

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

February 24, 2016  
MAG Office  
Phoenix, Arizona

MEMBERS ATTENDING

Mayor W.J. “Jim” Lane, Scottsdale, Chair  
Mayor Greg Stanton, Phoenix, Vice Chair  
Vice Mayor Robin Barker, Apache Junction  
# Mayor Kenneth Weise, Avondale  
Mayor Jackie Meck, Buckeye  
Councilmember Mike Farrar, Carefree  
# Councilmember Dick Esser, Cave Creek  
Mayor Jay Tibshraeny, Chandler  
\* Mayor Lana Mook, El Mirage  
# Mayor Tom Rankin, Florence  
\* President Bernadine Burnette, Fort  
McDowell Yavapai Nation  
Mayor Linda Kavanagh, Fountain Hills  
\* Mayor Chuck Turner, Gila Bend  
\* Governor Stephen Roe Lewis, Gila River  
Indian Community  
# Mayor John Lewis, Gilbert  
Mayor Jerry Weiers, Glendale  
\* Mayor Georgia Lord, Goodyear  
# Mayor Rebecca Jimenez, Guadalupe  
Mayor Thomas Schoaf, Litchfield Park

Mayor Christian Price, City of Maricopa  
Supervisor Denny Barney, Maricopa County  
# Mayor John Giles, Mesa  
# Councilmember Mark Stanton for Mayor  
Michael Collins, Paradise Valley  
\* Mayor Cathy Carlat, Peoria  
\* Supervisor Todd House, Pinal County  
Mayor Gail Barney, Queen Creek  
\* President Delbert Ray, Salt River  
Pima-Maricopa Indian Community  
\* Mayor Sharon Wolcott, Surprise  
Mayor Mark Mitchell, Tempe  
\* Mayor Adolfo Gamez, Tolleson  
Mayor John Cook, Wickenburg  
Mayor Michael LeVault, Youngtown  
# Mr. Roc Arnett, Citizens Transportation  
Oversight Committee  
\* Mr. Joseph La Rue, State Transportation Board  
Vice Mayor Jack Sellers, State  
Transportation Board

\* 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 Chair W.J. “Jim” Lane, Scottsdale, at 11:35 a.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Mr. Roc Arnett, Councilman Dick Esser, Mayor John Giles, Mayor Rebecca Jimenez, Mayor John Lewis, Mayor Tom Rankin, and Mayor Ken Weise joined the meeting by teleconference. Chair Lane noted Councilmember Mark Stanton, as proxy for Mayor Michael Collins, was also participating by teleconference.

Chair Lane announced that for agenda item #5B, Project Changes - Amendment and Administrative Modification to the FY 2014-2018 MAG Transportation Improvement Program, and as Appropriate, to the 2035 Regional Transportation Plan, the Transportation Policy Committee recommended approval of the requested project changes on February 17, 2016; for agenda item #10, Legislative Update, a summary of legislation of interest to the MAG region was at each place.

3. Call to the Audience

Chair Lane recognized public comment from Ms. Dianne Barker, who stated that she was from Ohio, her father served in the Air Force. Ms. Barker said that her parents thought that moving to Arizona added years to their lives. She spoke of the benefits of walking and exercising and that multimodal feels good. Ms. Barker stated that it took her three hours to take transit to the Scottsdale Symphony at Shea Boulevard and Scottsdale Road. She encouraged having transit locations that would not require people to walk blocks to get to their destination and also have transit stops that are secure for people to use. Chair Lane thanked Ms. Barker.

Chair Lane recognized public comment from Mr. John Rusinek, who stated that it took seven years to get action on his complaint that the driveway next door was not dustproofed and people were driving on it. Mr. Rusinek explained that the incorrect sized rock (one inch) has now been removed and he hoped the new rock being installed would be the right size. He stated that an inspector has never come out for a site visit and he added that this type of driveway should be treated with an environmentally friendly dust suppressant product. Mr. Rusinek stated that he has resided in Phoenix for 43 years and he is 81 years of age. He indicated that he will not stop until his problem is corrected and that Phoenix needs to enforce its specifications. Chair Lane thanked Mr. Rusinek.

Chair Lane recognized public comment from Mr. Marvin Rochelle, who extended a public thank you to everyone who worked toward a successful effort to implement seamless Dial-a-Ride across the Valley. Mr. Rochelle stated that he has been working on the Dial-a-Ride effort since 2007 and it just passed February 18, 2016. He stated that Valleywide Dial-a-Ride goes into effect on July 1, 2016. Mr. Rochelle remarked that it currently takes him 2.5 to three hours to travel from Surprise to Gilbert, if he is lucky. Chair Lane thanked Mr. Rochelle for his comments.

4. Executive Director's Report

Mr. Dennis Smith, MAG Executive Director, reported on items of interest to the MAG region. Mr. Smith stated that MAG Management Committee Chair Darryl Crossman, Litchfield Park, requested an update on ADOT's efforts to address wrong-way drivers on the highway system. He noted that ADOT is continuing to search for new technologies, while continuing to test systems that are currently installed.

