

May 8, 2012

TO: Members of the MAG Regional Council Executive Committee

FROM: Mayor Hugh Hallman, City of Tempe, Chair

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

Monday, May 14, 2012 - Following MAGIC Board of Directors meeting  
MAG Office, Suite 200 - Ironwood Room  
302 North 1<sup>st</sup> 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 or by telephone conference.

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 480-350-8221. For MAG staff, please contact Dennis Smith, MAG Executive Director, at (602) 254-6300.

MAG EXECUTIVE COMMITTEE  
TENTATIVE AGENDA  
MAY 14, 2012

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 the April 16, 2012 Executive Committee Meeting Minutes

4. Draft Federal Exceptional Events Reform Legislation

On April 12, 2012, staff from Congressman Flake's office conducted a meeting at the MAG office regarding draft federal exceptional events reform legislation. A two page summary of "The Commonsense Legislative Exceptional Events Reform Act of 2012" (The CLEER Act of 2012) was distributed at the meeting. The summary was provided to the MAG Regional Council Executive Committee at the April 16, 2012 meeting. Since that time, a copy of the draft legislation has been provided. The MAG Washington special legal counsel has prepared an analysis of the draft legislation. Please refer to the enclosed information.

2. Information and discussion.

3. Approval of the April 16, 2012 Executive Committee meeting minutes.

4. Information and discussion.

5. Approval of the Draft FY 2013 MAG Unified Planning Work Program and Annual Budget and the Member Dues and Assessments

Each year MAG develops a Unified Planning Work Program and Annual Budget. This year, draft budget presentations were held and incremental information on the budget was presented beginning in January 2012 through April 2012. The total dues and assessments for FY 2013 continue to be reduced by 50 percent. As adjustments to the budget were made, the draft budget document was updated and presented to the Management Committee, Regional Council Executive Committee, and Regional Council. The Work Program and Annual Budget was reviewed and discussed by state and federal agencies at the March 27, 2012, Intermodal Planning Group meeting. The Draft FY 2013 MAG Unified Planning Work Program and Annual Budget is being presented for approval. Please refer to the enclosed material.

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

5. Recommend approval of the resolution adopting the Draft FY 2013 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments.

6. Information and discussion.

7. Information.

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE

April 16, 2012

MAG Offices, Ironwood Room  
302 N. 1<sup>st</sup> Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor, Hugh Hallman, Tempe, Chair  
#Mayor, Marie Lopez-Rogers, Avondale,  
Vice Chair  
\*Mayor Scott Smith, Mesa, Treasurer  
#Mayor Jim Lane, Scottsdale

Mayor Michael LeVault, Youngtown  
\*Mayor Thomas L. Schoaf, Litchfield Park,  
Past Chair  
Mayor Greg Stanton, Phoenix

\* Not present

# Participated by video or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Chair Hallman at 12:06 p.m.

Chair Hallman 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 Hallman 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 Hallman noted that no public comment cards had been received.

3. Approval of Executive Committee Consent Agenda

Chair Hallman 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 Hallman requested a motion to approve the consent agenda. Mayor LeVault moved to

approve items #3A and #3D. Mayor Stanton seconded the motion and the motion carried unanimously.

3A. Approval of the March 19, 2012 Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the March 19, 2012 Executive Committee meeting minutes.

3B. Amendment to the FY 2012 MAG Unified Planning Work Program and Annual Budget to Accept \$250,000 of FHWA State Planning and Research Funds From the Pima Association of Governments for the Activity-Based Model Development Project and Amendment of the Corresponding Contract With Parsons Brinckerhoff, Inc.

The Regional Council Executive Committee, by consent, approved amending the FY 2012 MAG Unified Planning Work Program and Annual Budget to accept \$250,000 of FHWA State Planning and Research Funds from the Pima Association of Governments for the Activity-Based Model Development Project and amendment of the corresponding MAG contract with Parsons Brinckerhoff, Inc., to reflect additional scope and budget designated for the PAG portion of the model development and related improvements to the model. The FY 2012 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2011, includes the Activity-Based Model (ABM) Development Project - Phases 2 and 3. The ABM is a next generation regional travel demand forecasting model that will allow addressing of emerging planning needs. MAG and the Pima Association of Governments (PAG) have established a mutual agreement for Phases 2 and 3 of the ABM. This collaboration will allow MAG to increase dramatically the quality of travel demand forecasts along the I-10 corridor. The corresponding Memorandum of Agreement between MAG and PAG was executed by MAG on June 21, 2011. MAG and PAG resolved to collaborate on the development and implementation of the ABM and ensure that the work is completed in accordance with and subject to all provisions of the MAG contract with PB Americas, Inc. (currently Parsons Brinckerhoff, Inc.) and subsequent amendments. In accordance with the agreement, PAG has transferred \$250,000 of its Federal Highway Administration (FHWA) State Planning and Research (SPR) funds to MAG and proceeded with collaborative work on the project. An amendment to the contract was prepared in order to reflect additional scope and budget designated for the PAG portion of the model development and related improvements to the model.

3C. Financial Auditor Selection for the Maricopa Association of Governments

The Regional Council Executive Committee, by consent, approved. selecting CliftonLarsonAllen, LLP to perform the MAG annual financial audit for fiscal year 2012 with four one-year options to renew through 2016. The Maricopa Association of Governments requested proposals from qualified firms of certified public accountants to audit MAG's financial statements for five consecutive years beginning in fiscal year 2012. In response to the Request for Proposals released in February 2012, MAG received six proposals from qualified certified public accountant firms. A multi-agency proposal evaluation team reviewed the proposals and met on March 22, 2012. The proposal evaluation team recommended to MAG that CliftonLarsonAllen, LLP be selected to

perform the financial audit at MAG for the period beginning FY 2012 with four one-year options to renew through FY 2016.

3D. Amendment to the FY 2012 MAG Unified Planning Work Program and Annual Budget to Accept Funding from Governor's Office for Children, Youth, and Families for Domestic Violence Prevention Planning

The Regional Council Executive Committee, by consent, approved amending the FY 2012 MAG Unified Planning Work Program and Annual Budget to include grant funding in the amount of \$160,428 from the Governor's Office for Children, Youth, and Families for domestic violence prevention planning. The FY 2012 MAG Unified Planning Work Program and Annual Budget (UPWP) was approved on May 25, 2011. A grant for Human Services was awarded on December 30, 2011 to Regional Community Partners (RCP) for work on the MAG Protocol Evaluation Project. This project work includes an evaluation and recommendations on the protocols used to arrest and prosecute domestic violence offenders. This item is to accept this grant and approve an amendment to the MAG 2012 Unified Planning Work Program and Annual Budget (UPWP) increasing the budget for RCP by \$160,428.

