

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

May 25, 2005
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Keno Hawker, Mesa, Chair	Supervisor Max W. Wilson for Supervisor
Mayor Woody Thomas, Litchfield Park, Vice Chair	Don Stapley, Maricopa County
# Councilmember Dave Waldron for Mayor	Councilmember Rick Coffman for Mayor
Douglas Coleman, Apache Junction	Ron Clarke, Paradise Valley
Vice Mayor Betty Lynch for	Vice Mayor Pat Dennis for Mayor John
Mayor Ron Drake, Avondale	Keegan, Peoria
* Mayor Dusty Hull, Buckeye	Vice Mayor Michael Johnson for Mayor
Mayor Edward Morgan, Carefree	Phil Gordon, Phoenix
* Mayor Vincent Francia, Cave Creek	Mayor Wendy Feldman-Kerr, Queen Creek
Mayor Boyd Dunn, Chandler	* President Joni Ramos, Salt River
Mayor Fred Waterman, El Mirage	Pima-Maricopa Indian Community
* President Raphael Bear, Fort McDowell	Councilmember Wayne Ecton for Mayor
Yavapai Nation	Mary Manross, Scottsdale
Mayor Wally Nichols, Fountain Hills	Councilmember Joe Johnson for Mayor Joan
* Mayor Chris Riggs, Gila Bend	Shafer, Surprise
* Governor Richard Narcia, Gila River Indian	* Mayor Hugh Hallman, Tempe
Community	* Mayor Adolfo Gamez, Tolleson
Mayor Steven Berman, Gilbert	Mayor Ron Badowski, Wickenburg
Mayor Elaine Scruggs, Glendale	Mayor Bryan Hackbarth, Youngtown
Mayor James M. Cavanaugh, Goodyear	Rusty Gant, ADOT
Mayor Frank Vacaneri, Guadalupe	Joe Lane, ADOT
	F. Rockne Arnett, Citizens Transportation
	Oversight Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

1. Call to Order

The meeting of the Regional Council was called to order by Regional Council Chair Keno Hawker at 5:08 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Hawker introduced proxies at the meeting: Councilmember Dave Waldron for Mayor Doug Coleman, Apache Junction; Vice Mayor Betty Lynch for Mayor Ron Drake, Avondale; Supervisor Max Wilson for Supervisor Don Stapley, Maricopa County; Councilmember Rick Coffman for Mayor Ron Clarke, Paradise Valley; Vice Mayor Pat Dennis for Mayor John Keegan, Peoria; Vice Mayor Michael Johnson for Mayor Phil Gordon, Phoenix; Councilmember Wayne Ecton for Mayor Mary Manross, Scottsdale; Councilmember Joe Johnson for Mayor Joan Shafer, Surprise. Chair Hawker stated that Councilmember Waldron was participating via videoconference call. He stated that the RPTA has provided transit tickets for those who used transit to come to the meeting and garage parking validation was available from staff. Chair Hawker noted materials for agenda items #8, #9, and #12 were at each place.

3. Call to the Audience

Chair Hawker noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is provided to members of the public to address the Regional Council 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 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. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Hawker recognized public comment from Dianne Barker, who stated that she had come to the meeting on this high ozone day on her bicycle and the bus and extended her thanks for the transit tickets. Ms. Barker commented on agenda item #6, and said that the public hearing June 15 at 5:00pm was not shown in the MAGAZine. She requested that MAG improve on getting the word out about public hearings. Ms. Barker noted that no public comments were received at the public hearing held on April 25 and she thought there should be better outreach. She said that she knew of citizens who would like to comment. Ms. Barker stated that she hears contradictory statements in the media about air quality. Until everyone takes responsibility, we will have to handle growth and protect our environment. Chair Hawker thanked Ms. Barker for her comments.

Chair Hawker recognized public comment from William "Blue" Crowley, who said he agreed with Ms. Barker's comments on agenda item #6. Mr. Crowley stated that at the public hearing, RPTA and MAG did not have quorums. He said that he considered the Regional Council citizen politicians and MAG is supposed to do proactive outreach. Mr. Crowley stated that the material for agenda item #6 says that the Executive Committee rubber stamped what has not yet been done. He reported that at the RPTA Management Committee meeting, the new RPTA Executive Director had expressed appreciation for the bike racks on buses. Mr. Crowley stated that staff had not informed him of Mr. Crowley's efforts to facilitate the racks. Chair Hawker thanked Mr. Crowley for his comments.

