

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE
June 13, 2011
Phoenix Transit Office
302 N. 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Thomas L. Schoaf, Litchfield Park, Chair	* Mayor Jim Lane, Scottsdale
# Mayor Hugh Hallman, Tempe, Vice Chair	Mayor Michael LeVault, Youngtown
Mayor Marie Lopez Rogers, Avondale, Treasurer	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 12:03 p.m. Vice Chair Hallman joined the meeting by teleconference. Chair Schoaf thanked the City of Phoenix Transit Department for the use of the meeting room.

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 requested a motion to approve the consent agenda. Vice Chair Hallman moved to approve items #3A through #3C. Mayor LeVault seconded the motion and the motion carried unanimously.

3A. Approval of the May 16, 2011 Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the May 16, 2011 Executive Committee meeting minutes.

3B. Amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to Move \$140,000 From the Regional Community Network Operations Consultant to the 2011 Regional Community Network Implementation On-Call Project

The Regional Council Executive Committee, by consent, approved amending the FY 2011 MAG Unified Planning Work Program and Annual Budget to move \$140,000 from the Regional Community Network Operations consultant to the FY 2011 Regional Community Network Implementation On-Call. The FY 2011 MAG Unified Planning Work Program and Annual Budget included \$180,000 for the Regional Community Network (RCN) Operations consultant. Staff is proposing that \$140,000 of this be moved to the FY 2011 Regional Community Network Implementation On-Call to enable additional planning and maintenance of the RCN. This will include evaluating options for expansion, developing and maintaining the existing network, and providing management assistance as required. Projects will include troubleshooting connectivity issues, evaluating expansion requests from agencies and maintaining the infrastructure equipment. On June 8, 2011, the Management Committee agenda recommended approval.

3C. Amendment to the FY 2012 MAG Unified Planning Work Program and Annual Budget to Sponsor the National League of Cities Congress of Cities and Exposition Conference

The Regional Council Executive Committee, by consent, approved amending the FY 2012 MAG Unified Planning Work Program and Annual Budget to Sponsor the National League of Cities Congress of Cities and Exposition in the amount of \$15,000, using MAG non federal funds. The National League of Cities (NLC) is the oldest and largest national organization representing municipal governments throughout the United States. Its mission is to strengthen and promote cities as centers of opportunity, leadership and governance. Arizona cities will host the Congress of Cities and Exposition November 8-12, 2011, at the Phoenix Convention Center. Approximately 4,000 delegates from across America will be in attendance. The annual Congress of Cities and Exposition is the premier skill building and knowledge sharing event for city officials and employees. Staff is requesting approval for MAG to participate as a sponsor at the Mesquite Sponsor level for the 2011 National League of Cities Congress of Cities and Exposition in the amount of \$15,000. MAG would also be provided a booth at the event to highlight regional planning activities throughout the MAG region. MAG non-federal funds would be used for this purpose.

4. MAG Committee Chair and Vice Chair Appointments Ending June 30,2011

On July 22, 2009, the MAG Regional Council approved the MAG Committee Operating Policies and Procedures. Officer appointments for technical and other policy committees, with the

exception of the MAG Regional Council, Transportation Policy Committee, and Management Committee, will be made by the MAG Executive Committee and are eligible for one-year terms, with possible reappointment to serve up to one additional term by consent of the respective committee. These appointments will be staggered to assist with continuity, appointing approximately half of the committee officers in June each year and the remainder in January, unless a vacancy occurs. A memorandum was sent to the technical and policy committee members whose chairs and vice chairs expire in June explaining that officers of these committees have served their second one-year term. According to the policies and procedures, the committee's vice chair will ascend to the chair position, and letters of interest were requested for the vice chair positions to be appointed by the Regional Council Executive Committee.

Dennis Smith, MAG Executive Director, noted that a table was included in the agenda packet that showed which chairs and vice chairs were up for appointment. It was noted that two East Valley representatives (Tempe and Mesa) had expressed interest in serving as Chair of the Air Quality Technical Advisory Committee and two East Valley representatives (Tempe and Gilbert) had expressed interest in serving as Vice Chair of the ITS Committee.