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

Lindy Bauer informed the committee that a public hearing on the MAG 2012 Five Percent Plan for PM-10 took place on Thursday, April 12, 2012. She stated there were two public testimonies at the hearing and the Arizona Center for Law in the Public Interest, on behalf of the Sierra Club, submitted seven pages of written comments. She added staff is in the process of preparing a response to comments that will be presented to the MAG Air Quality Technical Advisory Committee on April 26, 2012.

Ms. Bauer stated discussions have continued with the Arizona Department of Environmental Quality (ADEQ) and the Environmental Protection Agency (EPA) regarding the Agricultural Best Management Practices. She added the region needs three years of clean data as measured by the monitors for EPA to determine that the standard has been met.

Ms. Bauer noted originally, EPA had indicated that 2009 may be considered a clean year and may only question a few of the exceptional events. She added the State had started documenting the 2009 exceptional events and then became overwhelmed with the exceptional events that occurred in 2011. She noted the Chair of the Regional Council sent a letter to ADEQ and asked the State if they could document 2009, 2010, and 2011. She noted the plan will be submitted this May, before the end of the calendar year 2012.

Ms. Bauer added to date in 2012, there have been three PM-10 exceptional event exceedances due to frontal system high winds on January 21, 2012, residual dust on January 22, 2012 and frontal system high winds on February 27, 2012. In addition, there are potentially two exceedances that occurred April 3 and April 4, 2012. She reported that according to ADEQ, this appears to be caused by localized farming activity, which started in the evening at approximately 9:15 p.m. on April 3, 2012 and continued through approximately 1:30 am on April 4, 2012. The state is going

to discuss this incident with EPA.

Ms. Bauer recognized the City of Chandler for their fast response when alerted of this incident. The City of Chandler contacted Microchip, owners of the property where the exceedance took place, and were informed Microchip leases the land to a new farmer who was unaware of the Agricultural Best Management Practices Program. She added Maricopa County staff went out and took a video clip when this was occurring and the state has exclusive enforcement authority over agriculture.

Ms. Bauer informed the committee that on April 12, 2012, staff from Representative Flake's office had a meeting at MAG and shared a fact sheet on draft legislation called the CLEER Act of 2012, which involves exceptional events reform. She noted this draft legislation included a ninety day deadline for EPA to take action from when they received the documentation, with the option of requesting a ninety day extension. She stated that in the draft legislation there would also be an appeals process for EPA decisions on exceptional events. Ms. Bauer stated on April 13, 2012, draft legislation prepared by MAG legal counsel, was sent to Representative Flake's office for review and consideration.

Chair Hallman asked if there were any comments or questions. There were none.

5. Update on the Economic Development Committee and the Brookings Metropolitan Business Planning Initiative

Denise McClafferty informed the committee that in October 2010, the Executive Committee recommended the creation of the Economic Development Committee (EDC). She noted at that time, it was suggested that a two year sunset review by the MAG Regional Council be included with the formation of this committee.

Ms. McClafferty stated October 2012 will be two years since the EDC was formed. A survey has been sent to the EDC members to gauge the effectiveness of the committee. She added the EDC member agency elected official positions are also eligible for reappointment by the recommendation of the MAG Executive Committee and approval of MAG Regional Council.

Ms. McClafferty indicated that due to the Executive Committee election of officers at the Regional Council annual meeting, and some elected officials not running again, there will be additional changes in the EDC member agency elected official representation. She noted the business members' two-year terms are also eligible for reappointment by recommendation of the Executive Committee and approval of the Regional Council by October 2012 and asked the committee for guidance. Mayor Hallman recommended this discussion be brought to the next Economic Development Committee (EDC) meeting in May for the committee's recommendation, and then be brought back to this committee and then the Regional Council in May.

Amy St.Peter provided an update on the activities of the Brookings project. She stated a work session was conducted last month with two possible areas for lead initiatives. These initiatives include a clean energy development center, which would look at all the diverse sectors that make

up clean energy and identify opportunities in this field. She noted Greater Phoenix Economic Council (GPEC) had suggested this based on market analysis and noted Charles Stott, from Value Point Group, has interested investors who would like to see this move forward.

Ms. St. Peter informed the committee the other possible area for a lead initiative may be remotely operated technology and creating a center of excellence for this field. She noted these concepts were presented to Brookings at the team meeting in Washington, DC and they received excellent reviews and good feedback on how to develop further. Ms. St. Peter also recognized Steve Shope, President of Sandia Research, who also presented at Brookings and was very well regarded.

Ms. St. Peter noted GPEC and Arizona State University have begun to conduct industry interviews with business leaders, and the next steps include establishing stakeholder groups that include the elected and private sector leadership, further research and continue to define the lead initiative areas. She added this fall all business plans will premier in Washington, DC. Ms. St. Peter stated out of seven regions that have worked or are currently working with Brookings, our region has been selected as one of three regions chosen to participate as a case study for the Brookings Institute, along with Syracuse, New York and Northeast, Ohio. She noted this means Brookings will hire local researchers who will conduct interviews and analysis in order to better understand our environment and ecosystem for participating in this endeavor. She added these researchers will report directly to Brookings to maintain the integrity of the analysis and this commitment would be eighteen months in length, with a possible extension of three to four years.

Ms. St. Peter provided a fund raising update and stated this committee did authorize a payment of \$75,000 to Brookings, which was made last month. She added the fund raising letters did go out and so far, have received two confirmed project sponsors, which include APS and SCF Arizona.

Chair Hallman asked if there were any comments or questions.

Mayor Stanton asked if the fund raising is still taking place in house. Chair Hallman stated this started as a joint effort with GPEC and MAG, but at this time, MAG has been working on the fund raising.

Mr. Smith informed the committee that the paper that was written and collaborated by Amy St. Peter, Steve Shope, Charlie Stott, and Rick Buss and presented to Brookings was extremely well written and was received as the best paper at the Brookings event in Washington, DC.

6. Development of the Draft FY 2013 MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough, MAG Fiscal Services Manager, provided a report on the development of the FY 2013 MAG Unified Planning Work Program and Annual Budget. She noted that the Draft Work Program was first presented in January, with incremental pieces added each month through May. At that time, it will be presented for final adoption.

Ms. Kimbrough stated since the April mailing, the Cave Creek/Carefree Transportation Framework Study has been added. She noted the towns of Cave Creek and Carefree have requested assistance

in developing a transportation framework plan for the two communities that will enhance the Cave Creek Road connection between them. She added each of these communities are providing \$5,000 and Maricopa County is providing \$25,000 to the total project cost of \$250,000.