Mr. Smith stated that MAG recently hosted a delegation from Abu Dhabi. He noted that the delegates were interested in transportation, and high capacity bus and rail. Mr. Smith expressed appreciation to Valley Metro and ADOT and the cities of Chandler, Mesa, Phoenix, and Tempe, and MAG staff Audra Koester Thomas for their efforts on the visit. Mr. Smith noted that the delegation stated that their visit to the region was memorable, and he noted that Abu Dhabi has a significant amount of sovereign funds. He added that MAG also mentioned the possibility of connecting with the delegates in future endeavors via videoconferencing.

Mr. Smith stated that Ms. Carol Columbo, with the Transportation and Trade Corridor Alliance, presented Foreign Direct Investment at a recent MAG Economic Development Committee meeting. He noted that GPEC recently received a grant from the Brookings Institution for work on a regional strategy that would complement the state strategy. Mr. Smith stated that the MAG Information Services Division developed lists of each city's international businesses and each MAG Management Committee member received a copy of its foreign owned businesses. He stated that MAG has received positive feedback, but has also received comments on the difficulties encountered due to media scrutiny on going to a foreign country. Mr. Smith stated that foreign direct investment jobs are high paying, more recession-resistant jobs. He remarked that Arizona lags far behind other states, like Texas, because it is new at this. Mr. Smith added that there are some cities, like Surprise, who are actively pursuing foreign direct investment by visiting such places as Canada. He suggested that cities could perhaps hire a college intern who conduct analysis on the lists to extract what could be valuable to a city and could make a difference. Mr. Smith noted that Mr. Anubhav Bagley is the MAG staff contact on this effort.

Mr. Smith encouraged the submission of nomination applications for the 2016 Desert Peaks Awards. He noted that the entry deadline is March 11, 2016, and the awards will be presented on June 22, 2016, following the MAG Regional Council Annual Meeting. Mr. Smith stated that the nomination forms are now available on the MAG website.

Mr. Smith stated that the Greater Phoenix Chamber of Commerce Opportunity Arizona will take place March 3, 2016, at the Downtown Phoenix Sheraton. He noted that Opportunity Arizona is relevant to Joint Technical Education Districts (JTED)s and he added that the Governor has authorized funding for JTEDs. Mr. Smith stated that MAG has been working on JTED efforts for many months, and one of MAG's products is a video on how JTEDs have provided hope for many youth who might not have graduated otherwise. He noted that more than 200 people are expected to attend Opportunity Arizona and he added that the MAG Economic Development Committee and MAG Regional Council have been invited. Mr. Smith stated that four seats are available at the MAG table and if members would like to attend to contact Ms. Denise McClafferty, MAG staff.

Chair Lane thanked Mr. Smith for his report.

##### 5. Approval of Consent Agenda

Chair Lane noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G were on the Consent Agenda.

Chair Lane asked if members had questions or requests for a presentation on any of the Consent Agenda items.

None were noted.

Chair Lane recognized public comment from Ms. Dianne Barker, who sent a letter to MAG requesting that discussion of the Spine study be on the agenda. She noted that Denver uses the freeway for both automobiles and transit, and she added that the most substantial cost for light rail is land. Ms. Barker stated that the public has indicated that transit is the number one thing they want to see. She indicated that she grew up in a car mode. Ms. Barker expressed that she would like to clarify a misstatement she made during her public comments on the Consent Agenda at the January 27th Regional Council meeting. She said that she intended to say carbon dioxide instead of carbon monoxide. Ms. Barker stated that she looks to the federal government to ramp up the control of emissions. She said that some people do not believe that emissions are manmade, but there are scientific facts to show that emissions and the temperature are increasing. Ms. Barker stated that the Legislature is trying to cut down the EPA standards for ozone, which is a greenhouse gas. Ms. Barker stated that she spoke at the Legislature on a bill. We really need higher protection for our youth. Chair Lane thanked Ms. Barker.

Mayor Michael LeVault moved to approve the Consent Agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G. Mayor John Cook seconded, and the motion passed unanimously.

5A. Approval of the January 27, 2016, Meeting Minutes

The MAG Regional Council, by consent, approved the January 27, 2016, meeting minutes.

