

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE  
May 15, 2017  
MAG Offices, Ironwood Room  
302 N. 1<sup>st</sup> Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Greg Stanton, Phoenix, Chair	Mayor Mark Mitchell, Tempe
Mayor Jackie Meck, Buckeye, Vice Chair	Mayor Lana Mook, El Mirage
*Mayor Gail Barney, Queen Creek, Treasurer	*Mayor Jerry Weiers, Glendale
Mayor W.J. “Jim” Lane, Scottsdale, Past Chair	

\* Not present

# Participated by video or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Chair Stanton at 12:00 p.m.

2. Pledge of Allegiance

3. Call to the Audience

Chair Stanton asked if any member of the public was present to provide testimony to this Executive Committee. No public comment cards were received.

4. Approval of Executive Committee Consent Agenda

Chair Stanton noted prior to action on the consent agenda, members of the audience are provided an opportunity to comment on consent items that are being presented for action. Following the comment period, committee members may request that an item be removed from the consent agenda.

Chair Stanton requested a motion to approve the consent agenda. Mayor Mook moved to approve consent items 4A and 4B. Mayor Meck seconded the motion and the motion carried unanimously.

4A. Approval of the April 17, 2017, Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the April 17, 2017, Executive Committee meeting minutes.

4B. MAG Committee Chair and Vice Chair Appointments Ending June 30, 2017

The Regional Council Executive Committee, by consent, approved the appointments of the technical and policy committee chairs and vice chairs ending June 30, 2017.

On August 21, 2013, the MAG Regional Council approved updates to the MAG Committee Operating Policies and Procedures. Officer appointments for technical and other policy committees, with exception of the MAG Regional Council, Transportation Policy Committee, and Management Committee, will be made by the MAG Executive Committee and are eligible for two-year terms with succession of positions occurring through the ascending order of officers. These appointments will be staggered to assist with continuity, appointing approximately half of the committee officers in June each year and the remainder in January, unless a vacancy occurs.

A memorandum was sent to the technical and policy committee members whose chairs and vice chairs expire in June explaining that officers of these committees have served their term. According to the policies and procedures, the committee's vice chair will ascend to the chair position, and letters of interest were requested for the vice chair positions to be appointed by the Regional Council Executive Committee.

5. Approval of the Draft FY 2018 MAG Unified Planning Work Program and Annual Budget and the Member Dues and Assessments

MAG Executive Director Dennis Smith said the Executive Committee serves as MAG's fiscal committee and has the important role of recommending the budget to the Regional Council for approval. Mr. Smith spoke about what MAG is able to accomplish and how important it is for staff to be able to complete its work. He stated that the Transportation Improvement Program is a \$5.1 billion program and when the rebalancing projects are added in, it comes to just more than \$7 billion, with just under 500 projects. He said MAG staff has a tremendous responsibility and this includes not only the transportation staff, but air quality and socioeconomic staff that work on all the other supporting services MAG offers.

Mr. Smith said that the budget process began in January, with incremental information and presentations. As adjustments to the budget were made, the draft budget document was updated and presented to the Management Committee, Regional Council Executive Committee, and Regional Council. The Work Program and Annual Budget was reviewed and discussed by state and federal agencies at the April 5, 2017, Intermodal Planning Group. He stated that the total FY 2018 budget is approximately \$33.2 million, and when you take the carryforward contracts out, it is \$27.2 million. Mr. Smith said the operating budget is \$15.8 million. He noted there are 106 positions at MAG, with no new positions added to the FY 2018 budget.

Chair Stanton noted that due to his potential conflict of interest he would be splitting up the vote of this item into two parts, Action 5A, to recommend approval of the resolution adopting the draft FY 2018 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments, excluding \$500,000 for tenant improvements to the MAG Office Space at the City of Phoenix Building at 302 North First Avenue, and Action 5B, possible action to

recommend approval of \$500,000 in the draft FY 2018 MAG Unified Planning Work Program and Annual Budget for tenant improvements to the MAG Office space at the City of Phoenix building at 302 North First Avenue. Chair Stanton asked if any members of the Executive Committee had any questions about Action 5A. There were none. Mayor Mitchell made a motion to recommend approval of Action 5A. Mayor Mook seconded the motion and the motion carried unanimously.

Chair Stanton said that due to his potential conflict of interest he would leave the room for the discussion and vote on Action 5B. Mr. Smith said Action 5B includes \$500,000 for the remodel of the 7th floor, and the vote is contingent upon when the committee goes into Executive Session to discuss Agenda Item 11. He stated that if the Executive Committee is comfortable with it, it will remain in the budget and if they are not, it will be removed. Acting Chair Meck asked what MAG is currently paying for rent. Mr. Smith answered \$18 per square foot and that those details would be covered further in Executive Session.

Mayor Lane asked if this item qualifies for Executive Session. MAG Attorney Fredda Bisman said that the terms of the lease could be discussed in Executive Session but that the budget could not. Mayor Mitchell made a motion to recommend approval of Action 5B. Mayor Mook seconded the motion and the motion carried unanimously.

Chair Stanton rejoined the meeting.

6. Legislative Update

This item was not heard.

7. Update on Legal Claims Related to 9-1-1 System

Chair Stanton asked if any member of the Executive Committee would like to make a motion to go into Executive Session for Agenda Item 7, Update on Legal Claims Related to 9-1-1 System and Agenda Item 8, U.S. Ninth Circuit Court Denies Petitions for Rehearing Filed on the Court Ruling on the Lawsuit on the MAG 2012 Five Percent Plan for PM-10. Mayor Meck made a motion to go into Executive Session. Mayor Mook seconded the motion and the motion carried unanimously. The meeting went into Executive Session at 12:11 p.m.

