

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL MEETING**

October 26, 2011  
MAG Office, Saguaro Room  
Phoenix, Arizona

MEMBERS ATTENDING

|                                                                                                             |                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| * Mayor Hugh Hallman, Tempe, Chair                                                                          | Mayor Thomas Schoaf, Litchfield Park,<br>Acting Chair                                                                         |
| # Mayor Marie Lopez Rogers, Avondale,<br>Vice Chair                                                         | Supervisor Mary Rose Wilcox, Maricopa Co.                                                                                     |
| # Councilwoman Robin Barker, Apache Junction<br>Vice Mayor Brian McAchran for Mayor Jackie<br>Meck, Buckeye | # Vice Mayor Scott Somers for Mayor Scott<br>Smith, Mesa<br>Vice Mayor Mary Hamway for Mayor Scott<br>LeMarr, Paradise Valley |
| # Mayor David Schwan, Carefree<br>Councilman Dick Esser, Cave Creek                                         | # Mayor Bob Barrett, Peoria                                                                                                   |
| # Mayor Jay Tibshraeny, Chandler<br>Mayor Lana Mook, El Mirage                                              | * Vice Mayor Thelda Williams, Phoenix                                                                                         |
| * President Clinton Pattea, Fort McDowell<br>Yavapai Nation                                                 | # Vice Mayor Jeff Brown for Mayor Gail Barney,<br>Queen Creek                                                                 |
| # Mayor Jay Schlum, Fountain Hills                                                                          | * President Diane Enos, Salt River<br>Pima-Maricopa Indian Community                                                          |
| * Mayor Ron Henry, Gila Bend                                                                                | # Mayor Jim Lane, Scottsdale<br>Mayor Lyn Truitt, Surprise                                                                    |
| * Governor William Rhodes, Gila River Indian<br>Community<br>Mayor John Lewis, Gilbert                      | * Mayor Adolfo Gamez, Tolleson                                                                                                |
| # Mayor Elaine Scruggs, Glendale                                                                            | # Mayor Kelly Blunt, Wickenburg<br>Mayor Michael LeVault, Youngtown                                                           |
| # Mayor Georgia Lord, Goodyear                                                                              | * Felipe Zubia, State Transportation Board                                                                                    |
| # Mayor Yolanda Solarez, Guadalupe                                                                          | * Victor Flores, State Transportation Board<br># Roc Arnett, Citizens Transportation Oversight<br>Committee                   |

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.                   + Attended by videoconference

1. Call to Order

The meeting of the MAG Regional Council was called to order by Acting Chair Thomas L. Schoaf at 5:00 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Acting Chair Schoaf noted that Roc Arnett, Councilmember Robin Barker, Mayor Bob Barrett, Mayor Kelly Blunt, Mayor Jim Lane, Mayor Marie Lopez Rogers, Mayor Georgia Lord, Mayor Jay Schlum, Mayor David Schwan, Mayor Elaine Scruggs, Mayor Yolanda Solarez, Mayor Jay Tibshraeny, Vice Mayor Scott Somers as proxy for Mayor Scott Smith, and Vice Mayor Jeff Brown, as proxy for Mayor Gail Barney, were participating in the meeting by teleconference. He introduced and welcomed Vice Mayor Mary Hamway as proxy for Mayor Scott LeMarr, and Vice Mayor Brian McAchran as proxy for Mayor Jackie Meck.

Acting Chair Schoaf announced that on October 19, 2011, the Transportation Policy Committee recommended approval of Consent Agenda items 5A, 5B, and 5C, and on October 24, 2011, the MAG Continuum of Care Committee on Homelessness approved the recommended projects and consolidated application as presented in the agenda packet.

Acting Chair Schoaf requested that members of the public who would like to comment fill out a blue public comment card for the Call to the Audience agenda item or a yellow public comment card for Consent Agenda items, or items on the agenda for action. He noted that transit tickets for those who used transit to attend the meeting were available from staff.

3. Call to the Audience

Acting Chair Schoaf noted that the Call to the Audience provides an opportunity to members of the audience who wish to speak 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 are requested to not exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. No requests for public comment were received.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest to the MAG region. Mr. Smith displayed September 2011 maps that showed 12,288 foreclosed residential properties, 22,417 pending foreclosure residential properties, for a total of 34,705 distressed properties. He compared this to March 2010 when the distressed properties totaled 63,182.

Mr. Smith then provided an update on the multimodal transit tour to Salt Lake City on October 13-14, 2011, hosted by the Utah Transit Authority. He stated that the focus of the tour was economic development through rail, and the group heard about tax increment financing. Mr. Smith noted that Mayor Truitt, Chair of the Transportation Policy Committee, led the group. He commended MAG

Transit Planner, Marc Pearsall, for a job well done in organizing the tour. Mr. Smith stated that a more detailed report would be provided at the December meeting.

Acting Chair Schoaf thanked Mr. Smith for his report. He remarked that he was glad to see the foreclosure numbers have decreased. No questions from the Council for Mr. Smith were noted.

5. Approval of Consent Agenda

Acting Chair Schoaf noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, and #5H were on the Consent Agenda. He noted that no public comment cards had been received. Acting Chair Schoaf asked members if they had questions or requests to hear an item individually. None were noted.