Ms. Kimbrough informed the committee of a proposed revision to the Maricopa County Trip Reduction Program. She added the Trip Reduction Program is overseen by the county and has been an ongoing program funded by both Arizona Department of Environmental Quality (ADEQ) and Maricopa Association of Governments (MAG) for several years. She stated MAG has contributed \$910,000 to this program since FY 2000 and MAG recently participated in discussions with Maricopa County regarding this funding amount due to county overhead costs that have been increased. She added the county is projecting a shortfall of funding unless the amount increases to cover overhead, which would be \$52,347.

Ms. Kimbrough noted during these discussions, the county also requested one-time funding support for computer equipment replacement for FY 2013 of \$20,305. She added MAG also discussed with the county the possibility of the county collecting data on skill sets from the Maricopa Region employers when the county does the employer trip reduction survey. She added the skill set data required by employers would assist the region in evaluating the skill set gaps and estimated the cost would be about \$7,258. She stated these amounts are still under discussion and a final amount would be presented to the committee.

Ms. Kimbrough stated MAG is requesting additional staff positions for FY 2013. She noted these positions include an administrative assistant, Transportation Planner I/II, Application Developer II, and an Contract Specialist I/II. She explained why these positions were needed and their descriptions.

Ms. Kimbrough informed the committee that the MAG dues and assessments were first reduced by 50 percent in FY 2010 as a result of economic conditions and this reduction has also been in place for FY 2011 and FY 2012. She stated MAG is recommending to continue to maintain the 50 percent overall reduction to dues and assessments.

Ms. Kimbrough stated MAG is proposing a budgeted salary increase for FY2013. She reported MAG proposed a salary increase for staff in FY 2011 based on the results of an independent compensation study performed in the spring of 2010, and since that time, there have been no adjustments made to staff compensation.

Ms. Kimbrough stated MAG is recommending that a proposed five percent increase be included for FY 2013 budgeted salaries and that any increases to individual MAG salaries be performance based. She stated with no increases provided since FY 2011, this equates to a 2.5 percent average increase in salary and this total proposed increase would not exceed a budgeted amount of \$334,361. She noted all MAG staff are at-will employees and MAG planning and modeling works is very complex and MAG is in competition with private consulting firms for the talent needed to perform this work. She added MAG does not have cost of living increases, deferred compensation, longevity pay, step merit increases, cell phone allowances, or car allowances for its employees and the annual performance evaluation is the only salary increase in place for MAG staff. Ms.

Kimbrough stated the final FY 2013 MAG Unified Planning Work Program and Annual Budget will be presented to the committee in May.

Chair Hallman asked if there were any questions or comments. There were none.

Chair Hallman commented he believes the cities recognize the cost of doing business with MAG has not changed and the fact that salaries have not been raised since 2009, an increase is not unreasonable to maintain staff in this competitive market. Chair Hallman then asked for detailed information involving the FY 2013 Transit Planning, which Ms. Kimbrough provided to the committee.

7. Request for Future Agenda Items

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

8. Comments from the Committee

Chair Hallman asked if there were any comments for the committee members.

Ms. McClafferty stated MAG has received six complimentary registrations to the 2012 Arizona-Mexican Commission Summer Plenary Session on June 7 & 8, 2012 and will extend these to the Executive Committee if they are interested in attending the event .

Adjournment

Mayor LeVault moved to adjourn the Executive Committee meeting. Mayor Stanton seconded the motion and the motion carried unanimously. There being no further business, the Executive Committee adjourned at 12:56 p.m.

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Chair

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Secretary



# H.R. \_\_\_\_\_ - The CLEER Act of 2012

## *"The Commonsense Legislative Exceptional Events Reform Act of 2012"*

### The Need for Exception Events Reforms

- Under the current approach to exceptional events, when states want EPA to exclude air quality exceedances from an event they could not possibly have controlled, states submit costly and complicated demonstration projects to the agency for its review.
- Exceptional events can include natural events like seasonal dust storms that occur in the arid southwest.
- The San Joaquin Valley Unified Air Pollution Control District has suggested that the paperwork for just one high wind exceptional event takes more than 400 staff hours to prepare.
- EPA's reviews can apparently be indefinite, their decisions arbitrary and unpredictable, and the approach cumbersome for even routine events. The CLEER Act remedies these issues with commonsense reforms.



### The CLEER Act's Provisions

**Problem:** EPA has no prescribed timeline under which to review exceptional events demonstrations, leading to considerable, and avoidable, regulatory uncertainty for states.

**Reform:** *The CLEER Act requires EPA to review state's exceptional events documentations within 90 days of submission, with an optional 90 days available for a one-time request for more information.*

**Problem:** The current regulations governing exceptional events demonstrations leave *the decision entirely at the discretion of EPA*, allowing for exclusion when it is to "EPA's satisfaction."

**Solution:** *The CLEER Act requires EPA to do a rulemaking providing specific and publically-disclosed criteria, developed with the states, on which exceptional events demonstrations will be evaluated (that reflect the varying level of expertise and resources available at the state and local level, monitoring data in rural areas, and the need for an expedited approval process).*

**Problem:** EPA's decisions on state's exceptional events demonstrations are currently final and not appealable.

**Solution:** *The CLEER Act makes EPA's decisions on exceptional event demonstrations judicially reviewable like other Clean Air Act regulatory requirements.*

**Problem:** Under current regulations, EPA's decisions with regard to exceptional events demonstrations can be arbitrary.

**Solution:** *The CLEER Act requires EPA's decisions on exceptional event demonstrations to be based on the preponderance of the evidence and to accord substantial deference to the analysis and findings provided by the states.*

## Support for the CLEER Act

- The CLEER Act is supported by:
  - *Arizona Chamber of Commerce*
  - *Arizona Rock Products Association*
  - *Arizona Farm Bureau*
  - *Arizona Chapter of the Associated General Contractors*
  - *Arizona Builders' Alliance*
  - *Arizona Cattlemen's Association*
  - *Arizona Cotton Growers Association*
  - *Arizona Cattle Growers' Association*
  - *Arizona Mining Association*
  - *Arizona Cattle Feeders' Association*
  - *Agri-Business Council of Arizona*
  - *Home Builders Association of Central Arizona*
  - *National Association of Home Builders*
  - *American Farm Bureau Federation*
  - *National Sand, Stone & Gravel Association*
  - *National Mining Association*
  - *National Cattlemen's Beef Association*
  - *Public Lands Council*

## Exceptional Events Background

- In dealing with EPA's air quality standards, which can cause long-term regulatory headaches, states and localities should not be responsible for events that are outside their control.
- For example, in the west and arid southwest, high winds can sweep across the flat and desert landscape and cause local and regional air quality issues that states simply cannot be expected to control. In addition, large-scale forest fires can cause regional air quality issues.
- In 2005, Congress amended the Clean Air Act so states and localities could get off the regulatory hook when so-called "exceptional events," or events they simply cannot control or prevent, impact air quality.
- In 2007, the EPA adopted the Exceptional Event Rule, implementing Congress' amendment to the Clean Air Act. Sadly, this rule has proven flawed, costly, and inconsistently implemented.
- EPA has recognized that their Exceptional Event Rule has problems and is looking at doing guidance. Recent comments on the exceptional event rule from the [Western Air Resources Council](#) and [Arizona Department of Environmental Quality](#) are available.
- There is little hope that the agency will make the substantive reforms that are necessary.
- State waste precious resources that should be focused on preventing further NAAQs exceedances within their control. Being forced to deal with regulatory headaches caused by exceedances from events that are beyond their control squanders resources and leads to no improvements in air quality.
- Congress must act.

