

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
May 11, 2011
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

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| Carl Swenson, Peoria, Chair | Bill Hernandez, Guadalupe |
| Charlie Meyer, Tempe, Vice Chair | Sonny Culbreth for Darryl Crossman, Litchfield Park |
| # Matt Busby for George Hoffman, Apache Junction | Kari Kent for Christopher Brady, Mesa |
| Charlie McClendon, Avondale | David Andrews for Jim Bacon, Paradise Valley |
| * Stephen Cleveland, Buckeye | David Cavazos, Phoenix |
| Gary Neiss, Carefree | # Wendy Kaserman for John Kross, Queen Creek |
| Wayne Anderson for Usama Abujbarah, Cave Creek | * Bryan Meyers, Salt River Pima-Maricopa Indian Community |
| Patrice Kraus for Rich Dlugas, Chandler | David Richert, Scottsdale |
| Leah Hubbard for Spencer Isom, El Mirage | Michael Celaya for Mark Coronado, Surprise |
| * Phil Dorchester, Fort McDowell Yavapai Nation | # Chris Hagen for Reyes Medrano, Tolleson |
| Julie Ghatti for Rick Davis, Fountain Hills | Gary Edwards, Wickenburg |
| Rick Buss, Gila Bend | Lloyce Robinson, Youngtown |
| * David White, Gila River Indian Community | Tim Wolfe for John Halikowski, ADOT |
| Collin DeWitt, Gilbert | John Hauskins for David Smith, Maricopa Co. |
| Brent Stoddard for Ed Beasley, Glendale | * David Boggs, Valley Metro/RPTA |
| Mark Gaillard for John Fischbach, Goodyear | |

* Those members neither present nor represented by proxy.

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

1. Call to Order

The meeting was called to order by Chair Carl Swenson at 12:04 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Swenson noted that Chris Hagen, Wendy Kaserman and Matt Busby were participating in the meeting via teleconference.

Chair Swenson noted that a memorandum from David Cavazos regarding the Dust Reduction Task Force was at each place.

Chair Swenson announced that public comment cards were available to members of the public who wish to comment. He noted that parking garage validation and transit tickets were available from Valley Metro/RPTA for those using transit to come to the meeting.

3. Call to the Audience

Chair Swenson stated that Call to the Audience provides an opportunity to the public to address the Management Committee on items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Chair Swenson noted that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Public comments have a three minute time limit and there is a timer to help the public with their presentations.

Chair Swenson recognized public comment from Dianne Barker, who noted that to her delight the user name for MAG wireless connection is “public.” Ms. Barker noted that she had assisted a person who used crutches with finding a better transit route on a bus than the one he had been using on light rail to get to his job on 44th Street. She advised that her laptop was ruined when she collided with a car while riding her bike in the crosswalk and had not yet been replaced. Ms. Barker stated that a good interchange between the public and government is needed, and she said that government is the people. She stated that MAG’s public involvement outreach is a step above, and she attributed its beginnings to Dick Bowers. Ms. Barker stated that she would like to see more interactive relationships with the public. She quoted W.C. Fields, “It’s not what they call you, it’s about what you answer to.” Chair Swenson thanked Ms. Barker for her comments.

4. Executive Director’s Report

Dennis Smith, MAG Executive Director, reported on items of interest in the MAG region. He first showed photos taken at the grand opening of a 14-mile segment of Loop 303 on May 7, 2011. Mr. Smith noted that those in attendance included Peoria Vice Mayor Cathy Carlat, Glendale Mayor Elaine Scruggs, Maricopa County Supervisor Max Wilson, Governor Jan Brewer, ADOT Director John Halikowski, and Federal Highway Administration Division Administrator Karla Petty. Mr. Smith reported on how a facility like Loop 303 could become reality and he said that city and town managers make a difference. Mr. Smith then spoke of Mr. Ernie Kleinschmidt, former Goodyear City Manager, who, Mr. Smith noted, had hired Stephen Cleveland. Mr. Smith stated that in 1985, when MAG was putting together the freeway plan, Mr. Kleinschmidt approached MAG with the suggestion of another freeway – Loop 303. Mr. Smith commented that the City of Goodyear was a much smaller city then, and this illustrates that even a manager of a small city can make a huge difference in the process.

Mr. Smith displayed a map of the regional freeway system and pointed out that more than 100 miles of freeway have been constructed in the MAG region. He stated that the genesis began with a subcommittee of a few elected officials in 1985 who were trying to get the Outer Loop built. Mr. Smith stated that Roger Manning, who was then a MAG staff member, calculated that the Outer

Loop could not be built with the gas tax money dedicated to this region. He stated that the subcommittee first proposed to the Regional Council a property tax, which, after discussion with the Chamber, evolved to the half cent sales tax for transportation, one of the first in the nation. Mr. Smith stated that the freeway system has been a mammoth undertaking by MAG, ADOT, cities and towns, and resulted in one of the most beautiful freeway systems in the United States. He stated that its existence is due to the efforts of local elected officials, managers and staff.

