

October 12, 2010

TO: Members of the MAG Regional Council Executive Committee

FROM: Mayor Thomas Schoaf, City of Litchfield Park, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA FOR THE MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE AND A POSSIBLE EXECUTIVE SESSION

Monday, October 18, 2010 - 12:00 Noon
MAG Office, Suite 200 - Cholla Room
302 North 1st Avenue, Phoenix

A meeting of the MAG Regional Council Executive Committee has been scheduled for the time and place noted above. Members of the Committee may attend the meeting either in person, by telephone conference, or by videoconference.

Please park in the garage under 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 Denise McClafferty at the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

If you have any questions regarding the Executive Committee agenda items, please contact me at (623) 935-5033. For MAG staff, please contact Dennis Smith, MAG Executive Director, at (602) 254-6300.

MAG EXECUTIVE COMMITTEE
TENTATIVE AGENDA
OCTOBER 18, 2010

COMMITTEE ACTION REQUESTED

1. Call to Order

The meeting of the Executive Committee will be called to order.

2. Call to the Audience

An opportunity will be provided to members of the public to address the Executive Committee 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. Members of the public 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 Executive Committee requests an exception to this limit. Please note that those wishing to comment on action agenda items will be given an opportunity at the time the item is heard.

3. Approval of Executive Committee Consent Agenda

Prior to action on the consent agenda, members of the audience will be provided an opportunity to comment on consent items that are being presented for action. Following the comment period, Committee members may request that an item be removed from the consent agenda. Consent items are marked with an asterisk (*).

2. Information and discussion.

3. Approval of Executive Committee Consent Agenda.

ITEMS PROPOSED FOR CONSENT
BY THE EXECUTIVE COMMITTEE

*3A. Approval of the September 13, 2010 Executive Committee Meeting Minutes

*3B. Consultant Selection for the MAG Freight Transportation Framework Study

The FY 2011 MAG Unified Planning Work Program and Annual Budget, approved by the

3A. Review and approval of the September 13, 2010 Executive Committee meeting minutes.

3B. Approve the selection of Parsons Brinckerhoff to conduct the Freight Transportation Framework Study for an amount not to exceed \$500,000.

MAG Regional Council in May 2010, includes \$500,000 to conduct the Freight Transportation Framework Study that will examine freight and multimodal opportunities in the Sun Corridor. This study will develop a multimodal freight transportation framework for the study area that will likely be implemented at multiple jurisdictional levels and examine opportunities for an inland port. A Request for Proposals was advertised on August 19, 2010, and seven proposals were received. A multi-agency proposal evaluation team reviewed the proposal documents and held interviews. On October 5, 2010, the proposal evaluation team recommended to MAG the selection of Parsons Brinckerhoff to complete the study for an amount not to exceed \$500,000. Please refer to the enclosed material.

*3C. Don't Trash Arizona Litter Prevention and Education Contract Amendment

It costs our region more than \$3 million every year to pick up litter from our regional freeway system. Proposition 400 includes funding for a litter prevention and education program designed to increase awareness of the health, safety, environmental and economic consequences of freeway litter and ultimately change the behavior of offenders. The Don't Trash Arizona Litter Education and Prevention program is implemented by MAG in cooperation with the Arizona Department of Transportation (ADOT). In September 2008, the Regional Council approved the selection of RIESTER as the consultant to design and implement the Litter Prevention and Education Program. Staff recommends amending the consultant contract with RIESTER for one additional year for the Litter Prevention and Education Program and to include the \$300,000 budgeted in the FY 2011 Unified Planning Work Program and Annual Budget for litter prevention and education efforts. This item is on the October 13, 2010 Management Committee agenda for recommendation to approve. Please refer to the enclosed material.

3C. Approve the amendment of the consultant contract with RIESTER for one additional year for the Litter Prevention and Education Program to include \$300,000 budgeted in the MAG FY 2010 Unified Planning Work Program and Annual Budget for litter prevention and education.

ITEMS PROPOSED TO BE HEARD
BY THE EXECUTIVE COMMITTEE4. MAG Economic Development Committee

At the September 13, 2010 Regional Council Executive Committee, the formation of a committee to address economic issues was recommended. This item was forwarded to the September 22, 2010 Regional Council meeting. As the item was moving to the Regional Council for consideration, other changes were proposed to the item, including changing the name and including a vice chair for the committee. This resulted in a protracted discussion of the item at the Regional Council. In the future MAG staff will work more diligently to have the issues addressed by the Executive Committee before it is sent to the Regional Council. The Regional Council requested that this item go back to the Executive Committee for further refinement of the mission statement and further discussion of the composition where relevant. In addition, the Regional Council requested that those member agency elected officials interested in serving on the EDC submit a letter of interest to the MAG Regional Council Chair. Please refer to the enclosed material.

5. Update on the EPA Proposed Partial Approval and Disapproval of the MAG 2007 Five Percent Plan for PM-10

On September 3, 2010, the Environmental Protection Agency (EPA) signed a notice to propose partial approval and disapproval of the MAG 2007 Five Percent Plan for PM-10 based on the timetable in the consent decree with the Arizona Center for Law in the Public Interest. The notice was published in the Federal Register on September 9, 2010, and comments are due by October 12, 2010. If EPA finalizes the partial disapproval on January 28, 2011, a conformity freeze on the MAG Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) would occur in approximately thirty days; only projects in the first four years could proceed.

4. Information, discussion and recommendation of the composition and mission statement; and recommendation of the MAG member agency elected officials to serve on the MAG Economic Development Committee.

5. Information, discussion and possible action to recess the meeting to conduct an executive session with MAG's attorney for legal advice and to consider MAG's position and instruct its attorneys regarding the EPA nonconcurrence on the four exceptional events at the West 43rd Avenue monitor in 2008 and the consequences to MAG regarding EPA's proposed partial approval and disapproval of the MAG Five Percent Plan for PM-10. A.R.S. § 38-431.03(A)(3) and (4).

If the problem is not corrected within eighteen months, tighter controls on major industries would be imposed. If the problem is still not corrected within twenty-four months of the disapproval, the loss of federal highway funds (\$1.7 billion) and a federal implementation plan would be imposed. Conformity would also lapse, which would place the \$7.4 billion TIP at risk. On October 1, 2010, a videoconference was conducted with EPA to discuss issues with the EPA Exceptional Events Rule and recommendations from the Arizona Department of Environmental Quality (ADEQ) and MAG. On October 4, 2010, MAG and ADEQ sent a letter to EPA requesting a sixty day extension of the comment period for the proposed action on the Five Percent Plan. On October 7, 2010, EPA sent a letter to MAG and ADEQ granting an extension of the public comment period to October 20, 2010. On October 8, 2010, an Air Quality discussion with EPA and ADEQ was held to discuss the review of ADEQ Exceptional Events Document and potential solutions to avoid a conformity freeze. At the October 11, 2010 Executive Committee telephone conference call meeting, the Committee discussed a letter from MAG, as well as a joint letter from MAG and ADEQ, would be submitted in response to the public comment period. The Executive Committee requested further discussion at the October 18, 2010 meeting. Please refer to the enclosed material.

The Executive Committee may vote to recess the meeting and go into executive session with MAG's attorney(s) for legal advice and to consider MAG's position and instruct its attorneys regarding the EPA nonconcurrency on the four exceptional events at the West 43rd Avenue monitor in 2008 and the consequences to MAG regarding EPA's proposed partial approval and disapproval of the MAG Five Percent Plan for PM-10. The authority for such an executive session is A.R.S. § 38-431.03(A)(3) and (4). The Executive Committee will then reconvene regular session.

6. Request for Future Agenda Items

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

7. Comments from the Committee

An opportunity will be provided for the Executive Committee members to present a brief summary of current events. The Executive 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.

Adjournment

6. Information and discussion.

7. Information

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE
September 13, 2010
MAG Offices, Cholla Room
302 N. 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Thomas L. Schoaf, Litchfield Park,
Chair
Mayor Hugh Hallman, Tempe, Vice Chair
Mayor Marie Lopez Rogers, Avondale,
Treasurer

Mayor Jim Lane, Scottsdale
Mayor Michael LeVault, Youngtown
Councilwoman Peggy Neely, Phoenix
Mayor Scott Smith, Mesa

* Not present

Participated by video or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Chair Schoaf at 12:14 p.m. Chair Schoaf stated that public comment cards were available for those members of the public who wish to comment. Transit tickets were available from Valley Metro for those using transit to come to the meeting. Parking validation was available from MAG staff for those who parked in the parking garage.