5B. Project Changes - Amendment and Administrative Modification to the FY 2014-2018 MAG Transportation Improvement Program, and as Appropriate, to the 2035 Regional Transportation Plan

The MAG Regional Council, by consent, approved amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program, and as appropriate, to the 2035 Regional Transportation Plan. The Fiscal Year (FY) 2014-2018 Transportation Improvement Program (TIP) and 2035 Regional Transportation Plan were approved by the MAG Regional Council on January 29, 2014, with the last modification approved at the January 27, 2016, Regional Council meeting. Since then, additional project changes and additions are needed. Project listing changes and additions included are not contingent on a new finding of conformity. The member agency requested project additions and changes include general highway and transit project changes. Funding types include Congestion Mitigation and Air Quality Improvement Program (CMAQ), Highway Safety Improvement Program (HSIP); FY 2015 TIGER award announcement; and locally funded project changes (See Table A). MAG is developing a new FY 2017-2021 Transportation Improvement Program (TIP). The MAG Regional Transportation Plan (RTP) allocates MAG Federal CMAQ and Transportation Alternatives (TAP-MAG) Infrastructure Program funds for certain program areas. A Call for Projects was held and an evaluation of projects submitted for Bicycle and Pedestrian projects has been completed. Those new projects and project work phases that fall within the current FY 2014-2018 TIP window and that are proposed for CMAQ and TAP funding are included in Table B. The Federal Highway Administration (FHWA) sub-allocated funding includes the CMAQ, HSIP, Surface Transportation Program

(STP-MAG), and TAP. An evaluation of FHWA funding determined that the MAG region has federal funding that is available for the Closeout programming priorities as described in the Federal Fund Programming Guidelines and Procedures that were approved by Regional Council in June 2015. A request for closeout projects was conducted and evaluated, and the results are included in Table C. If approved, items in Table C will supersede duplicate listings in Table B. The project changes were recommended by the MAG Management Committee on February 10, 2016. Since the Management Committee recommendation, clerical corrections were incorporated and annotated on the agenda materials. On February 17, 2016, the Transportation Policy Committee recommended approval of the requested project changes.

5C. ADOT Red Letter Process

In June 1996, the MAG Regional Council approved the Arizona Department of Transportation (ADOT) Red Letter process, which requires MAG member agencies to notify ADOT of potential development activities in freeway alignments. Development activities include actions on plans, zoning, and permits. ADOT has forwarded a list of notifications from July 1, 2015 to December 31, 2015. Eleven of the 107 notices received have an impact to the state highway system. The Red Letter list was included in the January 28, 2016, MAG Transportation Review Committee agenda and the February 10, 2016, MAG Management Committee agenda.

5D. Sun Corridor Metropolitan Planning Organization Loan Request

The MAG Regional Council, by consent, approved entering into a loan agreement with the Sun Corridor Metropolitan Planning Organization (SCMPO) in the amount of \$633,480 in Federal Fiscal Year (FFY) 2016 STP funds to be utilized in MAG FHWA funded FFY 2016 Closeout process, and for repayment by MAG to SCMPO in FFY 2017. Sun Corridor Metropolitan Planning Organization (SCMPO) has requested that MAG enter into a loan agreement to assist them with \$622,325 in Federal Fiscal Year (FFY) 2016 Federal Highway Administration Surface Transportation Program (STP) funds that they cannot utilize this year due to project delays, and SCMPO is requesting MAG repayment of the funds in FY 2017. The proposed loan would have no negative impacts to the MAG region and requires a minimal amount of accounting time to track. The FFY 2016 loan request from SCMPO with the MAG region for STP funding will adhere to repayment terms as prescribed in the Arizona Department of Transportation loan program. The main benefit to the region includes early advance federal funding for projects that are currently underway or that can begin design, and can meet federal and state rules and policies. The loan agreement between SCMPO and MAG was recommended by the MAG Management Committee on February 10, 2016. Since the Management Committee met, SCMPO has requested an increase in the loan by \$11,155 for a total loan of \$633,480. The increase is due to the announced actual obligation authority rate, which increased under the new surface transportation legislation, Fixing America's Surface Transportation Act (FAST Act).

5E. 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 address new Federal Highway Administration procedures to minimize inactive obligations and to assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, we are requesting that street sweeper projects for be purchased and reimbursement requests be submitted to MAG within one year from the date of the MAG authorization letter.

5F. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2014-2018 MAG Transportation Improvement Program and 2035 Regional Transportation Plan. The amendment and administrative modification involve several projects, including projects for Glendale, Maricopa County and Phoenix, and new CMAQ-funded Bicycle and Pedestrian projects for FY 2018. 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.

5G. Social Services Block Grant Allocation Recommendations

The MAG Regional Council, by consent, approved forwarding the Social Services Block Grant (SSBG) allocation recommendations for FY 2017 to the Arizona Department of Economic Security. Through a partnership with the Arizona Department of Economic Security (DES), the MAG Human Services and Community Initiatives Committee prioritizes services to receive funding with locally planned Social Services Block Grant (SSBG) dollars. Services funded by SSBG assist the most vulnerable people in the region, including four target groups of Older Adults; People with Disabilities; People with Developmental Disabilities; and Adults, Families, and Children. Each year, the MAG Human Services and Community Initiatives Committee conducts a service ranking exercise to help determine a prioritized listing of services to assist people in these four target groups. The service ranking exercise was conducted in December 2015 and the draft funding recommendations were released for public comment in January 2016. The draft allocations were recommended for approval by the MAG Human Services Technical Committee on January 14, 2016, the MAG Human Services and Community Initiatives Committee on January 21, 2016, and the MAG Management Committee on February 10, 2016.

