PM-10 emissions. The EPA proposed a limited disapproval of the 2007

Five Percent Plan on September 9, 2010. *See* 75 Fed. Reg. 54806. Arizona withdrew the 2007 Five Percent Plan on January 25, 2011. The EPA made a Finding of Failure to Submit the Five Percent Plan on February 14, 2011. *See* 76 Fed. Reg. 8300.

On May 25, 2012, Arizona submitted its 2012 PM-10 SIP revision, also referred to as the 2012 Five Percent Plan, to EPA.[2] Numerous agencies expended significant resources in developing the 2012 PM-10 SIP, including the Maricopa Association of Governments, its member governments and agencies, ADEQ, the Arizona Department of Transportation, and the Pinal County Air Quality Control District. The public has been involved as well. Before submitting the 2012 PM-10 SIP, ADEQ held public hearings in Maricopa and Pinal Counties and accepted written comments.

Control measures in the 2012 PM-10 SIP include a revised emission inventory, a revised Motor Vehicle Emissions Budget, a revised control strategy focusing on high wind days, five-day advance air quality dust forecasts to identify High Risk Days for dust generation, best practices for unpermitted sources including Off Highway Vehicles to reduce dust, and a Dust Action General Permit

[2] The 2012 Five Percent Plan consists of the *Maricopa County Association of Governments 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area* and the *2012 Five Percent Plan for PM-10 for the Pinal County Township 1 North, Range 8 East Nonattainment Area.*

to require best management practices from unpermitted sources to prevent exceedances on High Risk Days. These measures have already been implemented and are currently in effect.

On July 20, 2012, EPA made a finding of completeness under the CAA for the 2012 PM-10 SIP, meaning that the 2012 PM-10 SIP met the minimum criteria for plan submission as promulgated by EPA. CAA, 42 U.S.C. § 7410(k)(1)(B). On February 6, 2014, EPA published a proposed rule, proposing to approve the 2012 PM-10 SIP as meeting all relevant statutory and regulatory requirements. *See* 79 Fed. Reg. 7118. The EPA published a final rule approving the 2012 PM-10 SIP on June 10, 2014. *See* 79 Fed. Reg. 33107.

C. Position of Other Parties Regarding Intervention.

Prior to filing this motion, Proposed Intervenor's counsel notified respective counsel for Petitioners and Respondents that Arizona would move to intervene. Counsel for Respondents stated that EPA takes no position on Arizona's proposed intervention. Counsel for Petitioners was unavailable for comment.

III. REASONS FOR GRANTING INTERVENTION

Pursuant to Rule 15(d), Federal Rules of Appellate Procedure, a motion to intervene, "must be filed within 30 days after the petition for review is filed and must contain a concise statement of the interest of the moving party and the grounds for intervention."

A. Arizona's Motion to Intervene Is Timely Filed.

Petitioners filed their Petition for Review on July 29, 2014. Arizona is filing this motion on August 28, 2014. As required under Rule 15(d), Federal Rules of Appellate Procedure, this motion is filed within thirty days of the petition for review. Therefore, Arizona's Motion to Intervene is timely filed.

B. Arizona Has a Significant Protectable Interest in the Outcome of This Matter.

The EPA is required to approve a SIP submission that complies with the CAA and applicable federal regulations, "the Administrator *shall* approve such submittal as a whole if it meets all of the applicable requirements." CAA, 42 U.S.C. 7410(k)(3) (emphasis added). Arizona has expended a significant amount of time and resources developing and implementing control measures specifically designed to ensure compliance with all applicable requirements for a Five Percent Plan. Numerous agencies and the public were involved in developing the 2012 PM-10 SIP, over the course of many years.

Should Petitioners be successful in their Petition for Review challenging the Final Rule, then EPA likely would be required to disapprove the 2012 PM-10 SIP in whole or in part. Such an outcome would directly affect Arizona because it would require Arizona to design and implement new and/or additional control measures for PM-10 and to draft and submit a revised PM-10 SIP. Arizona seeks intervention in order to defend the control measures already implemented and

submitted in the 2012 PM-10 SIP as meeting all of applicable requirements for a Five Percent Plan.

IV. CONCLUSION

After a significant expenditure of time, money, and effort over many years by several agencies and the public, Arizona has implemented numerous control measures for PM-10 emissions which meet all specific and applicable requirements for a Five Percent Plan. These measures are described in the 2012 PM-10 Plan, which EPA approved in the Final Rule as meeting all applicable requirements under the CAA. Arizona seeks to intervene to protect its rights under the Clean Air Act and to defend its 2012 PM-10 Plan as meeting all applicable requirements. Arizona requests that the Court enter an order granting it leave to intervene as a Respondent.

Respectfully submitted this 28th day of August, 2014.

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CERTIFICATE OF SERVICE

I, Monique Coady, hereby certify that a true and correct copy of the foregoing State of Arizona's Motion for Leave to Intervene on Behalf of Respondent was served by Notice of Electronic Filing this 28th day of August, 2014, upon all registered counsel of record using the Court's CM/ECF system.

/s/ Monique Coady
Monique Coady