2. Call to the Audience

Chair Schoaf stated that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out the public comment cards. He stated that there is a three-minute time limit. Public comment is provided at the beginning of the meeting for 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. Chair Schoaf noted that no public comment cards had been received.

3. Consent Agenda

Chair Schoaf noted that prior to action on the consent agenda, members of the audience are provided an opportunity to comment on consent items that are being presented for action. Following the comment period, Committee members may request that an item be removed from the consent agenda. Chair Schoaf noted that no public comment cards had been received.

Chair Schoaf suggested moving agenda items #4 ARRA Local Highway Funds: Project Changes Amendment to the FY 2011-2015 MAG Transportation Improvement Program and #5 ARRA Transit Funds: Project Changes Amendment to the FY 2011-2015 MAG Transportation

Improvement Program to the consent agenda as items 3F and 3G respectively. He stated that the MAG Management Committee heard and approved these items at the September 8, 2010 meeting. The Executive Committee agreed to move the two agenda items to the consent agenda. Chair Schoaf requested a motion to approve the consent agenda. Councilwoman Neely moved to approve items #3A through #3G. Mayor LeVault seconded the motion and the motion carried unanimously.

3A. Approval of the August 16, 2010 Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the August 16, 2010 Executive Committee meeting minutes.

3B. Consultant Selection for the Sustainable Transportation and Land Use Integration Study

The Executive Committee, by consent, approved the selection of Arup North American, Ltd. as the consultant to develop the Sustainable Transportation and Land Use Integration Study for an amount not to exceed \$750,000. On May 26, 2010, the MAG Regional Council approved the Fiscal Year (FY) 2011 MAG Unified Planning Work Program and Annual Budget, which provides \$750,000 to conduct a Sustainable Transportation and Land Use Integration Study. A Request for Proposals was advertised on June 29, 2010, and nine proposals were received. On August 26, 2010, a multi-agency review team evaluated the proposals, conducted consultant interviews, and recommended to MAG that Arup North American, Ltd. be hired to develop the study at a cost not to exceed \$750,000. This item was on the September 8, 2010 MAG Management Committee agenda for recommendation to approve.

3C. Consultant Selection for the On-Call Transportation Planning Consultant Services Program

The Executive Committee, by consent, approved the selection of Cambridge Systematics, Inc., AECOM Technical Services, Inc., PB Americas, Inc., HDR Engineering, Inc., Kimley-Horn and Associates, Inc., and Burgess & Niple, Inc. as the consultants to participate in the On-Call Transportation Planning Consultant Services Program for a two-year period, as provided for in the FY 2010 and FY 2011 Unified Planning Work Programs and Annual Budgets. The Fiscal Year (FY) 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2009, was amended in February 2010 to include \$150,000 to conduct the On-Call Transportation Planning Consultant Services Program. The FY 2011 Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, provides an additional \$100,000 for this On-Call Program. The purpose of the program is for expediting the delivery of consultant services at MAG. For the purposes of this On-Call Transportation Planning Consultant Services program, qualified consultants were sought to assist staff in the following five services areas: (1) Civil Engineering, (2) Transportation Planning, (3) Transportation Operations, (4) Policy and Finance, and (5) Public Involvement. A Request for Statements of Qualifications was issued on April 15, 2010 and a total of 37 Statements of Qualifications were received by the due date of May 27, 2010. An internal team of MAG staff reviewed the Statements of Qualifications and on July 22, 2010, recommended to MAG selecting six consultants for participation in the On-Call Transportation Planning Consultant Services program. This item was on the September 8, 2010 MAG Management Committee agenda for recommendation to approve.

3D. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2011-2015 MAG Transportation Improvement Program (TIP). The proposed amendment and administrative modification involve several American Recovery and Reinvestment Act (ARRA) funded projects, including a City of Phoenix pavement preservation project and a Scottsdale park-and-ride project. In addition, the City of Mesa has proposed an amendment involving transit 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. This item was approved at the September 8, 2010 Management Committee meeting. This item was on the Executive Committee agenda for consultation.

3E. Project Changes - Amendment to the FY 2011-2015 MAG Transportation Improvement Program

The Executive Committee, by consent, approved amending the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, the Regional Transportation Plan 2010 Update to add a new highway safety project. The fiscal year (FY) 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010. Since that time, there has been a request from ADOT to add a new project to replace an analog radio system throughout the region. This project is requesting to use \$2.9 million of federal Highway Safety funds in federal fiscal year (FFY) 2010; ADOT manages the federal Highway Safety fund program. This request is time sensitive as the Federal Highway Administration stops accepting obligation requests for FFY 2010 on September 16, 2010. This item was on the September 8, 2010 Management Committee agenda for information, discussion and recommendation to approve.

3F. ARRA Local Highway Funds: Project Changes - Amendment to the FY 2011-2015 MAG Transportation Improvement Program

The Executive Committee moved this item (#4) to the consent agenda. The Executive Committee, by consent, approved amending the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, the Regional Transportation Plan 2010 Update to move \$1,281,693 of ARRA funds to PHX09-801 and increase the project budget accordingly. The Fiscal Year (FY) 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010. Since that time, there has been a request from the City of Phoenix to move ARRA funds from the PHX09-804 project, which will now be funded with local funds to the PHX09-801 project to increase the project budget and the number of miles of roadway to be repaved. This request was time sensitive as the Federal Highway Administration stops accepting obligation requests on September 16, 2010. This item was on the September 8, 2010 Management Committee agenda for possible recommendation to approve.

3G. ARRA Transit Funds: Project Changes - Amendment to the FY 2011-2015 MAG Transportation Improvement Program

The Executive Committee moved this item (#5) to the consent agenda. The Executive Committee, by consent, approved amending the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, the Regional Transportation Plan 2010 Update for the Scottsdale request to move \$183,498 in ARRA funds from a construction project to a design project and approval of the city of Mesa request to program \$1,771,250 of ARRA transit funds for the construction of the Gilbert/L202 park-and-ride project, MES10-805T, and \$126,250 of ARRA transit funds for the construction of L202/Power park-and-ride, MES08-801T. The Fiscal Year (FY) 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010. Since that time, there has been a request from the City of Scottsdale to move ARRA funds from a construction project to a design project. Additionally, the Federal Transit Administration has deemed three design projects led by the City of Mesa ineligible for federal funding including ARRA funds. The three projects are MES10-801T, MES10-803T, and MES10-804T with a total of \$1,897,500 in ARRA funds. On December 9, 2009, the MAG Regional Council approved a set of Prioritization Guidelines for Unspent or Redistributed ARRA Funds. Following the approved Prioritization Guidelines coupled with the project status, the unspent \$1,897,500 of ARRA funds would be allocated to the 2.1 priority to increase operating assistance for bus and rail. There is currently \$1,750,000 of ARRA Transit funds programmed for bus and rail operating assistance, which is below the ceiling of ten percent of ARRA Transit funds, up to \$6,442,122, that can be used for bus and rail operating assistance. The City of Mesa is requesting that \$1,771,250 of ARRA transit funds be programmed for the construction of the Gilbert/L202 park-and-ride, MES10-805T and \$126,250 is programmed for the construction of L202/Power park-and-ride, MES08-801T. The MES10-805T project is currently programmed with \$517,750 of ARRA Transit, \$1,417,000 of federal 5309-rail and fixed guideway modernization (FGM), \$218,471 of regional funds, and \$135,780 of local funds. The funding changes for MES08-801T would decrease the 5309-FGM by \$101,000 from \$1,025,800 to \$924,800 and decrease local funds by \$25,250 from \$256,450 to \$231,200. This request is explained in the attached table. This request also affects the programming for FY 2009 federal transit 5309-FGM funds. MAG would have to reprogram \$1,517,999 of 5309-FGM in the next committee cycle. 5309-FGM funds have limited eligibility requirements and uses in comparison to ARRA 5307 transit funds. This item was on the September 8, 2010 Management Committee agenda for possible recommendation to approve.

6. MAG Air Quality Technical Advisory Committee Vice Chair Appointment

There being no comments or discussion, Councilwoman Neely moved to approve appointing Larry Person from the City of Scottsdale as Vice Chair of the Air Quality Technical Advisory Committee. Mayor LeVault seconded the motion and the motion carried unanimously.