6. Approval of MAG Regional Misdemeanor Domestic Violence Protocol Model

Chair Lane invited Vice Mayor Robin Barker, Chair of the MAG Regional Domestic Violence Council, to introduce the MAG Regional Misdemeanor Domestic Violence Protocol Model agenda item. Vice Mayor Barker first expressed appreciation to the Regional Council on behalf of the Domestic Violence Council for support of this project. Vice Mayor Barker stated that the Protocol Model provides for a consistent handling of domestic violence cases -- from the way that offenders are arrested to the way

victims are assisted. She remarked that this consistency provides for significant success. Vice Mayor Barker introduced Police Chief Steve Stahl, City of Maricopa, who continued the presentation.

Chief Stahl expressed his appreciation to the Regional Council for their support of the work of the Domestic Violence Council. He also thanked Vice Mayor Barker for being a champion of victim advocacy and he expressed appreciation for her outstanding efforts. Chief Stahl stated that he has been in law enforcement for 29 years -- 25 years with the City of Mesa, where they built a family advocacy center, the first in the state. Chief Stahl stated that when he arrived at the City of Maricopa, he discovered there was a difference in resources in a smaller jurisdiction and that is a reason that consistency is so important. He stated that enforcing the Protocol Model costs nothing, it is best practices that can be used to stop domestic violence and empower the victims. Chief Stahl expressed the importance of the support of the Regional Council to the success of the Protocol Model.

Chief Stahl stated that when he started working at the City of Maricopa, he found that domestic violence was the City's leading part one crime. He stated that he volunteered the City for the pilot project for the Strangulation Protocol knowing the risk that the City's part one crime rate would increase. Chief Stahl stated that at that time, choking was a misdemeanor, but legislation has made it a felony (a part one crime).

Chief Stahl stated that due to the strangulation protocol and the victim advocacies, two things happened: part one crimes did not increase and the victim advocacy contact increased 4,000 percent from 2013 to 2014. He said that this 4,000 percent represented more than 400 victims contacted.

Chief Stahl recounted that his officers responded to a call where there was little evidence of assault and the alleged victim was hesitant to participate in the prosecution process. Chief Stahl noted that there had been no previous reports of domestic violence at this address, however, the threat assessment was high, and following the Domestic Violence Protocol Model, the officers automatically called a domestic violence shelter and had the alleged victim speak directly with a counselor at the shelter. He stated that she accepted services for herself and her children, the case was successfully prosecuted, and since then, the police have not been called to this residence. Chief Stahl expressed the importance of the support of the Regional Council to the success of the Protocol Model.

Ms. Amy Robinson, MAG staff, continued the report. She stated that the Protocol Model is a best practices model for use in responding to domestic violence incidents. It saves lives and resources. Ms. Robinson stated that the Misdemeanor Domestic Violence Protocol Model will be updated annually and the implementation of the Protocol Model will be tracked via an online survey. She noted that a copy of the survey was included in the agenda packet. Ms. Robinson stated that not all agencies completed past surveys and this has resulted in imperfect data. She said they are not only requesting approval of the Protocol Model, but also assistance with its implementation. Ms. Robinson stated that they will be reporting back to the Regional Council on the survey results next year and they hope to present an improved picture of the implementation of the Protocol Model.

Chair Lane thanked Vice Mayor Barker, Chief Stahl, and Ms. Robinson for their reports. He asked Regional Council members if they had questions.

Mayor Linda Kavanagh remarked that the MAG Domestic Violence program is outstanding. She acknowledged Vice Mayor Barker's passion for the issue of domestic violence, and she said it is a personal crusade for one of the Fountain Hills Town Council members, Cecil Yates. Mayor Kavanagh pointed that the material says that each agency will establish its own rules for electronic recordings, such as body cameras. She asked how freedom of information requests will be handled.

Ms. Robinson replied that it is correct that each agency will decide its own policies, but within each policy will be stipulations on maintaining confidentiality, specifically those enrolled in the address confidentiality program at the Secretary of State's office.

Chief Stahl stated that it is correct that each agency will decide its own policy, and he added that there are best practices regarding body cameras. He noted that his department has had body cameras deployed for approximately one year. Chief Stahl reported that his department's policy is that if anyone in the household asks to not be recorded, the officers will take into account the totality of the circumstances and either honor that request or explain why they will continue recording. He added that this dialogue is captured on the recording. Chief Stahl noted that there are also programs that can fuzzy-out faces or valuable items in a home to limit identification, similar to redacting text in a document. He noted that they respect privacy in all cases and the Protocol will stipulate that. Chief Stahl added that representatives from the County Attorney's Office and city attorneys' offices serve as members of the MAG Domestic Violence Council.