4. Executive Director's Report

Dennis Smith reported on Transportation Reauthorization. He said that the Senate passed SAFETEA, which guarantees \$295 billion in spending over the six years. Mr. Smith stated that reauthorization has not passed because Congress is dealing with other issues. He added that the House of Representatives is expected to vote to extend TEA-21 for the seventh time, which would take Congress to the July 4th recess.

Mr. Smith advised that PM-10 and the CMAQ Apportionment Formula are tied to reauthorization. He advised that Congressman Shadegg sponsored an amendment to ensure that PM-10 is included in the formula and Senator Kyl was able to obtain a commitment that the PM-10 issue would be heard in conference committee.

Mr. Smith stated that the EPA has finalized the One-Hour Redesignation and Maintenance Plan. He said that work now begins on the Eight-Hour Ozone Plan.

Mr. Smith stated that the Walk to End Domestic Violence raised more than \$250,000 for local domestic violence shelters. He said that more than 4,300 walkers participated in the event. Amy St. Peter, MAG Human Services Manager, presented Chair Hawker, as the team captain for the City of Mesa in the Walk, with a Friend of the Walk to End Domestic Violence medal to thank him for his leadership.

Mr. Smith stated that the ribbon cutting ceremony for the new Park and Ride lot in Gilbert took place on May 11. Mayor Berman stated that the park and ride project was built around the old train station and incorporates many of the historic features of the site.

Mr. Smith introduced a new MAG employee, Eileen O'Connell, who will be working on the arterial program in the Transportation Division. Among Ms. O'Connell's past work experiences are at the Arizona Office of Tourism and at HighGround. She holds a bachelor's in political science from ASU.

Chair Hawker thanked Mr. Smith for his report. No questions for Mr. Smith from the Council were noted.

5. Approval of Consent Agenda

Chair Hawker stated that public comment is provided for 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. He stated that agenda items #5A, #5B, #5C, #5D, and #5E, were on the consent agenda.

Chair Hawker recognized public comment from Ms. Barker, who stated her support for pedestrian walkways. She noted that the City of Scottsdale was having a community input event that night on this. Ms. Barker encouraged more facilities for pedestrians, especially at Sky Harbor Airport. Chair Hawker thanked Ms. Barker for her comments.

Chair Hawker recognized public comment from Mr. Crowley, who urged building roads right the first time by including accommodations for bicycle, bus and pedestrian modes. He requested that paint be used as a weapon to create a buffer zone. Mr. Crowley stated that even though new condominiums are being built on Roosevelt Street, there is still no bus service along the street west of Central. He stated that the I-10 terminal is still not developed as the City of Phoenix agreed to with ADOT. Mr. Crowley said that federal regulations require that projects be completed before new ones are begun, and this is the only project from Proposition 200 that remains unfinished. Mr. Crowley urged that agenda items #5B and #5C be done right the first time because they are being done with his money. Mr. Crowley commented on the improved traffic signals in Litchfield Park and Goodyear that assist in pedestrian safety. He urged coordination of traffic signals, and to integrate the use of the lagging left turn. Mr. Crowley commented on whether the Truck Travel Survey would be looking at the air quality issue along the CANAMEX Corridor. Chair Hawker thanked Mr. Crowley for his comments.

Chair Hawker stated that staff was available if the Council had any questions on consent agenda items. No questions from the Council were noted.

Vice Chair Thomas moved to approve consent agenda items #5A, #5B, #5C, #5D, and #5E. Mr. Gant seconded, and the motion carried unanimously.

5A. Approval of the April 27, 2005 Meeting Minutes

The Regional Council, by consent, approved the April 27, 2005 meeting minutes.