Chair Schoaf asked Vice Chair Hallman and Mayor Smith, whose representatives had submitted names for the Chair of the Air Quality Technical Advisory Committee, if they had any comments.

Vice Chair Hallman noted that if the Mesa representative is appointed as chair of the Air Quality Technical Advisory Committee he would suggest that the Tempe representative be appointed vice chair, but this creates an imbalance in the vice chair position. Vice Chair Hallman also noted that the chair of the Elderly and Persons with Disabilities Committee will be from Mesa, and he suggested that Oddvar Tveit from Tempe be appointed as Chair of the Air Quality Technical Advisory Committee. Mayor Smith expressed that the City of Mesa was all right with that appointment.

Chair Schoaf asked Vice Chair Hallman if Tempe would do the same and defer the vice chair position of the ITS Committee to Gilbert. Vice Chair Hallman replied yes.

Mayor Smith asked for clarification on the June 30, 2011, ending date. Mr. Smith explained that the date was referencing that those officers whose appointments were ending June 30, 2011, were the ones being appointed, and the terms of office for those appointed that day would end June 30, 2012.

Vice Chair Hallman stated that he thought the language did not violate the open meeting law. Fredda Bisman, MAG General Counsel, expressed that she thought the language should not be a problem to the open meeting law.

Vice Chair Hallman moved approval of appointments of the technical and policy committee chairs and vice chairs, as presented with the modifications agreed to, with terms beginning July 1, 2011 and ending June 30, 2012. Mayor Smith seconded.

Chair Schoaf asked if there was discussion.

Mayor Rogers said that she wanted to mention that the Committee Operating Policies and Procedures have seemed to work out for representatives of the smaller communities being appointed as committee officers. She expressed appreciation for the staff and committee work on this.

With no further discussion, the motion passed unanimously.

5. Brookings Metropolitan Business Planning Initiative Update and Possible Action to Amend the FY 2012 MAG Unified Planning Work Program and Annual Budget

Mr. Smith stated that a proposal was submitted to Brookings after authorization was received at the May 25, 2011, Regional Council meeting. He noted that the proposal was for MAG to be considered for the Brookings Metropolitan Business Planning Initiative. Mr. Smith stated that two of the individuals on the proposal review team are out of the country and expected to return that day. He stated that staff had been in contact with Barry Broome from GPEC who asked if he could call Brookings and indicate the support of the business community for this effort.

Mr. Smith noted that the Leadership Advisory Team includes Mr. Broome; Joseph Cavinato from the Thunderbird School of Global Management and member of the Economic Development Committee; Grady Gammage, Jr. from ASU, Todd Hardy from ASU, Julia Rosen from SkySong, and Kannan Ramaswamy from the Thunderbird School of Global Management. Mr. Smith stated that this might be the first time there has been this type of interaction between ASU and Thunderbird and he thought it important to harness that knowledge.

Mr. Smith stated that part of the budget that was sent with the proposal is on the agenda for possible action. He noted that since Brookings has not yet made the selection, it would be appropriate that action would be contingent upon the MAG proposal being accepted by Brookings and then MAG could move expeditiously if chosen. Mr. Smith also noted that the only issue is staffing at MAG for this effort. He noted that he checked with the Fiscal Services Division and there are approximately eight vacancies and those vacancies could be used for a position to work on this. Mr. Smith stated that more than 380 responses were received in the recent recruitment for a staff assistant for the Air Quality Division and this recruitment could be utilized. He stated that the thought was to use one of the existing vacant positions and staff would come back to the Executive Committee if there is additional need beyond what he outlined.

Chair Schoaf stated that the EDC discussed having someone who was knowledgeable in business strategic planning, not just a consultant who could talk about business plans. He noted his conversation with an individual who was in senior management for 30 to 35 years in the aerospace industry, who indicated his interest in potentially participating and applying business planning to the region. Chair Schoaf stated that he felt there were opportunities to acquire the talent that would be needed should MAG be chosen by Brookings.

Chair Schoaf asked if there were questions. None were noted.

Vice Chair Hallman moved to amend the FY 2012 MAG Unified Planning Work Program and Annual Budget to include \$166,400 for a business consultant, \$30,000 for a sampling survey, \$20,000 for community meetings, and \$1,074 for printing costs for the Metropolitan Business

Planning Initiative totaling \$217,474, contingent upon the MAG proposal being chosen by Brookings. Mayor LeVault seconded, and the motion passed unanimously.