Mayor Kavanagh expressed her hope that all police departments will participate in the protocol and survey. She noted that Senator John Kavanagh tried to get a bill stipulating uniformity in relation to protecting privacy in cases like this, but it did not go anywhere. Mayor Kavanagh stated that she hoped someday there would be a uniform policy.

Vice Chair Greg Stanton referenced a study being conducted by Arizona State University at the Maryvale Precinct. He indicated that the direction will be toward more uniform policies, and some will be driven by litigation. Vice Chair Stanton expressed his appreciation to Vice Mayor Barker. He stated that he thought the Misdemeanor Domestic Violence Protocol Model is MAG at its best. Vice Chair Stanton stated that people have been helped greatly and potentially lives saved due to the Misdemeanor Domestic Violence Protocol Model, so it was disappointing that not all police departments were fully participating. He suggested implementing something stronger than a polite request, perhaps a chart of participation. Vice Chair Stanton stated that he will do his due diligence to ensure that his police department is fully participating. He surmised that most of the mayors would like to know if their police department is participating.

Ms. Robinson stated that MAG staff will be sending out information on each jurisdiction. She noted that 13 surveys have been returned to-date, seven of which were from Maricopa County. Vice Chair Stanton asked the status of Phoenix Police. Ms. Robinson replied that Phoenix had responded to the survey.

Mr. Smith stated that domestic violence is a topic that needs to be heard, and nothing will change without measuring the accomplishments and successes. Mr. Smith stated that this could be done by issuing an annual report. He noted that in one year, the annual report will show who is implementing

the Misdemeanor Domestic Violence Protocol Model and who is not. Mr. Smith stated that situations in neighboring communities affects another community. If procedures differ from community to community, prosecution could become a revolving door. Mr. Smith stated that the cost of domestic violence is huge. Unless controlling domestic violence is measured, it will not cease. We need to make an example of who is not implementing the Protocol.

Mayor Michael LeVault asked if jurisdictions were able to share data on such things as domestic abuse patterns. Chief Stahl stated that police departments in smaller jurisdictions have limited resources and are directing their efforts toward crime enforcement and data gathering tends to be ignored. He indicated that as part of the Domestic Violence Protocol, they would like to provide regionally some extra resources to capture information. Chief Stahl stated that the Maricopa Police Department has 120 volunteers (approximately double the number of his department's sworn officers), and they collect and document that data and write reports. He remarked that he would be unable to write reports without the volunteers and he would only have raw data from the records management system. Chief Stahl stated that one of the benefits of the Domestic Violence Council is to ask other agencies if they need assistance.

Chair Lane stated that it would be beneficial for everyone to see the status of the Misdemeanor Domestic Violence Protocol Model. He asked if action was being requested for an update to a model that already had been approved. Ms. Robinson replied yes, the Misdemeanor Domestic Violence Protocol Model had been approved in 2011.

Mayor Christian Price moved approval of the MAG Regional Misdemeanor Domestic Violence Protocol Model. Councilmember Michael Farrar seconded, and the motion passed unanimously.

7. Programming for Bicycle and Pedestrian Projects Utilizing the MAG Federal Congestion Mitigation and Air Quality Improvement Program, and Transportation Alternatives Program (Infrastructure) Funding for Programming Years: FY 2018, 2019, and 2020

Ms. Teri Kennedy, MAG staff, reported on the Call for Projects in August 2015 for Congestion Mitigation and Air Quality Improvement Program (CMAQ) and the Transportation Alternatives Program (TAP) funds. Ms. Kennedy stated that approximately \$23.6 million in CMAQ funding and \$12.9 million in TAP funding are available for bicycle and pedestrian projects for 2018, 2019, and 2020.

Ms. Kennedy stated that MAG staff addressed requests from MAG Transportation Review Committee and MAG Management Committee members to simplify the application process and modify the project evaluative criteria, in particular the presentation and committee rank score.

Ms. Kennedy stated that 37 applications were received from the August 2015 Call for Projects. These projects were evaluated by the MAG Bicycle and Pedestrian Committee, which recommended approval of 19 CMAQ funded projects and eight TAP funded projects. She stated that there were no carry forward funds and she added that ten projects in the amount of \$12.4 million were not funded.

Chair Lane thanked Ms. Kennedy for her report. No questions from the Council were noted.

Vice Mayor Robin Barker moved approval of the priority list of Congestion Mitigation and Air Quality Improvement Program and Transportation Alternative Program-funded Bicycle and Pedestrian projects

to be added to the FY 2014-2018 MAG Transportation Improvement Program, and 2035 Regional Transportation Plan as appropriate, and to add the lists of FY 2018, 2019, and 2020 projects to the Draft FY 2017-2021 MAG Transportation Improvement Program. Mayor Michael LeVault seconded, and the motion passed unanimously.