## Clean Air Act Background

- The Clean Air Act requires the EPA to set National Ambient Air Quality Standards, or NAAQS, for pollutants considered harmful to public health.
- Many major metropolitan areas in the U.S. have been or are currently designated as "nonattainment areas" for one or more NAAQS, meaning air quality data collected from a network of monitors have shown that standards have been exceeded.
- Being found to be in "nonattainment" of air quality standards triggers a set of burdensome federal regulatory requirements, including the submission of a state plan for how the standards will be met, that escalate based on the extent to which the NAAQS standards exceeded.
- Once a plan has been approved by the EPA, it becomes federally enforceable. In general, failure for a state to have an approved plan can lead to EPA sanctions and eventually threaten federal transportation funds.
- Whether a state is currently meeting, in nonattainment, or under a maintenance plan, instances of exceeding the Clean Air Act's NAAQS can have costly regulatory consequences.

"The potential sanctions facing Arizona for its failure to attain proper air quality levels due to factors beyond our control...are stiff ones."

Glenn Hammer  
President and CEO  
Arizona Chamber of Commerce and Industry



.....  
(Original Signature of Member)

112TH CONGRESS  
2D SESSION

# H. R.

To amend the Clean Air Act with respect to exceptional event demonstrations,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. FLAKE introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

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# A BILL

To amend the Clean Air Act with respect to exceptional  
event demonstrations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Commonsense Legisla-  
5 tive Exceptional Events Reforms Act of 2012”.

6 **SEC. 2. AMENDMENTS TO THE EXCEPTIONAL EVENT PROVI-**  
7 **SION OF THE CLEAN AIR ACT.**

8 (a) **EXCEPTIONAL EVENT DEMONSTRATION.**—Sec-  
9 tion 319(b)(3)(B)(iv) of the Clean Air Act (42 U.S.C.

1 7619(b)(3)(B)(iv)) is amended by striking “to petition the  
2 Administrator to” and inserting “to submit a petition (in  
3 this section referred to as an ‘exceptional event dem-  
4 onstration’) to the Administrator to”.

5 (b) CRITERIA.—Section 319(b)(3) of the Clean Air  
6 Act (42 U.S.C. 7619(b)(3)) is amended by adding at the  
7 end the following:

8 “(C) CRITERIA FOR DETERMINATION OF  
9 EXCEPTIONAL EVENT DEMONSTRATION.—The  
10 criteria for evidence, analyses, and documenta-  
11 tion applicable to approval or disapproval of an  
12 exceptional event demonstration under the regu-  
13 lations under this section shall be stated with  
14 specificity in order to minimize the discretion of  
15 the Administrator in approving or disapproving  
16 such demonstration. The Administrator shall  
17 develop such criteria in conjunction with input  
18 from the States. Such criteria shall reflect the  
19 varying level of technical expertise and re-  
20 sources available in State and local agencies  
21 and the varying availability of meteorological  
22 and other monitoring data in rural areas, and  
23 may vary with respect to different regions. In  
24 developing such criteria, the Administrator shall  
25 also consider use of an expedited or streamlined

1 approval process and conditions under which  
2 exceptional event demonstrations may be suit-  
3 able for such a process.”.

4 (c) TIMING OF APPROVAL OR DISAPPROVAL OF EX-  
5 CEPTIONAL EVENT DEMONSTRATION.—Section 319(b)(3)  
6 of the Clean Air Act (42 U.S.C. 7619(b)(3)) is further  
7 amended by adding at the end the following:

8 “(D) TIMING OF DETERMINATION OF EX-  
9 CEPTIONAL EVENT DEMONSTRATION.—

10 “(i) DEADLINE FOR DETERMINA-  
11 TION.—Not later than 90 days after sub-  
12 mission of an exceptional event demonstra-  
13 tion, the Administrator shall approve, dis-  
14 approve, or request additional information  
15 from a State regarding such exceptional  
16 event demonstration. If the Administrator  
17 does not take any action with respect to an  
18 exceptional event demonstration within  
19 such 90-day period, such demonstration  
20 shall be considered approved.

21 “(ii) DEADLINE IF ADDITIONAL IN-  
22 FORMATION REQUESTED.—If the Adminis-  
23 trator requests additional information from  
24 a State regarding an exceptional event  
25 demonstration under clause (i), not later

1           than 90 days after the submission of such  
2           additional information, the Administrator  
3           shall approve or disapprove such dem-  
4           onstration. If the Administrator does not  
5           approve or disapprove such a demonstra-  
6           tion for which additional information is  
7           submitted within such 90-day period, such  
8           demonstration shall be considered ap-  
9           proved.”.

10         (d) BURDEN OF PROOF.—Section 319(b)(3) of the  
11 Clean Air Act (42 U.S.C. 7619(b)(3)) is further amended  
12 by adding at the end the following:

13           “(E) BURDEN OF PROOF.—The regula-  
14           tions promulgated under this section shall pro-  
15           vide that a determination by the Administrator  
16           with respect to approval or disapproval of an  
17           exceptional event demonstration be based on a  
18           preponderance of the evidence. In making any  
19           such determination, the Administrator shall ac-  
20           cord substantial deference to the findings of the  
21           State exceptional event demonstration and may  
22           develop and use analyses and consider evidence  
23           not provided by such exceptional event dem-  
24           onstration.”.

1           (e) APPEALS.—Section 319(b)(3) of the Clean Air  
2 Act (42 U.S.C. 7619(b)(3)) is further amended by adding  
3 at the end the following:

4                   “(F) APPEALS.—Approval or disapproval  
5           by the Administrator of an exceptional event  
6           demonstration shall be considered final action  
7           subject to judicial review under section  
8           307(b).”.

9           (f) REVISION OF REGULATIONS.—Not later than 180  
10 days after the date of enactment of this Act, the Adminis-  
11 trator of the Environmental Protection Agency shall revise  
12 the regulations under section 319(b) of the Clean Air Act  
13 (42 U.S.C. 7619(b)) to carry out the amendments made  
14 by this Act.