Mayor Truitt moved to approve the Consent Agenda. Councilmember Esser seconded, and the motion passed unanimously.

5A. Approval of the September 21, 2011, Meeting Minutes

The Regional Council, by consent, approved the September 21, 2011, meeting minutes.

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

The Regional Council, by consent, approved amendments and administrative modifications to the Fiscal Year (FY) 2011-2015 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2010 Update. The FY 2011-2015 Transportation Improvement Program and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010, and have been modified eight times with the last modification approved by the Regional Council on July 27, 2011. Since then, there is a need to modify projects in the programs. The MAG Transportation Review Committee recommended approval of the requested modifications on September 22, 2011, the MAG Management Committee recommended approval on October 12, 2011, and the Transportation Policy Committee recommended approval on October 19, 2011.

5C. Unprogrammed Federal Transit Fund Balances

The Regional Council, by consent, approved reprogramming \$3,581,528 of 5307 and Surface Transportation Program (STP) funds to preventive maintenance based on the Fiscal Year (FY) 2011 approved distribution methodology, as shown in Table 4B, and modify the 2011-2015 TIP accordingly, as shown in Table 5. As of August 2011, due to project savings and unspent funds, there was a balance of \$3,585,121 of unprogrammed federal funds: \$899,103 in 5307, \$438,000 in Congestion Mitigation and Air Quality (CMAQ), and \$2,248,018 in STP funds. It is suggested to program the \$3,585,121 to Preventive Maintenance (PM) based on the currently adopted FY 2011 PM distribution methodology. Preventive Maintenance is not eligible under the CMAQ guidance, and in order to maximize the ability to use federal funds for PM, it is recommended to program \$438,000 of CMAQ funds for one of the City of Phoenix's bus purchases in exchange for \$434,407 of 5307 funds. This leaves a total of \$3,581,528

to program for PM based on the current adopted FY 2011 PM distribution methodology. The Transit Committee recommended approval on September 8, 2011, the MAG Transportation Review Committee recommended approval on September 22, 2011, the MAG Management Committee on October 12, 2011, and the Transportation Policy Committee recommended approval on October 19, 2011.

5D. FFY 2011 and 2012 Adjustments of Local Sponsored Federal Funded Projects

The Regional Council, by consent, approved projects to be deferred from Federal Fiscal Year (FFY) 2011 to FFY 2012 or later, approval of project changes and additions for new ADOT federal fund projects, and to amend and modify the FY 2011-2015 Transportation Improvement Program, and as appropriate, the Regional Transportation Plan 2010 Update. In preparation for FFY 2012 beginning on October 1, 2011, MAG asked member agencies to check on the status of FFY 2011 federal funded projects and review FFY 2012 federal funded projects. MAG has been notified that some FFY 2011 federally funded CMAQ projects are not going to be authorized by September 30, 2011, the end of the federal fiscal year. The project sponsors have requested deferrals, which can be found in Table 1. Additionally, member agencies were requested to review the current FFY 2011 and FFY 2012 MAG TIP project listings for Surface Transportation Program-Transportation Enhancement Highway Safety Improvement Program, Safe Routes to School, Bridge, and STP-Railroad funded projects (ADOT federal funds) and submit changes or new projects to MAG. Project change information and requests to add new ADOT federal fund projects can be found in Table 2. The MAG Transportation Review Committee recommended approval on September 22, 2011, the MAG Management Committee recommended approval on October 12, 2011, and the Transportation Policy Committee recommended approval on October 19, 2011.

5E. Conformity Consultation

The Maricopa Association of Governments conducted 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 changes to various Arizona Department of Transportation projects, revisions to transit projects, and FY 2011 and FY 2012 adjustments of local sponsored federal funded projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. Comments were requested by October 21, 2011.

5F. Consultation on Proposed Transportation Conformity Processes for the 2012 MAG Conformity Analysis

Federal and state conformity regulations require that MAG consult with federal, state, and local air quality and transportation agencies on proposed processes for the conformity analysis on the Transportation Improvement Program and Plan. MAG is distributing for comment the proposed processes to be applied beginning with the upcoming conformity analysis on an amendment to the FY 2011-2015 MAG Transportation Improvement Program and the Regional Transportation Plan 2010 Update. Comments regarding this material were requested by October 21, 2011.

5G. Status of Remaining MAG Approved PM-10 Certified Street Sweeper Projects That Have Not Requested Reimbursement

A status report is being provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, MAG is requesting that street sweepers be purchased and reimbursement be requested by the agency within one year plus ten calendar days from the date of the MAG authorization letter.

5H. HUD Application Project Listings

On December 8, 1999, the MAG Regional Council approved MAG becoming the responsible entity for a year-round homeless planning process which includes submittal of the U.S. Department of Housing and Urban Development (HUD) McKinney-Vento Continuum of Care Consolidated Application for the MAG region. The Continuum of Care grant supports permanent supportive housing, transitional housing, and supportive services. A total of \$219 million has been awarded to the region since 1999. Last year, the region received more than \$23.9 million for 53 homeless programs. The 2011 federal application was released on August 30, 2011, with a deadline to HUD on October 28, 2011. A draft list of new and renewal projects were provided to MAG Management Committee and MAG Regional Council members for information. The final consolidated application was approved by the MAG Continuum of Care Regional Committee on Homelessness on October 24, 2011. The Continuum of Care will have an opportunity to apply for \$1,446,542 in new project funding, referred to as the Permanent Housing Bonus.