Mr. Smith then provided an update on recent activities of the Economic Development Committee (EDC). He stated that the EDC discussed Arizona Direct air freight at the Phoenix-Mesa Gateway Airport. Mr. Smith stated that the project's goal is to reduce costs by as much as 54 percent, save fuel, and lower carbon emissions by moving international freight through Phoenix-Mesa Gateway Airport and its duty-free Foreign Trade Zone. Mr. Smith stated that the airport has three runways, of which two are more than 10,000 feet and one at more than 9,000 feet, which can handle the world's largest planes. He showed a photo of a Russian cargo plane, which can carry 550,000 pounds, and said that it uses the airport. Mr. Smith reported that Phoenix-Gateway is the 60th busiest airport in the United States and, in addition to cargo, carries 900,000 passengers annually.

Mr. Smith stated that the Conair Company of Glendale made a presentation to the EDC. He noted that the company, which began with a \$100 investment, has annual sales in excess of \$2 billion. Mr. Smith stated that 95 percent of U.S. households have one or more Conair products. He reported that the company previously sent products to be refurbished in China, but with the freight costs and turnaround time, it became more cost effective to do the refurbishing locally.

Mr. Smith stated that planning continues for the Canada Arizona Business Council Roundtable, tentatively planned for September. He noted that the Canadian Consulate attended an EDC meeting, and by the next meeting, Gilbert Mayor John Lewis had already invited the Canadian group to tour Gilbert. Mr. Smith stated that there is a lot of business coming out of Canada and he encouraged all economic development departments to contact Rick Stephenson from the Canadian Consulate, who has expressed his willingness to visit jurisdictions.

Mr. Smith stated that MAG will be a sponsor of the Arizona Mexico Commission Summer Plenary Session scheduled for June 2-4, 2011, at the Wigwam Resort. He said that topics include global competitiveness and building a 21st century trade relationship. Mr. Smith noted that Management Committee members were invited to attend.

Mr. Smith stated that an Intermountain West Summit is being planned for January/February 2012. He stated that the summit includes representation from Utah, Colorado, Nevada, Arizona, CANAMEX, GPEC, Arizona-Mexico Commission, and Arizona Commerce Authority.

Chair Swenson thanked Mr. Smith for his report.

Mr. Cavazos expressed his appreciation to Mr. Smith for MAG's sponsorship of the Arizona-Mexico Commission Plenary Session.

5. Approval of Consent Agenda

Chair Swenson stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5F, and #5G were on the Consent Agenda. He reviewed the public comment guidelines for the Consent Agenda.

Chair Swenson asked if any member of the Committee had questions or a request to have a presentation on any Consent Agenda item. None were noted.

Mr. Edwards moved to recommend approval of #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5F, and #5G. Mr. Buss seconded, and the motion passed unanimously.

5A. Approval of April 13, 2011, Meeting Minutes

The Management Committee, by consent, approved the April 13, 2011, meeting minutes.

5B. Programming Federal Funds for Preventive Maintenance in 2011-2015

The Management Committee, by consent, recommended approval of: (1) to program additional federal funds for preventive maintenance (PM) for fiscal year (FY) 2011 by using the latest National Transit Database (NTD) data, first to distribute the amounts for the bus and rail modes based on operating expense and then to distribute funds for bus operators based on bus and demand response vehicle revenue miles. (2) to program the federal funds for PM for fiscal years 2012 -2015 based on a 'phase-out' approach and using a new PM distribution methodology. The phase out approach will reduce the allocated PM amounts in the TIP by 25 percent each year, and an additional 25 percent for each subsequent year (25 percent reduction in 2012, 50 percent reduction in 2013, 75 percent reduction in 2014, with a full phase out in FY 2015), all remaining and additional PM federal funds will be distributed using the new methodology. Using NTD data, the new methodology first distributes funds for the bus and rail modes based on operating expense and then distributes funds for bus operators based on a combination of bus and demand response passenger and vehicle revenue miles, passenger miles weighted by 10 percent and vehicle revenue miles weighted by 90 percent. The new distribution methodology will be updated annually using the most recent NTD data, and the TIP project listings will be modified accordingly. (3) to modify the FY 2011-2015 MAG TIP as shown in the Project Changes table. On July 28, 2010, the MAG Regional Council took action on the "approval of the Draft FY 2011-2015 MAG TIP contingent on a finding of conformity ... and that the programming of preventive maintenance be reviewed for potential amendments/administrative modifications no later than December 2010." On October 14, 2010, the MAG Transit Committee recommended to approve evenly distributing \$11.7 million of FY 2011 5307 federal funds for preventive maintenance (PM) between FY 2011 and FY 2012. On December 9, 2010, the Transit Committee recommended to distribute the 5307 federal funds for PM for FY 2011 using the Scenario #1 methodology explained in the attached materials. The Transit Committee also recommended to reconvene the transit operators to evaluate alternatives and recommend a transparent, data-driven, and regionally equitable method to allocate future year federal funds for PM by March 2011. On April 14, 2011, the Transit Committee recommended to program PM for FY 2012-2015 based on a 'phase out' approach. A 25 percent reduction of the old PM distribution per year beginning in 2012 with subsequent increases of the reduction (50 percent reduction in 2013 and a 75 percent reduction in 2014)