## Commonsense Legislative Exceptional Events Reform Act of 2012

### “CLEER Act”

#### I. Summary of Legislation

The proposed legislation amends the procedural provisions of Clean Air Act (“CAA”) section 319. The bill redefines the existing petition process for exclusion of data influenced by exceptional events as “exceptional event demonstration[s].” The legislation also provides criteria that apply to such demonstrations. The criteria must: (a) be developed in conjunction with State input; and (b) provide for specific evidence, analysis and documentation on which a decision to approve or disapprove an exceptional event demonstration is based. The legislation also directs that criteria shall reflect the level of state and local resources, data and technical expertise and provides that the criteria does not need to be nationally uniform.

Additional amendments to CAA section 319 provide for default approval of exceptional event demonstrations if EPA does not act within certain time periods. A burden of proof provision indicates that EPA must make its determinations based upon a preponderance of the evidence and afford substantial deference to any state findings. New regulations to implement the legislation are to be finalized in 180 days.

#### II. Analysis

CAA section 319(b) provides a definition for an “exceptional event” that essentially states what is, and is not, an exceptional event. EPA’s 2007 Rule<sup>1</sup> to implement CAA section 319 provided further detail with regard to the statutory definition. The Rule largely concentrated on what qualified as an exceptional event, provided various examples of exceptional events (e.g., spills and accidents, structural fires, exceedences due to transported pollution) and defined what qualified as “high wind” events and fires that could or could not be excluded as an exceptional event. The Rule additionally parsed legislative language on “affect[ing] air quality” and imposed a “but for” test with respect to causation.

It is unclear whether the proposed legislation would require any of the 2007 Rule’s substantive provisions to be revised. That is, since the legislation addresses the “evidence, analysis and documentation” for exceptional events rather than the existing legislative criteria that define an exceptional event, arguably the legislation would not provide a basis for EPA to amend its prior regulatory determinations. Instead, the directive of section 2(a) of the legislation appears to be for EPA to make more specific the tests, standards and information that are necessary to support an exceptional event demonstration. The legislation appears directed more towards requiring EPA to establish bright line tests for exceptional events rather than redefining any of the existing tests themselves.

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<sup>1</sup> 72 Fed. Reg. 13,560 (March 22, 2007).

The legislation does direct that EPA in new regulations better address the limitations of State and local governments to submit exceptional event demonstrations. Thus, EPA presumably could not make newly defined “bright line” tests so onerous so as to prevent state and local governments from submitting acceptable demonstrations. In addition, the default approval process will undoubtedly influence EPA behavior in the review and consideration of demonstrations submitted following enactment of the legislation. The clear statutory approval of submitted exceptional event demonstrations will certainly impel EPA to act quickly. But EPA could conclude that by not amending either the definition of exceptional events (in CAA section 319(b)(1)) or the principles and requirements for exceptional events regulations (in CAA section 319(b)(3)(A)) Congress implicitly ratified the existing regulations in 40 C.F.R. § 50.1, 50.14 and 51.930.

Otherwise, the burden of proof provision in section 2(d) of the legislation departs from the administrative law practice that would otherwise apply. EPA will be required to apply a “preponderance of the evidence” test.<sup>2</sup> This test is usually applied in civil litigation to mean that something is “more likely than not,” or roughly, that of the evidence which is presented, there is at least a 50 percent chance that the evidence proves the proposition for which it is offered. While EPA would normally only need a reasoned basis for its decision regarding an exceptional event, the imposition of this requirement could lower the chances that an exceptional event demonstration submitted by a state would be disapproved.

In addition, it should be noted that the preponderance test could have an effect if EPA made a decision regarding an exceptional event which was later challenged by a state or third party. In general, EPA (and other federal agency) decision-making is accorded deference in the courts and challenges to agency decisions and rulemakings face an uphill battle. A party seeking review of a regulatory determination must show that the decision is either contrary to law or arbitrary and capricious based on the rulemaking record. Though not directly addressing judicial review, the provision could be read to require a lower burden of proof (e.g., less discretion afforded to EPA) where the agency acted in a manner different from than requested by a state.

Overall, once regulations were in place, the legislation could provide for a quicker administrative process for receiving exceptional events determinations. The legislation should also require EPA to give some “benefit of the doubt” to state determinations regarding exceptional events. However, in a case where EPA did not believe a statutory element of an exceptional event was met, the agency could still reject the state’s determination on that basis.

### **III. Possible Improvements**

Apart from transferring authority from EPA to the states regarding exceptional event determinations, the draft legislation could be improved by addressing at least some of the substantive criteria for exceptional events that are now contained in CAA section 319. Alternatively, or in conjunction with changes to the substantive criteria in Section 319, additional

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<sup>2</sup> EPA is also directed to provide “substantial deference” to the findings of a state with regard to whether or not an exceptional event occurred.

procedural changes could be made. In rough order of relative importance, the following elements would improve the legislation:

- Provide statutory definitions for “natural events” and “high wind” events. Both of these terms are crucial to the exclusion of windblown dust, particularly in areas that have little rainfall.<sup>3</sup> Since the legislation indicates that EPA must create criteria “with specificity” there is a possibility that the agency could interpret this provision to authorize the Agency to set a specific wind speed at a relatively high level that would not consider the conditions affecting arid areas.
- Alternatively, add specific legislative language directing EPA to take into account the special conditions for areas that receive little rain and/or are subject to regional and localized dust storms. Currently, the legislation only directs EPA to look at the technical capability of state and local governments and available data and does not specifically provide that criteria can vary with respect to regions on the basis of different climatic conditions.
- Make clear that the legislation is intended to lower the burdens that are currently placed on states to support exceptional events determinations by EPA. While the legislation provides for a “streamlined approval process,” the legislation does not clearly indicate that the information states are required to submit should also be streamlined. The current approval process requires massive documentation; EPA could be directed to reduce the amount of information that is required to support exceptional events determinations.
- Delete or revise the ability of EPA in section 2(d) of the legislation to “develop and use” analysis apart from the analysis contained in the state demonstration. First, the language is unnecessary to allow EPA to look at the record of evidence that could be submitted apart from the state submission. Second, and more troublesome, it could allow EPA to consider other evidence apart from the evidence for which it must grant deference (and to consider such evidence on a different basis). Overall, the mere existence of the language could be interpreted by EPA as an additional grant of discretion that would detract from the intent of requiring deference.

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<sup>3</sup> Note that CAA section 319(b)(1)(B) excludes meteorological events that involve high temperatures and lack of precipitation from the definition of exceptional events.