8. Federal Fiscal Year 2016 Closeout Programming – Amendment and Administrative Modification to the FY 2014-2018 MAG Transportation Improvement Program, and to the 2035 Regional Transportation Plan

Ms. Kennedy then reported on programming of the Federal Fiscal Year 2016 Closeout. She noted that the five-year Fixing America's Surface Transportation Act (FAST Act) was signed on December 4, 2015. Ms. Kennedy stated that MAG issued the notice for closeout funds on December 10, 2015. Ms. Kennedy indicated that eligible projects included those in the categories of bicycle/pedestrian, Intelligent Transportation Systems, PM-10 paving, street sweepers, transportation safety, and Pinal County Arterials (Non Life Cycle). She added that eligible types of projects include advancements to FY 2016, increases on current work phases, and design for future federally funded construction/procurement projects.

Ms. Kennedy reported that MAG received requests for five project advancements (two with increases), seven project increases to current year project work phases, and 16 project design requests. She stated that available funding amounts in regard to Closeout are subject to change because the FAST Act information is being released incrementally.

Ms. Kennedy stated that the Obligation Authority increase this year was one percent. She indicated that the Closeout loan repayments can be addressed this year. Ms. Kennedy stated that there are available Arterial Life Cycle Program funds that could be utilized this year.

Ms. Kennedy stated two scenario options were developed and the Transportation Review Committee and Management Committee recommended approval of Option Two. She said that all current eligible requests in the amount of \$7.6 million can be met. Ms. Kennedy stated that this leaves a balance of approximately \$1.5 million, which will be addressed next month through the extended request (to February 11, 2016) for design work phases. She indicated a balance of approximately \$12.7 million obligation authority will be addressed via the Arterial Life Cycle Program through an announcement next month.

Chair Lane thanked Ms. Kennedy for her report. No questions from the Council were noted.

Mayor Michael LeVault moved approval to proceed with Option Two and of the necessary amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program, and as appropriate, to the 2035 Regional Transportation. Vice Mayor Robin Barker seconded, and the motion passed unanimously.

9. Development of the FY 2017 MAG Unified Planning Work Program and Annual Budget

Ms. Becky Kimbrough, MAG staff, reported on the development of the MAG Unified Planning Work Program and Annual Budget for FY 2017. She noted this item was on the agenda for information and discussion.

Ms. Kimbrough stated that the MAG budget is presented incrementally each year from January through May. This month the final draft of the proposed dues and assessments, the budget process timeline and the newly proposed projects for the FY 2017 budget were being presented.

Ms. Kimbrough outlined the four attachments reflecting the draft budget materials that were included in the agenda materials. She indicated that Attachment A is the proposed dues and assessments. Ms. Kimbrough explained that the final CPI-U for the 2015 calendar year was received January 20. The CPI-U is 2.33 percent. Ms. Kimbrough noted that 2.34 percent was used in the January draft so the final draft of the dues and assessments have changed very little.

Ms. Kimbrough stated that Attachment B is the budget timeline which outlines the formal budget development process starting in January and ending in May each year. She announced that the annual Intermodal Planning Group meeting is scheduled for March 11, 2016, at MAG.

Ms. Kimbrough stated that Attachment C is the budget webinar invitation. The webinar was open to the public and members, who could attend through the web, by phone or in person. Ms. Kimbrough stated that the webinar was held on February 18, 2016, at MAG.

Ms. Kimbrough reported that Attachment D is the description and the cost estimates for newly proposed projects for FY 2017. She explained that there are eight new proposed projects with a focus on updating existing plans, implementing best practices and updating database work. Nine of the projects and associates have been ongoing at MAG, such as the continuation of the Traffic Signal Optimization Program and the Pedestrian and Bicycle Facilities Design Assistance program which are run by MAG for the benefit of the members. Ms. Kimbrough stated that comments or questions regarding the proposed projects or the draft budget are welcome.

Chair Lane thanked Ms. Kimbrough for her report. No questions from the Council were noted.

10. Legislative Update

Mr. Nathan Pryor, MAG staff, provided an update on legislative items of interest. He first reported on the Tourism and Trade Initiative (formerly referenced as the Border Crossing Card). Mr. Pryor stated that the Initiative would allow screened visitors from Mexico to travel throughout Arizona. He explained that these visitors currently can only travel 75 miles from the Mexican border, or about as far as Tucson.

Mr. Pryor stated that a study by the University of Arizona showed that increasing the zone could generate up to \$181 million in estimated spending in 2016, bringing the total projected spending of Mexican visitors to Arizona to nearly \$3.1 billion and a total jobs impact of 31,766. Mr. Pryor stated that resolutions of support were passed by most of the councils of governments and metropolitan planning organizations in Arizona, in addition to the Intertribal Council of Arizona.

Mr. Pryor noted that with the Administration in its final year, this might be accomplished, and MAG hired former U.S. Congressman Jim Kolbe for a three-month contract not to exceed the amount of \$24,000. He noted that Congressman Kolbe was successful in increasing the border zone from 25 to 75 miles. Mr. Pryor indicated he will continue to monitor this and provide updates.