resulting in all of the funds for PM in 2015 being distributed under the new methodology. On April 28, 2011, the Transportation Review Committee recommended approval.

5C. Update and Review of Project Deferral Requests for Federal Fiscal Year (FFY) 2011 MAG Closeout

The Management Committee, by consent, recommended approval of a list of projects to be deleted from the Transportation Improvement Program or deferred from FFY 2011 to FFY 2012 or later and make the necessary amendments and modifications to the FY 2011-2015 MAG Transportation Improvement Program, and as necessary to the Regional Transportation Plan 2010 Update. The Closeout process for MAG region federal funds in federal fiscal year (FFY) 2011 is underway. MAG member agencies were requested to notify MAG, beginning March 2011, of federally funded projects that will not obligate by the end of the FFY 2011 (September 2011), and are requesting to be deferred to another year in the MAG Transportation Improvement Program (TIP). Member agencies were requested to make a best effort to complete and submit the Deferral Request Form and Deferral Justification Letter by April 15, 2011. On April 28, 2011, the Transportation Review Committee (TRC) recommended approval of the project deferral requests. The deadline for member agencies to submit projects for use of Closeout funds was April 14, 2011. Projects submitted for Closeout funds will be reviewed at the May and June 2011 committee meetings.

5D. Project Changes – Amendment and Administrative Modification to the FY 2011-2015 MAG Transportation Improvement Program

The Management Committee, by consent, recommended approval of amendments and administrative modifications to the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2010 Update. The Fiscal Year 2011-2015 Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) 2010 Update were approved by the MAG Regional Council on July 28, 2010, and have been modified four times with the last modification approved in April 2011. Additional requests have been received from member agencies to modify projects in the programs. On April 28, 2011, the Transportation Review Committee recommended approval.

5E. On-Call Consulting Services Selection for Transportation Model Re-calibration

The Management Committee, by consent, recommended approval of the list of on-call consultants for Area of Expertise A (Transportation Model Development and Application): Bernardin, Lochmueller & Associates, Inc., Resource Systems Group, Inc., Wilbur Smith Associates, PB Americas, Inc., Cooney Associates LLC, HDR Engineering, Inc., Cambridge Systematics, Inc., Atkins, Jacobs Engineering Group Inc., URS Corporation, and Arizona Board of Regents for Arizona State University, and for Area of Expertise B (Transportation Data Collection and Data Analysis): Bernardin, Lochmueller & Associates, Inc., Resource Systems Group, Inc., Wilbur Smith Associates, PB Americas, Inc., HDR Engineering, Inc., Traffic Research & Analysis, Inc., Cambridge Systematics, Inc., United Civil Group, Atkins, Michael Baker Jr., Inc., Jacobs Engineering Group Inc., URS Corporation, and Arizona Board of Regents for Arizona State University, for the MAG Transportation Model Re-calibration, for a total amount not to exceed

\$740,000. The fiscal year (FY) 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes \$740,000 for on-call consulting services for re-calibration of the regional transportation forecasting models, model development and methodological model improvements. The purpose of the project is to re-calibrate regional transportation models to new data sets, to update regional transportation forecasts, and to implement planned methodological improvements. A request for qualifications was advertised on March 15, 2011, for technical assistance in two areas of expertise: (A) Transportation Model Development and Application; and (B) Transportation Data Collection and Data Analysis. Fourteen statements of qualifications were received by the April 14, 2011, deadline. A multi-agency evaluation team recommended consultants to MAG to be included on an on-call consulting list to perform technical assistance in the Transportation Model Re-calibration.

5F. 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 amendment and administrative modification involve several projects, including transit projects and projects for the Federal Fund Fiscal Year 2011 MAG-Federal Fund Closeout. 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. Comments were requested by May 20, 2011.