6. Update on the MAG Five Percent Plan for PM-10

Chair Schoaf called on Lindy Bauer, MAG Environmental Director, to provide a report. He noted that there was a provision for an Executive Session if needed. A clip of the PM-10 prevention video produced by MAG was shown. Mr. Smith noted that copies are being sent to all of the Channel 11s in the region.

Ms. Bauer noted that at the April meeting, the Committee heard about the new Revised 2008 Annual PM-10 Emissions Inventory that would be used as the foundation for the new Five Percent Plan for PM-10. Ms. Bauer stated that MAG has now prepared preliminary projections of PM-10 emissions for 2011 and 2012, based on the revised 2008 Periodic Emissions Inventory published by the Maricopa County Air Quality Department in March 2011. She noted that also incorporated were the new AP-42 emissions factor and growth factors released by Marshall Vest, Economic and Business Research Center, at the University of Arizona. Ms. Bauer pointed out the population numbers reflect the economy, especially in construction and manufacturing.

Ms. Bauer displayed a pie chart of the draft 2011 PM-10 Emissions Inventory, and she noted that unpaved roads is a significant category. She pointed out that the tonnage for the revised 2008 PM-10 emissions was approximately 48,000 tons and the tonnage for the draft 2011 PM-10 emissions has decreased to approximately 41,000 tons. She remarked that this decrease is largely due to the reduction in construction and manufacturing and the implementation of measures.

Ms. Bauer stated that the total PM-10 emissions for 2008 was 48,148 tons, for 2011 is 41,260 tons, and for 2012 is 40,800 tons. Ms. Bauer noted that a five percent reduction based on the 2011 emissions equals 2,063 tons. She said that contingency measures that equal one year's worth of reasonable further progress are also required in a plan like this. Ms. Bauer stated that the measures already implemented have an impact in 2012 of 460 tons. She said that the measures had their biggest reduction in 2008, 2009, and 2010, because the Five Percent Plan that was withdrawn focused on that. She noted that the additional reduction needed to meet the five percent target in 2012 is 1,603 tons. Ms. Bauer indicated that there is the potential to apply the best management practices from House Bill 2208 here, as well as agricultural measures that have not been factored in. She stated that they are also looking through the TIP for projects that might obligate in 2011 or 2012, such as paving unpaved roads, alleys or shoulders. Ms. Bauer advised that the recommendation on Closeout from the Management Committee and the Transportation Review Committee would produce 9.3 miles of paving unpaved roads and 72 miles of paving unpaved alleys.

Ms. Bauer reported on timing issues by saying that measures need to be in place by January 1, 2012 to take numeric credit for all of 2012. She advised that if the measures are in place for part of the year, only partial credit could be taken. Ms. Bauer stated that timing issues include: When will the Arizona Department of Environmental Quality (ADEQ) submit documentation of the 2009 Exceptional Events to EPA? If exceptional events occur in 2011, how quickly can ADEQ submit this documentation to EPA? How soon after documentation is received can EPA make a decision

on the exceptional events? Can the quality assurance of 2011 monitoring data be expedited by Maricopa County (due to EPA by May 1, 2012)?

Ms. Bauer stated that if the region is clean in 2011, there is a good chance it will have three years of clean data at the monitors. She indicated if that happens, the five percent reduction in emissions, contingency measures, and modeling could be suspended as long as the area remains in attainment under the EPA Clean Data Policy, and MAG could submit a plan with the revised 2008 emissions inventory and legislatively-adopted measures.