6. 2011 Annual Report on the Status of the Implementation of Proposition 400

Roger Herzog, MAG Senior Project Manager, advised that state law requires that MAG issue an annual report on the status of freeway/highway, arterial street, and transit projects included in Proposition 400, and to hold a public hearing. Mr. Herzog noted that an executive summary of the key points was sent with the agenda and a copy of the full report is available on the MAG website. A public hearing on the annual report findings will be held by MAG in November at the MAG office.

Mr. Herzog stated that at the end of fiscal year (FY) 2010, a rebalancing of costs and revenues in the life cycle programs was accomplished. He said that during FY 2011, as part of the annual program review process, revenue forecasts were updated and indicated that future revenues would be lower than had been estimated in FY 2010. Mr. Herzog summarized the projected deficits: the freeway/highway program is approximately \$453 million, the arterial streets program is approximately \$196 million, and the transit program is approximately \$581 million. He added that these projected deficits are lower than the deficits encountered in 2010. Mr. Herzog advised that work on rebalancing the freeway/highway and transit programs is anticipated through calendar 2011.

Mr. Herzog stated that in FY 2011, it was determined that a \$196.5 million reduction in the Arterial Life Cycle Program through FY 2026 would be necessary. To meet the required program reductions, MAG

staff and member agencies coordinated a reprogramming effort that resulted in a fiscally balanced, FY 2012 Arterial Life Cycle Program that was approved by the Regional Council in September 2011.

Mr. Herzog stated that transportation revenue collections are projected to remain at a lower rate, and federal transportation funding remains an ongoing issue. He stated that project scope/cost updates and program adjustments, such as value engineering, will need to be pursued on a continuing basis to maintain balanced programs in all modes. He reported that the consultant, hired by the State Auditor General, is completing work on the Proposition 400 Performance Audit and the report is expected during the fall of 2011. Mr. Herzog noted that MAG is required to hold a public hearing on the audit findings within 45 days of release of the audit. He stated that the Board of Supervisors, the State Transportation Board, Regional Public Transportation Authority and the Citizens Transportation Oversight Committee will need to make written recommendations regarding the findings of the audit within 45 days of its release.

Acting Chair Schoaf thanked Mr. Herzog for his report. No questions from the Council were noted.

7. Draft Federal Fund Programming Guidelines and Procedures

Eileen Yazzie, MAG Project Manager, reported that in 2009, the MAG Management Committee formed the Federal Fund Working Group to discuss four issues that impact the region's ability to spend federal funds: project deferrals, project development and small and/or inexperienced member agencies, project costs, and local financial commitment.

Ms. Yazzie stated that initially, staff evaluated the local sponsored federal aid project processes of six peer MPOs – Dallas/Fort Worth, Seattle, Denver, Portland, Salt Lake City, and Atlanta. She remarked that after the evaluation, it was apparent that the other agencies were doing a lot to ensure federal funds are spent, such as continuous project monitoring, and the MAG region was not. Ms. Yazzie stated that some organizations limit deferrals to one occurrence, or having investigative teams who make recommendations if a delayed project should be deleted or stay in the program with a later schedule.

Ms. Yazzie then addressed the revised guidelines address the local financial commitment,. Once a project has been approved for inclusion in the Transportation Improvement Program (TIP), an agency has 11 months to make a commitment on the project by implementing the following elements: issuing a commitment letter from the jurisdiction's manager, including the project in the jurisdiction's capital improvement program, determining a project delivery schedule; showing continuous progress; and submitting a progress report every six months. Ms. Yazzie stated that if the revised guidelines are approved, the status report will be an action item on MAG committee agendas every six months to see if projects need to be moved into a different year, deferred or deleted.

Ms. Yazzie stated that a project can be deferred only one time, and the second time, if progress is not shown, the project is deleted. Ms. Yazzie advised that external factors could impact a project, such as archaeological or utility issues, and in that case, a project might be rescheduled.

Ms. Yazzie noted that the revised guidelines recommend changing the federal and local participation rate for bicycle, pedestrian, and intelligent transportation system (ITS) projects from 70 percent federal/30 percent local to the maximum federal rate of 94.3 percent federal/5.7 percent local. This would be a change in the Regional Transportation Plan (RTP) funding participation policy. Ms. Yazzie noted that in the years after the RTP was approved in 2003, there was sufficient local revenue for projects, which meant that less federal revenue would need to be applied and more projects could be funded. With the downturn in the economy, it was suggested that projects receive the maximum federal funding amount which would lessen the burden on local governments. Ms. Yazzie stated that the biggest detriment is that federal funding would go to fewer projects.

Ms. Yazzie reviewed the next steps for this item, which includes consideration by the Regional Council later this month, followed by definition of the schedule and discussion of the implementation at the technical committees. She said that if approved, implementation of this process will begin with the October 27 Transportation Review Committee meeting.

Acting Chair Schoaf thanked Ms. Yazzie for her report and asked members if they had questions.

Supervisor Wilcox expressed that she thought there needed to be flexibility for second requests, due to factors with the economy and small towns. She asked who would grant exemptions. Ms. Yazzie replied that an agency requesting deferral for a second time would be asked for documentation and the reason for the request. She said that the requests would proceed through the MAG committee process.