5G. Survey Services Selection for the MAG Municipal Aging Services Project

The Management Committee, by consent, recommended approval of the selection of ETC Institute to conduct the survey for the MAG Aging Services Project for an amount not to exceed \$30,000. On March 14, 2011, the MAG Regional Council Executive Committee amended the budget to reflect a \$110,800 grant from the Virginia G. Piper Charitable Trust to support the MAG Municipal Aging Services Project. This project will result in a municipal aging services model that will assist local governments in meeting the needs of older adults. The budget for this project includes \$30,000 to conduct a survey and \$45,000 for evaluation services. A Request for Proposals was advertised on March 22, 2011, and three proposals were received. A multi-agency proposal evaluation team reviewed the proposal documents. On April 25, 2011, the proposal evaluation team recommended to MAG the selection of ETC Institute to conduct the survey for an amount not to exceed \$30,000. The team also recommended that MAG initially, provide the evaluation services for the project and re-assess the need for an external consultant as the project is implemented. On May 5, 2011, the MAG Human Services Technical Committee recommended approval.

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

Lindy Bauer, MAG Environmental Director, reported on activities related to MAG's efforts to prevent PM-10 exceedances. She noted that the City of Phoenix Dust Reduction Task Force completed its short term goals on April 15, 2011, and has set a target of May 15, 2011, for its long term goals. She noted that a memorandum regarding the long term goals was at each place. Ms.

Bauer expressed appreciation to the City of Phoenix for serving as a role model to member agencies on dust reduction.

Ms. Bauer stated that Maricopa County is working on upgrades, expected to be completed by May 31, 2011, to provide "near real time" monitor data that everyone will be able to watch. She noted that MAG is producing a PM-10 prevention video, which is expected to be completed by May 15, 2011. Ms. Bauer reported that a network of 28 member agencies has been established to prevent PM-10 exceedances regionwide. Ms. Bauer stated that the Maricopa County is coordinating with MAG member agencies to avoid duplication.

Ms. Bauer stated that MAG has developed a Rapid Response Action Plan Template and Tool Kit, which was distributed to member agencies. She noted that the packet included land use maps, pictures of monitors, and a dust brochure.

Ms. Bauer stated that MAG held a second PM-10 prevention workshop on April 21, 2011, with local governments, Maricopa County, and the Arizona Department of Environmental Quality. She said that Phoenix gave a presentation on the Dust Reduction Task Force and Maricopa County gave a presentation on coordination efforts. Ms. Bauer indicated that at the workshop, attendees discussed that many times they do not have the authority to interface with other jurisdictional departments and that leadership from city management is needed to engage all necessary departments to help make the Rapid Response Action Plan successful. Ms. Bauer reported that MAG will hold a third workshop on May 26, 2011.

She stated that Arizona Department of Environmental Quality will send the Maricopa County Dust Control Action Forecast five days in advance, instead of three days in advance. She commented that preventing exceedances is critical in attaining the standard.

Ms. Bauer stated that in March, the Management Committee received a report on a vacant lot where an exceedance occurred as a result of dust generating activities nearby a PM-10 monitor, and she noted that a similar incident occurred this month. Ms. Bauer stated that MAG staff, while filming the PM-10 video on location, witnessed a bobcat doing demolition work within 190 feet of a PM-10 monitor on a high wind day. She played the clip that staff filmed of the incident. Ms. Bauer stated that a member agency was recently cited by the County for doing weed abatement without using water. She explained that it was toward the end of the day and the workers continued with the weed abatement even though the truck had run out of water. Ms. Bauer remarked that the County has stepped up its enforcement efforts. Mr. Smith stated that the monitor maps were provided to jurisdictions so that they would be aware when activities are planned that could cause exceedances.

Ms. Bauer displayed a chart of the Revised 2008 Annual PM-10 Emissions Inventory, which was shown to the Committee last month, that identifies the sources of PM-10. She noted that the largest source is unpaved roads. She stated that a 2009 unpaved road inventory estimates that there are approximately 1,884 miles of unpaved roads in the PM-10 nonattainment area, of which 613 are public unpaved roads and 1,271 are private unpaved roads. Ms. Bauer displayed maps of each of the 18 monitors, which showed the surrounding area from four miles out and two miles out. She pointed out that the red lines indicated private roads and the green lines depicted public

roads. Ms. Bauer stated that the areas surrounding the Apache Junction and Zuni monitors have a large number of private unpaved roads, but they are not a problem for PM-10. She noted that Buckeye monitor, which is outside the nonattainment area, has sometimes gone over, and the Higley monitor has sometimes gone over, but not in recent years. Ms. Bauer advised that staff is currently updating the 2009 unpaved road inventory.

