

May 17, 2011

TO: Members of the MAG Regional Council

FROM: Mayor Tom Schoaf, Litchfield Park, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Meeting - 5:00 p.m.
Wednesday, May 25, 2011
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

The next MAG Regional Council meeting will be held at the MAG offices at the time and place noted above. Members of the Regional Council may attend either in person, by videoconference or by telephone conference call. Members who wish to remove any items from the Consent Agenda are requested to contact the MAG office. Supporting information is enclosed for your review. MAG will host a dinner/reception for the Regional Council members following the meeting in the MAG Cholla Room on the 2nd floor.

Please park in the garage underneath the building. Parking places will be reserved for Regional Council members on the first and second levels of the garage. 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 the MAG office. Requests should be made as early as possible to allow time to arrange the accommodation.

If you have any questions, please call the MAG office.

c: MAG Management Committee

**MAG REGIONAL COUNCIL
TENTATIVE AGENDA
May 25, 2011**

COMMITTEE ACTION REQUESTED

1. Call to Order

2. Pledge of Allegiance

3. Call to the Audience

An opportunity will be provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

4. Executive Director's Report

The MAG Executive Director will provide a report to the Regional Council on activities of general interest.

5. Approval of Consent Agenda

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

3. Information.

4. Information and discussion.

5. Approval of the Consent Agenda.

ITEMS PROPOSED FOR CONSENT*

MINUTES

*5A. Approval of the April 27, 2011, Meeting Minutes

5A. Review and approval of the April 27, 2011, meeting minutes.

TRANSPORTATION ITEMS

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

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. The Transportation Review Committee recommended approval on April 28, 2011, and the MAG Management Committee recommended approval on May 11, 2011. Please refer to the enclosed material.

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

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

5B. 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.

5C. Approval of a list of projects to be deleted from the TIP 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.

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. The Transportation Review Committee recommended approval on April 28, 2011, and the MAG Management Committee recommended approval on May 11, 2011. 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. Please refer to the enclosed material.

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

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. The Transportation Review Committee recommended approval on April 28, 2011, and the MAG Management Committee recommended approval on May 11, 2011. Please refer to the enclosed material.

5D. 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.

AIR QUALITY ITEMS

*5E. 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

5E. Consultation.

determination. Comments are requested by May 20, 2011. Please refer to the enclosed material.

GENERAL ITEMS

*5F. Annual Appointments of the Economic Development Committee Members

The composition of the Economic Development Committee (EDC), approved by the Regional Council on October 27, 2010, provides for one-year appointments for the MAG member agency elected official members. As provided for by the Regional Council, the members are to be selected at the June Regional Council meeting. The EDC includes the Regional Council chair, vice chair and immediate past chair. It also includes the chair and vice chair of the Transportation Policy Committee (TPC). The chair and vice chair of the TPC will be appointed at the annual Regional Council meeting on June 29, 2011. Due to the timing of this process, the Executive Committee would not be able to make recommendations to the Regional Council on the EDC committee members until after the June 29th Regional Council meeting. To address this issue, on May 16, 2011, the MAG Regional Council Executive Committee recommended moving the appointment of the EDC members to the July 27, 2011, Regional Council meeting, having the present EDC members serve through July 2011, and changing the policy that the EDC appointments occur at the July Regional Council meeting. Please refer to the enclosed material.

5F. Approval to move the appointment of the MAG Economic Development Committee members to the July 27, 2011 Regional Council meeting and to change the policy that the EDC appointments occur at the July Regional Council meeting.

ITEMS PROPOSED TO BE HEARD

GENERAL ITEMS

6. Approval of the Draft FY 2012 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 2011 through April 2011. The total dues and assessments for FY 2012 continue

6. Approval of the resolution adopting the Draft FY 2012 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments.

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 29, 2011, Intermodal Planning Group meeting. The Draft FY 2012 MAG Unified Planning Work Program and Annual Budget is being presented for approval. Please refer to the enclosed material.

7. Brookings Metropolitan Business Planning Initiative

The Metropolitan Policy Program at Brookings has initiated a Metropolitan Business Plan Initiative. The Initiative seeks to develop new levels of coordination, expertise, effectiveness and business discipline in the practice of regional economic development. Pilot projects have already been started in Northeast Ohio, Minneapolis/St. Paul and Puget Sound. Participating in the Initiative requires stakeholder engagement, institutional capacity, funding and an existing foundational analysis. The first deadline for submitting a proposal has recently passed, but could potentially be extended. On May 3, 2011, the MAG Economic Development Committee directed that a workshop be conducted with Brookings prior to the May Regional Council meeting. A report from the workshop will be provided to the Regional Council. Please refer to the enclosed material.