5B. Approval of the Enhanced MAG Pedestrian Policies and Design Guidelines

The Regional Council, by consent, approved the enhanced *MAG Pedestrian Policies and Design Guidelines*. The *MAG Pedestrian Policies and Design Guidelines* is a comprehensive manual of pedestrian policies and facility design that creates a regional standard that is used by community groups, planner and design professionals, and urban design students. Since the creation of the *Guidelines* in 1995, many changes have occurred that have prompted the need to enhance the document to incorporate safety, elderly mobility, American with Disabilities Act guidelines, summaries of recent pedestrian projects and their economic impact, lessons learned through the MAG Pedestrian Design Assistance Program, and consideration of the *MAG Pedestrian Plan 2000*. The MAG Pedestrian Working Group and the Management Committee recommended approval.

5C. Project Approval for the MAG Pedestrian Design Assistance Program

The Regional Council, by consent, approved selecting the City of Scottsdale - Enhancing Pedestrian Mobility in Downtown Scottsdale (\$70,000); City of Phoenix - Roosevelt Row Pedestrian Connection (\$70,000); City of El Mirage - Cactus Road Sidewalk Project (\$20,000); City of Avondale - Littleton School Sidewalk Connection (\$12,270); and the City of Mesa - North/South Pedestrian Connection (\$30,000) to receive the pedestrian design assistance and seek an additional \$2,270 in the FFY 2005 Interim Year End Closeout process. The FY 2005 Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council, includes \$200,000 of Congestion Mitigation and Air Quality

(CMAQ) funding for the Pedestrian Design Assistance Program. The MAG Pedestrian Working Group and the Management Committee recommended approval that the listed projects receive funding.

5D. Department of Housing and Urban Development Stuart B. McKinney Continuum of Care Consolidated Application Process for Maricopa County

On December 18, 1999, the Regional Council approved MAG becoming the responsible entity for a year-round planning process for federal funds for homeless programs. This includes the submittal of the Department of Housing and Urban Development Stuart B. McKinney Continuum of Care Consolidated Application for Maricopa County. The Continuum of Care grant supports permanent and transitional housing services. It is anticipated that the region could receive more than \$20 million in 2005. Last year, the region received \$19.3 million. The ranking and review process, administered by Valley of the Sun United Way, is complete. This item was on the agenda for possible comment on the Homeless Continuum of Care recommendations. No comments from the Council were received.

5E. Preparations for Conducting the 2005 Census Survey

At the April 2005 Regional Council meeting, information was provided on preparations for conducting the 2005 Census. Since the April meeting, thirteen member agencies have supplied the Census Bureau with address lists in order to control any estimated cost increase for the survey. MAG is also working on compiling a list of outdoor locations that the Census Bureau will use to conduct the full count of population living in outdoor locations. An opportunity for all member agencies to review the print quality of all mail materials will occur in May. Additionally, the address canvassing operation has begun. This item was on the agenda for information.

6. New Finding of Conformity for the Amended FY 2004-2007 MAG Transportation Improvement Program and Regional Transportation Plan

Cathy Arthur addressed the Council on the 2005 MAG Conformity Analysis for the Amended FY 2004-2007 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP). She explained that the Clean Air Act requires transportation plans, programs and projects to conform to the purpose of the air quality plans. Ms. Arthur stated that the air quality plans set the budgets for motor vehicle emissions and ensure that transportation activities do not cause violations of the air quality standards. She noted that the conformity analysis concludes that the amended TIP and RTP as a whole meet all applicable federal conformity requirements and are in conformance with applicable air quality plans. She stated that the 2005 Conformity Analysis for the new eight-hour ozone standard must be completed by June 15, 2005 in order to avoid a conformity lapse. Ms. Arthur stated that the requested amendments to the TIP for the new Maricopa County and Apache Junction projects were included in the conformity analysis. She added that the analysis also addresses carbon monoxide, one-hour ozone, and PM-10. Ms. Arthur advised that the conformity analysis for the 2006-2010 TIP and the Regional Transportation Plan is also in process. She then went on to describe the results for the conformity tests. Ms. Arthur reviewed the conformity schedule and explained that in order to meet the June 15 deadline, the MAG Executive Committee approved the new finding of conformity on May 16. Ms. Arthur stated that ratification of the Executive Committee's action by the Regional Council was being requested. Ms. Arthur noted that the upcoming public hearing mentioned by Ms. Barker and Mr. Crowley in their public

comments will be for the FY 2006-2010 TIP, not the FY 2004-2007 TIP. She said that the public hearing for the conformity analysis in the FY 2004-2007 TIP was held April 25, 2005. Chair Hawker thanked Ms. Arthur for her report. No questions from the Council were noted.