Ms. Bauer stated that on May 2, 2011, the Environmental Protection Agency (EPA) provided draft guidance documents on the implementation of the Exceptional Events Rule. She said that comments are due to ADEQ by June 30, 2011. Ms. Bauer then reviewed MAG's comments: EPA should not view the existence of recurring high wind event exceedances as justification to require ever-increasing controls on sources; EPA should not establish a quota on the number of high wind event exceedances (Proposed: If more than one per year on a three-year average, a detailed control analysis is required); the proposed High Wind Action Plan should establish the control measures needed by the State in advance of future events so that recurring events do not penalize the State; EPA should not be biased against exceedances that occur at only one monitor in a region; the 25 mph wind speed threshold set by EPA does not reflect the multiple and unique dynamics that control the production of dust in Maricopa County and other jurisdictions; EPA should not presume that exceedances recorded when wind speeds are under 25 mph are only caused by anthropogenic activity; EPA should issue a final decision on exceptional event submittals in substantially less time than the proposed 18 months. Ms. Bauer stated that staff understands that Westar also has significant concerns. Mr. Smith noted that the comments have been sent to MAG's consultant, Crowell and Moring, in Washington, D. C.

Ms. Bauer informed the Committee that the region had a close call June 6 when the Buckeye PM-10 monitor almost had an exceedance. Ms. Bauer stated that the situation began on Friday evening. While Maricopa County Air Quality staff were watching the monitors, they saw the numbers increasing at the Buckeye monitor. She noted that the monitor is outside the nonattainment area, and they watch this monitor because in the past, EPA has threatened to expand the size of the nonattainment area if there are exceedances at the monitor. An inspector was sent and reported back that agriculture was causing the increase. Ms. Bauer advised that ADEQ has enforcement authority over agriculture; the County and municipalities have no enforcement authority.

Mr. Smith stated that this monitor is outside the nonattainment area but the region should be concerned, not only because EPA has threatened to expand the size of the nonattainment area if there are exceedances at the monitor, but also it is saying that there are not appropriate agricultural controls.

Ms. Bauer stated that MAG is trying to make a good impression on EPA, which had concerns with the agricultural measures, for example, they are not enforceable. Ms. Bauer stated that the County tried to notify the contacts on the PM-10 prevention list, but there was a glitch in the GovDelivery system and the County did not have a telephone number for the ADEQ inspector. She noted that these contact problems have now been resolved. Ms. Bauer stated that MAG was not notified either, due to the failure of the GovDelivery notification, however, MAG staff watches the readings

and when they saw the numbers increasing, notified the Maricopa County Farm Bureau, the President of the Arizona Cotton Growers, ADEQ, etc. Ms. Bauer noted that they also contacted the Town of Buckeye, and its staff person, when informed of the situation, went right out to the area and spoke to the farmer about the importance of not creating exceedances. Ms. Bauer stated that the farmer agreed to cease operations for the rest of the day and the concentrations decreased. She reported that the farmer was against the wall, timing his harvesting with planting and she heard that the farmer has since irrigated the field.

Ms. Bauer stated that the Maricopa County Farm Bureau has invited West Valley mayors to its annual policy meeting on June 29, 2011. She said that Chair Schoaf thought it would be a good idea for the mayors to address the Bureau on the importance of not having exceedances. Ms. Bauer then played a video taken by MAG staff of the harvesting and tilling work creating dust on Monday. Ms. Bauer noted that the concentrations were highest from 8:00 p.m. to midnight and from midnight to 6:00 a.m. She added that the direction of the wind may have helped because it carried the dust away from the monitor.

Ms. Bauer stated that Coachella Valley, California, has a provision that farmers are required to cease tilling on high wind days. She stated that MAG has asked the Governor's Agricultural Best Management Practices Committee to look at this, and a member of the committee has reported back that this practice does not work for them. Ms. Bauer stated that in Arizona, ceasing tilling on high wind days is a best management practice in a menu of choices. Ms. Bauer noted that a farmer would be required to select two options from the menu, and ceasing tilling on high wind days is an option. Ms. Bauer stated that ADEQ is going to check if the farmer was using best management practices and if so, which ones were being used. She noted that if best management practices were being used, there is something wrong for the readings to be so high.

Chair Schoaf asked for clarification that Ms. Bauer had indicated the situation with the farmer would have been worse if the wind had not been blowing. Ms. Bauer replied that was correct. Chair Schoaf asked if agricultural best management practices still need to be in place even if there is no wind. Ms. Bauer replied that was correct. She added that they would not know until they hear back from ADEQ if the farmer was implementing agricultural best management practices.

Mayor Rogers asked the reason the provision to cease tilling during high winds was not implemented in Arizona. Ms. Bauer replied that the Agricultural Best Management Practices Committee included it in the menu of options but did not make it a required provision across the board.