Ms. Bauer reported that the Executive Committee is very interested in the PM-10 issue, and they will be given a presentation on this information. She noted that the majority of unpaved roads are private roads and there is a gift clause in the Arizona Constitution prohibiting public monies toward paving private roads.

Ms. Bauer stated that in April, the Legislature passed HB 2208, which was primarily an agriculture bill, but included provisions to prevent PM-10 exceedances. She explained that ADEQ is required to disseminate the Dust Control Action Forecast five days in advance. Ms. Bauer stated that entities that have a permit from Maricopa County or the state will be required to implement dust control measures the day before and the day of high winds being forecasted. She stated that entities that are regulated by the County but do not have a permit will be required to implement best management practices that ADEQ will be identifying, and if it is found they are not implementing dust management practices, they might be required to get a Dust Action General Permit. Ms. Bauer also noted that ADEQ and other government agencies are required to develop a communications plan to educate those entities on their new responsibilities. Chair Swenson thanked Ms. Bauer for her report and asked members if they had questions.

Vice Chair Meyer thanked Ms. Bauer for her presentation and he said that the maps of the unpaved roads were very helpful. He asked if there was any information that correlates the prevailing winds with exceedances. Ms. Bauer replied that generally, the winds come from the south and west. She stated that for the exceedances at the West 43rd Avenue monitor for example, the winds came from the west and southwest. For the exceedances in Pinal County and West Chandler, the winds came from the south. Ms. Bauer noted that this exceedance is probably due to a high wind event.

Vice Chair Meyer asked if there was a correlation with the amount of unpaved roads and the direction to the monitoring stations. Ms. Bauer replied that it is possible that the location of the dirt roads mattered in the West 43rd Avenue monitor exceedances because there are some dirt roads to the south and southwest of the monitor, however, it is not possible to isolate unpaved roads as the cause of the exceedance because there are many sources in that area.

7. 2009 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area

Ms. Bauer stated that on May 23, 2007, the MAG Regional Council approved that each year, MAG would issue a report on the status of the implementation of the committed measures for this region by the cities, towns, Maricopa County and the State. She noted that this is the second year the report has been provided, even though the Five Percent Plan for PM-10 was withdrawn.

Ms. Bauer addressed those measures in which the commitments in the Plan have been exceeded by state, local, and county entities. For Measure 26 (Pave or stabilize existing public dirt roads/alleys), in 2008 and 2009, the implementing entities of county and local governments paved or stabilized 73 miles of public dirt roads (16 miles more than the commitments) and 346 miles of dirt alleys (166 miles more than commitments).

Ms. Bauer noted that in 2008 and 2009, for Measure 27 (Limit speeds to 15 mph on high traffic dirt roads), the implementing entities of county and local governments posted 15 mph speed limit signs on 57 miles of high traffic dirt roads (29 miles more than commitments).

Ms. Bauer noted that in 2008 and 2009, for Measure 28 (Pave or stabilize unpaved shoulders), the implementing entities of ADOT, the county, and local governments paved or stabilized 675 curb miles of dirt shoulders (419 curb miles more than commitments).

Ms. Bauer noted that for Measure 45 (Prohibit use of leaf blowers on unstabilized surfaces), Maricopa County, the implementing entity, adopted an ordinance and one local government, Apache Junction, although not required, adopted the ordinance.

Ms. Bauer noted that for Measure 53 (Repave or overlay paved roads with rubberized asphalt), the implementing entity, ADOT, repaved 12 miles of highway with rubberized asphalt, which is seven miles more than the commitment in the Plan.

Ms. Bauer then addressed measures not implemented. She noted that Measure 5 (Establish a certification program for Dust Free Developments as an industry standard) was not implemented by ADEQ with support provided by Maricopa County, due to ADEQ budgetary constraints.

Ms. Bauer noted that Measure 20 (Provide incentives to retrofit nonroad diesel engines and encourage early replacements with advanced technologies), was not implemented by Maricopa County due to the fact that funding to provide incentives to retrofit nonroad engines was not established through ARS 49-474.07.

Ms. Bauer stated that Measure 39 (Modeling cumulative impacts), was partially implemented through a draft policy developed by Maricopa County and ADEQ, which was distributed for public review in February 2010.

Ms. Bauer stated that Measure 42 (Arizona Legislature provides funding to ADEQ for four agriculture dust compliance officers for a total of five inspectors), was not implemented by ADEQ because the expenditure authority for the two additional inspectors is no longer available to ADEQ. She noted that currently, ADEQ has one compliance officer for agriculture.