Vice Chair Thomas moved to ratify the Executive Committee action to approve the new Finding of Conformity for the amended FY 2004-2007 MAG Transportation Improvement Program and Regional Transportation Plan. Mayor Hackbarth seconded, and the motion carried unanimously.

7. Amendment to the FY 2004-2007 MAG Transportation Improvement Program for Maricopa County and Apache Junction Highway Projects

Paul Ward stated that on November 25, 2003, the FY 2004-2007 TIP and the Regional Transportation Plan were approved by the MAG Regional Council. He stated that federal regulations require that MAG develop long-term and short-term transportation plans, and provides for opportunities to amend them. Mr. Ward reviewed the requirements for amendments to the TIP. He said that since the approval of the TIP and RTP, Maricopa County has notified MAG of five new roads that are being constructed in the Peoria Avenue/Citrus Road/Perryville Road area; and on Cotton Lane, from MC-85 to Estrella Parkway areas; and a project on Ironwood Road in Apache Junction in the MAG modeling area for which a TIP amendment is needed. Mr. Ward explained that the projects are included in the RTP base case. Mr. Ward stated that the MAG Executive Committee approved the amendment on May 16, 2005 and ratification of the Executive Committee action is requested of the Regional Council. Mr. Ward said that the next steps include requesting approval from the Governor's designee and sending the air quality conformity analysis to the Federal authorities for review. Chair Hawker thanked Mr. Ward for his presentation.

Chairman Hutchinson recognized public comment from Mr. Crowley, who commented that at the Transit Management Committee meeting, it was noted that \$1.2 million in stations will be built, but they are not listed in the MAG TIP. Mr. Crowley stated that citizen outreach is not being done correctly. He said that he and Ms. Barker are in the process of drafting a document on citizen input. Mr. Crowley stated that he thought that comments at CTOC should be reported back to MAG to be included in the process. Chair Hawker thanked Mr. Crowley for his comments.

Chair Hawker asked Council members if there were any questions for Mr. Ward. Hearing none, he asked for a motion. Mayor Cavanaugh moved to ratify the Executive Committee action to approve an Amendment to the FY 2004-2007 MAG Transportation Improvement Program to add five new privately and locally funded Maricopa County projects and one privately funded widening project in Apache Junction, contingent upon a finding of conformity. Mayor Feldman-Kerr seconded, and the motion carried unanimously.

8. Draft Arterial Life Cycle Program Policies and Procedures

Eric Anderson stated that the Transportation Policy Committee recommended approval of four arterial policies on May 18, 2005 and began discussions on specific arterial program procedures. The policies and procedures will provide the framework necessary to guide the arterial street program over the next 20 years. The Life Cycle Program will ensure that the street and intersection projects in the Regional

Transportation Plan (RTP) are built as promised, and that the program remains fiscally accountable through sound budgeting processes.

Mr. Anderson reviewed the four policies the TPC recommended for approval. 1) Reimbursement amount for advanced projects. Local jurisdictions may elect to pay necessary costs to advance an arterial project. Reimbursement to the jurisdiction will occur in the fiscal year the project was originally scheduled to receive funds. The TPC determined that the reimbursement would include an inflation allowance. 2) Program adjustments for revenue shortfalls. This policy guides program adjustments in the event that revenues fall short of projections. Revenue shortfalls would result in a delay of implementing programmed projects in the order in which they are listed in the adopted life cycle. Due to the cyclical nature of revenues, all projects would remain in the program. 3) Program adjustments for surplus Program funds. This policy sets guidelines for handling surplus funds in the event that revenues are higher than expected. Existing projects would be advanced in order, with new projects added to the end of the program after completion of all projects approved as part of Proposition 400. 4) Use of surplus Project funds. Surplus project funds result when a jurisdiction constructs a project for less than the amount budgeted in the RTP. A jurisdiction could use surplus project funds to augment another RTP project within the jurisdiction, up to 70 percent of the costs. If there are no other arterial projects within the jurisdiction, the community could use the surplus funds to add a new project at the end of the program, once all RTP projects are funded.

