

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
February 11, 2004
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Terry Ellis, Peoria, Chair	Horatio Skeete, Litchfield Park
Mike Hutchinson, Vice Chair, Mesa	Tom Martinsen, Paradise Valley
# George Hoffman, Apache Junction	Frank Fairbanks, Phoenix
Todd Hileman, Avondale	# Cynthia Seelhammer, Queen Creek
Joe Blanton, Buckeye	* Jacob Moore, Salt River Pima-Maricopa Indian Community
* Jon Pearson, Carefree	Roger Klingler for Jan Dolan, Scottsdale
Usama Abujbarah, Cave Creek	Jim Rumpeltes, Surprise
Mark Pentz, Chandler	Randy Gross for Will Manley, Tempe
B.J. Cornwall, El Mirage	Ralph Velez, Tolleson
* Tim Pickering, Fountain Hills	Shane Dille, Wickenburg
* Beverly Turner, Gila Bend	Mark Fooks, Youngtown
Urban Giff, Gila River Indian Community	Andy Smith for Victor Mendez, ADOT
George Pettit, Gilbert	Tom Buick for David Smith, Maricopa County
Dana Tranberg for Ed Beasley, Glendale	Ken Driggs, Valley Metro/RPTA
Stephen Cleveland, Goodyear	
Tom Morales, Guadalupe	

*Those members neither present nor represented by proxy.

Participated by videoconference or telephone conference call.

1. Call to Order

The meeting was called to order by Chairman Terry Ellis, at 12:07 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chairman Ellis announced that Cynthia Seelhammer was attending the meeting via telephone conference call and George Hoffman via videoconference call.

Chairman Ellis stated that transit tickets were available from Valley Metro/RPTA for those using transit to come to the meeting. Parking validation was available from MAG staff for those who parked in the parking garage.

Chairman Ellis stated that the revised agenda was at each place.

10. Update Regarding the Maricopa County Assessor's Office

This agenda item was taken out of order.

Chairman Ellis introduced Maricopa County Assessor, Kevin Ross, who reported on a proposed Affidavit of Sale for all public sales and purchases of real property. Mr. Ross noted that an Affidavit of Sale is currently mandated on all private transactions, while government transactions are exempt. Mr. Ross stated that the Affidavit of Sale is an important issue that will allow full disclosure on all public real estate transactions. He said that a beneficial, cooperative environment has existed over the past few years between the Assessor's office and planning and zoning departments. Mr. Ross described how the Assessor's office has worked closely with organizations to develop plat maps, which can now be done in as little as 72 hours.

Mr. Ross noted that the Maricopa County Assessor's Website receives more hits than all state government combined, and many city staff utilize the information posted on the Website. Mr. Ross stated that the responsibility of the Assessor's office is to assess, locate, identify and appraise the current market value of locally assessed property subject to ad valorem taxes and to process exemptions as specified by law. He noted that for the Assessor's office to accomplish this task, accurate information is needed to assess the property correctly and also for the evaluation models.

Mr. Ross stated that the legislation presents concerns for individual municipal interests and the costs that could be incurred. He stated that proposed legislation would apply to all political subdivisions, including school districts. Mr. Ross displayed the one-page Affidavit on screen. He noted that no costs will be incurred for filing the form, which he estimated to take two minutes to complete. Mr. Ross pointed out that the statute includes language that holds harmless and waives the fees for recording the data. Mr. Ross explained that the form will include the seller's and buyer's names, information on the transaction, financing information, if applicable, and use of property. Copies of the Affidavit were handed out to the Committee.

Mr. Ross explained that the Assessor's office would provide jurisdictions with the information the Assessor's office has on record; the jurisdictions would then review that information for accuracy. He said that the Assessor's office would like to disclose all property ownership on their Website. Mr. Ross added that property would be mapped and comparable sales included. Mr. Ross stated that he feels this would be beneficial to everyone. Mr. Ross requested support for the effort in obtaining transaction information in a less costly and cumbersome way. He stated that the County is willing to spend \$500,000 in putting this project together, and needs the cooperation of government agencies to move forward and maintain the information.