Supervisor Wilcox moved approval of the Draft Federal Fund Programming Guidelines and Procedures. Mayor LeVault seconded.

Before a vote was taken, Acting Chair Schoaf expressed his appreciation for Supervisor Wilcox's comments. He said that as a small city, Litchfield Park has had a project deferred multiple times. Acting Chair Schoaf stated that the City's deferral requests are sometimes due to needing additional funding and sometimes due to the inability to move the project through ADOT in a reasonable amount of time. He noted that one project, with no changes, has been at ADOT for one year. Acting Chair Schoaf stated that he was glad the flexibility was built in so the capability to defer a project is there if needed.

With no further discussion, the vote on the motion passed unanimously. Acting Chair Schoaf thanked Ms. Yazzie for her hard work on the effort.

## 8. The Future of Federal Transportation Funds

Eric Anderson, MAG Transportation Director, provided a report on the future of federal transportation funds. He noted that the Regional Transportation Plan is funded by the regional sales tax, state sources and federal funds. Mr. Anderson stated that the regional sales tax has been affected by the downturn in the economy, and currently, revenue collections are at 2004 and 2005 levels. He added that the state budget is not in good shape, the Highway User Revenue Fund is down, gas tax revenue is down, and the vehicle license tax is flat. He remarked that the legislature has transferred transportation funds to other uses, which has reduced ADOT's bonding capacity, and this impacts ADOT's match for federal funds.

Mr. Anderson stated that federal funds were the most stable source of funding until now. He explained that the federal transportation authorization expired September 30, 2009, and Congress has passed a continuing resolution so that funding would continue to March 2012. Mr. Anderson cautioned that without the continuing resolution, the federal gas tax revenue and other federal transportation revenues, representing about \$100 billion per day, would have ceased. Mr. Anderson stated that Congress also did an appropriation to fund the federal transportation law through November 2011 at the current level of funding. He said that the debate in Congress right now is whether to do short term bill at a lower level of funding or a longer term, multi year bill.

Mr. Anderson stated that federal transportation spending is approximately 30 percent greater than revenue and Congress has infused funding from the Treasury to the Highway Trust Fund over the past couple of years to keep it solvent. He stated that one option being considered is to keep federal transportation spending within the limits of revenue, about a 30 percent cut. Mr. Anderson indicated that there are a lot of efforts to find additional revenue, but with a \$1.5 trillion budget deficit, there are not many sources to take funding from, and there is not much appetite to increase the federal gas tax. He stated that the Budget Deficit Commission is due to make recommendations soon and if Congress does not take positive action on the recommendations and a vote on the balanced budget amendment, automatic cuts will occur. Mr. Anderson stated that the direction of appropriations could be known in a couple of weeks and additional revenue is not expected, so staff is doing contingency planning in case there are cuts. He indicated that as of now the impacts to the projects and the program are unknown, and there is a lot of concern regarding the number of federal programs, currently about 100, being reduced to 10 or 15 programs.

Acting Chair Schoaf thanked Mr. Anderson for his report and remarked that this an area of concern for everyone. He asked the Council if they had questions.

Councilman Esser asked for clarification of when the appropriations is anticipated. Mr. Anderson replied that Congress passed an appropriations bill through November 2011 and Congress must pass some sort of budget bill in order to continue the appropriations past that date, otherwise everything will shut down like it did with the FAA this summer. Mr. Anderson added that it is unknown if there will be new funding, a continuation of the current level of funding, or a ratcheting down to meet revenue.

9. Update on Interstate 11 and the Punta Colonet Port and Potential Arizona Rail Crossing

Mr. Anderson then reported on two potential major projects that could have implications for Arizona and the metro Phoenix area. He said that the Punta Colonet deep water port in Baja, Mexico, has been proposed for decades. He noted that the Mexican director of planning has been charged by Mexico's President Calderon to make this project happen before his term ends in about 13 to 14 months. Mr. Anderson stated that the Punta Colonet project could be important to the economic future of Mexico, and he thought Arizona was poised to take advantage of the opportunity. He stated that there are two class one railroads serving Arizona, the BNSF and the Union Pacific, and strong connections with a potential Interstate 11.

Mr. Anderson then reported on the proposed Interstate 11. He said that this new highway corridor resulted from the Hassayampa Framework Study to connect Wickenburg to I-10. Mr. Anderson noted that an Interstate 11 corridor could benefit Phoenix and Las Vegas, and then the corridor was extended to connect Las Vegas to Reno. He said that the Nevada Department of Transportation is very interested in a freeway to connect Las Vegas with Reno.

Mr. Anderson stated that the concept was taken even further to continue the corridor to the Pacific Northwest. He noted on a map the boxes that showed how a potential Interstate 11 could link military installations along the corridor, and could also provide a viable bypass to Interstate 5, which is congested and reaching capacity. Mr. Anderson stated that the California Department of Transportation and California's Senator Boxer also are interested in Interstate 11 because of the reliever aspect.

Mr. Anderson stated that Interstate 11 also could serve as the Canamex Corridor extending from Mexico through Arizona and Nevada to the Pacific Northwest and Canada. He reported that MAG and its partners have been working toward the designation of the corridor by Congress as an interstate. He said that many of the more recently designated interstates have been in the eastern United States, and the time has come for the western United States to receive such improvements.