Mayor Scruggs, Chair of the Transportation Policy Committee, expressed her thanks to the TPC members for their focus and excellent work that went into discussions on the policies. She said that the discussions of the TPC were very focused and revolved around the goal to 'build the plan.'

Mr. Anderson stated that the TPC would continue discussing the remaining policies and procedures and action was anticipated at the June 22 meeting. Following a recommendation from the TPC, the policies and procedures would be considered by the Regional Council at the June 29 meeting.

Chair Hawker recognized public comment from Mr. Crowley, who commented on the map in the MAGAZine. He asked if there would be a freeway put in where the population is growing around the Gila River Indian Community. He also noted that there is a lack of roads there. Mr. Crowley noted that only nine percent of the sales tax funds are going for arterials. He said that two million of the six million people projected will live in this area and there are no arterials planned. Mr. Crowley stated that he would like the other Indian communities to be a part. Chair Hawker thanked Mr. Crowley for his comments.

Chair Hawker asked Council members if they had questions for Mr. Anderson. Hearing no discussion, he asked for a motion on the four policies recommended by the TPC.

Vice Chair Thomas moved to approve the four Draft Arterial Life Cycle Program Policies and Procedures recommended by the Transportation Policy Committee. Mayor Hackbarth seconded, and the motion carried unanimously.

9. FY 2006 MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough reported on the FY 2006 MAG Unified Planning Work Program and Annual Budget. Ms. Kimbrough reviewed changes that have taken place since the agenda was mailed. She noted that the FY 2006 MAG Unified Planning Work Program and Annual Budget was revised to include a planning grant from the Arizona Department of Housing for Homeless Planning in the amount of \$35,000. Ms. Kimbrough stated that a revised "Programs in Brief" reflecting this change was at each place. She then moved on to other changes made. Ms. Kimbrough said that the Shared Use Facility Design Assistance project in the amount of \$200,000 was taken out of the recommended projects for FY 2006. Ms. Kimbrough stated that the scope for the Emergency Transportation Operations Plan project has been modified and staff will conduct an inventory of region-wide emergency plans that are in place or are projected prior to beginning work on this project. She added that the project was budgeted at \$150,000 and has been moved to contingency. Additionally, recommendations on this project will be presented to the Management Committee and the Regional Council before the project proceeds. Ms. Kimbrough stated that the Regional Transportation Plan Project Development project for light rail in the amount of \$507,000 has been included as a pass through. She advised that the FY 2006 budget totals \$20,470,703, a decrease of approximately 7.4 percent from the FY 2005 budget. Chair Hawker thanked Ms. Kimbrough for her presentation.

Chair Hawker recognized public comment from Mr. Crowley, who stated that the Work Program was presented at 12 meetings, but the public could comment at only three of those meetings because no action was being taken. Chair Hawker thanked Mr. Crowley for his comments.

Chair Hawker asked the Council if there were any questions for staff. Hearing none, he requested a motion. Mayor Berman moved to approve the resolution adopting the FY 2006 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments. Mayor Hackbarth seconded, and the motion carried unanimously.

10. Legislative Update

Tom Remes provided an update on legislative issues of interest. He said that the Legislature adjourned May 13 after meeting for 123 days. Mr. Remes noted that 1,426 bills, resolutions, and memorials were introduced. The Governor vetoed 58 bills and signed 334 bills.

Mr. Remes stated that HB 2123, the HELP loan bill, was signed into Chapter Law by the Governor on April 20.

Mr. Remes stated that SB 1119 was signed by the Governor on May 20. He stated that this bill establishes a parity fund for salaries and benefits for DPS personnel by redirecting Vehicle License Tax funds and HURF funds. Mr. Remes noted that \$867 million over the past five years have been diverted. Mr. Remes noted that the Executive Committee discussed this issue and reached a consensus that continuing to fund DPS would jeopardize the ability to fund already underfunded transportation.

Mr. Remes stated that HB 2122 would expand the audit requirements for light rail. He added that the language is similar to HB 2292, which was defeated. Mr. Remes stated that HB 2122 failed in the Senate and there was a motion to reconsider; however, the President of the Senate did not set a date for the second vote.