Roger Klingler asked the reason for political subdivisions being exempt and why the change was now needed. Mr. Ross replied that in the past, the Assessor's office did not have the capabilities to maintain the information because the system was archaic. He added that his office has worked diligently to improve the system. Mr. Ross commented that he did not know the history

of political subdivisions not showing transfers through the recorder's office, but it no longer served a useful purpose.

Vice Chair Hutchinson asked if the bill had been introduced. Mr. Ross replied that the bill had not yet been introduced, but draft language had been prepared. He stated that the legislation may be put in as a striker; however, legislation could be delayed until next year if cities need additional information. Vice Chair Hutchinson asked if a voluntary process had been considered? He commented that he supported the idea of getting property on the tax rolls as soon as possible, but felt that he would be willing to support a voluntary process. Vice Chair Hutchinson stated that voluntary processes seem to be more positively received than mandated processes. Mr. Ross commented that he appreciated past working relationships with the cities, but a voluntary process would not work, because the issue is larger than just cities and towns; the process would need to include the State, the County, MAG, and school districts. He explained that if the Assessor's office does not know that a jurisdiction owns a parcel, the property will be assessed anyway, because those parcels have to be maintained. The Treasurer sends out tax bills that are never paid. Mr. Ross commented that this process can result in interest costs. He stated that he believed that the taxing subdivisions would be served even more than the Assessor's office, by putting out a standardized format that is easily accessible.

Mr. Fooks referred to an *Arizona Republic* article that included a list on government property evaluations and increases in values. He commented that the list showed Youngtown at the top of the list with an increase from 78,000 to 260,000. Mr. Fooks asked how he could check the accuracy of this list. Mr. Ross replied that Youngtown had a limited amount of sales to judge the appreciation, and the sale of a couple of large parcels pushed up the actual appreciation price. Mr. Ross offered to work with Mr. Fooks, and he believed running the model could help. Chairman Ellis thanked Mr. Ross for coming to the meeting and providing the report.

Chairman Ellis introduced and welcomed the new Chandler City Manager, Mark Pentz.

3. Call to the Audience

Chairman Ellis stated that Call to the Audience provides an opportunity to the public to address the Management Committee on items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Chairman Ellis noted that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Public comments have a three minute time limit and there is a timer to help the public with their presentations. When two minutes have elapsed, a yellow light will come on notifying the speaker that they have one minute to sum up. At the end of the three minute time period, a red light will come on. Chairman Ellis stated that for members of the audience who wish to speak, comment cards are available from the staff.

Chairman Ellis recognized public comment from DD Barker, who stated that Valley Metro is authorizing a study on Deck Park, which is something the citizens have been requesting. Ms. Barker extended her thanks for the transit tickets and she had come to the meeting on an alternative-fuel bus. Ms. Barker noted that the City of Phoenix transit fleet is the largest fleet in the world using alternative fuels, and they should be recognized for this. She encouraged

other cities to see about increasing these types of vehicles in their fleets. Ms. Barker stated that the subsidy for buses is much lower than other modes, such as light rail. She commented that she felt that in the transportation future, all will have a transportation mix they want. Ms. Barker indicated that she felt there may be more public/private partnerships in the future, so the user will pay more. Ms. Barker commented that it was reported at the last Management Committee meeting that there were 40 air quality exceedances and only two were reported as violations. Ms. Barker indicated that the FTA Director said that because of light rail on Central Avenue, traffic will go 12 m.p.h., however, the posted speed limit on Central is 35 m.p.h. Ms. Barker commented that it is possible for the City of Phoenix to fine people for taking out a lane, so maybe the light rail project will be fined. Chairman Ellis thanked Ms. Barker for her comments.