7. Update on the Transportation Planning Certification Review of the Metropolitan Transportation Planning Process for Phoenix Transportation Management Area (TMA)

Dennis Smith reported on the Transportation Planning Certification Review of the Metropolitan Transportation Planning Process for Phoenix Transportation Management Area (TMA) led by the Federal Highway Administration-Arizona Division and the Federal Transit Administration Region IX staff, with assistance from the U.S. DOT's Volpe National Transportation Systems Center. He stated that the Federal Highway Administration and the Federal Transit Administration have

determined that the planning process conducted by MAG meets the requirements of the Metropolitan Planning Rule. Mr. Smith noted that there were no corrective actions, ten recommendations and nine commendations. He stated the recommendations included that they noticed a complexity of the structure of the technical committees and recommended a study of the efficiency of the structure. In addition, they noted that the public appears uncertain about the exact responsibilities of regional transit agencies and providers, and encouraged a study of the efficiency of these organizations. Mr. Smith also noted that they recommended completing a public transit framework and move further toward a multi-modal transportation framework that will ease the ability to make trade-offs between highway, transit and other alternatives. The commendations included the business representatives on the TPC; the framework studies; the performance measures in the Work Program; the integration of Human Services Programs in Transportation Programs; bringing transit into the regional multi-modal planning process, including establishing the transit committee. In the area of safety planning, they liked the establishment of the Safety Committee; and in modeling, they liked the combination of visualization with mode outputs. It was also noted that the Environmental mitigation and consultation as a FHWA best practices and we also received commendation on the tribal consultation. Mr. Smith noted that Nathan Pryor has done an outstanding job on working with the tribal communities. Mr. Smith state that this is an improvement over the previous certification review and that the performance audit is now underway.

Chair Schoaf thanked Mr. Smith for the update. Councilwoman Neely commended the staff on an outstanding job. Chair Schoaf agreed that staff should be commended for a job well done. He noted the importance of the need for these types of framework studies and processes to transit so that there is a good foundation being laid for a regional system on transit as there is for the freeway system. Mayor Lopez Roger also commended the staff on a great job. She asked for an update on the status of expanding the planning boundaries. Mr. Smith reported that the Executive Committee directed staff to meet with Pinal County. He noted that staff met with Mr. Terry Doolittle, Pinal County manager, and Maxine Brown, Executive Director of CAAG. He reported that both Mr. Doolittle and Ms. Brown will be retiring soon and with their short tenure, they did not wish to commit to anything. Mr. Smith stated that it was left open. He explained that there could be a process that tries to put them in as members or there could be a more formalized planning relationship with Pinal County. He stated that during his meeting with Mr. Doolittle and Ms. Brown, they mentioned the thought of putting the County, the City of Maricopa and a member of CAAG Regional Council on the MAG Regional Council. The comment they had was that this situation may be good for those three that have a seat on the MAG Regional Council, but how is this explained to the other members of the CAAG Regional Council. Mr. Smith noted that there is still some work to be done on the issue. Mr. Smith reported that discussions will continue in October or November with the new leadership, and staff will report back to the Executive Committee on those discussions.

8. Formation of a MAG Joint Planning Advisory Council Working Group

Chair Schoaf explained that at the last Executive Committee meeting, he requested the subcommittee further define the process of the composition and determine appropriate members for the working group that would be sustainable and would be considered by the Regional Council for appointment. Councilwoman Neely stated that the subcommittee's discussions resulted in a

good recommendation for positions on the MAG JPAC Working Group. She noted that the mission statement of the committee is broad by design so that issues can be looked at from a high level and from a regional perspective. Councilwoman Neely stated that the composition of the committee was debated, but a consensus was reached. She noted the recommendation of the subcommittee for the terms of the working group members would be two-year terms with possible reappointment by the Regional Council. Councilwoman Neely stated that the composition of the committee will be one position for the Central City, one position for Maricopa County, three positions for East Valley elected officials and three positions for the West Valley elected officials. The vice chair of the Regional Council will be part of the composition, as well as the immediate past chair who will serve as the Chair of the working group. She noted that those member agency elected officials interested in serving on this committee will be asked to submit a letter of interest. Councilwoman Neely reported on the business members of the working group. She noted the recommendations include positions for an economist; transportation; education; WESTMARC; East Valley Partnership; Phoenix Chamber of Commerce; Greater Phoenix Economic Council; Greater Phoenix Leadership; ADOT/ADOT Consultant; Arizona Commerce Committee and the building community. Councilwoman Neely stated the importance of this committee doing business as soon as possible. Ms. McClafferty noted that a quorum of the committee would consist of a majority of the Regional Council members that sit on the working group.

Chair Schoaf confirmed that all the business members are defined by position not the individual. Mayor Hallman stated that the Regional Council chair is only a one-year term. He confirmed that a quorum would be the majority of the eight member agency elected officials - Central City, Maricopa County, three East Valley and three West Valley members. Councilwoman Neely clarified that the vice chair and the immediate past chair of the Regional Council are one of the positions for the East Valley and West Valley positions. Mayor Hallman suggested that both the vice chair and treasurer of the Regional Council sit on this committee to provide continuity with the order of ascension of the officers. Mayor Lopez Rogers noted the discussion of the subcommittee was to have the board members, as opposed to a staff member, serve as representative of the business positions. Councilwoman Neely noted that the goal was to get the individual that would attend the meetings and to not send a staff member. Mayor Smith stated that the idea was to have the positions/organizations, but within those organizations to have a specific person so that it is elevated to the level of taking ownership. Mayor Hallman noted that this is not unlike the Transportation Policy Committee (TPC) composition. Chair Schoaf noted that for the west side and WESTMARC, it would be better to see the chair or vice chair of the organization as opposed to the executive director. However, for the other organization, it may be better to have the executive director. He noted that for this reason, it is beneficial for the composition to have positions as opposed to individuals. Mayor Smith stated that it is about who would be best to advance the purpose and mission of the committee. Dennis Smith stated that the TPC also has a no proxy rule. Councilwoman Neely stated that under the rules of this committee composition it also states that if a position misses three consecutive meetings, a new appointment will be made in that category.

Chair Schoaf recommended that staff update the composition based on the discussion today and distribute to the Executive Committee for approval. Mr. Smith noted that the composition will then move forward for approval to the Regional Council this month. Councilwoman Neely noted that the Regional Council will need to request letters of interest from member agency elected

officials. Chair Schoaf recommended one meeting cycle that is to approve the business positions and request letters of interest at this month's meeting, and to appoint the member agencies at the October Regional Council meeting. Councilwoman Neely stated that her concern was that on one potential project, timely and important decisions may need to be made soon.

Councilwoman Neely moved to approve the composition of the MAG JPAC Working Group with the amendment that it will be possible for the working group to meet with the a quorum of the known members of the elected officials, which includes the immediate past chair, the Regional Council vice chair and treasurer, and Maricopa County, and to recommend approval and appointment of the business member composition at the September Regional Council.

9. Sustainable Communities Regional Planning Grant Program

Amy St. Peter thanked the Executive Committee for the opportunity to present information regarding the Sustainable Communities Regional Planning Grant Program. She reported that in July, the Executive Committee recommended steps to complete the application for this program and the final application was submitted on behalf of the Sun Corridor Consortium. She noted that the U.S. Department of Housing and Urban Development (HUD) is partnering with the U.S. Department of Transportation (DOT) and the Environmental Protection Agency (EPA) on this new program, and the funding supports the creation of regional plans for sustainable development over a three-year period. Ms. St. Peter stated that approximately \$98 million is available nationally with up to \$5 million potentially available for large metropolitan areas. It is anticipated that this grant process will be very competitive and oversubscribed. She noted that the Secretary of HUD estimates making 40 awards for this program, with 25 percent of the awards going to small metro or rural areas. She explained that if HUD grants the full \$5 million available for large metro regions, that means HUD may only give 15 awards to large metro areas.

Ms. St. Peter reported that with the assistance of our partners, we were able to submit a strong proposal reflecting 120 agencies, including the Pima Association of Governments, the Central Arizona Association of Governments, the Arizona Department of Transportation, the Urban Land Institute, the Sonoran Institute, and various programs within Arizona State University and the University of Arizona. In addition, all the MAG member agencies were included as partners by virtue of MAG Regional Council action taken on July 28, 2010. She noted that the diversity and broad community support of the Sun Corridor Consortium is an important achievement. This will make the application more competitive, as well as convey benefits for each of the partners. Ms. St. Peter stated that HUD has indicated a preferred sustainability status will be conveyed on all consortium partners whose applications meet threshold requirements, even if they do not win an award. She noted that technical assistance funding will be available in the fall to assist applicants with preferred status to improve their applications for next year's competition. This status may also benefit partners when they individually apply for other federal funding sources in the future.