Mr. Anderson stated that the Nevada State Assembly passed a resolution of support and Nevada's Senator Reid supports the designation. He noted that Governor Jan Brewer wrote a letter in February directing ADOT to begin environmental studies for the first portion of Interstate 11 between Interstate 10 and Wickenburg. He said that since then, the corridor has lengthened and ADOT will be doing a major corridor feasibility study to understand the purpose and need of the facility. Mr. Anderson further explained that freight will be a major component of the study, which is a joint project of the Arizona and Nevada departments of transportation. He added that the Nevada Department of Transportation contributed significant funding for the study. Mr. Anderson noted that ADOT will do the environmental impact statement following the study's completion.

Mr. Anderson stated that the Brookings Institution requested that MAG submit Interstate 11 as a transformative investment project. He explained that Brookings' goal is to identify public sector projects around the country that could transform the economic landscape. Mr. Anderson advised that the Interstate 11 project was one of 15 transformative investment projects selected by Brookings nationwide. He reported that there is an upcoming meeting in Colorado Springs where all of the partners of the projects, investors, and the transportation community will participate. Mr. Anderson stated that the goal is to find investment funds for these projects. He remarked that Interstate 11 has national significance as a major freight corridor, has many aspects that would make it a good investment for the country, and could provide opportunities for public/private partnerships.

Acting Chair Schoaf thanked Mr. Anderson for his report and asked members if they had questions.

Mayor Lewis asked if lack of support to extend Interstate 11 to Canada would hinder the ability to go from Phoenix to Las Vegas. Mr. Anderson replied that he thought as the corridor would be shortened, it becomes more of a western project than a national project. He stated that they see a need for a highway to connect I-10 to Wickenburg, but this is in the distant future. Mr. Anderson stated that completion of

the project could happen sooner if federal funding is received. He said that the Phoenix to Las Vegas corridor is doable project even if the other components do not happen, and he added that ADOT has been making improvements to US-93 that will allow it to be configured as an interstate in the future.

Mayor Lewis asked if any of Arizona's federal leaders supported the designation. Mr. Anderson replied that some of the Congressional delegation see the designation as an earmark. He said that he thought staff effectively has conveyed it is a designation and not an earmark, and he added that there seems to be a lot of bipartisan support for Interstate 11, and it helps to have the support of California.

Mr. Smith stated that some people are concerned that Interstate 11 will compete for federal funding with other projects, such as the Interstate 10 reliever. Mr. Anderson replied that concerns have been raised that it will take the future funding coming to the region. He said that this is a national project and will happen based on other resources. He mentioned that a public/private partnership is one option. Mr. Anderson stated that they feel it has national significance, especially the freight component, and using any significant amount of regional funds would probably not be recommended. He added that a highway to connect Wickenburg to I-10 is decades away. Mr. Anderson remarked that from a regional perspective, staff feels it is a lower priority, from a state perspective it is probably a higher priority, and from a national perspective, they feel it is a high priority.

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

Lindy Bauer, MAG Environmental Director, provided an update on the MAG Five Percent Plan Plan for PM-10 and the activities to prevent PM-10 exceedances at the monitors and throughout the region. She said that this year, as of October 4, 2011, there have been 87 exceedances of the PM-10 standard with 86 due to exceptional events.

Ms. Bauer stated that the Arizona Department of Environmental Quality (ADEQ) is the agency responsible for documentation of the exceptional events and this has generated a great deal of work for the agency. She said that staff from Maricopa County Air Quality Division and MAG have been assisting ADEQ in preparing the documentation. She stated that ADEQ is anticipated to send the documentation on the first batch of documentation for July 2 to July 8, to the Environmental Protection Agency (EPA) by the end of the week for comments. Ms. Bauer noted that the documentation requires extensive staff work.

Ms. Bauer stated that one year ago, the EPA Region IX Administrator indicated that the exceptional events rule was flawed, but the agency had to use it. She said that on May 2, 2011, EPA issued draft guidance to help streamline the process, but it has not been helpful to the MAG region, the state, or Westar. Ms. Bauer stated that EPA intends to issue revised guidance in November.

Ms. Bauer stated that MAG is working with its Washington, D. C., legal counsel, Crowell and Moring and Patton Boggs regarding potential legislative remedies for exceptional events. She explained that this work is being done as a result of the extensive work required to document these exceptional events. Ms. Bauer said that one suggested idea is to have states make the determination on exceptional events in consultation with the EPA. She reported that under the draft guidance, the state submits the

documentation to EPA, which returns a preliminary response in about 120 days and a determination in approximately 18 months, which is a long time. Ms. Bauer noted that the states know their own meteorology, terrain, their weather patterns, and perhaps they should make the determinations on their exceptional events in consultation with EPA. She stated that the MAG region implements a similar, federally developed process with transportation conformity. Ms. Bauer stated that after Regional Council approval, the conformity analyses for the Transportation Improvement Program and Regional Transportation Plan are sent to the U.S. Department of Transportation, which makes a finding of conformity in consultation with EPA.