Mayor LeVault asked if the software that had been financed by MAG was in place at the County. Ms. Bauer replied that it was partly operational. She added that the agreement between MAG and the County ran through May 31, 2011, but on May 23, the County notified MAG that it would need a no cost, three-month time extension, which will go before the Board of Supervisors on June 23. Ms. Bauer stated that Maricopa County has a "red phone" in place to receive text messages when the numbers are high and has GovDelivery in place for notifications to PM-10 contacts. She noted that the one piece not yet operational is the ability for cities to click on the monitors in their jurisdiction and get real-time data. Mayor LeVault commented that this situation was flirting with disaster and it was frightening to see how one person doing an activity for a fairly short period of time could derail the whole program.

Mayor Smith stated that the Farm Bureau discussed the best management practices at their breakfasts and feel what they are doing are the best of the best. He expressed he could not understand why they felt that no tilling during high winds was not effective.

Chair Schoaf stated that they are not saying it is not effective, they are saying it is not realistic for them, due to the high number of high wind days they would not have enough time for tilling. Chair Schoaf stated that MAG needs to get their list of best management practices.

Mayor Smith stated that the farmers feel their efforts are in excess of efforts in other industries and feel they have an effective program.

Mr. Smith asked if a reason needs to be given why an option was not implemented. Ms. Bauer replied that state statute established the Governor's Agricultural Best Management Practices Committee and its charge is to establish the best management practices. She said that she would check to see if ADEQ had submitted any justification for non-implementation. Ms. Bauer added that a representative from the Maricopa County Farmers Bureau sits on the MAG Air Quality Technical Advisory Committee.

Chair Schoaf stated that he had attended a farm breakfast hosted by the Board of Supervisors. He stated that the farmers are not supportive of any changes that could impact their ability to till their fields and oppose any direction on how they should drive on their roads. Chair Schoaf stated that this is an area that will continue to be a challenge.

Mayor Smith asked if there were issues with any of the other monitors, the West 43rd Avenue monitor, for example. Ms. Bauer replied that there have been no issues, and the West 43rd Avenue monitor has had very low readings. Mr. Smith stated that they have applied reused asphalt on some of the interior roads in the area.

Ms. Bauer stated that a lot of efforts have been underway. She noted that the County took its monitor van and parked it close to the private property that sits on a County island near the monitor. Ms. Bauer stated that the County Planning and Zoning Department has been working with the property owner who operates numerous businesses on the property, and because they are small businesses, most of them are not required to have air quality permits. Ms. Bauer stated that the sand and gravel operation had leftover asphalt which they applied to the lot with the owner's permission. In addition, Phoenix owns property on one side and has been stabilizing that property and intends to put up a fence.

Mayor Smith suggested possibly acquiring property, especially in areas where there is a variety of owners and uses. He stated that if Phoenix can own property, there might be the ability to take the situation into our own hands. Ms. Bauer stated that the County realized that the monitor sat on dirt and has since applied asphalt to the area.

Mr. Smith stated that he thought the MAG region was now heading toward the right solution using the Clark County example and focusing on the monitors and prevention network. He expressed that he hoped the region's efforts will be successful - if not, the consequences are grim.

The Executive Committee moved on to the second part of this agenda item. Ms. Bauer stated that the Executive Committee has questions on paving private unpaved roads. Fredda Bisman, MAG General Counsel, indicated that an executive session was appropriate for legal advice for this topic.

Mayor Hallman moved to adjourn to executive session with MAG's attorneys for legal advice regarding the MAG 2007 Five Percent Plan for PM-10. Mayor Smith seconded, and the motion passed unanimously. The authority for such an executive session is in A.R.S. § 38-431.03(A)(3). The Executive Committee convened executive session at 12:47 p.m.

The Executive Committee reconvened regular session at 1:12 p.m.

7. Request for Future Agenda Items

Chair Schoaf asked if there were any requests for future agenda items. None were noted.

8. Comments from the Committee

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

Adjournment

Mayor LeVault moved to adjourn the Executive Committee meeting. Mayor Smith seconded the motion and the motion carried unanimously. There being no further business, the Executive Committee adjourned at 1:13 p.m.

Chair

Secretary