Ms. St. Peter stated that the support of the consortium partners resulted in our ability to leverage \$21 million for the \$5 million grant. This includes a contribution of more than \$14 million from Central Arizona Project for the strategic right-of-way along the canals that run through all three counties. She thanked the MAG member agencies that committed leverage for this grant, including Avondale, Chandler, El Mirage, Goodyear, Peoria, Tempe, Maricopa County, Valley

Metro, and ADOT. Ms. St. Peter noted that six initiatives are proposed in the application to help inform the regional plan for sustainable development. These include the Arizona Health Survey through St. Luke's Health Initiatives, Native American Communities Transit Study, Regional Housing Plan, Cluster Economic Development Study, Canal Path Integration Study, and the Connected Centers Framework Study. She stated that these efforts will identify ways the Sun Corridor can better integrate planning for economic development, housing, and transportation in order to protect the environment and promote social equity. Ms. St. Peter reported that HUD had originally indicated awards would be announced in October. She noted that there may be opportunities to move forward with some of the activities proposed in the application without grant funding, and when the awards are announced, we will re-assess our position and determine next steps. Ms. St. Peter stated that this item is on the agenda for information and discussion, and that she would be happy to take any questions.

There being no questions of comments, Mayor Schoaf thanked Ms. St. Peter for her efforts on completing this grant and on bringing a variety of resources together.

10. Update on Exceptional Events and MAG Five Percent Plan for PM

Chair Schoaf noted there is a provision for executive session on this agenda item and he asked Mr. Smith if the Executive Committee should proceed into executive session. Mr. Smith stated that staff can provide general background information before moving into executive session. Lindy Bauer stated that on August 24, 2010, the Environmental Protection Agency (EPA) sent a letter to the Arizona Department of Environmental Quality (ADEQ) indicating that EPA will be proposing action on the Five Percent Plan on September 3, 2010, and that EPA will be addressing the exceptional events in that action. In addition, the Arizona Congressional Delegation sent a letter indicating that more time was needed, and they also had a phone call with EPA on September 2, 2010, but EPA maintained that they still would move forward on September 3, 2010. Ms. Bauer stated that on September 3, 2010, the EPA Regional Administrator signed a Federal Register notice that proposed partial approval and partial disapproval of the Five Percent Plan for PM-10 for the Maricopa County nonattainment area. She reported that on September 9, 2010, the notice was published in the Federal Register and a 30 day comment period is provided and comments are due by October 12, 2010. Ms. Bauer stated that there are two major reasons that EPA is proposing partial approval and partial disapproval of the Plan. She stated that EPA indicated that the 2005 base year emissions inventory prepared by Maricopa County is inaccurate since EPA disapproved with the methodology used by the County. Ms. Bauer noted that the emissions inventory is the cornerstone of the Plan, and foundation from which the Plan is built. She noted that the emissions inventory indicates what the emissions sources are and also the contribution coming from the sources. She also stated that the emissions inventory was tied to the modeling of the contingency measures done for the Plan. Ms. Bauer stated that when EPA took the emissions inventory portion of the Plan and determined it was inaccurate, it led to other issues with the Plan.

Mayor Smith asked if EPA is disapproving the Plan or the emission inventory. Ms. Bauer explained that the emissions inventory is the foundation of the Plan, a key data piece. She noted that EPA criticized the rule effectiveness methodology used by Maricopa County. She stated that EPA stated that the methodology led to an overestimation of the emission coming from

construction and other sources, which led to a faulty strategy. Mayor Smith clarified that EPA is saying that this is bad inventory. Ms. Bauer stated that at the time, the inventory was appropriate, the economy robust, and there was a great deal of construction in the Valley. Mayor LeVault asked if the EPA signed off on the inventory back in 2005. Ms. Bauer stated that the EPA was provided with the inventory in May or June of 2007 by Maricopa County. Mayor LeVault stated that EPA has had this information for over two years and is just now telling us that certain industry sources are overestimated. Ms. Bauer confirmed that was correct. Mr. Smith stated that the pie chart that was described a few years ago, if it is different than the one that has been presented or developed recently by Maricopa County, is not our contention. He noted that the monitor went off because of high winds. He explained that we can work on the Plan as requested, but the monitor will continue to go off. He noted that MAG continues to inform EPA that we need to address the unique conditions at the monitor.

Ms. Bauer stated that the second major reason that EPA proposed partial disapproval of the Plan was that EPA could not approve the modeling demonstration showing attainment in 2010 because they would not approve the four exceptional events at the West 43rd Avenue monitor. She noted that those four exceptional events constitute a violation. She explained that the region is permitted to have only three exceedances per monitor over a three year time period. This means that the region does not have its first year of clean data in 2008 in order to show attainment by 2010. She noted that the region needed to be clean in 2008, 2009 and 2010. Ms. Bauer stated that EPA indicated in a footnote in the 80-page document, that EPA does not feel it is necessary to review the exceedances in 2009 that will be submitted by the State as exceptional events. She noted that modeling attainment demonstration is very important and tied to EPA's nonoccurrence with the exceptional events.

Mayor Lane stated that he is concerned that EPA is not allowing the data from 2005 and the methodology because EPA says we overestimated the extent of dust from certain contributing sources. He asked if that methodology has been changed. Ms. Bauer stated that Maricopa County Air Quality Department has changed the methodology in the 2008 emissions inventory. She noted, however, that the County used a methodology that had been approved by EPA previously for the 2005 submittal. Mr. Smith stated that what gets lost in this discussion is that we had controls in every piece of the pie chart whether it is the older one or the newer one. He noted that the Plan is working. Chair Schoaf asked if the Plan demonstrated a certain number of pounds reduction of particulate matter and the calculation was based upon the old distribution of sources. He stated that if you apply our measures to the new pie chart distribution, it also reduces PM-10. Ms. Bauer stated that is correct. Chair Schoaf continued that since we are now starting with less pounds total, is it not a high enough percentage. Ms. Bauer stated that we do not know the answer to that question at this time. She stated that Maricopa County has just completed the 2008 emission inventory. Ms. Bauer stated that EPA notes in the 80-page document that perhaps we have enough measures to show the five percent reduction against the new inventory. She noted that Maricopa County is concerned that EPA will not accept the 2008 inventory with the new methodology. The County has questions for EPA. Chair Schoaf stated that it is possible when we do have an inventory that EPA accepts, the elements of the old Plan might very well calculate out to an acceptable number of elements. Ms. Bauer stated that EPA has also requested a "best available control measure analysis" of what is being done in other areas of the country. She noted that the Plan will need to be remodeled. Mayor Lane asked if EPA found that with the methodology used

on both ends, with the adjusted data base of information, and we were to have a proper delta of difference, would that be acceptable to the EPA. Ms. Bauer stated that EPA has indicated that we have not been clean at the monitor with the nonconcurrency on the four high wind exceptional events. Mayor Lane asked that if we took just the first area of objection, which is the emission inventory and methodology, would that be something to dismiss that issue. Ms. Bauer stated that EPA proposed disapproval of the emissions inventory and we now have an opportunity to comment. She stated that if 2008 is not going to be a clean year, we will need to model more years into the future. She noted that we will have to have five percent reduction in emissions per year until we attain. Ms. Bauer noted that if they do not say that 2008 is a clean year, we will need to model additional years and we do not know how far out we will have to go and we do not know if we will have enough measures and benefits to get there.

Mr. Smith stated that this would be a good time to go into a strategy discussion with the attorneys. Chair Schoaf asked for a motion to go into executive session. Mayor LeVault moved for the Executive Committee to go into executive session. Mayor Lopez Rogers seconded the motion and the motion carried unanimously. The Executive Committee went into executive session at 1:06 p.m.

The Executive Committee reconvened regular session at 1:49 p.m. No action was taken on this agenda item.

11. Request for Future Agenda Items

Chair Schoaf asked if there were any requests for future agenda items. There were none.

12. Comments from the Committee

Chair Schoaf asked if there were any comments for the committee members. There were no comments.

Adjournment

Councilwoman Neely moved to adjourn the Executive Committee meeting. Mayor LeVault seconded the motion and it carried unanimously. There being no further business, the Executive Committee adjourned at 1:50 p.m.

Chair

Secretary

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

October 12, 2010

SUBJECT:

Consultant Selection for the MAG Freight Transportation Framework Study

SUMMARY:

The FY 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council includes \$500,000 to conduct the Freight Transportation Framework Study that will examine freight and multimodal opportunities in the Sun Corridor. The study area will include Maricopa, Pinal and Pima Counties. The overall project will be completed in 18-months from the notice to proceed. This study will develop a multi-modal freight transportation framework for the study area that will likely be implemented at multiple jurisdictional levels and examine opportunities for an inland port.

The Request for Proposals was advertised on August 19, 2010. Seven proposals were received from AECOM, Arizona State University, Cambridge Systematics, Lee Engineering, Parsons Brinckerhoff, Transystems, and URS. A multi-agency proposal evaluation team reviewed the proposal documents and recommended to MAG the selection of Parsons Brinckerhoff to complete the study for an amount not to exceed \$500,000.