4. Executive Director's Report

Dennis Smith reported on federal transportation legislation. Mr. Smith explained that PM-2.5 has been included in the SAFETEA formula and concerns about this have been conveyed to the Congressional delegation. He noted that PM-2.5 is not a problem in this area, but we are a nonattainment area for PM-10. Mr. Smith stated that the impacts of this formula are unknown until it is provided to MAG, and staff was informed that a 1,300 page bill would be delivered to MAG, and hopefully will include the formula. Mr. Smith advised that the minimum guarantee provision in the formula impacts the amount of CMAQ funds that MAG receives.

Mr. Smith stated that MAG transmitted additional information to the Arizona Department of Environmental Quality on February 4th to support the Governor's recommendation for an eight hour ozone nonattainment area boundary and to support the exclusion of Pinal County Area A from the boundary. He added that in December, the Management Committee had received a report that EPA had proposed adding Area A. Mr. Smith advised that the new air quality modeling information from MAG indicates that Pinal County emissions do not and will not contribute to ozone pollution in this region. Therefore, Pinal County Area A should not be included in the boundary.

Mr. Smith stated that a joint public hearing on the Draft One-Hour Ozone Redesignation Request and Maintenance Plan is scheduled for March 1, 2004 at 5:30 p.m. in the Saguro Room. He explained that the purpose of the hearing is to receive public comments on the redesignation request and maintenance plan.

Mr. Smith announced that Desert Peaks Awards will be held in conjunction with the Annual Regional Council meeting on June 23, 2004 at the Arizona Club. He said that nomination forms are being e-mailed.

Mr. Smith stated that as part of MAG's public outreach, MAG sponsored a booth at two Black History Events: in downtown Phoenix January 31st and at Tempe Town Lake on February 7th. He commented that diverse community involvement was key in the passage of legislation to authorize an extension of the half cent sales tax for transportation, which is a credit to efforts of the public involvement staff.

Mr. Smith stated that the first Incarceration Stakeholders meeting is scheduled for February 24th at 9:00 a.m. in the Saguaro Room. He noted that a memorandum was sent to the Management Committee requesting the names of those who will participate in informal discussion on agreements with the County for the incarceration of municipal prisoners.

Mr. Smith stated that the Regional Transportation Safety Forum, co-sponsored by MAG, is scheduled for March 24, 2004 at the Black Canyon Conference Center. It will be held in conjunction with the Annual Spring Conference of Arizona Institute of Transportation Engineers and the International Municipal Signal Association.

Mr. Smith stated that the Community Emergency Notification System (CENS) officially went active in January. He explained that CENS will telephone residents with a pre-recorded message when there is an emergency in their area. Mr. Smith stated that public service announcements in English and Spanish were produced by the 9-1-1 Office at the City of Phoenix Fire Department for broadcast on local television stations and channel 11s to educate the public about CENS. The CENS public service announcement was played for the Committee.

Mr. Smith introduced MAG staff member, Joy Carter, Human Services Planner I, who will work on homeless and domestic violence issues. Ms. Carter has a master of social work from Arizona State University and a bachelor of arts in psychology from the University of Arizona. In addition, she previously worked as a program director at Americorps and a clinician at the Southwest Behavioral Health Services. Mr. Smith introduced Danielle Elleman, an Americorp volunteer who will help with homeless and domestic violence issues. Ms. Elleman received a bachelor of science in business administration from Wichita State University. She works for U.S. Vets as a Case Manager and the Family Support Resource as overnight staff. She also volunteered through the Peace Corps as a Community Economic Development Volunteer in Romania. Chairman Ellis thanked Mr. Smith for his report. No questions from the Committee were noted.

5. Approval of Consent Agenda

Chairman Ellis stated that public comment will be received before taking action on the consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the Committee can request that an item be removed from the consent agenda and considered individually. Chairman Ellis stated that agenda items #5A and #5B were on the consent agenda.