8. MAG Regional Council Meeting Locations During the MAG Office Remodel

During the months of June, July and August, MAG will be remodeling its meeting rooms. Due to this remodeling, the MAG Regional Council meetings for those months will need to be held in an alternative location. Current plans include holding the June meeting by teleconference call and the July meeting at the Tempe Center for the Arts, Lakeside Room. Staff will provide an update to the Regional Council.

7. Information, discussion and possible action to submit a proposal for participation in the Brookings Metropolitan Business Planning Initiative.

8. Information and discussion.

9. Domestic Violence Protocol Evaluation Project

Calls to 911 for domestic violence are among the highest number of calls received by law enforcement in this region. Domestic violence calls to 911 also generate the highest number of reports written on scene. When the incident moves from the crime scene to the courtroom, the majority of misdemeanor domestic violence cases are dismissed. This results in a significant cost to the criminal justice system and increased trauma to the victim. A MAG study determined domestic violence costs the region \$18-26 million in expenses related to law enforcement, courts and jails each year. To address this issue, MAG received a \$250,000 STOP grant from the Governor's Office to evaluate the protocols used to arrest domestic violence offenders at the misdemeanor level through the MAG Protocol Evaluation Project. This is an important opportunity to make a difference in the criminal justice system that addresses domestic violence. It is important that leadership of MAG member agencies encourage their components within law enforcement, prosecutors, and victim advocates to work on this issue in order to have more effective outcomes for victims and to lower costs for the municipalities. A protocol inventory is being developed to ensure a fact-based assessment of the way the region responds to domestic violence through the criminal justice system. Additional activities include the development of enhancements to the protocols, training based on these changes, and a public service announcement video to raise awareness about what can be done to stop domestic violence. A report will be offered on the results of the project to date. Cooperation among local governments will result in additional opportunities to develop effective system solutions to mitigate the trauma and costs associated with domestic violence. Please refer to the enclosed material.

9. Information and discussion.

AIR QUALITY ITEMS10. Update on the MAG Five Percent Plan for PM-10

The Maricopa Association of Governments is taking a proactive leadership approach in

10. Information and discussion.

cooperation with the air agencies, business and industry to prevent PM-10 exceedances at the monitors and throughout the region. The Environmental Protection Agency has indicated informally that 2009 may be a clean year. There were no violations of the PM-10 standard in 2010. The next eight months are critical. If three years of clean data can be obtained prior to the submission of a new Five Percent Plan, it may be possible for EPA to issue an attainment finding under the EPA Clean Data Policy and a Five Percent Plan for PM-10 would not be needed. A network of individuals from the MAG member agencies has been established in a regionwide effort to prevent PM-10 exceedances. The City of Phoenix has established a Dust Reduction Task Force to develop and implement an integrated and comprehensive strategy to reduce particulate pollution and improve air quality. A Rapid Response Action Plan Template has been prepared to assist member agencies in this effort. On April 21, 2011, MAG conducted a workshop to discuss these items and provide assistance. Leadership from city management is critical to engage all necessary departments for an effective Rapid Response Action Plan. In addition, the Arizona Legislature passed H.B. 2208 on April 20, 2011 that includes provisions to address early implementation of measures to reduce PM-10 on days that are forecasted by the Arizona Department of Environmental Quality to be high risk for exceeding the standard. Please refer to the enclosed material.

11. 2009 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area

In accordance with the Clean Air Act, the MAG 2007 Five Percent Plan for PM-10 was submitted to the Environmental Protection Agency (EPA) in December 2007. In January 2011, the plan was voluntarily withdrawn to address technical approvability issues identified by EPA and include new information. While the plan was withdrawn, the measures in the plan continue to be implemented to reduce PM-10. On May 23, 2007, the MAG Regional Council approved that

11. Approval 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.

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. The report would then be made available to the Governor's Office, Arizona Legislature, Arizona Department of Environmental Quality and the Environmental Protection Agency. A report has been prepared that provides the implementation status of the committed measures for 2009. In general, the combined implementation results for 2008 and 2009 meet or exceed the commitments made to implement a majority of the measures in the MAG 2007 Five Percent Plan for PM-10. On April 28, 2011, the MAG Air Quality Technical Advisory Committee recommended forwarding the report to the Governor's Office, Arizona Legislature, Arizona Department of Environmental Quality, and the Environmental Protection Agency, and on May 11, 2011, the MAG Management Committee recommended forwarding the report to the Governor's Office, Arizona Legislature, Arizona Department of Environmental Quality, and the Environmental Protection Agency. Please refer to the enclosed material.

12. Request for Future Agenda Items

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

13. Comments from the Council

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

Adjournment

12. Information and discussion.

13. Information.