PUBLIC INPUT:

No public input has been received.

PROS & CONS:

PROS: When completed, the study will develop a multimodal freight framework that will describe the movement of goods (truck, rail, air, and pipeline) through the study area, identify possible network deficiencies to the safe and efficient flow of goods in, out, through and within the region and propose strategies to improve the transportation network that will enhance regional mobility for freight. The study will also prepare a commodity flow summary and develop an inland port market assessment that will identify freight related economic development opportunities in the study area. The project's recommendations will provide guidance to MAG and member agencies for establishing a freight transportation framework and an implementation strategy to meet future freight demand. Conducting the Freight Study in a timely manner could allow the Sun Corridor to capitalize on opportunities.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The procurement of consultant services will enable MAG to obtain technical expertise in the long-range framework planning process.

POLICY: None at this time.

ACTION NEEDED:

Approve selection of Parsons Brinckerhoff to conduct the Freight Transportation Framework Study for an amount not to exceed \$500,000.

PRIOR COMMITTEE ACTIONS:

This item is on the October 13, 2010 Management Committee agenda for recommendation to approve the selection of Parsons Brinckerhoff to conduct the Freight Transportation Framework Study for an amount not to exceed \$500,000.

On October 5, 2010, the proposal evaluation team recommended to MAG the selection of Parsons Brinckerhoff to complete the study for an amount not to exceed \$500,000.

- Al Altuna, Pima Association of Governments
- Eric Anderson, MAG
- Bob Hazlett, MAG
- John Liosatos, Pima Association of Governments
- Andrew Smith, Pinal County
- Tim Strow, MAG
- Marisa Walker, Governor's CANAMAX Task Force

CONTACT PERSON:

Tim Strow, Transportation Planner, MAG (602) 254-6300.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY...for your review

DATE:

October 12, 2010

SUBJECT:

Don't Trash Arizona Litter Prevention and Education Contract Amendment

SUMMARY:

The Regional Transportation Plan (RTP) includes \$279 million for the freeway maintenance program, including litter control. In November 2003, MAG and the Arizona Department of Transportation signed a joint resolution that included a commitment to develop a long-term litter prevention program to help reduce freeway litter and defray pickup costs.

To help accomplish this goal, in 2006, the MAG Regional Council approved the selection of a consultant, RIESTER, to implement a Litter Prevention and Education Program for the Regional Freeway System in the MAG region, also known as *Don't Trash Arizona*. The purpose of the program is to increase awareness of the health, safety, environmental and economic consequences of freeway litter and ultimately change the behavior of offenders. MAG works cooperatively with the Arizona Department of Transportation (ADOT), which manages the program for the state outside of Maricopa County.

The initial two-year contract for the prevention and education program expired August 31, 2008. A new Request for Proposals was issued and a selection process undertaken. Based on the recommendation of a multi-agency review panel, on September 24, 2008, the Regional Council again approved the selection of RIESTER as the consultant to develop the FY 2009 litter prevention and education program. The action included a provision that the base contract period shall be a one-year term but that MAG may, at its option, offer to extend the period of this agreement up to a maximum of two (2), one (1) year options, based on consultant performance and funding availability. On October 18, 2009, the MAG Executive Committee approved exercising the first one-year option.

New activities conducted in FY 2010 included radio and web advertising, the development of a motivational speaker's tour to reach out to students at community colleges and vocational schools, the development/dissemination of monthly e-blasts with tips and information, and a 15 minute video on littering. An analysis of the e-mail outreach found an unusually high open rate for emails (more than 40 percent amid an industry average of 25 percent). In addition to the above activities, MAG implemented a "Safe Loads = Safe Roads" campaign. This messaging was aimed at reducing dangerous road debris from unsecured loads. Tactics included live radio broadcasts and a web contest so that those who took the *Don't Trash Arizona* anti-litter pledge could be registered to win a free tarp to cover truck bed or trailer loads, reinforcing the importance of safely securing vehicle loads.

Since 2006, combined with public relations efforts, the *Don't Trash Arizona* Litter Prevention and Education program has achieved more than 30 million audience impressions. A recent telephone survey of 601 Maricopa County residents finds that half of Arizonans have heard the slogan *Don't Trash Arizona*. Some of the most significant findings of the survey were positive changes in awareness and behavior among the target demographic of males aged 18 to 34, as well as changes in attitude and behavior by the overall population. Overall awareness of the slogan *Don't Trash Arizona* increased from 43 percent in 2006 to 51 percent in 2010. Awareness among the target demographic was 58 percent. Another significant finding was that almost three-fourths of Maricopa county residents (74 percent) reported they had not littered at all during the past year, which, for the first time, represents an increase from previous years (69% in 2009). In addition, the percentage of residents classified as "Admitted Litterers" declined to 23 percent, the lowest recorded in the history of the annual tracking study.

A full copy of the survey and the findings is available at www.DontTrashAZ.com. The site also includes

information about littering, activities and resources for students and teachers, a page to report littering violations and other information. According to the survey, awareness of the MAG litter Web site among the target group increased an overwhelming 229 percent.

The amended contract with RIESTER expires on November 30, 2010. Due to the ongoing success of the *Don't Trash Arizona* program, staff recommends amending the consultant contract with RIESTER for one additional year for the Litter Prevention and Education Program and to include the \$300,000 budgeted in the FY 2011 Unified Planning Work Program and Annual Budget for litter prevention and education efforts.

PUBLIC INPUT:

Numerous presentations and special events were conducted throughout the year, with feedback solicited through question and answer periods as well as surveys provided to community college and trade school students at the end of each motivational speakers tour. Additional input is provided through the *Don't Trash Arizona* website. A scientific, random-sample telephone survey was conducted in July 2010 by WestGroup Research. Results are based on 601 fifteen-minute interviews with Maricopa County residents with results at a 95 percent confidence level. Key results of the survey are noted above and the full report is available on the *Don't Trash Arizona* Web site.

PROS & CONS:

PROS: Research suggests that prevention programs can change public perception and habits regarding litter, which is ugly, unhealthy and unsafe. Properly maintained freeways are important to the quality of life of the residents of this region and to the image projected to tourists and economic development prospects.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The Regional Transportation Plan includes \$279 million in funding for landscape maintenance and noise mitigation, with a small portion allocated for litter prevention and education. The FY 2011 campaign will build on efforts of the *Don't Trash Arizona* campaign to date.

POLICY: An effective litter prevention and education program will help change the behavior of offenders, which will improve health and safety, protect the environment, improve visual aesthetics along the MAG Regional Freeway System, enhance tourism and economic development prospects, and ultimately reduce the cost of freeway maintenance.

ACTION NEEDED:

Approve amending the consultant contract with RIESTER for one additional year for the Litter Prevention and Education Program to include \$300,000 budgeted in the MAG FY 2011 Unified Planning Work Program and Annual Budget for litter prevention and education.

PRIOR COMMITTEE ACTIONS:

This item is on the October 13, 2010 Management Committee agenda to recommend approval to amend the consultant contract with RIESTER for one additional year for the Litter Prevention and Education Program to include \$300,000 budgeted in the MAG FY 2010 Unified Planning Work Program and Annual Budget for litter prevention and education.

On September 17, 2008, the MAG Regional Council approved a recommendation that RIESTER be selected to design and implement the FY 2009 Litter Prevention and Education Program for the Regional Freeway System in the MAG Region. The action included a provision that the base contract period shall be a one-year term but that MAG may, at its option, offer to extend the period of this agreement up to a maximum of two (2), one (1) year options, based on consultant performance and funding availability. On October 13, 2009, the MAG Regional Council Executive Committee exercised the first one-year option, and approved amending the contract through November 30, 2010.

CONTACT PERSON:

Kelly Taft, Communications Manager, 602-254-6300.



October 12, 2010

TO: Members of the MAG Regional Council Executive Committee

FROM: Denise McClafferty, Management Analyst III

SUBJECT: MAG ECONOMIC DEVELOPMENT COMMITTEE

At the September 13, 2010 Regional Council Executive Committee meeting, the formation of a committee to address issues related to the JPAC was recommended. This item was forwarded to the September 22, 2010 Regional Council meeting. As the item was moving to the Regional Council for consideration, various changes were proposed to the item, including changing the name and designating a vice chair for the committee. These changes were necessary because we did not fully vet and consider all aspects of this new committee before moving it to Regional Council. Unfortunately, the changes in this proposed committee resulted in a protracted discussion of the item at the Regional Council. In the future, MAG staff will work more diligently to have all issues identified and addressed before we send an item to the Regional Council.