Vice Chair Hutchinson moved to recommend approval of consent agenda items #5A and #5B. Mr. Velez seconded, and the motion carried unanimously.

5A. Approval of January 7, 2004 Meeting Minutes

The Management Committee, by consent, approved the January 7, 2004 meeting minutes.

5B. Social Services Block Grant Fund Recommendations FY 2004-2005

The Management Committee, by consent, recommended approval of the priority needs, services and funding recommendations for FY 2004-2005 to be forwarded to the Arizona Department of Economic Security for advertisement and contracting. Each year, the Human Services Technical Committee (HSTC) and the Human Services Coordinating Committee (HSCC) provide local input for the allocation of approximately \$4 million in Social Services Block Grant (SSBG) funds for Maricopa County. On January 29, 2004, because the Federal allocation of funding was identical to FY 2004, the HSTC and HSCC recommended reallocating the funds in the same manner for FY 2005. It was further recommended to change the language for the Service Intents for the Persons for Developmental Disabilities Target Group. Approval is needed to forward these recommendations to the Arizona Department of Economic Security to be written into the FY 2005 Social Services Plan.

6. Legislative Update

An update was provided on legislative bills of importance to MAG. Lindy Bauer reported on HB 2582, as it deals with 208 amendments. This bill comes under the category of regulatory reform. She stated that this is a very broad bill that would add councils of governments, cities, towns, and counties into the requirements for state administrative procedures when these entities exercise government functions that were delegated or designated by the Governor, Legislature, state officer, or agency. Ms. Bauer indicated that one of the major reasons for the bill was the denial of 208 Plan amendments by other councils of governments. She said that one of the concerns expressed was that some councils of governments were deviating too much from Section 208 of the Clean Water Act, and denying 208 amendments for inappropriate reasons. Ms. Bauer stated that another concern was that no appeals process exists for those amendments denied by a council of governments. Ms. Bauer explained that currently, ADEQ will not issue permits for wastewater treatment plants unless the plant is consistent with the council of governments' 208 Plan; therefore, the plant cannot be built if the council of governments has denied the amendment.

Ms. Bauer indicated that the bill would prohibit the State from considering consistency with 208 Plans unless the following two conditions are met: 1) An ordinance staying true to and not deviating from Section 208 of the Clean Water Act. 2) The State would allow for an appeals process for actions by councils of governments on 208 Plans in the state permitting process. Ms. Bauer reported that MAG was requested to testify before the Regulatory Reform Committee on January 8th, and this provided the opportunity to hear their concerns. Ms. Bauer noted that MAG has never denied a 208 amendment and uses the 208 criteria in the Clean Water Act. She stated that MAG has offered to develop an appeals process working with other councils of governments. Ms. Bauer commented that MAG would like to continue working with all stakeholders to find a solution on 208 issues. She added that the League of Arizona Cities and Towns, the Association of Counties, and MAG General Counsel are examining the implications of the bill, and she would continue to keep the Management Committee informed on the status of the bill. Chairman Ellis thanked Ms. Bauer for her report. No questions from the Committee were noted.

Mr. Smith reported on HB 2049, which is the bill that allows MAG staff to join the Arizona State Retirement System. He stated that, on January 22nd, the legislation passed the House by a vote of 56-1, and is awaiting assignment in the Senate.

Mr. Smith reported on the League's bill, HB 2165. He explained that if an odd-shaped parcel was annexed, the bill would provide that the annexation would come to the Regional Council.

Mr. Smith reported on the passage of HB 2456. He expressed that he felt this bill was MAG's greatest success. Mr. Smith noted that the Governor signed the legislation at MAG on February 9th. A photo of the bill signing ceremony was displayed on screen and showed many of the elected officials, business leaders and staff who participated in the process.