# MARICOPA ASSOCIATION OF GOVERNMENTS

## INFORMATION SUMMARY... for your review

**DATE:**

May 8, 2012

**SUBJECT:**

Approval of the Draft FY 2013 MAG Unified Planning Work Program and Annual Budget and the Member Dues and Assessments

**SUMMARY:**

Each year staff develops the MAG Unified Planning Work Program and Annual Budget. The Work Program is reviewed in early spring by the federal agencies and approved by the Regional Council in May. The proposed budget information was presented incrementally each month, and adjustments have been made as information was received.

The Management Committee reviewed the development of the Work Program and Annual Budget at its meetings on January 11, February 8, March 14, and April 11, 2012. The Executive Committee reviewed the draft budget document at its meetings on January 17, February 13, March 19, and April 16, 2012. The Regional Council reviewed the draft budget document at its meetings on January 25, February 22, March 28 and April 25, 2012.

MAG Dues and Assessments were presented in January 2012 with a proposed overall decrease of 50 percent due to economic conditions.

Each year new projects are proposed for inclusion in the MAG planning efforts. The proposed new projects for FY 2013 were first presented at the February 8, 2012, Management Committee meeting, the February 13, 2012, Executive Committee meeting, and the February 22, 2012, Regional Council meeting. These new project proposals come from the various MAG technical committees, policy committees and other discussions with members and stakeholders regarding joint efforts within the region. These projects are subject to review and input by the committees as they go through the budget process. A revision to enter into an agreement with the Town of Gila Bend for information services through MAGIC for up to \$40,000 has been added to the Draft FY 2013 MAG Unified Planning Work Program and Annual Budget and the Member Dues and Assessments. No other revisions have been made to proposed projects from last month's presentations.

The review of the draft Work Program and Annual Budget for the Intermodal Planning Group (IPG) meeting on March 27, 2012, resulted in some formatting changes to the budget document but we have not received any other recommendations for the FY 2013 Work Program and Annual Budget document at this time.

The draft FY 2013 draft Work Program and Annual Budget reflects a decrease that is primarily due to lower anticipated costs in overhead, consultants, and capital expenditures. There is an overall increase in personnel and overhead budgeted costs of 6.63 percent. This net increase is mostly due to a budgeted increase in personnel costs. There is a decrease in budgeted overhead of 2.73% which reflects reduced costs in a number of overhead items with the highest dollar decreases in telephone charges, meetings, and noncapital equipment and software. These decreases are reflected in the budgeted amounts for FY 2013. Telephone charges have decreased as the result of a decrease in charges for the regional videoconferencing system lines. Meeting costs were budgeted higher in FY 2012 than in FY 2013 due to the meeting work being done for economic development and the Desert Peaks event in the current year. Increases were also anticipated for equipment maintenance costs in FY 2012 as a result of the remodel of the meeting space and the additional equipment added to the second floor. Although equipment

maintenance costs have increased, the total overhead budgeted costs are lower for FY 2013. Overall, without including carryforward consultant estimates, the budget for FY 2013 reflects a decrease of 13.2 percent from the budgeted amount in the current year. Including carryforward consultant budgeted amounts, there is an overall decrease in the FY 2013 budget of 12.04 percent

The draft of the FY 2013 MAG Unified Planning Work Program and Annual Budget has narrative by division and associated program costs, and draft schedules in the budget appendix, including overall program allocations, allocation of funding by funding source, budgeted positions, dues and assessments, and consultant pages for new and carryforward consultants.

The MAG region, as a Transportation Management Area and as a Metropolitan Planning Organization, is required (by federal regulations 23 CFR 450.314) to describe all of the regional transportation-related activities within the planning area, regardless of funding sources or agencies conducting activities. The regional transportation projects received from other organizations are noted in the Work Program.

**PUBLIC INPUT:**

None.

**PROS & CONS:**

PROS: MAG is presenting the final draft FY 2013 budget, which provides for an incremental review of key budget details of the complete draft budget.

CONS: None.

**TECHNICAL & POLICY IMPLICATIONS:**

TECHNICAL: The Federal Intermodal Surface Transportation Efficiency Act of 1991 requires a metropolitan planning organization to develop a unified planning work program that meets the requirements of federal law. Additionally, the MAG By-Laws require approval and adoption of a budget for each fiscal year and a service charge schedule.

POLICY: As requested by the MAG Executive Committee and subsequently approved by the Regional Council in May 2002, the MAG Work Program and Annual Budget detail is being presented earlier to the Management Committee and there is increased notice to members on the budget as it is drafted. MAG is providing a budget summary, "MAG Programs in Brief," that outlines new programs and presents the necessary resources to implement these programs. This summary allows member agencies to quickly decipher the financial implications of such programs prior to their approval for implementation. The draft FY 2013 Unified Planning Work Program and Annual Budget is also provided.

**ACTION NEEDED:**

Recommend approval of the resolution adopting the Draft FY 2013 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments.

**PRIOR COMMITTEE ACTIONS:**

Management Committee: This item was on the May 9, 2012, Management Committee agenda for recommendation of approval.

Regional Council: This item was on the April 25, 2012, Regional Council agenda for information and input.

MEMBERS ATTENDING

Mayor Hugh Hallman, Tempe, Chair  
Vice Mayor Stephanie Karlin for Mayor Marie Lopez Rogers, Avondale  
\* Councilwoman Robin Barker, Apache Junction  
Mayor Jackie Meck, Buckeye

Mayor David Schwan, Carefree  
Councilman Dick Esser, Cave Creek  
# Mayor Jay Tibshraeny, Chandler  
Mayor Lana Mook, El Mirage  
\* President Clinton Pattea, Fort McDowell

Yavapai Nation  
 Mayor Jay Schlum, Fountain Hills  
 \* Mayor Ron Henry, Gila Bend  
 \* Governor Gregory Mendoza, Gila River  
 Indian Community  
 Mayor John Lewis, Gilbert  
 # Mayor Elaine Scruggs, Glendale  
 Mayor Georgia Lord, Goodyear  
 \* Mayor Yolanda Solarez, Guadalupe  
 Mayor Thomas Schoaf, Litchfield Park  
 Supervisor Max W. Wilson, Maricopa Co.  
 Mayor Scott Smith, Mesa  
 Vice Mayor Mary Hamway for Mayor Scott  
 LeMarr, Paradise Valley

Mayor Bob Barrett, Peoria  
 Mayor Greg Stanton, Phoenix  
 # Mayor Gail Barney, Queen Creek  
 \* President Diane Enos, Salt River  
 Pima-Maricopa Indian Community  
 Mayor W. J. "Jim" Lane, Scottsdale  
 Mayor Sharon Wolcott, Surprise  
 \* Mayor Adolfo Gamez, Tolleson  
 Councilman Rui Pereira, Wickenburg  
 Mayor Michael LeVault, Youngtown  
 Victor Flores, State Transportation Board  
 Joseph La Rue, State Transportation Board  
 # Roc Arnett, Citizens Transportation Oversight  
 Committee

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference

Executive Committee: This item was on the April 16, 2012, Executive Committee agenda for information and input.