The Regional Council requested that this item go back to the Executive Committee for further refinement of the mission statement and further discussion of the composition where relevant. To resolve the remaining issues for the Economic Development Committee (EDC) and provide for a better understanding at the Regional Council meeting, the issues that need to be discussed are:

- 1) **Mission of the Committee:** At the Regional Council meeting, discussion was held regarding the overall mission of the EDC. The focus of the EDC when originally proposed was on policy recommendations to the JPAC. As discussions continued after the Executive Committee meeting there was concern that the EDC would be misunderstood if its context was expressly limited to JPAC. Several Executive Committee members believed that the focus was actually on the broader issue of bringing local government and business leaders together to consider how multi-modal transportation planning could help drive economic development. This produced the change in the Committee's name.

The inclusion of the term Sun Corridor in the mission statement, coupled with the original focus on only JPAC, also led to some confusion. For there to be consensus that the EDC should be added to the existing MAG committee structure, the EDC must be able to consider transportation policy opportunities that drive economic development across all of Maricopa County. As we go forward we should make it clear that "Sun Corridor" generally encompasses all of Maricopa County and the EDC is enabled to consider the impact of multimodal transportation policy on economic development across Maricopa County.

- 2) Continuity of Leadership for the EDC: At the Regional Council meeting, it was also recommended that the Executive Committee further discuss the composition of the EDC where relevant. It was proposed, but not approved, to include the Chair of the Regional Council as a member of the EDC. The purpose was to provide a continuity of leadership for the EDC.

We now have a Committee, as approved at Regional Council, which does not fit the continuity of leadership model we have instituted for all other committees. As constituted, the Vice Chair of the EDC will not become the Chair of the EDC unless it just so happens that the Chair of the Regional Council is one of the at large members of the EDC and the Chair is chosen to be the Vice Chair of the EDC. As constituted, the Chair of the EDC could serve in the role of organizing and getting this committee started. It is important to have cohesive leadership particularly during the EDC's formation. This may be difficult without the current MAG Chair serving on the EDC.

To address this issue, there are multiple options going forward including:

Option #1 - No Change from the Action Approved by the Regional Council: Under this option, the Chair of the Regional Council would assume the position of Chair of the EDC upon becoming the past chair of the Regional Council. This would have the consequence of a potential gap in continuity in leadership for the EDC.

Option #2 - Have the Chair of the Regional Council serve as an Ex-Officio Member of the EDC: Under this option, when the Chair of the Regional Council becomes the past chair, that person would be knowledgeable regarding the activities of the EDC. Serving in an ex-officio status would not be counted against the at-large members from the east or west valley. While this would improve the knowledge base of the incoming Chair of the Committee, it would still mean that the Vice Chair of the Committee would rarely move up to the Chair position.

Option #3 - Include both the Past Chair and the Chair as designated members of the EDC in the positions of Chair and Vice Chair.

In addition to addressing these issues, the letters from MAG member agencies interested in serving on the EDC to fill the two east valley and two west valley positions on the committee have been submitted to MAG. These are attached for your review and recommendation to the Regional Council. Also enclosed is a copy of the EDC composition, as approved by the Regional Council in September, and a draft section of the MAG Committee Operating Policies and Procedures for the EDC. It is anticipated that the Executive Committee will discuss these issues and make a final recommendation to the Regional Council.

If you have any questions, please contact the MAG office at (602) 254-6300.

MAG Economic Development Committee (REVISED 9-22-2010)

Mission

The mission of the MAG Economic Development Committee (EDC) is to develop an opportunity-specific and action oriented plan that fosters and advances a plan for the Sun Corridor dealing with infrastructure, especially transportation infrastructure that would further economic development opportunities.

Composition - The EDC should not exceed 20 members.

1. **Eight (8) MAG member agency elected officials - to be appointed by the MAG Regional Council**
 - Central City
 - Maricopa County
 - Three West Valley
 - Three East Valley
- The MAG member agency elected officials shall include the Vice Chair, Treasurer and immediate Past Chair of the Regional Council.
- The Chair of the EDC will be the immediate past chair of the MAG Regional Council.
- The Vice Chair of the EDC will be appointed by the Regional Council.

Terms - In accordance with the MAG Committee Operating Policies and Procedures, the MAG member agency elected official members will have one-year terms with possible reappointment by recommendation of the Executive Committee and approval of the MAG Regional Council. Appointments occur each year at the annual Regional Council meeting in June.

2. **Eleven (11) business members of the MAG Economic Development Committee representing region-wide business interests.**

<u>POSITION</u>	<u>REPRESENTATIVE</u>
Economist	Jim Rounds, Elliott Pollack & Company, VP & Senior Economist
Transportation Industry Representatives	Jeffrey Simmons, Ryley Carlock, Transportation Attorney Mary Peters, HDR (being contacted to confirm)
Education	Dr. Joseph Cavinato, Professor of Supply Chain Management, Thunderbird
WESTMARC	Candace Wiest, Vice Chair of WESTMARC
East Valley Partnership	Mark Dreher, Chair of East Valley Partnership
Greater Phoenix Economic Council	Steve Betts, Board Member
Greater Phoenix Leadership	Thomas Franz, President/CEO of the Greater Phoenix Leadership
Development Community	Jim Kenney - El Dorado Holdings Inc.
Phoenix Chamber of Commerce Representative	Todd Sanders, President and CEO of the Phoenix Chamber of Commerce
Arizona Commerce Authority Representative	TBD

- A quorum is a simple majority of members of the Regional Council on the MAG EDC, participating in person or by teleconference or videoconference, shall constitute a quorum for the transaction of business. Use of proxy at the MAG EDC is not permitted.
- If three (3) consecutive meetings are missed, the position will be considered vacated.
- The MAG EDC will make recommendations to the MAG Regional Council and coordinate with the JPAC.

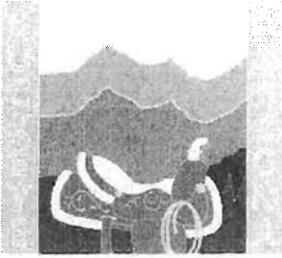
Terms - The business members will have two-year terms with possible reappointment by recommendation of the Executive Committee and approval of the MAG Regional Council.

The MAG Economic Development Committee (EDC) will sunset in two years, unless it is renewed by the MAG Regional Council.

ECONOMIC DEVELOPMENT COMMITTEE

<p>Responsibilities:</p>	<ol style="list-style-type: none"> 1) Develop an opportunity-specific and action oriented plan that fosters and advances a plan for the Sun Corridor dealing with infrastructure, especially transportation infrastructure that would further economic development opportunities. 2) Make recommendations to the MAG Regional Council and coordinate with the JPAC. 3) The EDC will sunset in two years, unless it is renewed by the MAG Regional Council.
<p>Composition:</p>	<p>The Economic Development Committee includes: Eight (8) MAG member agency elected officials - to be appointed by the MAG Regional Council</p> <ul style="list-style-type: none"> - Central City - Maricopa County - Three West Valley - Three East Valley <p>The MAG member agency elected officials shall include the Vice Chair, Treasurer and immediate Past Chair of the Regional Council. The Chair of the EDC will be the immediate past chair of the MAG Regional Council. The Vice Chair of the EDC will be appointed by the Regional Council.</p> <p>Eleven (11) business members of the MAG Economic Development Committee representing region-wide business interests.</p> <ul style="list-style-type: none"> - Economist - Transportation Industry (two seats) - Education - WESTMARC - East Valley Partnership - Greater Phoenix Economic Council - Greater Phoenix Leadership - Development Community - Phoenix Chamber of Commerce - Arizona Commerce Authority
<p>Duties of the Chair:</p>	<p>Approve agenda and conduct meeting. In the absence of the Chair, the Vice Chair will assume the duties of the Chair.</p>
<p>Election of Officers:</p>	<p>The EDC Chair is the immediate past Chair of Regional Council. The EDC Vice Chair is appointed by the Regional Council at the June annual meeting. (Do we request letters of interest?)</p>
<p>Terms:</p>	<p><u>MAG Member Agency Elected Official Terms</u> - One-year terms with possible reappointment by recommendation of the Executive Committee and approval of the MAG Regional Council. Appointments occur each year at the annual Regional Council meeting in June.</p> <p><u>Business Member Terms</u> - Two-year terms with possible reappointment by recommendation of the Executive Committee and approval of the MAG Regional Council. Appointments occur each year at the annual Regional Council meeting in June.</p>
<p>Vacancies:</p>	<p>Successors to vacant positions will follow the order of ascension of officers. For a vacant Chair position, the Vice Chair will become Chair and finish the unexpired term of the previous Chair. At the completion of the unexpired term, the immediate</p>