Mr. Smith reported on SB 1043, which addresses sharing sales tax. Mr. Smith stated that this issue was discussed by the Executive Committee, who expressed concern that it could be harmful to cities. He noted that the issue was in the Work Program a few years ago, but was not addressed because of the concerns expressed at that time. Mr. Smith said that the Executive Committee indicated that if MAG could work on the transportation plan successfully, it could work on this issue. He added that he recommended that Executive Committee members discuss this issue with their managers. Mr. Smith advised that this bill has a chance of passing, and it might require further discussion by managers.

Vice Chair Hutchinson stated that he had already discussed this issue with Mayor Hawker. He commented that many committee members probably recalled the discussion on this complicated issue a few years ago. He indicated that he felt if this legislation moves forward, MAG needs to be prepared to respond.

7. Preparations for Conducting the 2005 Census Survey

Harry Wolfe reported on preparations for conducting the 2005 Census Survey, which was approved by the Regional Council in December 2003. He reported that the Survey is estimated to cost approximately \$7.5 million, with Federal Highway Administration covering about \$4 million of the cost, and member agencies paying approximately \$3.4 million. Mr. Wolfe explained that MAG needs to sign an agreement with the Census Bureau by March 2004. He added that the first payments to the Census Bureau will be made by FHWA, and the member agencies' share will be due July 1, 2005. Mr. Wolfe stated that MAG and its member agencies will need to provide the Census Bureau with telephone lines, testing locations, support for publicizing and promoting the Census Survey, space for interviewer/crew leader training, office space for "command central" and associated office furniture/equipment and supplies. He reviewed other preparations needed. Member agencies will need to ensure that their corporate limits are reported to the Census Bureau through the annual Boundary and Annexation Survey; define any subregions for the survey (only required for the cities of Phoenix and Mesa); and work cooperatively with MAG to identify group quarters and submit new permit completions in a timely fashion.

Mr. Wolfe stated that the results of the survey and count of population in Group Quarters will be released by June 2006 and will be used for distributing state-shared revenues to member

agencies from 2006 through 2010. The output of the survey will include population in housing units, population in group quarters, total housing units and occupied housing units for each of the 24 cities and towns and the balance of the county. He explained that Phoenix and Mesa will receive this information for five and two subregions respectively since they have requested that their jurisdictions be broken down into subregions. Chairman Ellis thanked Mr. Wolfe for his report. No comments from the Committee were noted.

8. Discussion of the Development of the FY 2005 MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough addressed the Management Committee on the development of the Unified Planning Work Program and Annual Budget. Ms. Kimbrough noted that the agenda packet included a revised timeline, draft dues and assessments, and a list of potential new projects. She noted that the Urban Heat Island project has been deleted at the direction of the Executive Committee.

Chairman Ellis asked for clarification of new staff members. Mr. Smith replied that contingent upon the passage of the half cent sales tax, MAG would have a new responsibility to conduct a Life Cycle Program for Streets; one of the positions would be to perform that function. Mr. Smith noted that a while back, a senior level environmental position was converted to a consultant function. He explained that the level of assistance to the environmental department has been difficult to maintain with a consultant, so MAG needs to increase that capacity in regard to air quality issues. Mr. Smith added that a person who understands both modeling and policy is needed as backup for the environmental director. He added that a nationwide search is anticipated to fill this position if it is approved.

Mr. Klingler asked if the budgeted amount of five percent for performance evaluations would be sufficient for projected salaries. Mr. Smith replied that this will not be known until the study is completed. He explained that MAG has no step plan as cities do; therefore, MAG assumes a five percent, performance based salary increase. Because the increases are performance based, some could receive more than five percent, some could receive less. Mr. Smith explained that staff looked at recent salary information done by cities and noticed that MAG staff salaries were becoming uncompetitive. Mr. Smith stated that the Executive Committee discussed the options to do a study using the services of loaned staff from member agencies, or hire a consultant. Mr. Smith noted that the Pima Association of Governments (PAG) hires a consultant to conduct a compensation study every two years. He said that the Executive Committee indicated a preference to hire a consultant. In addition, the Executive Committee expressed concern that if a study indicated large gaps, the Committee would like to have adjustments phased in, rather than taking place in one year. Mr. Smith said that Public Sector Personnel Consultants had conducted the PAG study, so the research is already in place. Ms. Kimbrough mentioned that, as part of the contract, the company also provides a software package that can be used to run data at a later date.