MEMBERS ATTENDING

Mayor Hugh Hallman, Tempe, Chair  
 # Mayor Marie Lopez-Rogers, Avondale,  
 Vice Chair  
 \* Mayor Scott Smith, Mesa, Treasurer

# Mayor Jim Lane, Scottsdale  
 Mayor Michael LeVault, Youngtown  
 \* Mayor Thomas L. Schoaf, Litchfield Park  
 Mayor Greg Stanton, Phoenix

\* Not present

# Participated by video or telephone conference call

Management Committee: This item was on the April 11, 2012, Management Committee agenda for information and input.

MEMBERS ATTENDING

Charlie Meyer, Tempe, Chair  
 \* David Cavazos, Phoenix, Vice Chair  
 # George Hoffman, Apache Junction  
 Charlie McClendon, Avondale  
 \* Stephen Cleveland, Buckeye  
 # Gary Neiss, Carefree  
 \* Usama Abujbarah, Cave Creek  
 Rich Dlugas, Chandler  
 Dr. Spencer Isom, El Mirage  
 \* Phil Dorchester, Fort McDowell  
 Yavapai Nation  
 Ken Buchanan, Fountain Hills  
 Rick Buss, Gila Bend  
 \* David White, Gila River Indian Community  
 Marc Skocypec for Patrick Banger, Gilbert  
 Brent Stoddard for Ed Beasley, Glendale  
 Brian Dalke, Goodyear

\* Bill Hernandez, Guadalupe  
 \* Darryl Crossman, Litchfield Park  
 Christopher Brady, Mesa  
 Jim Bacon, Paradise Valley  
 Susan Thorpe for Carl Swenson, Peoria  
 John Kross, Queen Creek  
 \* Bryan Meyers, Salt River Pima-Maricopa  
 Indian Community  
 David Richert, Scottsdale  
 Chris Hillman, Surprise  
 Reyes Medrano, Tolleson  
 Joshua Wright, Wickenburg  
 Lloyce Robinson, Youngtown  
 Floyd Roehrich for John Halikowski, ADOT  
 John Hauskins for David Smith, Maricopa Co.  
 Bryan Jungwirth for Steve Banta,  
 Valley Metro/RPTA

\* Those members neither present nor represented by proxy.

# Participated by telephone conference call.

+ Participated by videoconference call.

Regional Council: This item was on the March 28, 2012, Regional Council agenda for information and input.

MEMBERS ATTENDING

Mayor Hugh Hallman, Tempe, Chair  
# Mayor Marie Lopez Rogers, Avondale,  
Vice Chair  
Councilwoman Robin Barker, Apache Junction

Mayor Jackie Meck, Buckeye  
# Mayor David Schwan, Carefree  
Councilman Dick Esser, Cave Creek  
# Mayor Jay Tibshraeny, Chandler  
Mayor Lana Mook, El Mirage  
\* President Clinton Pattea, Fort McDowell  
Yavapai Nation  
Mayor Jay Schlum, Fountain Hills  
\* Mayor Ron Henry, Gila Bend  
\* Governor Gregory Mendoza, Gila River Indian  
Community  
Mayor John Lewis, Gilbert  
\* Mayor Elaine Scruggs, Glendale  
Mayor Georgia Lord, Goodyear

\* Mayor Yolanda Solarez, Guadalupe  
Mayor Thomas Schoaf, Litchfield Park  
Supervisor Max W. Wilson, Maricopa Co.  
# Mayor Scott Smith, Mesa  
\* Mayor Scott LeMarr, Paradise Valley  
\* Mayor Bob Barrett, Peoria  
Mayor Greg Stanton, Phoenix  
# Mayor Gail Barney, Queen Creek  
\* President Diane Enos, Salt River  
Pima-Maricopa Indian Community  
Mayor W. J. "Jim" Lane, Scottsdale  
Mayor Sharon Wolcott, Surprise  
\* Mayor Adolfo Gamez, Tolleson  
# Councilman Rui Pereira, Wickenburg  
# Mayor Michael LeVault, Youngtown  
Victor Flores, State Transportation Board  
Joseph La Rue, State Transportation Board  
# Roc Arnett, Citizens Transportation Oversight  
Committee

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

Executive Committee: This item was on the March 20, 2012, Executive Committee agenda for information and input.

MEMBERS ATTENDING

Mayor, Hugh Hallman, Tempe, Chair  
# Mayor, Marie Lopez-Rogers, Avondale,  
Vice Chair  
Mayor Scott Smith, Mesa, Treasurer

# Mayor Jim Lane, Scottsdale  
Mayor Michael LeVault, Youngtown  
Mayor Thomas L. Schoaf, Litchfield Park  
Mayor Greg Stanton, Phoenix

\* Not present  
# Participated by video or telephone conference call

Management Committee: This item was on the March 14, 2012, agenda for information and input.

MEMBERS ATTENDING

Charlie Meyer, Tempe, Chair  
David Cavazos, Phoenix, Vice Chair  
# Matt Busby for George Hoffman,  
Apache Junction  
Charlie McClendon, Avondale  
# Stephen Cleveland, Buckeye  
\* Gary Neiss, Carefree  
Wayne Anderson for Usama Abujbarah,  
Cave Creek  
Rich Dlugas, Chandler  
Dr. Spencer Isom, El Mirage  
Alfonso Rodriguez for Phil Dorchester,

Fort McDowell Yavapai Nation  
# Ken Buchanan, Fountain Hills  
Rick Buss, Gila Bend  
\* David White, Gila River Indian Community  
Patrick Banger, Gilbert  
Horatio Skeete for Ed Beasley, Glendale  
John Fischbach, Goodyear  
\* Bill Hernandez, Guadalupe  
Darryl Crossman, Litchfield Park  
Kari Kent for Christopher Brady, Mesa  
Jim Bacon, Paradise Valley  
Carl Swenson, Peoria

- # Patrick Flynn for John Kross, Queen Creek
- \* Bryan Meyers, Salt River Pima-Maricopa Indian Community
- David Richert, Scottsdale
- Chris Hillman, Surprise
- # Chris Hagen for Reyes Medrano, Tolleson

- Joshua Wright, Wickenburg
- \* Lloyce Robinson, Youngtown
- Floyd Roehrich for John Halikowski, ADOT
- David Smith, Maricopa Co.
- Carol Ketcherside for Steve Banta, Valley Metro/RPTA

\* Those members neither present nor represented by proxy.