	past chair of the Regional Council will then become Chair and the Vice Chair will be appointed by the Regional Council.
Meetings:	The Economic Development Committee shall meet at the call of the Chair at such place designated by him or her and special meetings may be called by any member of the Committee by having the Executive Director give written notice to all members.
Agenda Development:	<ol style="list-style-type: none"> 1) The agenda is prepared by staff with approval by the Chair. 2) Request for future agenda items will be placed on all agendas. 3) Items that have been recommended to the Economic Development Committee by the Management Committee or a policy committee shall be included on the Economic Development Committee agenda for consideration by the Economic Development Committee.
Conflict of Interest:	As is done in MAG member agencies, Regional Council members confer with the MAG General Counsel regarding conflict of interest, as set forth in state law.
Quorum:	A quorum is a simple majority of MAG member agency elected officials on the EDC, participating in person or by teleconference or videoconference, shall constitute a quorum for the transaction of business. In the absence of a quorum, no committee shall conduct business without a quorum. The Chair of the meeting shall adjourn the meeting from time to time, as provided in the Open Meeting Law, to attempt to garner quorum. If a quorum is achieved following a temporary adjourned meeting, business may be transacted which might have been transacted at the meeting as originally notified.
Proxies:	Use of proxies at the Economic Development Committee is not permitted.
Use of Weighted Vote:	Use of weighted vote at the Economic Development Committee is not permitted.
Public Comment:	Public involvement will be encouraged at all committee meetings. All public comment will be in accordance with the MAG public input policy.
Minutes:	Detailed minutes for all committee meetings will be taken, posted on the MAG website, and distributed to all committee members and interested stakeholders.
Administrative Support:	MAG staff shall provide administrative support to the Economic Development Committee through the Executive Director.
Rules of Order:	Current practice encourages regional discussion and when necessary conferring with the MAG General Counsel regarding parliamentary procedure.



Town of Buckeye
Office of the Mayor

September 27, 2010

Mayor Thomas Schoaf
Chair, Regional Council
Maricopa Association of Governments
302 N 1st Ave., Suite 300
Phoenix, Arizona 85003

Re: MAG Economic Development Committee Appointment

Dear Mayor Schoaf:

Please accept this letter as an expression of my interest in serving on the MAG Economic Development Committee. I would like the opportunity to participate on this Committee to help develop a plan for the Sun Corridor dealing with transportation infrastructure that would further economic development opportunities.

Consideration of my request to serve on this Committee is appreciated, and I would be honored to serve in such capacity

Sincerely,

Jackie Meck
Mayor



**Councilwoman
Sharon Wolcott**
16000 N. Civic

Center Plaza
85374

Surprise, AZ

623-
222-1322

October 8, 2010

Honorable Thomas Schoaf
Chairman, MAG Regional Council
302 N 1st Ave., Ste. 300
Phoenix, AZ 85003

Mayor Schoaf:

Please except this letter of interest as my request to be appointed as a member of the MAG Economic Development Committee.

For the past year, I have served as a member on the Maricopa Association of Governments on the Regional Council (RC). I have an extensive background and experience in developing public policy in the areas of transportation and economic development. I recognize the importance of this committee in setting the stage for Arizona's economic recovery, particularly in Maricopa County.

Thank you in advance for your consideration. Please let me know if you have any questions.

Respectfully submitted,

Sharon Wolcott
Councilwoman, City of Surprise

cc: Mr. Dennis Smith, Executive Director, MAG
Mayor Lyn Truitt, City of Surprise



September 28, 2010

W.J. "JIM" LANE
Mayor

Honorable Thomas Schoaf
Chair, Maricopa Association of Governments
302 N. 1st Avenue, Suite 300
Phoenix, AZ 85003

Dear Mayor Schoaf,

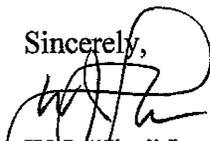
I am writing to you today to express my strong interest and desire to serve on the Maricopa Association of Government's Economic Development Committee.

Having actively participated in all of the recent JPAC meetings to consider the professional aspects of the Sun Corridor Study, I am excited to be able to serve the region in developing an economic development plan that will become a cornerstone in establishing a clear and positive direction for the future of MAG's participation in the Sun Corridor. This is an amazing opportunity to create a product to foster an effective and efficient transportation infrastructure, sustainable economic growth, and a favorable regional business climate.

My interest in serving in this capacity is attributable to my desire to bring value to the Committee from my current role of public leadership combined with an extensive business background.

I would very much appreciate the opportunity to serve as a member of this important committee and would be grateful for your consideration.

Sincerely,



W.J. "Jim" Lane
Mayor

cc: Dennis Smith, MAG Executive Director





Town of FOUNTAIN HILLS

October 5, 2010

Maricopa Association of Governments
302 North 1st Avenue, Suite 300
Phoenix, AZ 85003

Attn: Regional Council

Re: Appointment to MAG Economic Development Committee

Dear Regional Council:

Please accept this letter of interest for appointment to the MAG Economic Development Committee as a representative from the East Valley. I believe myself to be very well qualified to serve on the committee and have a firm desire to do so.

Having served on the Fountain Hills Town Council for four years and as Mayor for over two years, I am well aware of the importance of transportation and infrastructure with respect to economic development. I am particularly aware of transportation issues in the East Valley and the need for a viable traffic flow in and out of the region. Fountain Hills has worked long and hard toward achieving a more direct connection to the City of Mesa – a goal still not achieved, but one which would serve both communities well in terms of economic development.

Serving on the MAG Economic Development Committee would complement my ongoing work on the Greater Phoenix Economic Council, which includes efforts to bring growth and diversity to our regional employment base.

If appointed to the MAG Economic Development Committee, I pledge that I will serve with dedication and diligence.

Sincerely,

Jay T. Schlum
Mayor



October 6, 2010

Mayor Thomas Schoaf, Chair
Maricopa Association of Governments
302 North 1st Avenue, Suite 300
Phoenix, AZ 85003

Dear Mayor Schoaf,

Thank you for the opportunity to express my interest in serving on the MAG Economic Development Committee. I currently serve as Vice Mayor for the Town of Paradise Valley, and have been an elected official for over six years.

I attended the MAG Regional Council meeting on September 22 and heard the discussion about this new committee. I feel that my experience and background would bring a different perspective and I hope that you will consider my appointment.

I currently serve on the Board of Directors for the Scottsdale Convention and Visitors Bureau, representing Paradise Valley and our vibrant resort community. I also led our Town government in its effort to become more sustainable, supporting our membership in the Sustainable Communities Network and championing ideas such as water conservation and solar energy for the Town complex and our residents.

This fall I am chairing a Town-wide visioning project where we will examine opportunities for economic development, develop a strategic plan and create a framework of ideas that will be used to update our General Plan. I feel all of these experiences uniquely prepare me to serve on this important committee.

Thank you for your consideration.

Mary Hamway
Vice Mayor, Town of Paradise Valley



Maricopa County

DON STAPLEY, CHAIRMAN
Board of Supervisors, District 2

301 West Jefferson Street
10th Floor
Phoenix, AZ 85003-2143
Phone: 602-506-7431
Fax: 602-506-6362
www.maricopa.gov

September 23, 2010

Honorable Mayor Thomas L. Schoaf
Chair, Regional Council
Maricopa Association of Governments
214 W. Wigwam Blvd.
Litchfield Park AZ 85340

Dear Mayor Schoaf,

I am writing to inform you that I have appointed Supervisor Mary Rose Wilcox to serve as the county representative to the MAG Economic Policy Committee. Supervisor Wilcox's experience and dedication to our community are well-known, and she will bring valuable insight to the team's efforts.

Thank you for your leadership in establishing this Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Stapley", written in a cursive style.

Don Stapley, Chairman
Maricopa County Board of Supervisors
District 2



October 6, 2010

Mayor Tomas Schoaf
Chairman of the MAG Regional Council

VIA FAX: 602-254-6490

Re: Treasurer of the MAG Regional Council

Dear Mayor Schoaf:

The purpose of this letter is to inform the Chair of the Regional Council that I accept the seat on the newly formed MAG Economic Development Committee dedicated to the Treasurer of the MAG Regional Council. As a current participant on the Joint Planning Advisory Council (JPAC) and its subcommittee, I look forward to working with MAG members and the private sector participants in seeking regional economic opportunities. Please feel free to contact me if you have any questions.