Mr. Remes stated that HB 2499 is the tax incentives bill, similar to SB 1201. It contains a conditional enactment section that states that the legislation is effective on August 1, 2006 unless MAG develops and implements a comprehensive regional plan that is designated to eliminate excessive municipal tax incentives and bidding disputes. Mr. Remes said that HB 2499 was transmitted to the House, but did not receive a final read.

Chair Hawker referenced HB 2122. He stated that the criteria for federal new starts was 26,000 boardings Monday through Friday. Chair Hawker asked why the federal criteria could not be used for the 2010 audit. Mr. Smith stated that HB 2456 was drafted to be consistent with federal criteria. He added that the federal criteria of 26,000 boardings is included in the new starts document and that will be evaluated by the FTA. Chair Hawker commented that perhaps a more proactive approach with the Legislature could be taken. Mr. Remes stated that staff met with Senator Verschoor and Representative Biggs at the start of the session and will continue discussions with them. Chair Hawker stated that he wanted to make sure that Regional Council members realized there is criteria of 26,000 boardings Monday through Friday. If a project does not make that criteria it is not performing to the federal new starts criteria.

12. Critical Issues with the Maricopa County Air Programs

This agenda item was taken out of order.

Lindy Bauer addressed the Council on two air quality issues that could have negative impacts in the MAG region. She said that on May 18, the EPA issued a Notice of Deficiency for the Maricopa County Title V Air Permit Program for Industry. Ms. Bauer indicated that the permits are issued by the County and indicate to industry the emissions limits. She advised that if the deficiencies are not corrected, it could jeopardize \$2 billion worth of projects in the FY 2006-2010 MAG TIP. Ms. Bauer stated that a Work Plan from the County on how the deficiencies will be corrected is due to EPA in 90 days, or sanctions and a federal program to take over the County permit program may be imposed. Ms. Bauer stated that, in addition, deficiencies must be corrected within 18 months or EPA will impose sanctions along with a federal program in 24 months.

Ms. Bauer explained that sanctions include restrictions on industry of two-to-one offsets, which means, for example, that for every pound of pollution put into the air, industry would have to reduce pollution by two pounds. She advised that sanctions also include the loss of about \$200 million in federal highway funds in the new TIP. Ms. Bauer stated that on the day the highway sanctions are imposed, conformity lapses and affects major road projects regardless of funding source.

Ms. Bauer addressed the second critical air quality issue facing the region. She said that in June 2004, EPA requested that Maricopa County hire an additional 25-30 dust inspectors to enforce the Fugitive Dust Control Rules. She explained that the Fugitive Dust Control Rules are key measures in the MAG Serious Area Particulate Plan. Ms. Bauer noted that there have been several enforcement issues since 1991. Ms. Bauer advised that failure to enforce the dust control rules could jeopardize attainment and lead to a requirement for a five percent reduction in emissions per year until attainment is achieved. She advised that this could be extremely difficult. Ms. Bauer said that in July 2004, the Regional Council urged Maricopa County to immediately hire additional inspectors. In August 2004, the County Board

of Supervisors provided \$1 million to hire 19 full time inspectors as contract employees. In November 2004, the County established the Air Quality Department. In May 2005, only seven inspectors of the 19 were on staff. Ms. Bauer stated that County staff indicated that the inspectors were hired as contract workers. She noted that fee rule revisions approved by the Board of Supervisors in May 2005 will enable a permanent funding source for the inspectors.

Ms. Bauer stated that attainment of the PM-10 standards is at risk and clean data is needed at the monitors for 2004, 2005, and 2006. She advised that if attainment is not met, a Five Percent Plan would be due December 31, 2007. Ms. Bauer indicated that the MAG Serious Area Particulate Plan includes some of the most stringent measures in the country and it is hard to imagine what additional measures could be implemented. She went on to explain that in 2004, one monitor exceeded the 24-hour standard and two exceeded the annual standard; so far in 2005, one monitor exceeded the 24-hour standard. Ms. Bauer stated that the region still has a chance to make attainment if the levels at the monitors are reduced. She then explained how the numbers are averaged over a three-year period by EPA.