Mr. Fooks asked about continuation of the program that provided ISP service to his community. Mr. Smith replied that federal funds were used for the Regional Connections Project (RCP), which was a three year pilot program that offered internet service to those member agencies

without it. He indicated that a continuation of the program could be discussed with FHWA if the Management Committee so directed. Rita Walton, Information Services Manager, stated that she understood that the three year program was ending at the end of this fiscal year and that all cities had been notified. She added that most of those cities in the RCP had indicated that they had decided to go with their own ISP. Ms. Walton added that she would verify this information and follow up with the relevant cities. Mr. Fooks stated that he would support continuing the program.

Mr. Fairbanks commented on assessments. He stated that it appears that Phoenix will be making cuts in services to the community and staff. Mr. Fairbanks commented that he felt MAG was doing an excellent job on the budget, and he was not wrapped up in how many staff were added, but if the Phoenix assessment was increased, he would have to lay off city staff to pay for it. Mr. Fairbanks stated that any new or special project would have to be very important to make it worthwhile laying off his staff. He said that was the standard he would be using. Mr. Fairbanks stated that it would be hard for him to support special assessments or additional payments for new projects if he had to lay off staff to pay for them. Mr. Smith stated that the special assessments were for the Building Codes project in the amount of \$70,000 and a West Valley needs assessment, which would apply to West Valley cities only if they decided to proceed. Mr. Smith noted the inflation factor from the Regional Transportation Plan of 3.9 percent, a total of approximately \$20,000, has been applied this year to the dues and assessments.

Mr. Fairbanks stated that staff showed him the two-page list of projects. He commented that he would be happy for the projects to go forward if they stayed within the existing budget, but he had a hard time with going beyond. Mr. Smith noted that funds for the new projects and staff come out of federal funds. He also mentioned that MAG accepts in-kind contributions as match for federal funds and does not require a cash match for projects. He noted that many other MPOs require a cash match. Chairman Ellis extended his thanks for the early notification on the Work Program and Budget.

Chairman Ellis recognized public comment from Blue Crowley, who encouraged attendance at the Wickenburg Gold Rush Days. Mr. Crowley stated that he would campaign against the sales tax extension. He stated that funds from the sales tax are allocated to the Wickenburg Bypass; however, MAG already has money for this project. Mr. Crowley commented that the Yaquis represented in the Town of Guadalupe are the only tribe in Maricopa County to have bus service. He stated that a blend of freeway and light rail in the same right of way needs to be considered. Mr. Crowley commented that the bicycle plan is not regional and road projects should accommodate bicycles and pedestrians. He said that he did not see a unified plan for the megalopolis that stretches from Tucson to Yavapai County. Mr. Crowley stated that he was waiting for a letter from RPTA in response to his request for spring training schedules on the bus books. Chairman Ellis thanked Mr. Crowley for his comments.

9. Comments from the Committee

An opportunity was provided for Management Committee members to present a brief summary of current events. The Management Committee 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.

Mr. Pettit stated that a dedication ceremony is planned for a monument acknowledging that Gilbert is the center of Arizona population according the 2000 Census. The ceremony will take place at Queen Park.

Chairman Ellis announced that Mr. Fairbanks had been awarded the Jack DeBolske Award for Managerial Excellence at the ACMA Conference.

Mr. Dille announced that the Wickenburg Gold Rush Days will be held the upcoming weekend.

There being no further business, the meeting adjourned at 1:13 p.m.

Chairman

Secretary