Ms. Bauer summarized the conclusions by saying that a majority of the implementation results meet or exceed Five Percent Plan commitments and violations of the PM-10 standard have declined. She advised that the measures in the Plan have successfully controlled violations in stagnant conditions. Ms. Bauer stated that 2010 was a clean year and 2009 and 2011 may be clean years. Ms. Bauer stated that MAG will be sending out forms to track the progress in implementing Plan commitments in 2010. Ms. Bauer noted that this item was on the agenda for action following

a recommendation by the Air Quality Technical Advisory Committee to forward the 2009 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area to the Governor's Office, Arizona Legislature, Arizona Department of Environmental Quality and Environmental Protection Agency.

Mr. Smith stated that 2010 was a clean year, 2009 may be a clean year, and 2011 is clean so far, and there were over-commitments to the air quality measures. He asked Ms. Bauer to address how there could be a headline in *The Arizona Republic* saying that the air here is the second dirtiest in the country. Ms. Bauer stated that when *The Arizona Republic* reported on the Lung Association report card for cities, it used the Metropolitan Statistical Area designation, which groups together Maricopa and Pinal counties. Ms. Bauer advised that Pinal County has a monitor (the Cowtown monitor), which is adjacent to a feedlot and an ethanol plant, and has the highest PM-10 readings in the country. She noted that a small area around that monitor was just designated a nonattainment area for PM-2.5. Ms. Bauer stated that the article is not reflective of PM-10 issues or air quality in the MAG region. She reported that the region has met the standard for carbon monoxide since 1996 and is a maintenance area. The region has met the standard for one-hour ozone since 1996 and is a maintenance area. For the eight-hour ozone standard (.08 ppm), the MAG region has not had any violations since 2004. Ms. Bauer reported that for the current EPA standard of .075 ppm, last summer only one monitor went over the standard. With PM-10, the hope is to have three years of clean data. For PM-2.5, the region has always been in attainment for that pollutant.

Chair Swenson stated that it was great to see that the measures commitments had been exceeded, and he asked how the region responds to those measures that were not implemented. Ms. Bauer replied that the entities that had the authority for implementation filled out tracking forms explaining the reason the measure was not implemented.

With no further discussion, Chair Swenson called for a motion to recommend forwarding the 2009 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area to the Governor's Office, Arizona Legislature, Arizona Department of Environmental Quality and Environmental Protection Agency. Mr. Buss moved, Mr. Cavazos seconded, and the motion passed unanimously.

8. Approval of the Draft FY 2012 MAG Unified Planning Work Program and Annual Budget and the Member Dues and Assessments

Becky Kimbrough, MAG Fiscal Services Manager, stated that the FY 2012 draft MAG Unified Planning Work Program and Annual Budget was on the agenda for recommendation of approval. She reported that the draft Work Program is presented incrementally beginning in January with proposed dues and assessments. Ms. Kimbrough noted that MAG is proposing to keep a 50 percent overall reduction of member dues in place in the FY 2012 budget due to the economic conditions.

Ms. Kimbrough stated that in February MAG presents proposed projects for the Work Program and begins work on the initial draft for mail out to committee members in March. This incremental presentation allows time for questions, input and a more thorough review of the

proposed budgetary items. Ms. Kimbrough stated that in April, the Management Committee was informed that the draft Work Program includes the carryforward of building renovation costs. She noted that no employee salary increases are included in the FY 2012 budget.

Ms. Kimbrough stated that there is an overall decrease to the proposed FY 2012 budget from the current year budget of about 10.6 percent. She noted that the reduction is due to a decrease in budgeted overhead costs for legal fees related to the air quality issues during FY 2011. She advised that the other big decrease in the overhead budget is due to a decrease in budgeted costs for the office space lease. Ms. Kimbrough stated that the largest dollar decrease is in the project consultant costs for FY 2012.

Ms. Kimbrough stated that MAG submits its Work Program each year to the Government Finance Officer's Association for review and application for the Distinguished Budget Presentation Award. She noted that MAG received this award for the current Work Program in January of this year, and the approved work program for FY 2012 will be submitted for the 14th consecutive year.

Chair Swenson expressed his appreciation to Ms. Kimbrough for her presentations on the budget over the past few months. No questions from the Committee were noted.

Mr. Cavazos moved to recommend approval of the resolution adopting the Draft FY 2012 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments. Mr. Hernandez seconded, and the motion passed unanimously.

9. Discussion of MAG Management Committee Meeting Locations During the MAG Office Remodel

Chair Swenson stated that the remodeling work on the MAG office space will occur over the months of June, July and August. Due to this remodeling, the MAG Management Committee meetings for those months will need to be held in alternative locations.

Mr. Smith noted that RPTA has offered the use of its Board Room and he said that members could park in the MAG parking garage and walk over. Mr. Smith stated that the City of Tempe offered to host a meeting.

Mr. Cavazos stated that the City of Phoenix would host a meeting at the Burton Barr Library or at the Convention Center.