Ms. Bauer stated that staff recommends that the Regional Council take action to urge Maricopa County to focus immediate attention on hiring the additional inspectors for enforcement of the Maricopa County Fugitive Dust Control Rules and the prompt resolution of the Title V Permit Program issues, and request Maricopa County to provide periodic updates to the MAG Air Quality Technical Advisory Committee, Management Committee and Regional Council on the progress being made regarding these issues.

Chair Hawker stated the new Director of the County's Air Quality Division was at the meeting. Supervisor Wilson introduced Bob Kard. He said that Mr. Kard comes to the position with many years of experience in air quality and he has moved ahead with improving the program.

Mr. Kard stated that he had received and reviewed the EPA report one month in advance of his starting his job as Director. Mr. Kard stated that staff has been working on the Title V Permit Program. Chair Hawker asked for an explanation of the permit program. Mr. Kard stated that Title V is a nationwide program established by the EPA for uniformity. Title V permits are for larger industrial sources and non-Title V permits are for smaller facilities, such as gas stations and dry cleaners. He stated that the issue here is what happened to the program. Mr. Kard advised that he had hired a new permit manager who understands Title V. Mr. Kard remarked that he felt there would be no problem satisfying the EPA. He stated that with the fugitive dust problem, he will be hiring a human resources person to hire staff. Mr. Kard stated that with the fee rule approval, resources will be available to change the inspector positions from contract to permanent staff. He commented that the Board of Supervisors has been very supportive of the Department's efforts. Mr. Kard stated that the program he ran previously was one of the best in the nation. He anticipates that there will be rapid change and this region will be the best of the best. Mr. Kard remarked that his department will work with MAG and provide whatever is needed. He stated that he anticipated meeting the EPA deadline.

Chair Hawker asked if there was a timeline for the corrective action plan. Mr. Kard stated that staff will be working on the corrective action plan and would provide it to MAG member agencies in the next couple of months for review before submitting it to the EPA.

Chair Hawker asked for clarification of exceedances of the standards. Mr. Kard explained that there are annual and 24-hour standards. He said that the annual average is 50 micrograms per cubic meter and the 24-hour average is 150 micrograms per cubic meter. Mr. Kard stated that the goal is to meet the 24-hour standard by the end of 2006.

Mr. Smith spoke about the efforts of the cities on the dust control issue, such as paving dirt roads and purchasing certified street sweepers. He said that the City of Phoenix has made great efforts to restrict access at the river bed. However, the County needs to hire the inspectors. Mr. Smith stated that the Clark County, Nevada, region, which is smaller than the MAG region, has more inspectors and continuous monitoring. When a problem is indicated, a notice is issued immediately. Mr. Smith stated that each month staff will get updates from the County on the status of hiring and report to the Management Committee and Regional Council.

Mr. Kard explained the difficulties in retaining the staff hired. He indicated that two supervisors were hired away at salaries \$20,000 to \$30,000 per year higher. He said he was also looking at enforcement and compliance areas in addition to Title V and cross training to make staff more effective.

Chair Hawker asked Mr. Kard if he would be planning on over-hiring and over-training to account for attrition. Mr. Kard replied that staff will be cross-trained, In addition, resources will be available to fill vacant positions.

Mayor Hackbarth asked if Mr. Kard had a timetable for hiring the inspectors. Mr. Kard replied that the hiring would proceed probably July 1, 2005, after the County budget is approved. In addition, he will try to fill existing positions already approved and hire the human resources officer. Mayor Hackbarth asked if the hiring was expected to be completed by August. Mr. Kard replied that was difficult to predict and he was trying to put the most important positions in place first. He added that currently, the department has staff of 120, which is expected to peak at 160.

Vice Chair Thomas commented that it is difficult for the Regional Council to be responsible when they have no authority to hire or to enforce. As with cleaning the freeways, it becomes MAG's responsibility. Vice Chair Thomas stated that at risk is far greater than the County's interest and action—it is all of ours. He stated that we need to come up with a plan and not drop the ball at any point. Vice Chair Thomas stated that he agreed that this should be on the agenda monthly until there is resolution.