Sincerely,

Marie Lopez Rogers
Mayor

Office of the Mayor

11465 W. Civic Center Drive • Avondale, AZ 85323
Phone: (623) 333-1900 • Fax: (623) 333-0120 • TDD: (623) 333-0012
www.avondale.org



October 4, 2010

Mr. Jared Blumenfeld
Regional Administrator
Region IX
Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105-3901

RE: Docket No. EPA-R09-OAR-2010-0715

Dear Regional Administrator Blumenfeld:

On September 9, 2010, the Environmental Protection Agency ("EPA") proposed to approve in part and disapprove in part State Implementation Plan ("SIP") revisions submitted by the State of Arizona with regard to the Maricopa County nonattainment area for particulate matter of ten microns or less ("PM-10").¹ In that notice, EPA, among other things, proposed: (1) to disapprove provisions of the Clean Air Act ("CAA") section 189(d) plan for the Maricopa area because they allegedly do not meet applicable CAA requirements for emissions inventories, 5% annual emission reductions, reasonable further progress, and contingency measures; (2) to disapprove the 2010 motor vehicle emissions budget in the 189(d) plan as not meeting the requirements of CAA section 176(c) and 40 C.F.R. § 93.118(e)(4); (3) limited approval and limited disapproval of State regulations for the control of PM-10 from agricultural sources; and (4) to approve various provisions of State statutes related to the control of PM-10 emissions in the Maricopa area.

As you know, these are complicated issues that the State of Arizona, Maricopa Association of Governments ("MAG"), EPA, and others have been working on for many years. Despite the breadth and complexity of both the State's SIP revisions and EPA's proposed disposition, however, the agency has provided a comment period of only 33 days, or until October 12, 2010. This comment period is insufficient given the complexity and importance of the SIP revisions.

¹ 75 Fed. Reg. 54,806 (September 9, 2010).

EPA's review of the MAG Five Percent Plan for PM-10 is far too important to the people and economy of Arizona to be subject to an arbitrary deadline established without the input of the State. We have submitted questions to EPA regarding the proposed disapproval that, if answered, would better inform our public comments. We have not yet heard back from EPA on these important questions. While we support prompt resolution of this matter and commit to working diligently with EPA, we are concerned that EPA's current deadlines will limit public input, reduce discussion and information exchanges between EPA, the State, MAG, and other stakeholders, and effectively leave EPA with little choice but to finalize its proposed partial denial.

To ensure that there is adequate time for interested stakeholders to comment meaningfully on EPA's proposal and for the agency to complete the difficult task of thoroughly reviewing all of the docketed information, we respectfully request a comment period extension of 60 days.

Thank you for your consideration of this important request. If we can provide any additional information in this matter, please do not hesitate to contact us directly.

Sincerely,



Benjamin H. Grumbles
Director
Arizona Department of
Environmental Quality



Dennis Smith
Executive Director
Maricopa Association of Governments

cc: The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency

Ms. Gina McCarthy
Assistant Administrator
Office of Air and Radiation

ARIZONA'S RECOMMENDED CLARIFICATIONS TO THE EXCEPTIONAL EVENTS RULE

Representatives of the State of Arizona participated in the September 2, 2010 EPA call with other state and local governments to discuss what the agency characterized as "Ideas for Improvement" as far as the implementation of the Exceptional Events Rule (72. Fed. Reg. 13560; March 22, 2007) (the "EER"). As a member of WESTAR, Arizona strongly supports the September 11, 2009 recommendations from WESTAR, as well as those from the California Air Resources Board as to how the implementation of the EER might be improved. In addition, based upon our extensive experience in attempting to understand and comply with the requirements of the EER, we would recommend that EPA act to clarify the EER in three critical respects.¹

1. Process

Neither Section 319 of the Clean Air Act ("CAA") nor the EER sets forth a procedure for a State to follow when it submits "appropriate documentation" for an exceptional event demonstration or the procedure to be followed by EPA when it considers that documentation. Apparently a specific procedure was felt to be unnecessary in the rules because the documentation package would only be submitted after extensive "collaboration" and "consultation" had occurred between the State and EPA. In the preamble to the EER, the critical role played by consultation and collaboration in the consideration of exceptional events documentation is mentioned on five occasions. Indeed, in response to a comment that EPA establish an appellate process when regional EPA offices fail to concur with a demonstration, EPA responded that such a process was unnecessary "because we anticipate that the States and Regional Offices will be working closely through the data and documentation submission process." 72 Fed. Reg. at 13574. It is the State's experience that if the consideration of exceptional events demonstration is to produce a predictable and consistent result, there must be a more formalized, structured and streamlined procedure for consideration of exceptional events by the regional offices and the procedure must explicitly require EPA to engage in consultation and collaboration with the States at every stage prior to submission. Also, the procedure must require that there be an administrative record upon which the regional offices must rely and because the EER requires that a weight of evidence approach be applied, the record must contain the totality of the information on which the determination is based and EPA must specify the elements of the record on which its decision was based.²

¹ All of our recommendations are based on either the language of Clean Air Act Section 319, the EER and its Preamble or implementation of the EER from EPA determinations in the Federal Register.

² As prescribed by the EER and its preamble, the State believes that the following are the steps in the exceptional event decision process:

Prior to Submission:

Exceptional Event Identification
Exceptional Event Documentation Development
Public Comment

2. **The Information Necessary to Demonstrate that Anthropogenic Sources are “Reasonably Well-Controlled” at the Time that the Event Occurred.**

The level and nature of the documentation necessary to demonstrate that anthropogenic sources are reasonably well-controlled as required by CAA section 319(b)(1)(A)(ii) and the EER at 40 C.F.R. § 50.1(j), must be specifically set forth in guidance. From EPA’s determinations on past exceptional events demonstrations, there are several principles that the State believes should be incorporated in guidance:

- In keeping with the predecessor to the EER, EPA’s Natural Events Policy, that was relied upon by Congress when CAA section 319 was amended, if a State has what EPA has determined are Best Available Control Measures in place and the means and commitment to enforce them, it should be presumed that the anthropogenic activities to which the measures applied are reasonably controlled;
- Exceptions to this presumption exist if there were unusual emissions as far as nature or extent linked to anthropogenic activities that were observed during that period.³

The guidance should also stress that States making the demonstration should not have to show that sources upwind of an affected monitor were “actually controlled,” since such a showing, particularly in an urban environment, is a “practical impossibility.” Id. 73 Fed. Reg. at 14692.

3. **Demonstrating the Clear Causal Relationship Between the Measurement Under Consideration and the Event Claimed to have Affected the Air Quality in the Area.**

The guidance should state that the clear causal relationship demonstration required by CAA section 319 need only be shown for the “particular air quality monitoring location” at which the measurement occurred. This is what is explicitly required in both CAA section 319(b)(3)(B)(ii) and the EER at 40 C.F.R. § 50.14(c)(3)(iii)(A). Thus, while information about the temporal and spatial extent of an event is relevant to the demonstration of causality (see 72 Fed. Reg. at 13573) and may

Post Submission:

Completeness Determination
State Responses Correcting Deficiencies
EPA Exceptional Event Documentation Development
Public Comment Prior to Decision

³ See generally the analysis of these principles in EPA’s approval of the San Joaquin Valley PM-10 nonattainment area exceptional events demonstration at 73 Fed. Reg. 14687 at 14687, 14691 and 14693 (March 19, 2008).

help determine the overall magnitude of the event, the clear causal relationship criterion need only be demonstrated for the monitor(s) that actually were affected by the event.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

October 7, 2010

OFFICE OF THE
REGIONAL ADMINISTRATOR

Benjamin H. Grumbles, Director
Arizona Department of Environmental Quality
1110 West Washington Street
Phoenix, AZ 85007

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

Re: Response to Comment Period Extension Request

Dear Mr. Grumbles and Mr. Smith:

I have received your October 4, 2010 letter requesting a 60-day extension of the public comment period for EPA's September 9, 2010 (75 FR 54806) proposed action on certain revisions to the Arizona state implementation plan related to PM-10 in the Maricopa County (Phoenix) nonattainment area.

Due to a consent decree deadline of January 28, 2011 for a final rule (in *Bahr v. Jackson*, U.S. District Court, District of Arizona), and leaving sufficient time for EPA to respond to comments, I cannot grant your request for a 60-day extension. I am, however, granting an extension of the public comment period to October 20, 2010. Soon we will publish notice of the extension in the Federal Register. Your letter also refers to questions that you submitted to EPA regarding the proposed action. My staff are working to respond as quickly as they can.

Thank you for your continued commitment to solving the air quality problems in the greater Phoenix area.

Sincerely,

A handwritten signature in black ink, appearing to read "Jared Blumenfeld".

Jared Blumenfeld
Regional Administrator