Chair Swenson noted that there are three potential meetings. He said that one meeting could be held in Phoenix, one in Tempe, and if an August meeting is needed, the meeting could be at RPTA. He expressed appreciation to the agencies for offering to host the Management Committee.

10. Domestic Violence Protocol Evaluation Project

Amy St. Peter, MAG Human Services Manager, addressed the Management Committee on the MAG Protocol Evaluation Project. She stated that this work builds on the foundation built by the

MAG Regional Domestic Violence Council, which has long addressed domestic violence through the criminal justice system by working with law enforcement, prosecutors, victim advocates, and survivors. She acknowledged Mr. Rick Buss, who is a member of the Domestic Violence Council.

Ms. St. Peter stated that Arizona Attorney General Tom Horne recently recognized the Council's ten years of accomplishments with a Distinguished Service Award. She showed a picture of the Domestic Violence chair, Phoenix Police Commander Kim Humphrey receiving the award from Attorney General Horne.

Ms. St. Peter stated that the Protocol Evaluation Project represents an important opportunity to re-assess the way domestic violence offenders are arrested and prosecuted. This assessment can make a significant difference in our collective ability to reduce human suffering and exorbitant costs resulting from domestic violence.

Ms. St. Peter stated that there are considerable variations in how the cities and towns address domestic violence through the criminal justice system, which results in inconsistencies that make the system less effective. She noted that opportunities are lost to share best practices that have proven beneficial in one or more municipalities. Ms. St. Peter stated that replication of these best practices throughout the region will maximize the resources we have and provide better service to crime victims.

Ms. St. Peter stated that every year, more than 100 people in this state lose their lives at their hands of their loved ones and thousands more suffer from brutal beatings and controlling behaviors. Ms. St. Peter stated that every year, law enforcement in Arizona receives more than 49,000 calls for domestic violence in the state, and half of the calls generated in the state are from Maricopa County.

Ms. St. Peter stated that domestic violence calls are some of the most dangerous, expensive, and prevalent calls law enforcement receives. In many communities, law enforcement receives more calls for domestic violence than any other crime. She said that generally, domestic violence is one of the top three calls received.

Ms. St. Peter stated that there is also financial cost. She advised that a MAG study determined that the region spends between \$18 million to 26 million per year responding to domestic violence through law enforcement, and the courts, and jails. Ms. St. Peter stated that efforts to streamline the system will save municipalities significant amounts of money.

Ms. St. Peter noted that local prosecutors estimate 80 percent of domestic violence cases are dismissed, most often because the victim has recanted. When a victim is involved, 90 percent of the cases end with a conviction. She indicated that the key to delivering justice is having the victim involved, and the key to having the victim involved is having a quick and efficient trial.

Ms. St. Peter stated that the MAG Protocol Evaluation Project is identifying opportunities to ensure domestic violence offenders are arrested and prosecuted in the most efficient, effective manner possible. The focus is on misdemeanor cases because they represent 92 percent of domestic violence cases and are dismissed most often.

Ms. St. Peter stated that a STOP grant received from the Governor's office funded the Protocol Evaluation Project, which began in May 2010 with the support of 13 formal partners including six police departments, two prosecutors offices, and five victim assistance/advocacy agencies (Arizona Coalition Against Domestic Violence, Arizona Criminal Justice Commission, Avondale Police Department, Buckeye Police Department, El Mirage Police Department, Mesa Prosecutor's Office, Phoenix Family Advocacy Center/Police Department/Prosecutor's Office, Scottsdale Victim Services, Sojourner Center, Southwest Family Advocacy Center, Tolleson Police Department).

Ms. St. Peter stated that every municipality in the region has been involved to varying degrees, and all the municipalities are requested to be fully engaged in this project, through such things as holding internal meetings with law enforcement, prosecutors, and victim advocates to discuss how this work could be supported. Ms. St. Peter expressed the need for everyone to send their best representatives to the affinity group meetings. She said that MAG will house the model domestic violence misdemeanor protocol. Ms. St. Peter stated that this fall, MAG will be seeking the endorsement of the Arizona Association of Chiefs of Police, the Arizona Prosecuting Attorneys Advisory Council, and AZ POST to ensure the model reflects priorities and is appropriate to needs.

Rena Tenney, MAG Human Services Planner, continued the presentation. She stated that the Domestic Violence Council realized that the processes set in place to keep victims safe and abusers accountable were not working. Ms. Tenney stated that through the Domestic Violence Protocol Evaluation Project, the Council is reaching out to community partners to find out what can be done to better serve victims, increase public safety, and increase efficiency in the criminal justice system. She said that the people on the ground, law enforcement personnel, first responders, and prosecutors, have the answers. Ms. Tenney stated that those in the field were consulted on what could be done to make this system more effective.