Ms. Bauer stated that San Joaquin Valley Unified Air Pollution Control District estimates that 453 staff hours are expended on preparing the documentation for one high wind exceptional event. She advised that because this region has had 19 days on which exceedances occurred, this means 1,075 work days for the MAG region to prepare its documentation. Ms. Bauer noted that this is an example of the workload required.

Ms. Bauer stated that the City of Phoenix designed a brochure to help in outreach efforts to control dust, called "Dust Hurts." She said that the brochure has been provided to the Air Quality Technical Advisory Committee and the Management Committee. Ms. Bauer expressed her appreciation to the City of Phoenix for developing the brochure.

Ms. Bauer stated that the air quality modeling attainment demonstration is proceeding well. She advised that the EPA approved MAG's conceptual approach.

Ms. Bauer said that in July, she reported that the EPA said MAG could take credit for the city, county and state measures in the plan, and staff understood additional measures would not be needed. Ms. Bauer stated that MAG thought it would be able to resubmit the plan it had withdrawn. She advised that MAG is now receiving conflicting information from EPA. Ms. Bauer stated that one person at EPA says that EPA does not want the local commitments, ordinances, and rules in the plan and EPA only wants to see those items MAG is taking numeric credit for in the plan. She said that another EPA person said the ordinances needed to be included in the plan and make them federally enforceable if the statute that includes the ordinances is included in the plan. Ms. Bauer stated that MAG staff sent an email to EPA pointing out the conflicting information and indicating that time is short and MAG needs to submit the plan to EPA in time to turn off the sanctions clocks.

Ms. Bauer stated that ADEQ is now leaning toward not including the municipal ordinances in the plan to be submitted to EPA. She remarked that cities have to make changes to their ordinances from time to time, which would require that MAG keep submitting revisions to the plan. Ms. Bauer stated that MAG has not modeled the ordinances for numeric credit because the impact is too small, and they are covered by the rule effectiveness for the Maricopa County Rule 310.01.

Ms. Bauer stated that Arizona State Legislator, Representative Reeve, has a Five Percent Plan Stakeholders Group. She said that Representative Reeve requested from MAG a list of the all city ordinances, their numbers, and adoption dates. Ms. Bauer stated that Representative Reeve has been hearing, mostly from the private sector, that the cities are not doing much for the plan, got off easy, and

are not enforcing their ordinances. Ms. Bauer stated that at Representative Reeve's request, MAG staff sent a form to the cities asking how they are enforcing their ordinances. She stated that Representative Reeve is very interested in the processes cities use to enforce their ordinances.

Ms. Bauer reported that there was discussion at the last Five Percent Plan Stakeholders Group meeting regarding possible legislation that includes a requirement to pave a specified number of roads per year. Ms. Bauer stated that this afternoon, Representative Reeve had called and clarified that she is not on a witch hunt, but wants the information to show to the stakeholders that the cities are enforcing their ordinances. She stated that Representative Reeve also wanted to clarify that she does not want to pave the desert and she thinks that the Maricopa County rule that a road is required to be paved or stabilized after reaching a threshold of 150 average daily trips is sufficient. Ms. Bauer expressed her appreciation for the cities providing the enforcement information requested.

Ms. Bauer reported on the lawsuit filed by the Arizona Center for Law in the Public Interest against the state and Legislature for repealing the Local Transportation Assistance Fund (LTAF) in 2010 due to the bad economy. She stated that court ruling that was issued indicated that LTAF funding requirement for air quality plans remains in full force. Ms. Bauer stated that the final court order told the state to reinstate the funds for transit and described how the funds would be reinstated for transit. Ms. Bauer reported that the court order says that the injunction stays in place until the Legislature reinstates the funding or the EPA publishes a notice in the Federal Register to relieve the state of the funding commitment for LTAF.

Acting Chair Schoaf thanked Ms. Bauer for her report. No questions from the Council were noted.

11. MAG FY 2013 PSAP Annual Element/Funding Request and FY 2013-2017 Equipment Program

Liz Graeber, Maricopa Region 9-1-1 Administrator, reported that funding for 9-1-1 service and equipment to the region's 25 Public Safety Answering Points (PSAPs) is derived by a monthly 20 cent tax on each cell and wireline telephone, which is then administered by the Arizona Department of Administration (ADOA). Ms. Graeber stated that since 2003, the state has swept \$53 million in 9-1-1 funds to balance the state general fund, leaving the 9-1-1 fund depleted.

Ms. Graeber stated that due to the fund's depletion, the ADOA has notified MAG that no new capital equipment purchases would be funded. She said that regularly scheduled system improvements were planned for the Maricopa County Sheriff's Office, Surprise Police, Paradise Valley Police, and Buckeye Police but now cannot be funded. Ms. Graeber stated that requests for additional equipment were denied at Arizona State University Police, Goodyear Police, Glendale Police, Mesa Police, Phoenix Police, and Rural Metro.

Ms. Graeber stated that the FY 2013 PSAP budget was before the Regional Council today. It totals \$9.8 million and includes network and maintenance costs and \$2.2 million in capital costs that were denied in FY 2012 and moved to FY 2013 in hope that funding would be available. Ms. Graeber stated that as part of the budget process, the PSAPs also develop a five year program for new equipment and aging equipment. She noted that the MAG 9-1-1 Office tries to be proactive by replacing the equipment before it fails. Ms. Graeber explained that the biggest concern is for the Maricopa County Sheriff's Office

because its equipment is 11 years old. She noted it is one of the busier PSAPs and contracts with some communities to provide 9-1-1 service.