Mr. Pryor reported that on February 22, 2016, the MAG Regional Council Executive Committee took action to appeal to the U.S. Department of Transportation for an administrative action by the Federal Highway Administration to remove the fiscal constraint burden in order that a Tier II Environmental Impact Statement (EIS) can be performed and a centerline can be determined for the portion of Interstate 11 (I-11) between Buckeye and Wickenburg.

Mr. Pryor explained that while ADOT has a Tier I Environmental Impact Statement underway for the whole length of I-11 from Nogales to Nevada, a more in depth Tier II EIS is needed to determine a centerline for the highway. To conduct a Tier II EIS, the project needs to show reasonable funding availability in the MAG Transportation Improvement Program and Regional Transportation Plan. Mr. Pryor noted that currently, I-11 is an illustrative project in the Regional Transportation Plan with no funding identified. He added that a number of landowners are prepared to donate right-of-way, but this cannot be done until a centerline for the roadway is established through a Tier II EIS.

Mr. Pryor stated that without an understanding of all project requirements, including the centerline of the roadway and specific environmental mitigation, potential investors are unable to determine the level of financial commitment to the project. He indicated that MAG is looking for an exemption to the normal funding requirement so that a Tier II EIS can move forward, enabling private investment in the freeway. Mr. Pryor indicated he will continue to monitor this and provide updates.

Mr. Pryor then addressed House Bill (HB) 2157, which, if enacted, would prevent future employees of MAG from being enrolled in the Arizona State Retirement System (ASRS). This would also include other councils of governments, metropolitan planning organizations around the state, as well as the League of Arizona Cities and Towns, county associations, AMWUA and others.

Mr. Pryor stated that MAG has concerns for the ability to recruit and retain employees. He noted that many of the employees of MAG come from cities/towns/state/other associations, where they have been enrolled in ASRS. The issue here is portability. Mr. Pryor stated that the bill is pending a Third Read in the House. Staff will continue to monitor the bill and share updates when needed.

Chair Lane thanked Mr. Pryor for his report and asked members if they had questions.

Vice Chair Greg Stanton asked if there would be a vote on this item. He stated that there was healthy debate at the Executive Committee meeting on HB 2157. Vice Chair Stanton stated that it was presented at the meeting that the motive for the bill was to go after an organization (not MAG). Vice Chair Stanton stated that this does not make it a bad bill and MAG as an organization should put it on the agenda whether new employees should be members of ASRS. Vice Chair Stanton stated that a decision that they should not be members would result in a change in compensation. He noted that MAG has not always been a member of ASRS, it has been a member only since the early 2000's and times have changed. Vice Chair Stanton stated that it would cost members more money in the short term, but less

money in the long run to not increase the size of the state pension and long term liabilities that go along with it. Vice Chair Stanton stated that this is a topic that is worthy of an agenda item with some dynamic analysis by outside experts. He noted that the City of Phoenix has discussed pension reform for the past few years and has the expertise to present the pros and cons in order to decide whether new MAG employees should be able to join ASRS. Vice Chair Stanton noted that every existing MAG employee has the constitutional right to continue being an ASRS member. He stated that although portability is an issue and it would make it somewhat harder for people who are existing ASRS members to take a job at MAG, it would make it easier to hire from the private sector because not as high a percentage of salary would be going toward a pension that you might not receive. Vice Chair Stanton stated that Mr. Smith strongly disagrees with him on this, but he has a lot of experience with pension reform. He stated that the ability to hire top quality employees has not been borne out in the City of Phoenix, which has significantly reduced its pension liability for new hires. Vice Chair Stanton noted that the City of Phoenix has its own civilian pension system. He stated that the bill might not be the right format due to its purpose, however, it should be a future agenda item in order to have that discussion separate from taking away local control by the Legislature.

Chair Lane expressed that Vice Chair Stanton could request this as under the Request for Future Agenda Items.

Vice Chair Stanton stated that outside experts could present pros and cons, likely human resources implications, the pool of talent and the salaries and types of benefits that would need to change.

Chair Lane stated that this item is going forward as it is based on the Executive Committee discussion.

Mayor Michael LeVault asked Mr. Pryor the negative financial impact to the fund balance if HB 2157 passes.

Mr. Pryor replied that ASRS actuaries provided an estimate of the impact at negative \$25.3 million.

Mayor LeVault stated that he was in favor of pension reform and the biggest pension problem is the PSPRS plan.

Chair Lane asked MAG General Counsel, Ms. Fredda Bisman, about discussion of pension reform since it was not agendized.

MAG General Counsel Bisman stated that some general discussion is appropriate since a legislative update was agendized, but for in-depth discussion of a specific piece of legislation, she would recommend it be placed on a future agenda.

Mayor LeVault asked that he be able to finish his thought. To him, it was tactic versus strategy. He stated that there needs to be a deep examination of pension reform and he suggested taking one year to look at it.