Ms. Tenney stated that they discovered there are 106 different protocols being used by law enforcement and prosecutors across the region, and research of others across the country revealed 28 local protocols align with national best practices, but implementation of these protocols has been isolated. Thirteen were found to have a low rate of implementation.

Ms. Tenney stated that they learned about local law enforcement agencies trying new ways of approaching domestic violence, such as asking more questions at the scene, writing better reports, and using assessment tools to identify those victims facing immediate danger. Regional replication of these, and other best practices, will result in a more efficient system reducing costs to municipalities, and increasing public safety.

Ms. Tenney stated that law enforcement personnel, first responders, and prosecutors have already benefitted by strengthening lines of communication and identifying opportunities to work better together. For example, a one-hour meeting of law enforcement personnel resulted in the exchange of six tools and resources for enhancing their work. Ms. Tenney stated that strong working relationships have been, and will continue to be, a key component of this project. These relationships are critical to developing the model policy, which will include a menu of options and implementation tools.

Ms. Tenney stated that collaborative training opportunities will assist with policy implementation. She said that training will be held at the Arizona Association of Chiefs of Police Annual Conference in September, and at a MAG training event this autumn. Ms. Tenney stated that the success of the Domestic Violence Protocol Evaluation Project relies on the support and participation of the MAG member agencies. Members of the Management Committee were requested to share their support of this project with staff, to encourage their law enforcement and prosecutors to participate in affinity group meetings scheduled later this month, and to take this information back and solicit feedback from criminal justice system counterparts.

Mr. Smith stated that the chart of the best practices protocols shown during the presentation illustrated that responses are fragmented and best practices are not being implemented in all cases. Mr. Smith stated that victims are often very mobile – going city to city to stay out of danger. He stated that if there is a lack of uniformity, domestic violence is a revolving door. Mr. Smith added that this is a great opportunity through the Governor’s grant to get all agencies focused regionally to reduce violence and help out budgets. He stated that this is an opportunity that might not present itself again.

Ms. St. Peter stated that additional information is available on the MAG website and staff is available to speak to groups.

Chair Swenson thanked Ms. St. Peter and Ms. Tenney for their presentations. He asked members if they had questions.

Mr. Buss noted that all of the residents of Sojourner Center were interviewed and 100 percent indicated that not only were they dissatisfied with the system, they were very dissatisfied. He said that he felt there was a great need for uniformity.

Mr. Smith stated that a couple of months ago, a Regional Council member said to him that the lack of uniformity needs to be elevated all the way to the Regional Council.

Vice Chair Meyer stated that he would appreciate having the information on the meetings to pass along to city staff. Ms. St. Peter indicated she would email the information that day.

Vice Chair Meyer stated that the number for the best practices seems to fall off at the point of arrest decision and the rest of it does not speak to best practices for prosecution. He stated that some studies show that the process after an arrest decision for sexual assault is the most frustrating piece for the victims. Vice Chair Meyer asked if there are best practices that relate to the prosecution process. Ms. St. Peter replied that initial research has uncovered best practices in the beginning stages of the criminal justice process. She said they will continue to look for additional best practices. Ms. St. Peter stated that a lot of the focus on the project so far has been on the initial stages, because if the evidence is not collected up front, the case cannot be prosecuted later. She indicated that as the project progresses that they hope to uncover and implement more best practices for prosecution.

Mr. Smith stated that representatives from the County Attorney's Office and the Prosecutor's Advisory Council are members of the Domestic Violence Council and could assist with the best practices for prosecution.

Mr. Buss commented that victims do not show up for court because they have no confidence in the system. If best practices are created, people will have more confidence in the system, which will result in more prosecutions and breaking the cycle of abuse.

Ms. St. Peter noted that a public service announcement is being created to speak to the victims and public regarding domestic violence and acknowledging the system can be enhanced.

Chair Swenson thanked Mr. Buss, Mr. Smith, Ms. St. Peter, and Ms. Tenney for their leadership.

11. Request for Future Agenda Items

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

Mr. Cavazos requested an agenda item on graffiti with a presentation by ADOT. Mr. Wolfe stated that ADOT would be happy to present.

12. Comments from the Committee

An opportunity was provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mr. Smith noted that an item on the June Management Committee agenda will be the election of officers. He noted that according to the adopted MAG Committee Operating Policies and Procedures, the Vice Chair ascends to the Chair position, and a new Vice Chair will be elected. Mr. Smith also reminded members that the June Management Committee meeting will be held at an alternative location due to the building remodel.

Adjournment

There being no further business, Ms. Robinson moved, Mr. Buss seconded, and the meeting was adjourned at 1:05 p.m.

Chair

Secretary