Ms. Graeber stated that the current five year program includes two Phoenix Police Department sites, a Phoenix Fire site and Mesa, which are the four largest 9-1-1 centers in the region. Ms. Graeber added that the region's wireless call routing equipment also needs to be replaced. She advised that if the state sweeps the fund for FY 2013, the funding for monthly network costs and maintenance will be jeopardized and this could affect the level of 9-1-1 service.

Acting Chair Schoaf thanked Ms. Graeber for her report and asked members if they had questions.

Mr. Smith noted that Ms. Graeber had mentioned Maricopa County Sheriff's Office. He asked about the ability to repair the equipment when it gets that old and it becomes substandard then it becomes an issue whether the funds should be swept. Ms. Graeber replied that the issue the Maricopa County Sheriff's Office is facing is the vendor will eventually stop providing support and parts will become unavailable. She said that this will result in the equipment becoming more unreliable. Ms. Graeber stated that they do not want downtime for any 9-1-1 system and that is why they have a proactive replacement schedule.

Supervisor Wilcox stated that they are aware of this issue at the County and recently approved a piece of equipment to extend the life of the old equipment. She added that matching funds from the state is an important issue and they are monitoring the situation. Supervisor Wilcox stated that the County supports 9-1-1 and is relocating the center to a new location. She said they would prefer to make the move with new equipment and not have to relocate the old equipment.

Supervisor Wilcox moved approval of the MAG FY 2013 Public Safety Answering Point Annual Element/Funding Request and FY 2013-2017 Equipment Program. Councilmember Esser seconded.

Acting Chair Schoaf asked for clarification that the budget seeking approval included no new equipment but maintenance of the old equipment. Ms. Graeber replied that was correct; the only items being funded would be maintenance and network costs. She stated that the budget does, however, include allowable capital projects in the hope that funding might become available and they could take action if approved by MAG.

Supervisor Wilcox requested a report on the status of 9-1-1 as the County will be replacing its 9-1-1 equipment.

With no further discussion, the vote on the motion passed unanimously.

## 12. Domestic Violence Awareness Month Activities

Amy St. Peter, MAG Human Services Manager, reported on activities during Domestic Violence Awareness Month. She said that the purpose of the presentation is to provide materials and solicit assistance in distributing these materials throughout the region's communities.

Ms. St. Peter spoke of the impacts of domestic violence on thousands of people. She said that domestic violence awareness month offers an opportunity to provide resources, information, and assistance in a more public way and draws attention to the progress made, as well as the work needing to be done. Ms. St. Peter encouraged promotion of activities on community websites, in meetings, and through networks.

Ms. St. Peter stated that the MAG Regional Domestic Violence Council has provided leadership in this area for more than ten years. Ms. St. Peter stated that in May 2011, the Regional Council received a report on the MAG Protocol Evaluation Project, which is realigning the way domestic violence offenders are arrested and prosecuted to a more coordinated approach.

Ms. St. Peter stated that with funding provided by the Governor's Office, MAG produced an outreach video as part of the Protocol Evaluation Project. She said that the video is featured on the MAG website and on YouTube, and has been distributed to municipal cable stations. A trailer of the video was shown and she cautioned viewers ahead of time that portions of the video depicted scenes that were graphic in nature.

Ms. St. Peter stated that MAG hosted a free training on the new protocol model on October 20, 2011, at the Wyndham Hotel in Phoenix. She noted that approximately 200 people attended the event.

Ms. St. Peter stated that the program has applied for STOP grant funding from the Governor's Office this year. She extended her appreciation to all of the partners and expressed that all are welcome to participate to find the best ways to reach the project's full potential.

Acting Chair Schoaf thanked Ms. St. Peter for her report and asked members if they had questions.

Supervisor Wilcox noted that the National Association of Counties recently bestowed an award to Judge Carrillo of the West Valley Courts for developing a simple, yet effective process where victims of domestic violence could testify on video. She said that this removes a lot of the fear that domestic violence victims have when they testify. Supervisor Wilcox stated that this process is now spreading to other courts. She expressed to Ms. St. Peter that the program is doing a great job and she was glad the Justice of the Peace courts were participating. Ms. St. Peter noted that Judge Carrillo attended the training last week and is an ardent supporter of the domestic violence project.

### 13. Update on the MAG Economic Development Committee

Denise McClafferty, MAG Management Analyst, began the update on recent activities of the MAG Economic Development Committee (EDC). She reported that the Arizona Department of Transportation will now be represented by Floyd Roehrich on the EDC. Ms. McClafferty stated that the current representative, John McGee, is retiring.

Ms. McClafferty stated that at the September 6, 2011, meeting, the EDC was provided an update on the MAG Freight Transportation Framework Study by Parsons Brinckerhoff, and an update on the Trucking Industry by representatives from the Arizona Trucking Association and Swift Transportation. She said that the presentation revealed observations that Arizona needs to be marketed because nobody knows

about Arizona's competitive advantage of infrastructure and quality workforce; SR-189 needs to be a priority to improve the efficiency of traffic flow at the border; truck permits are not coordinated with local and county governments; and foreign trade zones would optimize trade with Mexico through the Sun Corridor.