# Participated by telephone conference call. + Participated by videoconference call.

Regional Council: This item was on the February 22, 2012, Regional Council agenda for information and input.

MEMBERS ATTENDING

- Mayor Hugh Hallman, Tempe, Chair
- Mayor Marie Lopez Rogers, Avondale, Vice Chair
- # Councilwoman Robin Barker, Apache Junction
- Councilman Eric Orsborn for Mayor Jackie Meck, Buckeye
- # Mayor David Schwan, Carefree
- Councilman Dick Esser, Cave Creek
- Councilman Jack Sellers for Mayor Jay Tibshraeny, Chandler
- Mayor Lana Mook, El Mirage
- \* President Clinton Pattea, Fort McDowell Yavapai Nation
- \* Mayor Jay Schlum, Fountain Hills
- \* Mayor Ron Henry, Gila Bend
- \* Governor Gregory Mendoza, Gila River Indian Community
- Mayor John Lewis, Gilbert
- Mayor Elaine Scruggs, Glendale
- Mayor Georgia Lord, Goodyear

- \* Mayor Yolanda Solarez, Guadalupe
- Mayor Thomas Schoaf, Litchfield Park
- # Supervisor Mary Rose Wilcox, Maricopa Co.
- Mayor Scott Smith, Mesa
- \* Mayor Scott LeMarr, Paradise Valley
- Mayor Bob Barrett, Peoria
- Mayor Greg Stanton, Phoenix
- Mayor Gail Barney, Queen Creek
- \* President Diane Enos, Salt River Pima-Maricopa Indian Community
- \* Mayor W. J. "Jim" Lane, Scottsdale
- Mayor Sharon Wolcott, Surprise
- \* Mayor Adolfo Gamez, Tolleson
- Councilman Rui Pereira, Wickenburg
- Mayor Michael LeVault, Youngtown
- Victor Flores, State Transportation Board
- \* Vacant, State Transportation Board
- Roc Arnett, Citizens Transportation Oversight Committee

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call. + Attended by videoconference

Executive Committee: This item was on the February 13, 2012, MAG Executive Committee agenda for information and input.

MEMBERS ATTENDING

- \* Mayor, Hugh Hallman, Tempe, Chair
- Mayor, Marie Lopez Rogers, Avondale, Vice Chair
- # Mayor Scott Smith, Mesa, Treasurer

- Mayor Jim Lane, Scottsdale
- Mayor Michael LeVault, Youngtown
- # Mayor Greg Stanton, Phoenix
- # Mayor Thomas L. Schoaf, Litchfield Park

\* Not present

# Participated by video or telephone conference call

Management Committee: This item was on the February 8, 2012, MAG Management Committee agenda for information and input.

MEMBERS ATTENDING

Charlie Meyer, Tempe, Chair

David Cavazos, Phoenix, Vice Chair

- # George Hoffman, Apache Junction  
Charlie McClendon, Avondale
- # Stephen Cleveland, Buckeye  
Gary Neiss, Carefree  
Wayne Anderson for Usama Abujbarah,  
Cave Creek  
Rich Dlugas, Chandler  
Dr. Spencer Isom, El Mirage  
Alfonso Rodriguez for Phil Dorchester,  
Fort McDowell Yavapai Nation
- # Julie Ghetti, Fountain Hills  
Rick Buss, Gila Bend
- \* David White, Gila River Indian Community  
Leah Hubbard for Patrick Banger, Gilbert  
Brent Stoddard for Ed Beasley, Glendale  
John Fischbach, Goodyear
- \* Bill Hernandez, Guadalupe  
Darryl Crossman, Litchfield Park  
Christopher Brady, Mesa
- \* Jim Bacon, Paradise Valley  
Carl Swenson, Peoria  
John Kross, Queen Creek
- \* Bryan Meyers, Salt River Pima-Maricopa  
Indian Community  
David Richert, Scottsdale  
Chris Hillman, Surprise  
Reyes Medrano, Tolleson  
Joshua Wright, Wickenburg  
Lloyce Robinson, Youngtown  
Floyd Roehrich for John Halikowski, ADOT  
John Hauskins for David Smith, Maricopa Co.  
Bryan Jungwirth, Valley Metro/RPTA

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

This item was on the January 17, 2012, Executive Committee agenda for information and input.

MEMBERS ATTENDING

- Mayor, Hugh Hallman, Tempe, Chair  
Mayor, Marie Lopez-Rogers, Avondale,  
Vice Chair
- # Mayor Scott Smith, Mesa, Treasurer
- \* Mayor Jim Lane, Scottsdale
- # Mayor Michael LeVault, Youngtown  
Vice Mayor Thelda Williams, Phoenix  
Mayor Thomas L. Schoaf, Litchfield Park

- \* Not present
- # Participated by video or telephone conference call

This item was on the January 11, 2012, Management Committee agenda for information and input.

MEMBERS ATTENDING

- Chad Heinrich for Charlie Meyer, Tempe  
David Cavazos, Phoenix, Vice Chair
- # George Hoffman, Apache Junction  
Charlie McClendon, Avondale
- \* Stephen Cleveland, Buckeye  
Gary Neiss, Carefree  
Wayne Anderson for Usama Abujbarah,  
Cave Creek  
Patrice Kraus for Rich Dlugas, Chandler  
Spencer Isom, El Mirage
- \* Phil Dorchester, Fort McDowell  
Yavapai Nation  
Julie Ghetti, Fountain Hills
- \* Rick Buss, Gila Bend
- \* David White, Gila River Indian Community  
Leah Hubbard for Patrick Banger, Gilbert  
Horatio Skeete for Ed Beasley, Glendale
- Paul Luizzi for John Fischbach,  
Goodyear
- \* Bill Hernandez, Guadalupe  
Darryl Crossman, Litchfield Park  
Kari Kent for Christopher Brady, Mesa  
Jim Bacon, Paradise Valley  
Carl Swenson, Peoria
- # Patrick Flynn for John Kross, Queen Creek
- \* Bryan Meyers, Salt River Pima-Maricopa  
Indian Community  
David Richert, Scottsdale  
Chris Hillman, Surprise  
Chris Hagen for Reyes Medrano, Tolleson  
Joshua Wright, Wickenburg
- \* Lloyce Robinson, Youngtown  
Floyd Roehrich for John Halikowski, ADOT  
John Hauskins for David Smith, Maricopa Co.  
Bryan Jungwirth for Valley Metro/RPTA

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

**CONTACT PERSON:** Rebecca Kimbrough, MAG Fiscal Services Manager, (602) 452-5051