8. U.S. Ninth Circuit Court Denies Petitions for Rehearing Filed on the Court Ruling on the Lawsuit on the MAG 2012 Five Percent Plan for PM-10

This item was heard in Executive Session.

9. Authorize MAG to File an Amicus Brief in Support of Arizona's Petition for Certiorari to the United States Supreme Court

The Executive Committee reconvened the meeting at 12:49 p.m. to discuss authorizing MAG to file an Amicus Brief in support of Arizona's Petition for Certiorari to the United States

Supreme Court. Upon the denial by the Ninth Circuit Court of Appeal of the petitions for rehearing on the Court's ruling regarding EPA approval of the MAG 2012 Five Percent Plan, there is a split among the Circuit Courts regarding early implementation of contingency measures. The State of Arizona may file for certiorari asking the United States Supreme Court to hear the issue, and had asked if MAG would be interested in filing an amicus brief in support of the petition.

Chair Stanton made a motion to deny MAG the authorization to file an amicus brief in support of Arizona's Petition for Certiorari to the United States Supreme Court. Mayor Mook seconded the motion and the motion carried unanimously.

10. Extension of Consultant Services for Capitol Strategies

Mr. Pryor said staff is requesting the Executive Committee consider a contract extension for Capitol Strategies for \$8,000 a month for an additional three months. He explained that currently, the primary focus of the contract is the Border Crossing Card (BCC) initiative and said that the contract is scheduled to conclude at the end of June. Mr. Pryor said staff is requesting to extend the contract for an additional three months so Capitol Strategies can continue to work on the BCC initiative and in addition to that, expand its services to include air quality issues.

Chair Stanton asked if there were any questions on the staff recommendation that the Executive Committee hire Capitol Strategies to work on air quality. Mayor Lane asked if the consultants were currently involved with MAG air quality issues. Mr. Pryor said no, that their primary and sole focus has been on the BCC initiative. Mayor Lane asked who handles air quality issues for MAG. Mr. Smith said that Capitol Strategies has been working air quality issues for Pinal County so they do have some expertise in this area, and because of timing, MAG would need to go with an existing contractor for this effort.

Mayor Lane asked if MAG has had anybody that it has called upon for air quality issues with an outside contract. Mr. Smith said Crowell and Moring has drafted language for MAG. He said MAG also has city consultants that could be involved in this effort, but MAG needs someone to lead the charge and work the process on Capitol Hill. He stated the consultant would need to contact South Coast Air Quality Management District and others and get a coalition together to go to Congress and get the language MAG wants put on a bill. Mayor Lane asked for clarification that Mr. Smith is saying there is a need to double up efforts and that MAG's current counsel is not capable of doing this work for MAG. Mr. Smith said he is not sure if Crowell and Moring would be effective in dealing with some of the western issues and getting those connections made in the same way that Capitol Strategies would.

Chair Stanton said it seems like Mr. Smith is making this recommendation because it would be the most effective legislative strategy that could be done quickly to fix this issue. He asked if there were any more comments or questions by members of the Executive Committee.

Mayor Meck asked if this new effort would stop Capitol Strategies' work on the Border Crossing Card initiative. Mr. Pryor said no, that with this extension MAG would be adding another item for Capitol Strategies to work on, in addition to the Border Crossing Card initiative. Mayor Meck asked if adding the item would lessen the efficiency of Capitol Strategies' work. Mr. Pryor said he did not believe so, and that both members of the team are regularly on Capitol Hill. He stated the Capitol Strategies team is currently in Washington, D.C. and this is another issue they could be working on while they are there. Mayor Meck asked if this was the staff's recommendation. Mr. Smith answered yes, and said he believes this is the best way to move forward. He commented that he feels that MAG going by itself would not be as effective as teaming up with South Coast and others. Mr. Smith stated that staff has spoken with representatives at South Coast, but have not yet reached out to Idaho or Utah and could use Capitol Strategies' help with that. Chair Stanton said that without going too much into the strategy of this effort, that we need multiple members of the delegation to move on this, and utilizing Capitol Strategies is probably the best way of getting Arizona delegation members to move quickly on this issue.

Mayor Mitchell made a motion to approve the extension of the contract for Capitol Strategies for \$8,000 per month for an additional three months. Mayor Meck seconded the motion and the motion passed, with Mayor Lane opposing.

11. Discussion to Consider Amending the Lease Agreement with the City of Phoenix to Move the MAG Staff From the 1st Floor to the 7th Floor

Chair Stanton said he had a potential conflict relating to this item and turned the meeting over to Vice Chair Meck. He left the meeting.

Acting Chair Meck said he would entertain a motion to go into Executive Session. Mayor Mitchell made a motion and Mayor Mook seconded it. The meeting went into Executive Session at 12:57 p.m.

12. Approval to Instruct the MAG Executive Director Regarding the Lease of the MAG Office Space at the City of Phoenix Building at 302 North First Avenue

The Executive Committee reconvened the regular meeting at 1:10 p.m.

Mayor Mitchell made a motion to recommend approval to move the MAG Offices from the 1st floor to the 7th floor at the City of Phoenix Building at 302 North First Avenue consistent with the lease terms provided to the Executive Committee, and to keep \$500,000 in the draft FY 2018 MAG Unified Planning Work Program and Annual Budget for tenant improvements to the new office space on the 7th floor. Mayor Lane seconded, and the motion carried unanimously.

13. Requests for Future Agenda Items

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

14. Comments from the Committee

Mr. Smith reminded the committee that the Joint Planning Advisory Council (JPAC) Sun Corridor Export Recognition event would be held Friday, May 19th and invited the committee to attend.

Adjournment

There being no further business, the Executive Committee adjourned at 1:12 p.m.

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Chair

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Secretary