Ms. McClafferty stated that the official launch of the Metropolitan Business Planning Initiative took place at the October 4, 2011, meeting. She added that Amy St. Peter would provide additional detail in her segment of the presentation.

Ms. McClafferty then reviewed current EDC activities. She said that the Greater Phoenix Rising website is a partnership between MAG and the Greater Phoenix Economic Council to develop a data system for economic development. Ms. McClafferty stated that the website, which will be officially launched at the November 1, 2011, EDC meeting, will provide regional information that will assist businesses interested in opportunities in Arizona.

Ms. McClafferty reported that MAG staff is working with the Arizona Mexico Commission, the Central Arizona Association of Governments and the Pima Association of Governments to coordinate a trip to the Nogales Ports of Entry on December 12, 2011. She said that the purpose of this trip is to explore how leadership in this region could assist in improving the border crossing to be more competitive. Ms. McClafferty gave as an example Texas border crossings. She said they are operational 24 hours per day, seven days per week, while Arizona crossings are operational only eight hours per day. Ms. McClafferty stated that there is also the possibility of a trip to San Luis in regard to Punta Colonet issues.

Ms. McClafferty reported that the Canada Arizona Business Council suggested that MAG work with them on a meet and greet between elected officials and Canadian business leaders in Arizona to discuss mutual interests.

Ms. McClafferty reported that work continues with the Arizona Commerce Authority, ADOT, and the Arizona Aerospace and Defense Commission on a supply chain study for Arizona. One thought is to develop a database where suppliers could log on and update their information and core competency areas. Ms. McClafferty stated that the Arizona Commerce Authority is taking the lead on putting together a working group that will develop a scope of work for a request for proposals to do this work.

Ms. McClafferty stated that some of the EDC projects, such as nearshoring, may require research assistance, and the Thunderbird School of Global Management is an untapped resource in the Valley that could assist with research and consulting services through its MBA students. She said that the Executive Committee expressed support for the Thunderbird School effort at its October 17, 2011, meeting.

Ms. McClafferty reported that in addition to the launch of the Greater Phoenix Rising website at the November 1 EDC meeting, a representative from the U.S. Department of Commerce will provide a report on the National Export Initiative and the services offered by the U.S. Department of Commerce to Arizona companies wanting to begin or increase export activities. She explained that Gold Key

Services is a program where companies travel to a target market and meet with potential agents, distributors, sales representatives and other business partners.

Amy St. Peter continued the presentation with an update on the Metropolitan Business Planning Initiative, which was launched at the October 4, 2011, EDC meeting. Ms. St. Peter expressed appreciation to Mayor Hallman, Mayor Schoaf, and Mayor Smith for their time and to GPEC as a primary partner on the project. She said that presentations by the Brookings Institution and the Leadership Advisory Team were given at the meeting.

Ms. St. Peter stated that a work session and a leadership luncheon with the Brookings consultant were held at MAG to help set the direction of the project. She thanked Mayor Schoaf, Mayor Smith, Mayor Lewis, Mayor LeVault, and Councilmember Sellers for attending the luncheon. Ms. St. Peter stated that the luncheon was also attended by CEOs invited by GPEC, members of the MAG Economic Development Committee, and members of the Leadership Advisory Team.

Ms. St. Peter reported that the work session was attended by a mixture of municipal staff, private sector representatives, civic organizations, academic representatives, the Leadership Advisory Team, and Brookings consultants. She stated that an analysis was presented by MAG and GPEC about the five leverage points organized by Brookings. The group delved into the data and determined highlights, the story of the region's economy, and areas for future focus.

Ms. St. Peter noted that GPEC and MAG staff are working through the next steps with a heavy concentration on human capital, innovation, and clusters. The work will be presented to Brookings and the other regions in this round at meeting in Washington, DC, in December. Ms. St. Peter remarked that feedback from Brookings and the attendees has been very positive and considerable progress has been made in defining the overview of the region's economy.

Ms. St. Peter stated that a Request for Proposals was issued last month to solicit a business consultant to assist with the plan. She said that two firms submitted proposals and the applications are in the review process with a recommendation being developed.

Ms. St. Peter stated that the end goal is to develop a business plan for a lead initiative that has the potential to transform the region's economy. She requested that members contact her with questions, suggestions, or concerns. Ms. St. Peter commented that they are striving to make the sure the plan is responsive to member agency needs and priorities.

Acting Chair Schoaf thanked Ms. St. Peter for her report. He said that staff have been extremely busy with the EDC. Acting Chair Schoaf stated that as someone who has been heavily involved in the EDC, it was gratifying to see the partnerships and networks being formed between agencies and groups who have not interacted with each other before. He stated that a good example is the Thunderbird School of Global Management, which is a resource not taken advantage of by many. Acting Chair Schoaf stated that Thunderbird School, along with the Maricopa Community Colleges, are at the EDC table.

No questions from the Council were noted.

14. 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 were requested. No requests for future agenda items were noted.

15. Comments from the Council

An opportunity was 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. No comments were noted.

Adjournment

There being no further business, Mayor Truitt moved, and Mayor Lewis seconded the motion to adjourn the meeting at 6:15 p.m.

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Chair

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Secretary