Mayor Cavanaugh stated his agreement to have monthly updates. He asked Mr. Kard for confirmation that the Title V deficiencies will be corrected in 18 months. Mr. Kard replied that was correct. Mayor Cavanaugh asked for further clarification of the averages. Ms. Bauer explained that there are two standards for PM-10. The 24-hour standard is 150 micrograms per cubic meter, and no more than three exceedances of the standard per monitor over a three-year period are allowed. She explained that the second standard is the annual standard at 50 micrograms per cubic meter. Each year the annual average is calculated and it needs to be at 50 micrograms per cubic meter or less. Ms. Bauer stated that EPA will look at the annual average for 2004, 2005, and 2006 and see if the average is at 50 micrograms or less. She remarked that we still have a chance if the numbers go down. Ms. Bauer indicated that in 2004, the average was 61 for the West 43rd monitor and this number needs to go down to the 40s. Ms. Bauer

added that in 2005, the 24-hour exceedance at the West 43rd monitor was 172 micrograms against the standard of 150.

Chair Hawker asked Ms. Bauer if the loss of highway money could result during the five percent plan. Ms. Bauer replied that we need to be clean at the monitors or we will have to do a five percent plan. If we are preparing a five percent plan and could not come up with enough measures, the EPA will say the plan is inadequate and we will have 18 months to correct the deficiencies. Chair Hawker asked if there were any other practices in the country that could be implemented. Ms. Bauer replied that we will have to look at new benchmarks since the MAG Serious Area Plan was approved. She said that staff would look at Clark County that has a plan newer than the MAG plan.

Chair Hawker asked Mr. Kard for clarification that hiring would not begin until July 1. He commented that he did not want to wait to hire them. Mr. Kard replied that they are progressing with hiring the existing positions now and there will be additional enhancements after July 1. Chair Hawker expressed concern with waiting for the additional enhancements.

Supervisor Wilson commented that the department was much improved since Mr. Kard assumed his position. He said that the County would be in contact with the cities on what they could do to assist on this issue.

Vice Mayor Dennis asked if the West 43rd monitor was the only one out of compliance. Mr. Kard replied that there are occasional problems from wind activities. He said that he understood that the West 43rd monitor problem is due to access at the river bottom. Mr. Kard stated that cities can help with this problem by limiting access. Vice Mayor Dennis stated that she would appreciate having the monthly updates and expressed interest in seeing their plan.

Chair Hawker requested that the Regional Council be provided a full air quality briefing after the report is completed. Mr. Smith stated that standard briefings would be provided until the numbers are achieved, and then have performance updates after that. He commented that this is a very serious issue and the RTP cannot be built unless PM-10 is addressed.

Councilmember Ecton stated that MAG does not take this issue lightly. He remarked that this is an old issue full of empty promises that is why doubt is being expressed. Councilmember Ecton stated that the economic development of the entire region is in jeopardy if the situation is not corrected. He stated that the Regional Council deserves seeing the answers to the 18 items of deficiency the EPA mentioned in its summary. Councilmember Ecton stated that the monthly reports need to be presented in a format that nontechnical people understand. Mr. Kard stated that this is a personal and professional issue of pride for him and the Air Quality Department will not fail. He stated that Title V has been improving and the dust issue will be ramped up as soon as possible. Mr. Kard stated that he saw long-standing problems that he will correct. He added that he had a good working relationship with EPA and they will work with his department. Chair Hawker expressed his skepticism, especially with \$2 billion at stake.

Supervisor Wilson requested that Mr. Kard work with the cities because they can be the enforcers in their communities.

Chair Hawker directed that staff provide updates at the Management Committee and Regional Council meetings.

11. Comments from the Council

An opportunity is 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 Cavanaugh introduced Kelly Dalton, the new Assistant to the Goodyear Mayor and Council.

Vice Chair Thomas commented that even though Luke Air Force Base was not on the BRAC list, focus on the issue needed to be continued.

With much regret, Mayor Nichols announced the untimely passing of the Vice Mayor of Fountain Hills, Kathleen Nicola. Mayor Nichols stated that Vice Mayor Nicola was an advocate of human services issues and served on MAG Human Services Coordinating Committee.

There being no further business, the Regional Council meeting adjourned at 6:40 p.m.

Chair

Secretary