Mayor Mark Mitchell asked the protocol to bring something to the Regional Council if the Executive Committee does not move an item forward.

Mr. Smith replied that the Executive Committee has the authority to act on any item in lieu of the Regional Council. He noted that this item was not agendaized for further discussion by the Regional Council. Mr. Smith stated that he felt the Executive Committee had already spoken on this.

Mayor Mitchell asked the procedure for taking an item to the Regional Council if the Executive Committee has already taken action.

Mr. Smith stated that he recalled discussion at the Executive Committee meeting to bring this item back for future discussion. He added that if this is bad for MAG, it is also bad for the general law cities and towns. Mr. Smith remarked that Phoenix and Tucson have their own retirement systems.

Vice Chair Stanton voiced his disagreement.

Chair Lane stated that they are always open to future agenda items but they are not going to review this bill again. He noted that MAG General Counsel had advised against having an in-depth discussion at this meeting of pension reform.

Mayor Thomas Schoaf asked for clarification the action taken by the Executive Committee and also what was meant by monitoring the bill. He remarked that by the time we figure out when we might discuss this, it will be decided.

Chair Lane stated that it was his understanding MAG would not be reevaluating its position on the bill.

Mr. Smith stated that the position was to continue to oppose the bill.

Mayor Jay Tibshraeny asked for clarification of the \$25.3 million figure mentioned earlier.

Mr. Smith replied that the \$25.3 million is the unfunded liability accrued to the entire system.

Mr. Pryor added that the \$25.3 million is the negative impact to ASRS for all of the 15 agencies that are political subdivision entities if they were no longer in the ASRS.

Mayor Tibshraeny stated that he was familiar with PSPRS number which is astronomical, but he had not heard the ASRS number.

Supervisory Denny Barney stated that irrespective of the outcome of the bill, the liability still stands and only worsens. Saying the ship has sailed is disingenuous because we are only accruing additional liability, not only ASRS, but also PSPRS and all of the other pension systems. Supervisor Barney stated that this might be worthy of future discussion.

Chair Lane stated that placing a pension discussion item on a future agenda was the intention.

Vice Chair Stanton expressed that he and Chair Lane felt they should remain neutral on the bill in light of the questions and he indicated that he was critical of the economic analysis, having spent significant time on pension reform himself. He stated that if you do pension reform and reduce the number of employees in the retirement system, in the short run it would cost money, in the long run it would save you money and the long term liabilities continue to accrue. Otherwise, we would search for more entities

to add to ASRS. Vice Chair Stanton stated that the majority of the Executive Committee wanted to oppose the bill because the intention was to go after an organization, but they desired to have a deeper discussion at a future meeting whether MAG should continue to add employees to ASRS. He stated that a more dynamic financial analysis and a discussion of the pools of talent that could be eliminated are needed.

MAG General Counsel Bisman urged the Regional Council to not discuss this matter further at this meeting.

Vice Chair Stanton said he was trying to explain why it was important that this be a future agenda item and he was responding to the Executive Director.

Chair Lane requested that discussion cease on the nature of the future agenda item.

Mayor Schoaf asked that his question be answered regarding what was meant by monitor in light of the Executive Committee decision to oppose the bill.

Mr. Pryor stated that by monitor, he meant to track the bill as it progresses. In regard to opposing the bill, MAG has done some coordination with other entities so they can reach out to their own legislators.

Mayor Schoaf asked, within the function MAG has with legislative issues, does MAG lobby or monitor?

Mr. Smith stated that he is a registered lobbyist in the State of Arizona. He indicated that he testified at the committee on behalf of MAG to oppose HB 2157, a position that the MAG Regional Council took two years ago. Mr. Smith stated that MAG was instrumental in getting legislation passed several years ago that allowed MAG to join ASRS and he believed he was testifying on a prior position of this body.

Mayor Christian Price asked about Senate Bill 1490, transportation funding. He indicated that he felt it was positive that the Legislature was getting involved. If it passes, will MAG be participating and what will be its role?

Mr. Pryor stated that was the Senator Worsley bill appointing a task force who will report back by the end of 2017, similar to a task force that had been established in 2007 or 2008. He indicated that it looked like the bill would pass. Mr. Pryor stated that MAG staff has not been in direct contact with Senator Worsley, but is looking forward to the report.

Mr. Smith stated that MAG is not named in the appointments, but the way it is written, the appointments come from the House, the Senate, and the Governor's office. He stated that MAG has the biggest stake in transportation, but was not included.

Chair Lane asked if there had been any discussion with the Governor's office on cost allocation for the Arizona Department of Revenue.

Mr. Smith replied that MAG staff was at a meeting with the Governor's office where future actions they thought they might be taking in the legislative process were discussed. He said they have not heard if any of those actions were being taken.

11. 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.

Vice Chair Stanton requested discussion of pension reform.

12. 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, the meeting adjourned at 12:55 p.m.

---

Chair

---

Secretary